

## **Ellingsworth HOA vs Guan Legal Update:**

On August 23, 2019, The 5th District Court of Appeals wrote: "Given the clear language in both the Declaration and section 720.311, we conclude that Appellee [HOA] waived its claims against Appellant [Alice Guan] when it failed to submit the dispute to arbitration within thirty days after termination of mediation. We therefore reverse the trial court's order, and remand with directions that Appellee's claim against Appellant be dismissed with prejudice and that judgment be entered in favor of Appellant."

What does this mean?

The 5th district court of Appeals issued a reversal of a lower court ruling that Arbitration was not required between the HOA and Guan regarding the condition of the homeowner's yard in the Ellingsworth subdivision. This decision has dismissed the case in favor of Alice Guan due to the lack of Arbitration by the HOA BOD 3 years ago when it was run by Meritage employees. The BOD is conferring with counsel on what this outcome means to the HOA and its members. The HOA BOD will provide details as soon as they are confirmed.

We know you will have many questions and we will work to gather as much accurate information for you as soon as possible. We also know you will have questions on special assessments. We are working those details, too.

Ellingsworth B.O.D.

The 5th DCA decision is here:

[https://www.5dca.org/content/download/535520/5947474/file/183633\\_1260\\_08232019\\_08542483\\_i.pdf](https://www.5dca.org/content/download/535520/5947474/file/183633_1260_08232019_08542483_i.pdf)