

CB
Fax 7/28

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

IN RE: PETITION FOR RECALL ARBITRATION

LES CHATEAUX AT
INTERNATIONAL GARDENS
CONDOMINIUM ASSOCIATION, INC.

Case No. 2006-02-2607

Petitioner,
v.

RESPONDENTS' CLOSING REMARKS

UNIT OWNERS VOTING FOR RECALL,

Respondents.

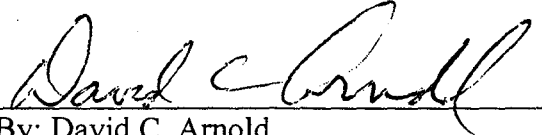
Comes now the Respondents, by and through their undersigned attorney, pursuant to the Arbitrator's instructions herein and files their closing remarks attached hereto as Exhibit "A".

Wherefore, Respondents request the Arbitrator to certify the recall requested in the above styled cause.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed and faxed to Catherine Bemby, Arbitrator, Department of Business and Professional Regulation, Attn: Arbitration Section, 1940 North Monroe Street, Tallahassee, Fl 32399-1029 fax number (850) 487-0870 and mailed to Edo Meloni, Esq., 900 S.W. 40th Avenue, Plantation, FL 33317 this 28th day of July 2006.

LAW OFFICES OF DAVID C. ARNOLD
8301 S.W. 164 Street
Palmetto Bay, Fl 33157-3640
Tel: (305) 238-4233
Fax: (305) 252-9184



By: David C. Arnold
Florida Bar No. 0141080
Attorney for Respondents

7/26

RESPONDENT'S CLOSING REMARKS

1. On April 12, 2006, Respondents served the Board of Administration of Les Chateaux at International Gardens Condominium with 214 written recall agreements representing 78% of the unit owners. Only 137 valid written agreements were necessary to recall the board members. Despite the number of unit owners voting for recall and the five persons named on the recall to replace the board, the Petitioner would ask the Arbitrator to believe, they announced an election and only 3 candidates were interested. The claimed election scenario was a repeat of purported election in May 2005.

2. Petitioner attached to its Recall Arbitration Petition, the minutes of a board of directors meeting allegedly held on April 19, 2006. In paragraph 5 of those minutes, Richard Lima states that he posted the notice of the meeting on the on April 17th and 18th but that they were removed. He claimed someone other than the Board had access to the bulletin board. Apparently, the preparer of those minutes was anticipating a complaint that no one received notice of the meeting. The minutes go on to state that a locksmith was called and the lock was changed. At the final hearing, Petitioner's witness was asked about board meetings held in 2006 and not one witness recalled the meeting on April 19, 2006.

3. As Exhibit 11 to Petitioner's Notice of Filing and Suggestion of Mootness, Richard Lima, the same person who claimed to have posted the April 19th meeting notice, affirms he posted the 2nd notice of annual meeting for 14 consecutive days beginning April 25, 2006. At the final hearing Lima claimed he had not had a key to the bulletin board for years and had posted the notice on the outside of the bulletin board each day because someone had removed them each day. Raul A. Montserrat, however, testified that he took pictures of the bulletin boards during this period twice daily and no notice was ever posted.

4. Norma Andrews testified for Petitioner that she submitted her intent to be a candidate on March 28, 2006 and a copy of that intent was filed by Petitioner. Andrews claims the written recall agreement bearing her name was a forgery. The original of her written recall agreement was filed herein for comparison of signatures. Raul A. Montserrat testified that Andrews delivered the written recall to him a few days to a week prior to April 12, 2006 and that at that time Andrews never said anything about

EXHIBIT "A"

an election. Respondents claim the intent to be a candidate was fabricated at a later date to provide a record basis of an election.

5. Petitioner would have the arbitrator believe that notice of the May 10, 2006 meeting was mailed to 273 unit owners but the only people that appeared at that meeting were the new board members, the property manager and some people that none of the witness could identify. The petitioner filed, as proof of mailing in 2005, a stamped copy of multiple page postal receipt dated March 16, 2005. Raul Montserrat, however, provided the actual letter dated March 11, 2005 and the enveloped post marked March 16, 2005 which was allegedly mailed by Petitioner and claimed to be the notice of the election. The letter and envelope that was actually mailed, however, had nothing to do with an election.

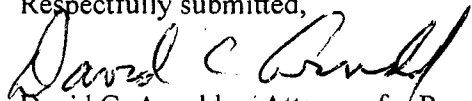
6. Respondents had filed an affidavit in support of recall herein executed by Raul Montserrat. Mr. Montserrat repeated the allegations contained in the affidavit at the final hearing. He stated that at a meeting of unit owners on May 2, 2006, all the unit owners were asked by the undersigned if they had received notice of an election scheduled in May 2006 and that none of the unit owners claimed to have received notice. Approximately 35 unit owners testified at the final hearing that they never received notice of an election in 2005 or 2006, never saw a notice of a board meeting posted on the bulletin board and after speaking with their neighbors about the purported election, did not know anyone that claimed to have received notice of an election.

7. The Association, through its management company, has populated the board with people who are transient or did not even know they named as board members and routinely failed to post or serve notices as required by law in order to keep a stranglehold on the Association.

8. The purported election was a sham and as such should not invalidate the recall.

Wherefore, Respondents request the Arbitrator to certify the recall requested in the above styled cause.

Respectfully submitted,


David C. Arnold as Attorney for Respondents