

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

IN RE: PETITION FOR RECALL ARBITRATION

**THE FOREST AT RIDGEWOOD
HOMEOWNERS ASSOCIATION, INC.,**

PETITIONER,

V.

CASE NO.2026-02-9833

**OWNERS VOTING FOR RECALL,
LARRY BASSETT, DESIGNATED
HOMEOWNERS' REPRESENTATIVE
318 BOXWOOD DR., DAVENPORT,
FLORIDA 33837,**

RESPONDENT.

**MOTION TO STRIKE ANSWER AND DEEM ALL ALLEGATIONS IN THE PETITION
FOR RECALL ADMITTED AND MOTION TO STRIKE AFFIRMATIVE DEFENSES**

COMES NOW, Petitioner, The Forest at Ridgewood Homeowners Association, Inc., (hereinafter as the "Association") by and through the undersigned counsel and files this Motion to Strike Answer and Deem All Allegations in the Petition for Recall Admitted and Motion to Strike Affirmative Defenses against Respondent, Owners Voting for Recall, Larry Bassett, Designated Homeowners' Representative, and in support thereof, states as such:

1. On or about April 27, 2026, the Association filed its Petition for Mandatory Binding Arbitration – Recall Dispute.

2. Noting, Petition contains an incorporated Motion to Dismiss/Quash Service of Process that has not been ruled on by the Arbitrator at this time and Respondent appears to have failed to comply with Section four (4), page 5 of the Order Requiring Answer in that Respondent has failed to file an affidavit stating who delivered the recall ballots to Director Mack's residence, when and whether it was done by a private process server, or by the homeowner's representative or another homeowner.

3. As such, if the Arbitrator is inclined to quash service of process of the recall agreements, we need go no further.

4. On or about May 04, 2026, the Division filed its Order Requiring Answer to Petition.

5. On or about May 26, 2026, the Respondent provided the Association with a slew of documents (it is unknown if same were provided to the Division) identified as D1 Respondent's Answer; D2 Statement of Facts; D3 Affirmative Defenses; D4 Motion to Strike Improper Ballot Rejections; D5 Motion for Summary Final Order; D6 Respondent's Evidence Index (absent any of the exhibits indexed therein); D7 Certificate of Service; D8 Respondent's Proposed Final Order; D9 Respondent's Proposed Order on Evidence; D10 Respondent's Proposed Order Granting Summary Final Order; and D12 Respondent's Notice of Filing Respondent's D1-D11.

Motion to Strike Answer and Deem all Allegations of the Petition for Recall Admitted

6. Pursuant to Rule 61B-80.111, FAC, in pertinent part, the answer shall include all defenses, objections, and shall be filed on DBPR Form HOA 6000.9, Answer to Petition, incorporated into Rule 61B-80.101., FAC. The Answer shall not include a request for relief against the petitioner.

7. Additionally, 61B-80.112, FAC, states in pertinent part, when a party has failed to follow these rules, or a lawful order of the arbitrator, the arbitrator shall enter a default against the party where the failure is deemed willful, intentional, or a result of neglect.

8. First, Respondent's Answer should be struck as Respondent has failed to comply with Rule 61B-80.111 FAC, and utilize DBPR Form HOA 6000.9, or even the format contained therein for the Answer and Affirmative Defenses. The Petitioner should not be left to guess which filings may compromise Respondent's Answer and which do not.

9. Second, Rule 61B-80.111, FAC, prohibits a request for relief in the Answer, wherein Respondent expressly requests relief pursuant to an alleged official records request dispute (Section 5 of D1) within the body of the Answer, as well as Section 7(6) of D1.

10. Third, Respondent's Answer directly violates paragraph three (3) of the Order Requiring Answer to the Petition that indicates, in pertinent part, the Answer shall separately identify all facts contained in the petition that Respondent disputes or shall, in the alternative, state that no disputed facts exist.

11. Respondent's Answer disputes the validity of the grounds for the rejection of certain ballots (Section 3, D1) while at the same time, Respondent has filed a Motion for Summary Final Order (D5) asserting there are no material facts in dispute. D1 and D5 cannot co-exist and both be true.

12. Certainly, whether the Association properly rejected a recall ballot(s), or not, is a material fact in a recall dispute.

13. Fourth, Respondent's Answer directly violates paragraph three (3) of the Order Requiring Answer to the Petition that indicates, in pertinent part, "a general denial does not satisfy the requirements of this paragraph."

14. Indeed, Respondent's Answer Section one (1) is literally identified as "General Denial" and fails to separately identify all facts in the petition that petitioner disputes or on its face, allege no disputed facts exist.

15. Fifth, Rule 61B-80.110(6), FAC, requires all pleadings and motions to contain, a) the style of the proceeding involved; b) the case number; c) the name of the party on whose behalf the pleading or motion is filed; d) the name, address, and telephone number of the person filing the pleading; e) the signature of the person filing the pleading or motion; and f) a certificate of service attestation that copies have been furnished to other parties as required by paragraph 2(c) of this Rule.

16. Respondent's Answer fails to comply with Rule 61B-80.110(6), FAC, a); d) and f) and Respondent's Answer is not properly verified in accordance with Fla. Stat. 92.525(2) as it is not made under penalty of perjury. D1

17. Respondent's Motion to Strike fails to comply with Rule 61B-80.110(6), FAC, a); d); e) and f). D4

18. Respondent's Statement of Facts fails to comply with Rule 61B-80.110(6), FAC, a); d); e) and f). D2

19. Respondent's Affirmative Defenses fail to comply with Rule 61B-80.110(6), FAC, a); d); e) and f). D3

20. Respondent's Motion for Summary Final Order fails to comply with Rule 61B-80.110(6), FAC, a); d); e) and f). D5

21. Respondent's Certificate of Service fails to comply with Rule 61B-80.110(6), FAC, a); d); e) and f) and Rule 61B-80.110(2)(c), FAC. D7

22. Lastly, the Respondent's Evidence Index fails to comply with Rule 61B-80.110(6), FAC, a); d); e) and f) and Respondent has failed to provide the exhibits alleged therein. D6

23. For all of the aforementioned arguments hereinabove, Respondent's Answer should be struck, and all allegations of the Petition for Recall deemed admitted by Respondent.

Incorporated Motion to Strike Affirmative Defenses

24. Notwithstanding all of the above, in an abundance of caution, Petitioner moves to strike five (5) of Respondent's six (6) affirmative defenses for the following reasons.

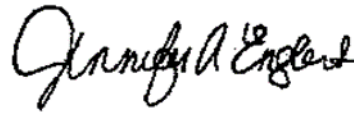
25. Affirmative Defenses 2, 3, 4, 5, and 6 are not valid affirmative defenses to a petition for recall; not relevant to this action; and do not tend to negate or refute any of the allegations of the Recall Petition.

26. In conclusion, Petitioner requests the Arbitrator grant Petitioner's Motion to Quash Service of Process and grant the relief sought in the Petition for Recall.

27. In conclusion, Petitioner requests the Arbitrator strike Respondent's Answer, which necessarily would include all of Respondent's Affirmative Defenses and all of the various motions filed by Respondent for the multiple rule violations reflected hereinabove; and enter a Final Summary Order granting the recall petition and rejecting the recall; or in the alternative, if the Arbitrator is not inclined to strike all of the Respondent's filings for the multitude aforementioned rule violations and defects, Petitioner requests the Arbitrator strike Respondent's affirmative defenses two (2) through six (6) and order an evidentiary hearing to determine the validity, or not, of the recall ballots rejected by Petitioner; and for any other and such relief as the Arbitrator deems, just, proper or equitable.

28. The Petitioner has incurred attorney fees and costs as a result of the necessity of this action and as such, seeks an award of attorney fees and costs pursuant to Fla. Stat. 720.311 and Rule 61B-80.123, FAC, to be paid by Respondent.

Respectfully submitted on May 29, 2026.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 29, 2026, a true and correct copy of the foregoing has been filed with the Department of Business & Professional Regulation, Condominium Arbitration and Mediation Program via Facsimile Transmission 850-487-0870 and furnished to the following as indicated:

Keith E. Hope, Arbitrator
Office of the General Counsel
Condominium Arbitration and
Mediation Program
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