

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

IN RE: PETITION FOR ARBITRATION

KANDY D. FANCHER

CASE NO. 2008-02-6951

Petitioner(s),

v.

LIGHTHOUSE TERRACE, INC.,

Respondent(s).

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**ANSWER TO PETITION FOR ARBITRATION**

Respondent shall file this answer, or an appropriate motion, within twenty (20) days of receipt of the petition for arbitration, unless this time is shortened by the arbitrator as set forth in the Order Requiring Answer. Note to Respondent: Section 718.1255, F.S., provides that the prevailing party in an arbitration proceeding is entitled to collect its attorney's fees and costs from the party who loses. In other words, if you do not prevail, you will be required to pay petitioner's costs and reasonable attorney's fees. Therefore, early resolution of this dispute is encouraged.

Name, mailing address, and phone number of Respondent (party filing this answer):

Lighthouse Terrace, Inc.  
c/o Management Assist, Inc.  
2626 E. Commercial Blvd., Suite #4  
Lauderdale, FL 33308  
(954) 772-7012

Name, mailing address, and phone number of Respondent's representative, if any:

Larry E. Schner, Esq.  
Larry E. Schner, P.A.  
750 South Dixie Highway  
Boca Raton, FL 33432  
(561) 368-6266

If Respondent's representative is not an attorney, attach DBPR form ARB96-002, QUALIFIED REPRESENTATIVE APPLICATION, as required by Rule 61B-45.004, Florida Administrative Code.

### **RESPONSE TO STATEMENT OF THE FACTS**

State those facts from the STATEMENT OF FACTS portion of the petition that you deny. Refer to the particular paragraph in the petition that you dispute. All facts not specifically denied will be considered admitted. A general denial does not satisfy the requirements of this paragraph. The answer shall not include a request for relief (counterclaim) against the petitioner. Any claim or request for relief must be filed as a new petition following the procedure provided in Rule 61B-45.017, F.A.C.

(1) Respondent states that prior to October 2007, the 42 years of accumulated records of Lighthouse Terrace, Inc. (LHT) were boxed up and stored at 7 different apartments and storage closets around the complex. In October 2007, Respondent collected all of these boxes and transported them to the new management company for LHT. There were over 40 boxes of old records mixed in with the statutory required Official Records of LHT.

The property manager asked that we consolidate the records as they took up an inordinate amount of space.

Respondent and a volunteer resident went through the records and disposed of records that appeared superfluous. At this point it was assumed by Respondent that since no person had requested the ballots of the 2007 Annual meeting, no person had contested the election of directors, no person had requested the sign-in sheets or any other related document from that meeting, that no person in their right mind would object to the disposal of this materials three months prior to its statutory disposal date. Therefore this material went into the disposal pile.

(2) Petitioner requested and was granted access to the Official Records of LHT. Petitioner conducted an inventory of all documents in the Official Records and discovered that the ballots were not present. Petitioner then requested to see the ballots. Petitioner was informed that they were not available and had been likely disposed of. Respondent researched the issue.

(3) Petitioner filed a small claims action, demanded LHT pay her \$500 or else she would file a request for arbitration with the DBPR that would cost LHT more in attorneys' fees and time than \$500. Respondent denied her request and Petitioner dismissed her lawsuit.

(4) Petitioner filed the request for arbitration with the DBPR.

(5) Petitioner requested to see the Official Records again and the management company set up a time with her. Petitioner called 5 minutes after the scheduled time had passed and informed the management company that she would not be attending.

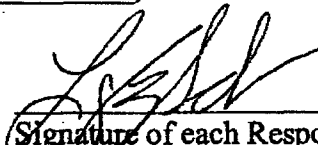
### DEFENSES

State all defenses, including all facts supporting each defense, and all additional facts that may be relevant. General allegations are not sufficient. Attach any relevant documents to support these defenses.

(1) Petitioner has at all times been granted access to the Official Records of LHT. Petitioner is not entitled to relief in that she was granted access to the Official Records of LHT within the statutory time frame.

### CERTIFICATE OF SERVICE<sup>1</sup>

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: KANDY D. FANCHER at 2204 NE 36<sup>th</sup> Street, Unit 25, Lighthouse Point, FL 33604, on this 6 day of JUNE, 2008.

  
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Signature of each Respondent,  
Respondent's(s) attorney, or  
Respondent's(s) representative

<sup>1</sup> A copy of the answer must be mailed to petitioner, petitioner's attorney, or petitioner's representative.