

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES**

IN RE: PETITION FOR ARBITRATION

**Drayton Place Owners
Association, Inc.,**

Petitioner,

v.

Case No. 2007-04-6143

Homeowners Voting For Recall,

Respondent.

AMENDED FINAL ORDER OF DISMISSAL

This case came before the undersigned after receipt of separate reports from the parties, advising that the Association had held an election of directors on September 29, 2007. The vote at an annual meeting supersedes any attempted recall, whether or not the directors sought to be recalled are re-elected. Cf., *Pebble Springs Condominium Association, Inc. v. Taylor*, Arb. Case No. 95-0335, Order Dismissing Petition as Moot, (January 29, 1996).

The issues presented in this arbitration have been rendered moot.

Accordingly, it is ORDERED that Arb. Case No. 2007-04-6143 is hereby Dismissed.

DONE AND ORDERED this 17th day of October, 2007, at Tallahassee, Leon County, Florida.

Bruce A. Campbell

Bruce A. Campbell, Arbitrator
Department of Business and
Professional Regulation
Arbitration Section
1940 North Monroe Street
Tallahassee, Florida 32399-1029

Certificate of Service

I hereby certify that a correct copy of the foregoing Final Order has been
furnished by U.S. Mail on October 17, 2007 to the following:

Daniel Nicholas, Esq.
Broad and Cassel
100 North Tampa Street
Suite 3500
Tampa, FL 33602

William M. Davis
12207 Mantle Drive
Jacksonville, FL 32224

Bruce A. Campbell

Bruce A. Campbell, Arbitrator

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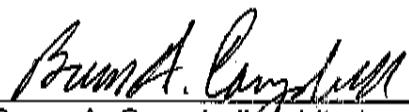
ORDER ON MOTION FOR REHEARING

This case came before the undersigned on Petitioner's Motion for Clarification and Rehearing of Final Order of Dismissal. The Motion accurately states that the Final Order of Dismissal entered in this case on October 10, 2007, was issued without considering the Petitioners report of the election. This appears to have resulted from inefficient distribution within the division of Petitioner's faxed report received at 5:36 p.m., on October 9, 2007.

Although the parties provided quite different reports of the events at the annual election, they agree that an election was noticed for the membership meeting and ballots were counted. The remaining disputes as to election results are not properly considered in a recall arbitration.

Accordingly the Final Order of Dismissal dated October 10, 2007, is withdrawn and an Amended Final Order is issued in a separate Order on this date.

DONE AND ORDERED this 17th day of October, 2007, at Tallahassee, Leon
County, Florida.



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Professional Regulation
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