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Final
Summary
Judgment

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IN THE COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

ALAFIA RIVER COUNTRY MEADOWS
HOMEOWNERS ASSOCIATION, INC.,

CASE NO.: 19-CC-024561

Plaintiff,

DIVISION: H

v.

ROBERT HARTLAND and
KRISTINE HARTLAND,

Defendants.

FINAL SUMMARY JUDGMENT

THIS ACTION came before the Court upon Defendants' Motion for Summary Judgment. On April 1, 2021, this Court entered an Order Granting Defendants' Motion for Summary Judgment and finding:

A. On December 17, 1993, Alafia River Country Meadows Homeowner's Association, Inc., a Florida not for profit Corporation (referred to herein as "Association I"), was formed with the Florida Secretary of State, Division of Corporations, and assigned Document Number N93000005669 for identification purposes.

B. On May 14, 2018, a new entity with the same name as Association I, Plaintiff (sometimes referred to herein as "Association II"), was formed with the Florida Secretary of State, Division of Corporations, and assigned Document Number N18000005357 for identification purposes.

C. On March 19, 2019, Articles of Merger and Agreement and Plan of Merger of Association I and Association II (collectively referred to herein as "the Articles") were filed with the Florida Secretary of State, Division of Corporations

D. The Articles were not approved by two-thirds (2/3) of Association I's members as prescribed by Article IV(g) of Association I's Articles of Incorporation, which were filed with the Florida Secretary of State, Division of Corporations on December 17, 1993.

E. Therefore, Plaintiff, Association II, does not own and/or control the access road identified as Parcel A in the Survey for A Minor Subdivision with No Improvements for Alafia River Country Meadows, recorded on December 8, 1993, in Survey Book 1, Page 45-1, of the Public Records of Hillsborough County, Florida.

F. Therefore, Plaintiff, Association II, lacks standing to maintain this action against Defendants and/or enforce the Declaration of Covenants, Conditions and Restrictions of Alafia River Country Meadows, which was recorded on November 1, 1993, in Official Records Book 7170, Pages 1625 through 1648, of the Public Records of Hillsborough County, Florida.

WHEREFORE, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff takes nothing from this action and Defendants shall go forth without day.
2. The Court reserves jurisdiction to determine Defendants' entitlement to and amount of attorney's fees and court costs to be recovered from Plaintiff, Association II.

DONE AND ORDERED in Chambers at Tampa, Hillsborough County, Florida on

19-CC-024561 10/7/2021 2:01:41 PM
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JAMES S. MOODY, III
COUNTY COURT JUDGE

Copies furnished to:

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