

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

IN RE: PETITION FOR RECALL ARBITRATION

LES CHATEAUX AT
INTERNATIONAL GARDENS
CONDOMINIUM ASSOCIATION, INC.

Petitioner,

v.

Case No. 2006-02-2607

UNIT OWNERS VOTING FOR RECALL,

Respondents.

**RESPONDENT'S RESPONSE TO PETITIONER'S NOTICE OF FILING AND
SUGGESTION OF MOOTNESS**

Comes now the Respondents, by and through their undersigned attorney, and in response to Petitioner's Notice of Filing and Suggestion of Mootness would state the following:

1. Respondents served the Board of Administration of Les Chateaux at International Gardens Condominium with 214 written recall agreements on April 12, 2006. The 214 recall agreements represented 78% of the unit owners. Do to the nature of the proceeding, the Florida Administrative Code provides for quick review and finality to the process.

2. The Arbitrator herein, in her order dated May 15, 2006, held "that if the election was a 'sham', - an election invalid on its face or held for the purpose of undermining the recall effort - the arbitrator could find that the 'election' was invalid and would have no effect on the recall effort". See Page 3 of May 15, 2006 Order. 1/109

3. The Order further required Petitioner to reply to the Respondent's answer if the petition intended to dispute the allegations and documentation in the answer relating to the

ownership of the units, the total number of units or voting interest in the condominium (273), or that the total number of votes necessary to recall a member is 137. See Page 7 of the May 15, 2006 Order. The Petitioner failed to file a reply or dispute as ordered.

3. The Order further required Petitioner to file copies of "(2) the minutes of all the board meetings held since January 1, 2006; (3) the board meeting minutes where the resignations of the named board members were accepted; and (4) the minutes from the special board meetings where the successor board members were chosen. The notices of the special board meetings held for the purpose of selecting a replacement board member shall also be included in the documents submitted". See Page 6 of May 15, 2006 Order. No minutes were submitted and no meetings were held. Attached hereto and made a part hereof as Exhibit "A" is the print out from the Florida Corporations Online Public Inquiry showing the officers and directors of Les Chateaux at International Gardens Condominium Association, Inc. as of June 5, 2006 who were the same officers and directors listed on the date the written recall agreements herein were served.

4. The Respondent previously filed herein the Affidavit of Raul Montserrat in support of the Recall wherein he swore under oath that at a meeting of unit owners on May 2, 2006, a query of the unit owners at the meeting found no unit owner had received notice of an election to be held on May 10, 2006.

5. The Petitioner purposely delayed responding to the Arbitrator's inquiry as to the names of the people who Petitioner claimed were the new board in order to allow Petitioner time to fabricate a new board and create false documentation in support of its claim of an election.

6. The Petitioner's claims regarding an election are simply false, are a sham to avoid the recall. The notice of Annual Meeting and of an election was neither mailed to the unit owners nor posted. It is interesting to note that the Minutes of Annual Meeting allegedly held on May

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10, 2006 and produced by Petitioner, makes no reference to attendance by unit owners or to a quorum or lack of a quorum of unit owners for the unit owners meeting. The minutes reflect only the alleged attendance by Richard Lima, a recalled director, Yolanda Figueroa and the property manager. No one else attended because no one knew about the meeting.

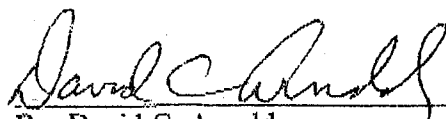
6. That based upon the sheer magnitude of the unit owners voting for recall as opposed to a claimed non-election, it is respectfully suggested that the recall be certified.

Wherefore, Respondents request the Arbitrator to grant summary disposition and certify the recall requested in the above styled cause.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed and faxed to Catherine Bemby, Arbitrator, Department of Business and Professional Regulation, Attn: Arbitration Section, 1940 North Monroe Street, Tallahassee, Fl 32399-1029 fax number (850) 487-0870 and to Edo Meloni, Esq., 900 S.W. 40th Avenue, Plantation, FL 33317 this 5th day of June 2006.

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