

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

**THE FOREST AT RIDGEWOOD
HOMEOWNERS ASSOCIATION, INC.,
a Florida not-for-profit Corporation,**

**Case No.:
53-2026-CA-002394-A000-BA**

Plaintiff,

v.

**LARRY BASSETT, individually and in
his former capacity as Director,**

Defendant.

**DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION FOR CLERK'S DEFAULT**

Defendant, Larry Bassett, pro se, pursuant to Florida Rule of Civil Procedure 1.500, hereby files this Response in Opposition to Plaintiff's Motion for Clerk's Default, and states as follows:

- 1. On May 11, 2026, Plaintiff filed its Complaint in the above-captioned matter.**
- 2. Defendant was served with the Complaint on May 14, 2026, as reflected in the Affidavit of Service filed on May 22, 2026.**
- 3. Pursuant to Florida Rule of Civil Procedure 1.140(a)(1), Defendant had twenty (20) days from the date of service — until June 3, 2026 — to serve a responsive pleading.**

4. **On June 3, 2026, Defendant timely filed his Combined Motion to Dismiss for Lack of Statutory Authority; Anti-SLAPP Motion to Strike and for Fees; and Motion for Protective Order Staying All Discovery (hereinafter "Combined Motion") with the Clerk of the Circuit Court of Polk County in person at the Polk County Courthouse, within the prescribed twenty-day period. A true and correct copy of Defendant's Combined Motion, bearing the Clerk's file stamp dated June 3, 2026, is attached hereto as Exhibit "A."**
5. **On that same date, June 3, 2026, Defendant served a copy of his Combined Motion upon Plaintiff's counsel by United States Registered Mail. USPS Tracking Number 9505513445296154781019 confirms that USPS accepted the item at Winter Haven, Florida at 4:18 p.m. on June 3, 2026, with departure from the post office at 5:14 p.m. the same day, and an estimated delivery date of June 8, 2026. A copy of the USPS tracking confirmation is attached hereto as Exhibit "B."**
6. **Plaintiff filed its Motion for Clerk's Default on June 4, 2026 — one full day after Defendant's Combined Motion was timely filed with this Court, and before Plaintiff's counsel had received her mailed copy.**
7. **Florida Rule of Civil Procedure 1.500(a) provides that a clerk's default may only be entered when a party against whom affirmative relief is sought has failed to plead or otherwise defend as provided by these rules. Defendant did not fail to plead — he filed his Answer in person at the Polk County Courthouse on June 3, 2026, the last day of the prescribed period, which constitutes a timely filing under Florida law. Moreover, pursuant to Florida Rule of Civil Procedure 1.140(b), the filing of a motion to dismiss constitutes an authorized and recognized means of "otherwise defending," which tolls the time to serve an answer and expressly precludes entry of a clerk's default under Rule 1.500(a).**
8. **Because Defendant timely filed a responsive pleading and motion before any default was entered, the factual predicate for Plaintiff's Motion for Clerk's Default does not exist. The Motion should be denied and the proposed Order of Clerk's Default should not be entered.**

WHEREFORE, Defendant, Larry Bassett, pro se, respectfully requests that this Court deny Plaintiff's Motion for Clerk's Default and direct that the proposed Order of Clerk's Default not be entered, and grant such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June, 2026, a true and correct copy of the foregoing was furnished to the following by USPS Registered Mail and/or email:

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Respectfully submitted,

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