

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

IN RE: PETITION FOR ARBITRATION

STEPHEN SMITH,

Filed with
Arbitration Section

Petitioner,

JUL 31 2009

v.

Case No. 2009-03-4877

WATER BRIDGE 2 ASSOCIATION, INC.,

Div. of FL Condos, Timeshares & MH
Div. of Business & Professional Reg.

Respondent.

ORDER REQUIRING ANSWER TO PETITION FOR ARBITRATION

On June 30, 2009, petitioner filed a petition for recall arbitration. On July 27, 2009, petitioner filed the enclosed Amended Dispute Recall Arbitration Petition with the Division of Florida Condominiums, Timeshares, and Mobile Homes. By filing the petition, petitioner Stephen Smith seeks review of a decision of the board of directors (board) of Water Bridge 2 Association, Inc. (association) to certify his recall as a member of its board of directors.

A copy of the petition with its attachments is enclosed for the respondent's review. Also enclosed are copies of the rules of procedure, these rules govern this proceeding. An answer to the petition must be filed within fourteen (14) days of the date of the receipt of this order.¹ The answer may be faxed to the Arbitration Section at (850) 487-0870. The answer must identify all facts stated or alleged in the petition that are disputed, and must admit, deny or otherwise respond to each numbered paragraph. Additional facts may be stated and supporting documentation may be attached to the

¹ The respondent is directed to DBPR Form ARB 6000-003 available at <http://www.myflorida.com/dbpr/lsc/ARB/LSCMHArbitrationEducation.html> for use in filing the answer.

answer. In addition, the answer must include all defenses. If no answer is filed, it will be presumed that the respondent does not dispute the facts alleged in the petition or the accuracy of the attached exhibits.

Although the type of petition filed in this case commonly is referred to as a "reverse recall," the petition is filed pursuant to section 718.1255(1)(b), Florida Statutes, and is not a "recall petition" filed pursuant to section 718.112(2)(j), Florida Statutes. **Therefore, the prevailing party is entitled to an award of attorney's fees and costs to be paid by the non-prevailing party.**

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

The respondent shall file an answer to the petition within fourteen (14) days of the date of the receipt of this order, and a copy of the answer shall be mailed or otherwise served on the petitioner.

DONE AND ORDERED this 31st day of July, 2009, at Tallahassee, Leon County, Florida.



David R. Slaton, Arbitrator
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