

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY FLORIDA, CIVIL DIVISION

JOHN BARNER; ANN BARNER; DAVID  
BEWLEY, DONNA BEWLEY; BOB  
BROWN; LOIS BROWN; GEORGE  
COLLIARD; ELLEN COLLIARD; DONALD  
FEATHERMAN; SUSAN FEATHERMAN;  
HOWARD FELTMAN; ADRIENNE FELTMAN;  
BOB GREENFIELD; LOUISE GREENFIELD;  
DAVID JACARUSO; MARIE GRAZIOSI;  
JACK KAHGAN; RUTH KAHGAN; JAMES  
McLELLAN; PHYLLIS McLELLAN; JAMES  
STEWART; JOAN STEWART; NANETTE  
TURNER; ROY GOODWILL; and NANCY  
GOODWILL,

Plaintiffs,

v.

CASE NO: 2010-CA-5791-NC

THE LANDINGS MANAGEMENT  
ASSOCIATION, INC., a Florida  
Corporation,

Defendant.

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**DEFENDANT'S FIRST REQUEST FOR ADMISSIONS  
TO PLAINTIFFS, JOHN BARNER AND ANN BARNER**

Defendant, The Landings Management Association, Inc., in  
accordance with Fla. R. Civ. P. 1.370, request Plaintiffs, John Barner  
and Ann Barner, admit or deny the following within the time prescribed  
by said rule.

MIAMI

FT. LAUDERDALE

TAMPA

WEST PALM BEACH

100 S.E. Second Street  
36th Floor | Miami | Florida 33131  
Phone: 786-425-1045 | Fax: 786-425-3905

1600 W. Commercial Blvd. | Suite 201  
P.O. Box 14546 | Ft. Lauderdale | Florida 33302  
Phone: 954-848-2460 | Fax: 954-848-2470

400 N. Ashley Drive  
Suite 1150 | Tampa | Florida 33602  
Phone: 813-223-6021 | Fax: 813-223-6024

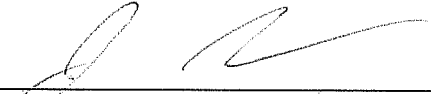
824 U.S. Highway One  
Suite 100 | North Palm Beach | Florida 33408  
Phone: 561-624-8233 | Fax: 561-624-8940

[www.boydlawgroup.com](http://www.boydlawgroup.com)

Respectfully submitted,


**BOYD RICHARDS PARKER & COLONNELLI, P.L.**  
*Counsel for Defendant Only*  
400 N. Ashley Drive, Suite 1150  
Tampa, FL 33602  
Tel: 813-223-6021; Fax: 813-223-6024

By: \_\_\_\_\_

  
**James K. Parker**  
Florida Bar No. 0157526  
**Joseph G. Riopelle**  
Florida Bar No. 44842

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 12 day of October, 2010 to: **Charles J. Bartlett, Esq.**, Atty for Plaintiffs, P.O. Box 4195, Sarasota, FL 34230-4195; and to Co-Defense Counsel, **David D. Davis, Esq.**, 1820 Ringling Blvd., Sarasota, FL 34236.

  
\_\_\_\_\_  
Joseph G. Riopelle

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## **DEFINITIONS**

- (a) The words "you," "yours" and/or "yourselves" mean Plaintiffs, John Barner and Ann Barner, and any employees, agents, representatives or other persons acting, or purporting to act, on behalf of Plaintiff.
- (b) The singular shall include the plural and vice versa; the terms "and" or "or" shall be both conjunctive and disjunctive; and the term "including" mean "including without limitation".
- (c) "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).
- (d) The word "document" shall mean any writing, recording, electronically stored information or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, microfilms, video tapes or tape recordings.

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- (e) "Agent" shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or on behalf of another.
- (f) The words "pertain to" or "pertaining to" mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- (g) The term "action" shall mean the case entitled *John Barner, Ann Barner, et al v. The Landings Management Association, Inc.*; CASE NO: 2010-CA-5791-NC, pending in the Circuit Court of the Twelfth Circuit in and for Sarasota County, Florida.
- (h) "Landings" shall mean The Landings Management Association, Inc.
- (i) "ENA" shall mean the Eagles Nesting Area.

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## **REQUESTS FOR ADMISSIONS**

1. Admit or deny that you own property in The Landings which abuts the ENA.
2. Admit or deny that you agreed to allow Landings to improve the ENA's drainage system.
3. Admit or deny that you agreed to allow Landings to remove a potential fire hazard in the ENA by clearing dead vegetation.
4. Admit or deny that you agreed to allow Landings to remove invasive and non-native plant species from the ENA.
5. Admit or deny that you benefited personally from the improvements to the ENA, including increasing the value of your property.
6. Admit or deny that the improvements to the ENA were made at the expense of The Landings as a whole through assessments to all members.
7. Admit or deny that the ENA is a common area.
8. Admit or deny that Landings could not have completed the agreed to improvements to the ENA referenced above with the ENA being considered a common area.
9. Admit or deny that Landings has a right to amend the Declaration.
10. Admit or deny the recommendations made by the May 6, 2010 Strategic Planning Committee address any and all concerns alleged in the Complaint.
11. Admit or deny that you have not been harmed by Landings.

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12. Admit or deny that you will not be harmed if the May 6, 2010 Master Plan provided by the Strategic Planning Committee is implemented.
13. Admit or deny that every homeowner in The Landings has a right to access the ENA.
14. Admit or deny that Landings have never proposed the installation of playground equipment on Tract F.
15. Admit or deny that Landings have never proposed the installation of BBQ grills on Tract F.
16. Admit or deny that Landings have never proposed the installation of a putt putt golf course on Tract F.
17. Admit or deny that Landings have never proposed the installation of restroom facilities on Tract F.
18. Admit or deny that Landings have never proposed the installation of volleyball courts on Tract F.
19. Admit or deny that Landings have never proposed the installation of picnic tables on Tract F.

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