

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR OSCEOLA COUNTY, FLORIDA

MICHAEL G. DI MARCO

Case No.: CI06-OC-002882

Plaintiff,

vs.

KISSIMMEE BAY COMMUNITY
ASSOCIATION, INC.,

Defendant.

**JUDGMENT FOR KISSIMMEE BAY COMMUNITY ASSOCIATION, INC.
ON ITS COUNTER-CLAIM**

This action was tried before the Court on March 19-20, 2008. On the evidence presented,

ORDERED and ADJUDGED as follows:

1. MICHAEL G. DI MARCO was and is in violation of the Master Declaration of Covenants, Conditions, Restrictions, Easements and Reservations and KISSIMMEE BAY COMMUNITY ASSOCIATION, INC.'S Design Standards Manual by altering his landscaping without the written approval of the DRB.

2. MICHAEL G. DI MARCO shall cease and desist from altering his landscaping without approval and shall return the landscaping at his home located at 1723 Lee Janzen Drive, Kissimmee, Florida 34744 to either (A) its approved condition prior to his unapproved changes or (B) another condition approved in writing by the DRB.

3. One of the two foregoing options must be completed within sixty (60) days of the date of this Judgment, however, the Court will consider a thirty (30) day extension

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for good cause if submitted to and approved by the Court.

4. KISSIMMEE BAY COMMUNITY ASSOCIATION, INC. is the prevailing party on its Counter-Claim and is entitled to recover its reasonable attorneys' fees and costs from MICHAEL G. DI MARCO pursuant to Article XIX of the Master Declaration and Section 720.305, Fla. Stat.

5. This Court reserves jurisdiction to enter further orders of the Court as deemed necessary and to determine attorneys' fees and costs.

DONE AND ORDERED in Chambers in OSCEOLA County, Florida this 25
day of March, 2008.

/s/ JOHN MARSHALL KEST

Circuit Court Judge JOHN MARSHALL KEST

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to: Thomas R. Slaten, Jr., Esq. 55 E. Pine Street, Orlando FL 32801 and John Leklem, Esq. 1800 North Orange Ave, Suite C, Orlando FL 32804 on this 25 day of March 2008.

SLO
Judicial Assistant/Attorney