



Frances S. King
CIRCUIT JUDGE
FIFTH JUDICIAL CIRCUIT
OF FLORIDA

Chambers:
MARION COUNTY JUDICIAL CENTER
110 NORTHWEST FIRST AVENUE
ROOM 4030
OCALA, FLORIDA 34475

Barbara E. Stein
JUDICIAL ASSISTANT
352-401-6713
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June 19, 2012

Jan Bergemann, President
Cyber Citizens For Justice, Inc.
1156 Tall Oaks Rd.
Deland, FL 32720

In Re: Heath Brook Hills Owners' Association, Inc. v Gary Smith, Kelly Hill and
Dennis Saunders
Marion County Case Number 42-2011-2953-CA

Dear Ms. Bergemann:

Your letter dated June 8, 2012, has been received by the Office of Circuit Judge Frances S. King. The correspondence appears to be an improper *ex parte* communication that the Judge is not permitted to review. This means that the letter was forwarded to Judge King's Office or the case file without providing a copy to the opposing party/counsel. The judge has not read your letter as I have advised the court that this correspondence appears to deal with matters that may come before the judge for her decision. The Court will only take action on a properly filed motion or pleading.

The Code of Judicial Conduct prohibits a Judge from considering an *ex parte* communication and also prohibits the Court from giving legal advice to a litigant. As a result, your *ex parte* communication cannot be considered. One of the fundamental rules of fairness in court proceedings is that neither side should attempt to talk to or correspond with the judicial officer outside of the presence of the opposing party. This rule requires that a copy of all correspondence or motions must be provided to the opposing side, specifying on the correspondence or motion the name and address to which it was sent and the date mailed. As a result, your original *ex parte* communication has been filed in the court file with a copy of this letter.

Your request must be in the form of a motion and filed with the Clerk of Court with copies to opposing party/counsel. You may wish to consult with an attorney who can bring the matter properly before the Court or research the law in the local law library. We cannot give you legal advice as to how to proceed.

Sincerely,


Barbara E. Stein
Judicial Assistant

Copy to Court File