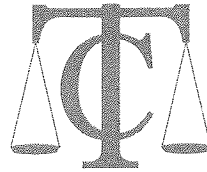


TAYLOR & CARLS, P.A.
ATTORNEYS AND COUNSELORS AT LAW

HARRY W. CARLS
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ADAM W. CARLS
ALAN P. GUSTAFSON, JR.

*Board Certified Real Estate Attorney



150 N. WESTMONTE DRIVE
ALTAMONTE SPRINGS, FL 32714
TELEPHONE: (407) 660-1040
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200 PINE AVENUE NORTH, STE. A
OLDSMAR, FLORIDA 34677
TELEPHONE: (727) 530-5200
FAX: (727) 538-2100

7 FLORIDA PARK DRIVE NORTH, STE. A
PALM COAST, FLORIDA 32137
TELEPHONE: (386) 446-5970
FAX: (386) 446-5938

February 1, 2012

* Reply to Altamonte Springs

VIA U.S. MAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED:
71969008911129115264

Windhover Condominium Association, Inc.
c/o Scott P. Kiernan, Esq.
Becker & Poliakoff
2500 Maitland Center Parkway
Suite 209
Maitland, FL 32751

Re: *Pre-Arbitration Notice*

Dear Mr. Kiernan:

As you know, the law firm of Taylor & Carls, P.A. has the pleasure of representing certain unit owners at Windhover Condominium ("Select Group"). You may recall that on December 8, 2011, the Select Group conducted an inspection of Windhover Condominium Association, Inc.'s ("Association") official records relating to the November 12, 2011 election of the Board of Directors. That inspection revealed a number of concerns that have called into question the validity of the November 12, 2011 election ("Election").

I. CONCERNS WITH ELECTION:

The inspection of records has revealed the following concerns:

A. Failure to Hold the Election on the Date Required by the Bylaws:

Section 3.1 of the Association's Bylaws requires the annual meeting to be held on the third Saturday in November. The Election in this case was held on the second Saturday in November. Failure to hold the annual members' meeting as required by the Bylaws violates Section 718.112(2)(d), Florida Statutes. Accordingly, the Association has violated the law by holding the Election on the third Saturday in November instead of the second Saturday in November.

B. Failure to Follow Election Procedures:

Condominium elections are governed by Section 718.112(2)(d), Florida Statutes and 61B-23.0021, *Florida Administrative Code*. The Association failed to follow election rules in the following manner:

1. Failure to check signatures against a list of qualified voters in front of Unit Owners:

Rule 61B-23.0021(10)(a) and (b), F.A.C., requires that an impartial committee (who are not board members, officers or candidates or their spouses) check signatures and unit identifications on the outer envelopes against a list of qualified voters. This procedure may be done in advance of the election meeting on the date of the election but must be open to all unit owners. Prior to the commencement of the Election, Richard Murphy, your Association Manager, reportedly checked the signatures and unit identifications against the list of voters. The committee that was selected to count the ballots did not participate in that process. The Unit Owners did not see the verification procedure. In that case, the Association violated the election rules by failing to have the impartial committee compare the signatures and unit identifications against the list of voters in front of all the Unit Owners.

2. Failure to properly handle ballots to ensure secrecy of ballots:

The Association violated election rules by failing to properly handle the ballots to ensure the secrecy of ballots. Some outer envelopes were opened and immediately thereafter, the inner envelopes containing the ballots were opened. This procedure allowed for those in attendance at the meeting to observe how the individual owners voted. Rule 61B-23.0021(10), F.A.C., requires that all outer envelopes be separated from the inner envelopes and then placed in a receptacle, then all the inner envelopes as a group are opened and the ballots removed.

3. Failure to exclude ballots of delinquent owners and ineligible voters:

The Association counted a number of ballots of those Unit Owners whose voting rights have been suspended due to delinquent payment of assessments. Such ballots should have been excluded from the ballot tabulation. Additionally, there is at least one instance where an ineligible voter was able to cast his/her vote where the voter lost title to her property in a foreclosure action prior to the Election.

4. Failure to conduct an impartial election:

On or about October 28, 2011, the Board President signed and sent out the second notice of election. Only three days prior to that date, on October 25, 2011, Richard Murphy, property manager, sent communication to Unit Owners endorsing the very candidates that later won the Election. Rule 61B23.00021(8), F.A.C, prohibits any communication from the Board endorsing specific candidates to be mailed with the second notice of election. This endorsement

Windhover Condominium Association, Inc.
c/o Scott P. Kiernan, Esq.
Becker & Poliakoff
February 1, 2012
Page 3

communication, while it did not accompany the second notice, was sent to the Unit Owners only three days prior to the second notice of election. As agent for the Association, who receives direction from the Board, Richard Murphy had the duty to represent the best interest of the Windhover community and not the individual interests of particular candidates. Acting on behalf of the Board, the communication was cloaked with authority. It improperly endorsed particular candidates in violation of the election rules.

C. Forged Ballots:

The Select Group has received a number of complaints from Unit Owners who have claimed that their signatures have been forged on the ballots for the Election. Five (5) of those Unit Owners have executed affidavits wherein they state that their signature on the Election outer envelope was forged and that they did not authorize anyone to vote on their behalf. Copies of those affidavits are attached to this notice for your review. For association elections, the fundamental inquiry is whether or not the irregularity has prevented a full, fair, and free expression of the voters' will. With at least five (5) instances of proven fraud or intentional wrongdoing, the sanctity of the ballots and the integrity of the Election has been called into question.

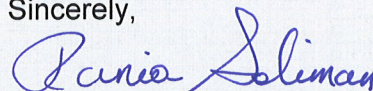
II. REMEDY FOR ELECTION VIOLATIONS:

Given the number of forgeries involved in this case, the failure to follow election procedures, and the failure to hold the Election on the date required by the Bylaws, the will of the voters in Windhover has been thwarted. Accordingly, demand is hereby made that the Association schedule a new election of the Board of Directors within thirty (30) days of the Association's receipt of this notice. Additionally, demand is hereby made that all election ballots for the rescheduled election be mailed directly to Taylor & Carls, P.A., or alternatively, to an impartial and independent property management firm (mutually agreed upon by the Association and the Select Group), to be held for safe keeping until such time and date of the new election.

Please be advised that if the Association fails to schedule a new election within thirty (30) days of the Association's receipt of this notice, or schedules and holds an election but fails to appoint Taylor & Carls, P.A. or an independent property management firm as the recipient of all election ballots, the Select Group will have no other option but to file an Election Dispute Arbitration Petition with the Division of Florida Condominiums, Timeshares, and Mobile Homes.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Sincerely,



Rania A. Soliman, Esq.

RAS/cp
cc: Windhover Select Group
Wnds01 not1

RICHARD D. MURPHY
WINDHOVER ASSOCIATION MANAGER
407-781-1405
rmurphy@lelandmanagement.com

October 25, 2011

To: All Windhover Owners

Subject: Election of Directors November 12, 2011

In a few days you will be receiving a mailing from me regarding the election of directors for the year 2012. This probably is going to be one of, if not, the most important elections in the history of Windhover. As you may or may not know the Association has approximately 60 units that are in some form of financial distress. Foreclosures are at a standstill in the courts, many units have been abandoned and in general we are operating on limited funds because those 60 units make up approximately 25% of our gross income each month. In simple terms there is a \$20,000.00 short fall each month.

Fortunately in the past year I have been able to, with the support of the majority of the board of directors, keep our expenses in line, reduce costs in many areas and eliminate wasteful spending. In the areas of Insurance, Landscaping, Lake Management and Repairs and Maintenance we have experienced significant reductions.

As this Election Season comes to a close and you will be asked to cast your votes for a new board of directors I ask that you select your board carefully. You need to ask your selves a simple question. Do we want to stay the course we have been on in the past four years? A course of positive improvements, well maintained landscaping, clean and refreshing water ways and an environment that you all can be proud of and happy to call your home. Or do you want to go back to the ways of pre 2008 where work orders took two years to complete, stair cases were falling down on a daily basis, trash and garbage piled up in the community parking lots because there was no place to deposit it, and the street, parking lot and lake walkway lighting was so poor you could not see your hand in front of your face.

I have no doubt none of you want to go back to those dark and dismal days where the community was deteriorating and safety was nonexistent. Law Suits were the topic of conversation at every juncture and in general the community was in total deterioration and on the verge of condemnation. It is for these reasons that I appeal to you to vote not for change as some would have you do, but to vote to continue on the path we have been on for the past four years. A path where all our taxes are paid in a timely manner, repairs are made in a reasonable time and all our bills are paid on a monthly basis. Yes it is true that the Reserves have not been funded adequately. If I were to fund the reserves as required there would be a huge increase in monthly maintenance and nobody wants that.

In time Windhover, like the rest of the country will bounce back in **Real Estate Values** and I believe we need to do everything in our power to be ready when that time comes. So in closing I ask that you vote for the following candidates who will support an agenda of progress:

- **Kathleen Fiske**
- **Peter Pucci**
- **Fran Pucci**
- **Steve Smith**
- **Parker Perry**

If you do I can assure you that the property will continue to prosper like it has in the past four years. Repairs will be made on a timely basis and improvements will continue as funds become available.

Thank You,
Richard D. Murphy, LCAM
Association Manager

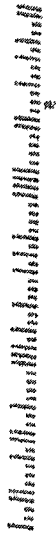
D. Murphy
ike Gloria Blvd.
i, FL 32809-3200



ORLANDO FL 328
24 OCT 11 PM 5 L

Maureen Short
5964 Peregrine Ave
Orlando, FL 32819

3281987510



AFFIDAVIT OF FORGERY

Norma Pacheco BEFORE ME, the undersigned authority, personally appeared the Affiant, (insert name), who, being first duly sworn, deposes and says that the following statements are made from his/her personal knowledge and that he/she knows them to be true:

1. I am the owner of Unit 5103 Lakeside Dr. (insert unit address) in the Windhover Condominium development located in Orlando, Florida.

2. I have been provided a copy of an envelope evidencing what purports to be my signature on an outer envelope containing my ballot for election of Directors at Windhover Condominium which was held on November 12, 2011. A true and accurate copy of the outer envelope is attached hereto as Exhibit "A".

3. The purported signature of Norma Pacheco (insert name) on said envelope is not my signature, is a forgery, and was made without my knowledge or consent.

4. I did not authorize any person to vote on my behalf with regard to the November 12, 2011 election.

5. I did not send, nor authorize anyone to send, the outer envelope identified in Exhibit "A" to the Windhover Condominium Association to be included in the balloting for election of Directors, nor for any other purpose.

6. I did not authorize anyone to include my name in the balloting for the election of Directors on November 12, 2011.

7. I did not vote with regard to the November 12, 2011, election for Windhover Condominium Board of Directors.

8. This affidavit is made voluntarily and for the purpose of establishing the fact that my signature has been forged on the outer envelope attached as Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

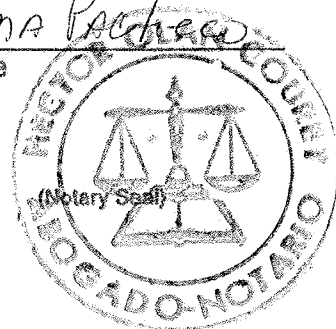
Dated this 19 day of January, 2012.

SWORN TO AND SUBSCRIBED before me this 19 day of January, 2012, by Mrs. Norma Pacheco (insert name) who is personally known to me or who produced _____ as identification.

AFF# 35,725

Hector Alan Cortez
NOTARY PUBLIC SIGNATURE
STATE OF Florida
Print Name: Hector Alan Cortez
Commission No. _____
Commission Expires: Permanent
Wnds01 aff2

Norma Pacheco
Signature of Affiant
NORMA PACHECO
Print Name



AFFIDAVIT OF FORGERY

BEFORE ME the undersigned authority, personally appeared the Affiant, C. Charles Asters Jr. (insert name), who, being first duly sworn, deposes and says that the following statements are made from his/her personal knowledge and that he/she knows them to be true:

1. I am the owner of Unit 5049 Eaglesmere Dr. (insert unit address) in the Windhover Condominium development located in Orlando, Florida.

2. I have been provided a copy of an envelope evidencing what purports to be my signature on an outer envelope containing my ballot for election of Directors at Windhover Condominium which was held on November 12, 2011. A true and accurate copy of the outer envelope is attached hereto as Exhibit "A".

3. The purported signature of C. Charles Asters Jr. (insert name) on said envelope is not my signature, is a forgery, and was made without my knowledge or consent.

4. I did not authorize any person to vote on my behalf with regard to the November 12, 2011 election.

5. I did not send, nor authorize anyone to send, the outer envelope identified in Exhibit "A" to the Windhover Condominium Association to be included in the balloting for election of Directors, nor for any other purpose.

6. I did not authorize anyone to include my name in the balloting for the election of Directors on November 12, 2011.

7. I did not vote with regard to the November 12, 2011, election for Windhover Condominium Board of Directors.

8. This affidavit is made voluntarily and for the purpose of establishing the fact that my signature has been forged on the outer envelope attached as Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 11th day of January, 2012.

SWORN TO AND SUBSCRIBED before me this 18th day of January, 2012, by C. CHARLES ASTERS (insert name) who [] is personally known to me or who I produced FLDL #0136103693310 as identification.

Adolfo Olivo
NOTARY PUBLIC SIGNATURE
STATE OF FLORIDA
Print Name: ADOLFO OLIVO
Commission No. DD 859177
Commission Expires: 2/8/13

C. Charles Asters Jr.
Signature of Affiant
C. Charles Asters Jr.
Print Name

AFFIDAVIT OF FORGERY

BEFORE ME, the undersigned authority, personally appeared the Affiant, OMAR RODRIGUEZ (insert name), who, being first duly sworn, deposes and says that the following statements are made from his/her personal knowledge and that he/she knows them to be true:

1. I am the owner of Unit 6162 Peregrine AVE (insert unit address) in the Windhover Condominium development located in Orlando, Florida.

2. I have been provided a copy of an envelope evidencing what purports to be my signature on an outer envelope containing my ballot for election of Directors at Windhover Condominium which was held on November 12, 2011. A true and accurate copy of the outer envelope is attached hereto as Exhibit "A".

3. The purported signature of OMAR RODRIGUEZ (insert name) on said envelope is not my signature, is a forgery, and was made without my knowledge or consent.

4. I did not authorize any person to vote on my behalf with regard to the November 12, 2011 election.

5. I did not send, nor authorize anyone to send, the outer envelope identified in Exhibit "A" to the Windhover Condominium Association to be included in the balloting for election of Directors, nor for any other purpose.

6. I did not authorize anyone to include my name in the balloting for the election of Directors on November 12, 2011.

7. I did not vote with regard to the November 12, 2011, election for Windhover Condominium Board of Directors.

8. This affidavit is made voluntarily and for the purpose of establishing the fact that my signature has been forged on the outer envelope attached as Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 11 day of January, 2012.

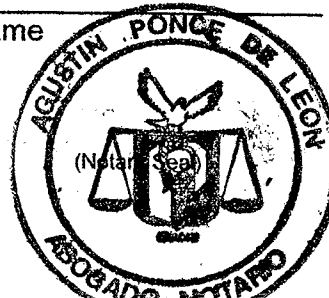
SWORN TO AND SUBSCRIBED before me this 11 day of January, 2012, by OMAR RODRIGUEZ Seriano (insert name) who [] is personally known to me or who [] produced _____ as identification.

aff # 9746

Signature of Affiant
Omar Rodriguez

Lcdo. Agustín Ponce de León
NOTARY PUBLIC, SIGNATURE
STATE OF PR PTO Caguas Caguas PR 00725
Print Name: _____
Tel. (787) 586-7248
Commission No. RUA 7024
Commission Expires: PERMANENT

Print Name



AFFIDAVIT OF FORGERY

BEFORE ME, the undersigned authority, personally appeared the Affiant, Renay Cruz (insert name), who, being first duly sworn, deposes and says that the following statements are made from his/her personal knowledge and that he/she knows them to be true:

1. I am the owner of Unit 6055 WINDHOVER DR (insert unit address) in the Windhover Condominium development located in Orlando, Florida.

2. I have been provided a copy of an envelope evidencing what purports to be my signature on an outer envelope containing my ballot for election of Directors at Windhover Condominium which was held on November 12, 2011. A true and accurate copy of the outer envelope is attached hereto as Exhibit "A".

3. The purported signature of Renay Cruz (insert name) on said envelope is not my signature, is a forgery, and was made without my knowledge or consent.

4. I did not authorize any person to vote on my behalf with regard to the November 12, 2011 election.

5. I did not send, nor authorize anyone to send, the outer envelope identified in Exhibit "A" to the Windhover Condominium Association to be included in the balloting for election of Directors, nor for any other purpose.

6. I did not authorize anyone to include my name in the balloting for the election of Directors on November 12, 2011.

7. I did not vote with regard to the November 12, 2011, election for Windhover Condominium Board of Directors.

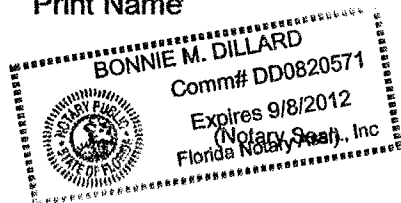
8. This affidavit is made voluntarily and for the purpose of establishing the fact that my signature has been forged on the outer envelope attached as Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 16th day of January, 2012.

SWORN TO AND SUBSCRIBED before me this 16th day of January, 2012, by Renay Cruz (insert name) who [] is personally known to me or who [] produced FDL 670-71-66-30-0 as identification.

Renay Cruz
Signature of Affiant
Renay Cruz
Print Name



Bonnie M. Dillard
NOTARY PUBLIC SIGNATURE
STATE OF Florida
Print Name: Bonnie M. Dillard
Commission No. DD0820571
Commission Expires: 9/8/2012
Wnds01 aff2

AFFIDAVIT OF FORGERY

BEFORE ME, the undersigned authority, personally appeared the Affiant, **RAMONA OTT**, who, being first duly sworn, deposes and says that the following statements are made from her personal knowledge and that she knows them to be true:

1. I am the owner of Unit 5966 Peregrine Avenue in the Windhover Condominium development located in Orlando, Florida.

2. I have been provided a copy of an envelope evidencing what purports to be my signature on an outer envelope containing my ballot for election of Directors at Windhover Condominium which was held on November 12, 2011. A true and accurate copy of the outer envelope is attached hereto as Exhibit "A".

3. The purported signature of **RAMONA OTT** on said envelope is not my signature, is a forgery, and was made without my knowledge or consent.

4. I did not authorize any person to vote on my behalf with regard to the November 12, 2011 election.

5. I did not send, nor authorize anyone to send, the outer envelope identified in Exhibit "A" to the Windhover Condominium Association to be included in the balloting for election of Directors, nor for any other purpose.

6. I did not authorize anyone to include my name in the balloting for the election of Directors on November 12, 2011.

7. I did not vote with regard to the November 12, 2011, election for Windhover Condominium Board of Directors.

8. This affidavit is made voluntarily and for the purpose of establishing the fact that my signature has been forged on the outer envelope attached as Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 10th day of January, 2012.

SWORN TO AND SUBSCRIBED before me this 10th day of January, 2012, by RAMONA OTT, who [✓] is personally known to me or who [] produced NIDLO 8280 6360 455844 as identification.

Ramona Ott
Ramona Ott
Affiant

NOTARY PUBLIC SIGNATURE
STATE OF New Jersey
Print Name: Miguel Servedra
Commission No. Feb 6th 2014
Commission Expires: Feb 6th 2014

Wnds01 aff1

