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IN THE COUNTY COURT IN AND FOR HAMILTON COUNTY, FLORIDA
SMALL CLAIMS DIVISION

CASE NO. 2012-CC-000079

PAMELA KEMMIS

Plaintiff.

vs.

TIMBERLAKE PROPERTY OWNER'S
ASSOCIATION, INC., et. al.

Defendants.

**DEFENDANTS', TIMBERLAKE PROPERTY OWNERS ASSOCIATION AND
KRISTIN GARDNER, MOTION TO DISMISS COMPLAINT**

Defendants, Timberlake Property Owners Association, Inc. ("Timberlake") and Kristin Gardner, by and through their undersigned counsel, files this Motion to Dismiss the Complaint pursuant to Fla. Rules Civ. Pro. 1.140, and state as follows:

1. This action was brought by Plaintiff, Pamela Kemmis ("Kemmis"), to recover "merger" documents relating to the subdivisions known as Timberlake Landing, Lakewood Hills, Oaks of Timberlake, Lake Forest Plantation, Lakewood Forest East, Lakewood Forest West, Rolling Hills, Lake Forest Landing, Lake Shore Oaks, Timberlake Estates and Lakewood Hills South.

2. The "merger" documents requested in Plaintiff's Complaint are not in Defendants' possession, and in fact, do not exist at all, and therefore it is impossible for Defendants to comply with the request in the Complaint.

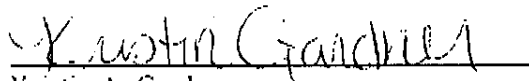
3. Furthermore, by simply requesting that the Defendants produce certain documents (that do not exist), Plaintiff has failed to state a cause of action against Defendants upon which relief can be granted by this Court.

4. Besides demanding that the Defendants produce the "merger" documents, Plaintiff has not requested any additional affirmative relief in her Complaint.

5. Accordingly, this action should be dismissed on the basis that Plaintiff has failed to state a cause action against Defendants.

WHEREFORE, Defendants, Timberlake and Kristin Gardner move this Court for an order that dismisses this action.

RESPECTFULLY SUBMITTED this 7th day of November, 2012.

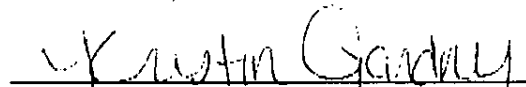


Kristin A. Gardner
Florida Bar Number 0027793
DUNLAP & SHIPMAN, P.A.
2065 Thomasville Road, Suite 102
Tallahassee, Florida 32308
(850) 385-5000
(850) 385-7636 Facsimile
Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that, on the 7th day of November, 2012 a true copy of the foregoing has been forwarded by U.S. Mail to the following:

Pamela Kemmis
6792 NW 31st Circle
Jennings, FL 32053


Kristin A. Gardner, Esquire

IN THE COUNTY COURT, THIRD
JUDICIAL CIRCUIT, IN AND FOR
HAMILTON COUNTY, FLORIDA

CASE NO. 2012-CC-000079

PAMELA KEMMIS
Plaintiff,

vs.

TIMBERLAKE PROPERTY OWNER'S ASSOCIATION, INC.
Defendant.

FINAL JUDGMENT

On November 15, 2012, this action was tried before the undersigned without a jury. Both the Plaintiff and Defendant were present and gave testimony and presented evidence.

The Plaintiff was seeking production of various subdivision Merger Documents from the Defendant.

Based upon the testimony and evidence presented, the court makes the following findings:

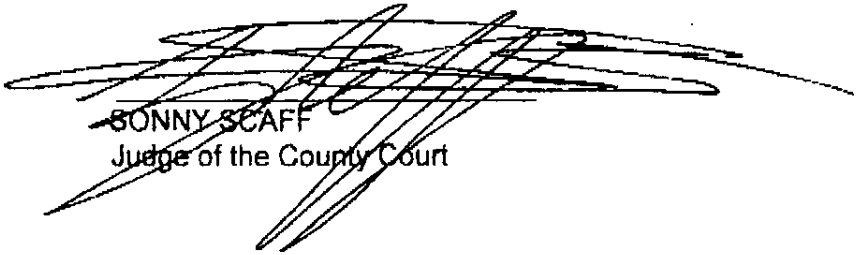
1. There were never any "Merger Documents" per se. Inturn, the Defendant could not and cannot produce the same.
2. The Plaintiff is entitled to her costs of \$95.00 being reimbursed to her by Defendant, Timberlake Property Owner's Association, Inc. within thirty (30) days from the date of this order.
3. The defendants Kristin Gardner, Esquire and Law Firm Dunlap and Shipman, P.A. are improper defendants and were dismissed in Open Court by this Judge.
4. Plaintiff's Complaint was valid and did state a proper claim for relief. Inturn, Plaintiff's \$95.00 costs are reasonable and justified.

After carefully reviewing and considering all testimony and evidence presented by all parties and witnesses, it is hereby

ORDERED AND ADJUDGED AS FOLLOWS:

1. The Plaintiff's costs of \$95.00 shall be reimbursed to her by Defendant, Timberlake Property Owner's Association, Inc., within thirty (30) days from the date of this order.

20th **DONE AND ORDERED** in Chambers at Jasper, Hamilton County, Florida, this day of November, 2012.


SONNY SCAFF
Judge of the County Court

Copies to:

Pamela Kemmis
6792 NW 31st Circle
Jennings, Florida 32053

Kristin Gardner, Esquire
Dunlap & Shipman, P.A.
2065 Thomasville Road, Suite 102
Tallahassee, Florida 32308

If you are a person with a disability who needs any accommodation in order to participate in this proceeding you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of Clerk of Circuit Court at 207 NE First St., Room 106, Jasper, FL; Telephone (904) 792-1288 within two working days of your receipt of this Notice of Hearing. If Hearing Impaired, (Tdd)904-792-0857, or Voice (V) 1-800-955-8770, via Florida Relay Service

The parties may appeal this Final Judgment by timely filing appropriate documents.