

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES**

IN RE: PETITION FOR ARBITRATION

**Huntington Lakes Five¹
Condominium Association, Inc.,**

Petitioner,

v.

Case No. 2008-01-1903

David Buchanan Morgan,

Respondents.

_____ /

FINAL ORDER OF DISMISSAL

On April 2, 2008, Huntington Lakes Five Condominium Association, Inc. (Petitioner) filed an amended petition for mandatory non-biding arbitration naming David Buchanan Morgan as the Respondent. The petition alleged that Respondent had parked his motorcycle in the driveway and garage adjacent to his unit for periods in excess of four hours in violation section 12.5 of the declaration of condominium.

Due to continuing efforts to settle the dispute, the parties agreed to multiple extensions of time for Respondent to file his answer. By order dated, July 2008, this matter was held in abeyance while the parties attempted to resolve the dispute.

On September 18, 2008, Petitioner filed notice that Respondent had agreed to abide by the four hour parking rule resolving this dispute except for Petitioner's claim for attorney's fees and costs. ² This dispute is moot and should be dismissed.

Based upon the foregoing, it is ORDERED:

¹ Petitioner had originally filed a petition also naming Huntington Lakes Residents' Association, Inc. as the respondent alleging that it had failed to enforce the master association governing documents. Since the undersigned lacked jurisdiction over such a dispute, Petitioner was ordered to file an amended petition.

² Attached to the notice was letter from Respondent dated September 3, 2008, that he would only park his motorcycle on the common elements up to the allotted four hour period.

Arbitration case number 2008-01-1903 is dismissed. Any factual disputes regarding whether Petitioner is the prevailing party for the purpose of awarding costs and attorney's fees may be determined in a subsequent proceeding whereby Petitioner seeks reimbursement of its costs and attorney's fees.

DONE AND ORDERED this 23rd day of September, 2008, at Tallahassee, Leon County, Florida.

James W. Earl, Arbitrator
Department of Business and
Professional Regulation
Arbitration Section
1940 North Monroe Street
Tallahassee, Florida 32399-1029

ATTORNEY'S FEES

As provided by s. 718.1255, F.S., the prevailing party in this proceeding is entitled to have the other party pay its reasonable costs and attorney's fees. Rule 61B-45.048, F.A.C., requires that a party seeking an award of costs and attorney's fees must file a motion seeking the award not later than 45 days after rendition of this final order. The motion must be *actually received* by the Division within this 45-day period and must conform to the requirements of rule 61B-45.048, F.A.C. The filing of an appeal of this order does not toll the time for the filing of a motion seeking prevailing party costs and attorney's fees.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing final order has been sent by U.S. Mail to the following persons on this 23rd day of September 2008:

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James W. Earl, Arbitrator