

CIRCUIT COURT
HIGHLANDS COUNTY, FLORIDA

HIGHLAND LAKES RESERVE]
PROPERTY OWNERS ASSOCIATION; AND]
JOSEPH BELL, STEVE HOUCHIN,]
ALAN KANE AND JOYCE SUNDAR]
ON BEHALF OF THEMSELVES AND ALL]
OTHERS SIMILARLY SITUATED,]
]]
Plaintiffs,]
v.]
]]
FLORIDA LAND PARTNERS, LLC, AND]
NATIONAL LAND PARTNERS, LLC]
]]
Defendants.]
_____]

CASE NO.: 2018-000049GCAXMX
PROPOSED CLASS REPRESENTATION

**NOTICE OF HEARING FOR APPROVAL OF SETTLEMENT
OBTAINED BY HIGHLAND LAKES RESERVE PROPERTY OWNERS ASSOCIATION**

A \$350,000 settlement has been reached in an action brought by Highland Lakes Reserve Property Owners Association against Florida Land Partners, LLC and National Land Partners, LLC (“Developers”). In bringing the suit, the officers and directors of the Association were carrying out the fiduciary responsibility they have to the members served by the Association. The lawsuit alleged that, during the first ten years while the Developers controlled the Association, they failed to comply with Florida law and their contractual responsibilities. The failures included, but were not limited to, not providing the promised underground cable and telephone utilities.

In addition to the suit brought by the Association, the Complaint also asked the Circuit Court to approve and certify a class action composed of the property owner/members. The litigation did not proceed far enough for the class action to go before the Court for certification. Even if the certification had occurred, its function was not to bring money to the property owner/members individually, but to demonstrate support of the membership for the efforts of the Association to make a recovery for damages experienced by the Association to property owned in common.

The Developers denied liability and asserted a number of procedural and substantive defenses to the suit. The parties eventually agreed to explore a settlement that would eliminate risk and save both sides the considerable time and expense of major commercial litigation. A full day of mediation resulted in the \$350,000 settlement, which is now being brought to the Court by the parties for consideration of its fairness to all concerned.

Even though the litigation did not proceed far enough for the class action to come into being to prosecute the case, the parties will be petitioning the Court to certify a Settlement Class in order to provide the property owner/members with notice and an opportunity to be heard concerning the proposed settlement. In the event any individual property owner/member wishes to object to the settlement, please take notice that the Circuit Court for Highlands County will hold a fairness hearing at the **Highlands County Courthouse, 430 South Commerce Avenue, Sebring, FL on December 6 at 3:00 p.m. before Circuit Judge Larry Helms.**

You are not required to appear at the hearing unless you wish to oppose the settlement.

As a member of the Settlement Class, any Association member or property owner who wishes to object to the fairness, reasonableness, or adequacy of the settlement must file with the Court and serve on Class Counsel and Defendants' counsel a written objection at least 10 days prior to the fairness hearing. The written objection must include the objector's full name, current mailing address, e-mail address, as well as proof that the objector is a member of the Settlement Class. The written objection must further (i) state in writing the grounds for each of the objections and the support the objector intends to offer at the hearing; (ii) provide copies of any documents relied upon for such objections; and (iii) state whether the objecting Settlement Class Member intends to appear at the final approval hearing and whether he or she is represented by separate legal counsel. If the objecting Settlement Class Member intends to appear at the final approval hearing through counsel, the objector must also state the name, address and telephone number of the attorney(s) representing the objecting Settlement Class Member who will appear at the final approval hearing.

Settlement Class Members who fail to file and serve timely written objections in the manner specified in the Settlement Agreement shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the settlement set forth in the Settlement Agreement. The parties, or either party, may file written responses to any filed objections in advance of the final approval hearing date. Settlement Class Members shall be bound by the Settlement Agreement and all subsequent proceedings, orders, and judgments issued by the Court.

If you have questions, please contact my office at (863) 314-9851, or the office of our attorney, Robin Gibson, at (863) 676-8584.



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