

5. On November 30, 2011, Defendant Association moved for an Order to set a Case Management Conference. The Honorable Diana Lewis granted said motion and fashioned an Order by requiring Plaintiff to “get the case at issue” within twenty (20) days of November 30, 2011 and “notice it for trial” within twenty-five (25) days of November 30, 2011. (See Order dated November 30, 2011 attached hereto as Exhibit “A”).

6. Defendant, PRAIRIE DUNES VILLAGE NEIGHBORHOOD ASSOCIATION, INC., is being severely prejudiced, in that the assessments due on the subject property are not being paid and have not been paid since January, 2010, and Plaintiff is refusing to prosecute the instant action as evidenced by the violation of the Order dated November 30, 2011, delaying Defendant Association’s ability to collect those amounts due pursuant to Fla. Stat. 720.3085, namely one year’s assessments plus all ongoing assessments upon Plaintiff’s obtaining Certificate of Title to the property.

7. A fair remedy for Plaintiff’s refusal to prosecute Plaintiff’s continued violation of this Court’s Order is to require Plaintiff to be liable for all regular and special assessments involving the Property as of the date of violation of the Court Order which based upon the time requirements interposed in the Court’s Order is December 26, 2011.

WHEREFORE, in light of the foregoing, Defendant, PRAIRIE DUNES VILLAGE NEIGHBORHOOD ASSOCIATION, INC., respectfully requests that this Honorable Court enter an Order requiring Plaintiff to remit to Defendant Association all regular and special assessments due as of December 26, 2011 through the present through the conclusion of the instant matter, plus any monies due and owing through Fla. Stat. 720.3085 once applicable.