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

IN RE: PETITION FOR ARBITRATION

VILLANOVA AT HUNTER'S CREEK CONDOMINIUM ASSOCIATION, INC.,

Petitioner,

v. **Case No. 2013-04-3994**

JEREMIAH STRUNC and DAVID STRUNC,

Respondents.
_____/

SUMMARY FINAL ORDER

Pertinent Procedural History

On November 22, 2013, Petitioner Villanova at Hunter's Creek Condominium Association, Inc. (the Association) filed an Amended Petition for Mandatory Non-binding Arbitration naming Jeremiah Strunc and David Strunc as Respondents. The Association alleges Respondents are in violation of Section 18.6 of the Declaration of Condominium and Paragraph 17 of the Initial Rules and Regulations as they have installed blinds in their unit that have an external appearance which is not white. As relief, the Association seeks an order requiring Respondents to install white in appearance window coverings and to award the Association its reasonable attorney's fees and costs in this matter.

On November 22, 2013, an Order Requiring Answer was entered. On December 2, 2013, an Order Requiring Service was entered. On December 18, 2013, Respondent

David Strunc filed a letter dated December 11, 2013, which indicated that he had purchased the white replacement blinds and would be installing them during the next week.

On December 27, 2013, a Notice of Communication and Order to Show Cause was entered, which provided the Association a copy of Respondent's response, ordered Respondent to comply with Rule 61B-45.010, Florida Administrative Code, and required the Association to show cause why the dispute should not be dismissed as moot. On January 13, 2013, the Association filed a Response which included an affidavit of the Association's Community Association Manager and photos of the exterior of Respondents' unit with dark brown window coverings.

Statement of Issue

Whether Respondents have violated Section 18.6 of the Declaration of Condominium and Paragraph 17 of the Initial Rules and Regulations by installing non-white window coverings?

Findings of Fact

1. Petitioner, the Association, is the corporate entity responsible for the operation of Villanova at Hunter's Creek Condominium Association.

2. Respondents Jeremiah Strunc and David Strunc are the owners of 12016 Villanova Drive, Unit #105, Orlando, Florida, 32837, and by virtue of their ownership of the unit are members of the condominium association

3. Section 18.16 of the Declaration of Condominium, states, in pertinent part, as follows:

> The exterior appearance of all window coverings shall be white in color.

4. Paragraph 17 of the Initial Rules and Regulations states, in pertinent part, as follows:

The exterior appearance of all window coverings shall be white in color.

5. Respondents have not contested any of the factual allegations in the petition and stated in their December 11, 2013 letter, that white blinds would be installed in "the next week."

6. The Association states in the affidavit of Traci Bradford, Licensed Community Association Manager that, as of January 8, 2014, Respondents' window coverings remain in noncompliance with the Association's governing documents.

Conclusions of Law

The Association is an association within the meaning of Section 718.103, Florida Statutes. Pursuant to Section 718.1255, Florida Statutes, the undersigned has jurisdiction over the parties to, and the subject matter of, this dispute. This Summary Final Order is entered pursuant to Rule 61B-45.030, Florida Administrative Code, which requires the arbitrator to summarily enter a final order if no disputed issues of material fact exist.

Based upon the findings of fact, Respondents are found to have violated Section 18.16 of the Declaration of Condominium and Paragraph 17 of the Initial Rules and Regulations.

Based upon the foregoing, it is **ORDERED**:

On or before February 14, 2014, Respondents shall remove the non-conforming window coverings and shall replace them with window coverings which have a white exterior appearance.

DONE AND ORDERED this 16th day of January, 2014, at Tallahassee, Leon County, Florida.

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Tonya S. Chavis, Arbitrator
Department of Business and
Professional Regulation
Arbitration Section
1940 North Monroe Street
Tallahassee, Florida 32399-1029
Telephone: (850) 414-6867
Facsimile: (850) 487-0870

Trial *de novo* and Attorney's Fees

This decision shall be binding on the parties unless a complaint for trial *de novo* is filed in accordance with section 718.1255, Florida Statutes. As provided by section 718.1255, Florida Statutes, the prevailing party in this proceeding is entitled to have the other party pay reasonable costs and attorney's fees. Any such request must be filed in accordance with Fla. Admin. Code R. 61B-45.048.

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 16th day of January, 2014:

Frank J. Lacquantiti, Esquire
John L. Di Masi, P.A.
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FAX: 407-839-3384

David Strunc
12016 Villanova Drive, #105
Orlando, Florida 32837

Jeremiah Strunc
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Tonya S. Chavis, Arbitrator