

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

Case No.: 2026-CA- 002394-AOOO-BA

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

Plaintiff

v.

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

Defendant.

**EMERGENCY MOTION TO STRIKE VOLUNTARY DISMISSAL; INJUNCTIVE
RELIEF AND SANCTIONS FOR UNLICENSED PRACTICE OF LAW**

COMES NOW, Plaintiff, THE FOREST AT RIDGEWOOD HOMEOWNERS
ASSOCIATION, INC., by and through the undersigned counsel and files this Motion to Strike
Voluntary Dismissal; Injunctive Relief and Sanctions for Unlicensed Practice of Law pursuant to
Rule 1.150 and Rule 1.140, Fla.R.Civ.P., and for imposition of Sanctions against Defendant,
LARRY BASSETT, as well as Non-Party DAVID MACMORRAN and in support hereof, states
as follows:

1. Plaintiff is a Florida homeowners association for which certain Board of Directors
were subject to an April 2026 recall effort initiated by Defendant in this action, Larry Bassett.
Florida Department of Business and Professional Regulation (DBPR) case **2026-02-0833** that
was subsequently consolidated into another recall effort initiated by Defendant Bassett, that case
number being **2026-05-5113**.

2. The Directors of the four (4) member board are/were Rob Toby, David Walker, Kevin Mack and Ed Burdon.

3. Ed Burdon resigned on or about March of 2026 (prior to the recall effort).

4. The Directors who were sought to be recalled in the recall effort were Kevin Mack and Ed Burdon.

5. The replacement Directors attempting to take the seats of Kevin Mack and Ed Burdon were Sharon McDaniel (attempting to replace Kevin Mack) and David MacMorran (attempting to replace Ed Burdon).

6. On or about 10.08.2026, the arbitrator entered the attached Final Summary Order certifying the Recall as to Mack and Burdon. See attached hereto as **Exhibit “A”**.

7. On or about 10.09.2026 Plaintiff filed a Motion for Rehearing of Exhibit “A” as Mr. Burdon was not a director at the time the recall effort was made, and as such, the recall was moot as to Mr. Burdon.

8. On or about 10.13.2026, the DBPR entered its Order on Petitioner’s [Plaintiff’s] Motion for Rehearing and Respondent’s Motion to Strike **GRANTING** the Plaintiff’s Motion for Rehearing and declaring the recall effort as to Mr. Burdon **moot**. See attached hereto as **Exhibit “B”**.

9. In contravention of **Exhibit “B”**, Mr. MacMorran with the assistance of Ms. McDaniels have asserted control over the Plaintiff’s Board of Directors with the assistance of Defendant Bassett.

10. Plaintiff acknowledges the certification of the recall as to Director Mack being replaced by Ms. McDaniels.

11. As the recall effort directed to Mr. Burdon was rendered moot and not certified by the DBPR, Plaintiff does not recognize Mr. MacMorran as a director, nor does Mr. MacMorran have any lawful authority as a director or to act for or on behalf of Plaintiff.

12. On or about 10.16.2026, Mr. MacMorran engaged in unlawful practice of law by filing a Notice of Voluntary Dismissal of the instant action. See DK# 31 **See attached hereto as Exhibit C.**

13. Mr. MacMorran's actions are in violation of Rule 4-5.5 of the Rules Regulating the Florida Bar.

14. Upon searching the Lawyer Directory located on the Florida Bar website, David MacMorran does not appear to be a licensed attorney in the state of Florida. *Torrey v. Leesburg Regional Medical Center*, 796 So. 2d 544 (Fla. App. 2001) (documents filed by a non-lawyer on behalf of another person or entity are a nullity.) See also, *Fla. Bar ex rel. Advisory Opinion—Activities of Cmty. Ass'n Managers*, 177 So.3d 941 (Fla. 2015); *Florida Bar v. Warren*, 655 So.2d 1131(Fla.1995); *Florida Bar v. Mills*, 410 So.2d 498 (Fla.1982)

15. Furthermore, Fla. Stat. 454.23 Penalties.—Any person not licensed or otherwise authorized to practice law in this state who practices law in this state or holds himself or herself out to the public as qualified to practice law in this state, or who willfully pretends to be, or willfully takes or uses any name, title, addition, or description implying that he or she is qualified, or recognized by law as qualified, to practice law in this state, **commits a felony** of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

16. Even if Mr. MacMorran were a licensed attorney in the state of Florida, Mr. MacMorran has no authority at this time act for or on behalf of Plaintiff at this time.

17. The Notice of Voluntary Dismissal was filed by Mr. MacMorran without knowledge or consent of the undersigned or with the valid lawful approval Board of Directors of Plaintiff, to wit: Rob Toby, David Walker and Sharon McDaniel (albeit upon information and belief, Ms. McDaniel support Mr. MacMorran's actions as alleged herein).

18. The lawful Board of Directors at this time are Rob Toby, David Walker, and Sharon McDaniels.

19. Plaintiff requests the Court enter and Order striking the Notice of Voluntary Dismissal as such is a nullity and entered without Plaintiff's knowledge or consent and drafted and filed by a non-lawyer, DAVID MACMORRAN; and enter sanctions against Mr. MacMorran for the unlicensed practice of law and prohibiting Mr. MacMorran from filing any further papers in this action for or on behalf of Plaintiff, or in the alternative, enter an Order to Show Cause to Mr. MacMorran to afford him an opportunity to explain why he should not be sanctioned and/or reported to the Florida Bar and State Attorney for the unlicensed practice of law.

20. Plaintiff requests the Court sanction Defendant Larry Bassett for assisting Mr. MacMorran and attempting to commit fraud upon the Court by way of acquiescence, knowledge and consent of Mr. MacMorran's unlawful actions to attempt (as a non-lawyer) to file legal documents in the instant legal action to dismiss this action against Mr. Basset.

21. Mr. Basset and Mr. MacMorran engaged in a deliberate scheme to subvert the judicial process that involved the unlicensed practice of law committee by Mr. MacMorran who is fraudulently and without authority, acting for and on behalf of Plaintiff for the benefit of Mr. Bassett.

22. Plaintiff has unnecessarily incurred attorney fees and costs for the necessity of this motion and hearing and requests the Court order Defendant to pay Plaintiff's attorney fees and costs for same.

I certify that conferral prior to filing is not required under rule 1.202 Fla.R.Civ.P, to the extent this Motion requests injunctive relief. Due to the emergency nature of the unlawful and damaging acts leading up to this Motion and unlicensed practice of law claims; Plaintiff asserts efforts to meet and confer with Defendant's counsel will occur or be attempted to occur prior to setting this motion for hearing.

WHEREFORE, Plaintiff, The Forest at Ridgewood Homeowners Association, Inc., requests the Court enter an Order Striking the Notice of Voluntary Dismissal filed by Mr. MacMorran; enter and order to show cause for why Mr. MacMorran should not be sanctioned by the Court and reported to the Florida Bar, State Attorney, and the DBPR for the unlicensed practice of law; and enter an order to show cause for why Defendant Larry Bassett should not be sanctioned for his role in assisting Mr. MacMorran in committing the unlicensed practice of law for Mr. Bassett's personal benefit to the detriment of Plaintiff and unlawful attempt to have this matter fraudulently dismissed against him; and enter an order prohibiting Mr. MacMorran from filing and further documents in this case for or on behalf of Plaintiff; and award Plaintiff attorney fees and costs for the necessity of this Motion and hearing; and for any other and such relief as the Court deems proper and equitable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 16, 2026, a true and correct copy of the foregoing has been filed with the Clerk of Court via the Florida Courts e-Filing Portal and which will furnish an electronic copy to counsel of record and registered eportal users. Non registered users will be served via USPS First Class Mail.

James L. Rouse, Sr., Esq.
Florida Bar Number: 0104547
306 Cherokee Ave.
Haines City, Florida 33844
Phone: 443-831-9081
Email: Jamesrouse25@aol.com
Attorney for Defendant
Via E-Portal

David MacMorran
318 Boxwood Dr.
Davenport, Florida 33837
Via USPS First Class Mail

THE ORLANDO LAW GROUP, PL

/s/ Jeffrey W. Smith

By: _____

Jennifer A. Englert, Esq.
Florida Bar No. 180297
Jeffrey W. Smith, Esq.
Florida Bar Number: 106191
12301 Lake Underhill Rd., Suite 213
Orlando, Florida 32828
Tel. (407) 512-4394
Fax (407) 955-4654
E-Mail: JEnglert@TheOrlandoLawGroup.com
JSmith@TheOrlandoLawGroup.com
Secondary E-Mail:
CNeedham@TheOrlandoLawGroup.com
Attorney for Plaintiff

EXHIBIT "A"

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

IN RE: PETITION FOR BINDING ARBITRATION – HOA RECALL DISPUTE

THE FOREST AT RIDGEWOOD
HOMEOWNER'S ASSOCIATION, INC.,

Petitioner,

v.

Case No. 2026-05-5113

Case No. 2026-02-9833

OWNERS VOTING FOR RECALL,

Respondent.

_____ /

SUMMARY FINAL ORDER FOR CASE NUMBER 2026-05-5113 and
ORDER DISMISSING AS MOOT CASE NUMBER 2026-02-9833

Issue

Should the recall of directors Kevin Mack and Edward Burden be certified.

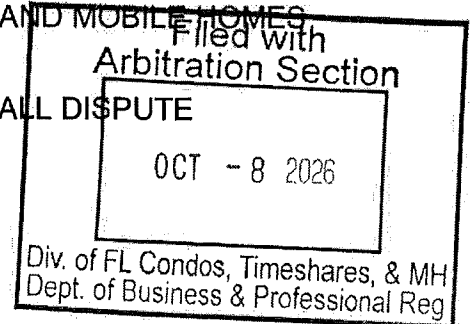
Procedural History

Case Number 2026-02-9833

On September 17, 2026, a recall effort instituted by the unit owners that had been assigned case number 2026-02-9833 was abated and consolidated with case number 2026-05-5113.

Case Number 2026-05-5113

On July 31, 2026, The Forest at Ridgewood Homeowner's Association, Inc., (Association) filed a petition for mandatory binding arbitration concerning the recall of certain board members. On August 20, 2026, an Order Requiring Answer was entered that required the Unit Owners (Respondents) to file an answer to the petition. On



September 8, 2026, the Respondents filed an Answer. On September 17, 2026, a Notice of Reassignment, Consolidating and Abating Case was entered concerning both of the cases subject to this order. An Order Requiring Affidavits was entered on September 17, 2026. On September 29, 2026, Respondents filed all but two (2) of the affidavits required by the September 17, 2026, Order Requiring Affidavits and a Motion for Extension of Time to file an additional ballot. On October 5, 2026, an order granting extension of time was entered that gave the Respondents until October 13, 2026, to file additional affidavits. On October 7, 2026, Respondents filed Notice of Case Status and Request for Prompt Decision.

Finding of Fact¹

1. The Forest at Ridgewood Homeowner's Association, Inc., is the legal entity responsible for the operation and maintenance of the Forest at Ridgewood Homeowner's Association.

2. Respondents are a group of homeowners who sought to recall two members of the board of directors: Kevin Mack ("Mack") and Edward Burden ("Burden"), by written agreement, which was served on the Association on July 20, 2026.

3. The Association consists of 164 voting members. A total of 90 recall ballots were cast for the recall of directors Mack and Burden. A total of 83 recall ballots is necessary for the certification of a recall.

4. The Association held a meeting on July 24, 2026, to consider the recall ballots. The board rejected a total of thirteen (13) ballots for the recall of both directors.

¹ The Finding of Facts is limited to the facts concerning case number 2026-05-5113 as this case will control any rulings in case number 2026-02-9833.

The reasons given by the board for rejecting the thirteen ballots are as follows.

Owner	Address	Reason for Rejecting Ballot
Beugel	217/219 Boxwood	Cannot tell address number
Burkart	237 Boxwood	Cannot identify year signed
Avila	319/219 Boxwood	Cannot identify address number
Gomez	337/332 Golf Course Pkwy	Cannot identify address
Jalemi	113 Golf Course Pkwy	Defective Checkmark
Ellenberger	633 Golf Course Pkwy	Unable to identify date and date in excess of 120-day ballot validity cutoff
Munoa	745 Golf Course Pkwy	Duplicate ballot
Kahl	816??	Unable to identify address
LIZFCC, LLC	1020 Golf Course Pkwy	Improper signature for LLC
Rohan	1132 Golf Course Pkwy	Recanted ballot after first recall attempt
Zaslowski, Juri	1234 Golf Course Pkwy	Extra boxes checked
Zaslowski, Josephine	1234 Golf Course Pkwy	Duplicate ballot, incomplete address
Dugan	147 So. Pine Way	Duplicate ballot

5. The Respondents submitted affidavits on October 2, 2026. These affidavits establish the following:

- a. Robert Burkbart signed his affidavit on March 27, 2026.
- b. Dale Ellenberger signed his affidavit on March 27, 2026.
- c. Timothy Beugel's address is 217 Boxwood Drive, Davenport, FL 33837.
- d. Jorge Avila's address is 319 Boxwood Drive, Davenport, FL 33837.
- e. Kenneth J. Papa was authorized to sign the recall ballot on behalf of LIZFCC, LLC.

6. In addition, the arbitrator has reviewed the following ballots and makes the following findings of fact concerning these ballots:

- a. Mark Kahl: the Association rejected this ballot because it claims it could not determine the address for Mr. Kahl because the address on the ballot was printed as:

"816 GC Pkwy." The record establishes that some members of the Association live on a street that is named "Golf Course Parkway." See Chart, *supra*. The arbitrator finds that use of "GC" on the ballot is merely shorthand Golf Course Parkway and therefore Mr. Kahl's address is identified and was identifiable when the recall ballot was submitted to the Association.

b. Michael Jalemi: The Association rejected this ballot because it claims the check mark was defective. The arbitrator has examined this ballot and finds the check marks for the recall of directors Mack and Burdon to be valid, and they were valid at the time the ballot was submitted to the Association. Furthermore, the check mark voting for David MacMorran indicates Mr. Jalemi's intention to install Mr. MacMorran as a replacement director.

7. Sharron McDaniel ("McDaniel") and David MacMorran ("MacMorran") received the most votes for replacement directors.

Conclusions of Law

The arbitrator has jurisdiction over this dispute and the parties thereto pursuant to Sections 720.303 and 720.311, Florida Statutes ("Fla. Stat."). The arbitrator has received extrinsic evidence in order to establish various facts or reviewed various ballots so that there are no disputed issues of material fact and therefore this case is appropriate for summary disposition pursuant to Rule 61B-80.114, Florida Administrative Code ("F.A.C.").

Discussion

Standard of Review

Rule 61B-81.003(2), F.A.C., requires only "substantial compliance with the

provisions of subsection (1)" for the effective recall of a director.² Arbitration cases have long held that substantial compliance with the rules governing recall will be sufficient if the owner is identifiable and the intent expressed in the recall/retain section is clear. See, *Villas of Beacon Grove Homeowners Association, Inc. v. Homeowners Voting for Recall*, Arb. Case No. 2011-02-0798, Summary Final Order (May 17, 2011) (Ballots valid even though one owner did not write her address on ballot, and another owner listed her address as 2235 instead of 2265.); *Island Country Estate Homeowners Association, Inc., v. Homeowners Voting for Recall*, Arb. Case No. 2020-03-0331, Summary Final Order (September 22, 2020) (Board improperly rejected ballots that failed to include "Jupiter FL" and "Way" in parcel address.); *Mallorca at the Vineyards Homeowners Association, Inc., v. Homeowners Voting for Recall*, Arb. Case No. 2012-01-7435, Summary Final Order (June 29, 2021) (Board's rejection of ballot because the address listed on the ballot is "655 SE 37th Ave" while the owner address list obtained from the Office of the Property Appraiser showing unit owner's address as "655 SE 37th Ter." held to be invalid rejection of ballot.) and *Miami Lakes-Lake Sandra Homeowner's Association, Inc., v. Homeowners Voting for Recall*, Arb. Case No. 2011-04-2485, Summary Final Order (November 10, 2011) (Technical defects such as failure to include parcel address or date on ballot do not invalidate the ballot.)

Validity of Rejected Ballots

A total of 83 recall ballots is necessary for the certification of this recall. The

² Rule 61B-81.003(1), F.A.C., lists the requirements of the written recall agreement form, e.g. name of director to be recalled and space to indicate whether director should be recalled, etc. This subsection also states that "[t]he failure to comply with the requirements of this subsection shall not effect the validity of the recall of a director or directors;..."

Association was served with a total of 90 recall ballots and rejected 13 of these ballots for various reasons reducing the total number of "valid" ballots to seventy-seven (77). The arbitrator has either: a) based on competent extrinsic evidence or a facial review of some of the rejected ballots determined the Association incorrectly rejected seven (7) recall ballots.³ When these seven (7) ballots are added to the seventy-seven (77) ballots that were not rejected by the Association the total number of valid ballots voting for the recall of directors Mack and Burdon is eighty-four ballots (84). Thus, the Association was served with a sufficient number of valid ballots to certify the recall of directors Mack and Burdon.

Based on the foregoing, it is

ORDERED:

1. The recall of directors Mack and Burdon is CERTIFIED, and they are REMOVED from the board of directors as of the date of this order and shall take no actions on behalf of the Association as of the date of this order. Directors Mack and Burdon shall return all Association property in their possession to the Association within five (5) business days from the date of this order.

2. Replacement candidates McDaniel and MacMorran shall take seats on the board effective immediately, for the unexpired term of the seat being filled.

DONE and ORDERED on October 8, 2026, in Tallahassee, Leon County, Florida.

3. The Association shall post a copy of this order for thirty (30) consecutive days in a place where notices to Association members are normally posted within twenty-four (24) hours of receipt of this order.

³ The arbitrator need not address the validity of the remaining rejected ballots because after finding seven (7) ballots were incorrectly rejected there is a sufficient number of ballots to certify the recall of directors Mack and Burdon.

4. Case number 2026-02-9833 is DISMISSED as moot and said case is CLOSED.

J. A. Spejenkowski
J. A. Spejenkowski
Dept. Bus. & Prof. Reg.
Div. of Condos, Timeshares
and Mobile Homes
Arbitration Section
2601 Blair Stone Road
Tallahassee, FL 32399-1030
Fax: 850.487.0870

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Final Summary Order has been sent by US Mail and email on October 8, 2026, to:

Larry Bassett
318 Boxwood Drive
Davenport, FL 33837
Email: LARRY@LTS.WORLD

Jennifer Ann Englert
Orlando Law Group, PL
12301 Lake Underhill Rd Ste 213
Orlando, FL 32828-4511
Email: jenglert@theorlandolawgroup.com

J. A. Spejenkowski
J.A. Spejenkowski, Arbitrator

EXHIBIT "B"

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

IN RE: PETITION FOR BINDING ARBITRATION – HOA RECALL DISPUTE

THE FOREST AT RIDGEWOOD
HOMEOWNER'S ASSOCIATION, INC.,

Petitioner,

v.

Case No. 2026-05-5113

Case No. 2026-02-9833

OWNERS VOTING FOR RECALL,

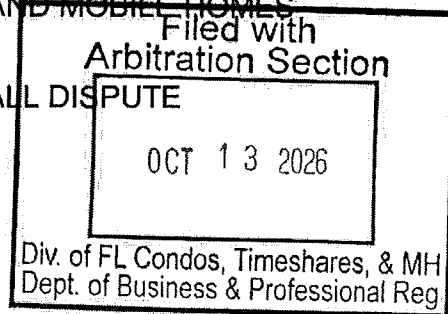
Respondent.

_____ /

ORDER ON PETITIONER'S MOTION FOR REHEARING and
RESPONDENT'S MOTION TO STRIKE

On October 8, 2026, a Summary Final Order was entered in case numbers 2026-05-5113 and 2026-02-9833 which certified the recall of two directors. On October 9, 2026, Petitioner filed a Motion for Rehearing regarding the certification of the recalled director Ed Burdon based on the alleged fact that Mr. Burdon resigned from the board of directors on March 5, 2026. (Motion) The Motion notes that because Mr. Burdon resigned from the board his recall is moot. Whether Mr. Burdon resigned, which, based on the ruling in *Holley by the Sea Improvement Association, Inc., Homeowners Voting for Recall*, Arb. Case No. 2015-02-1742, Final Order (August 17, 2015) would render his recall moot or whether his recall is certified is irrelevant as the important issue is that he is no longer a director, which was the point of the recall.

On October 12, 2026, Respondent filed a Motion to Strike Petitioner's Motion for Rehearing.



Based on the forgoing,

ORDERED:

1. The arbitrator amends the Summary Final Order to recognize that Mr. Burdon resigned from the board of directors on March 5, 2026,¹ and therefore his recall is moot. See. *Holley, supra*. All other rulings and relief granted in the October 8, 2026, Summary Final Order are affirmed.

2. In light of the ruling in #1, *supra*, Respondent's Motion is DENIED.

DONE and ORDERED on October 13, 2026, in Tallahassee, Leon County, Florida.

J. A. Spejenkowski
J. A. Spejenkowski
Dept. Bus. & Prof. Reg.
Div. of Condos, Timeshares
and Mobile Homes
Arbitration Section
2601 Blair Stone Road
Tallahassee, FL 32399-1030
Fax: 850.487.0870

Copies by US Mail and email when available to:

Larry Bassett
318 Boxwood Drive
Davenport, FL 33837
Email: LARRY@LTS.WORLD

Jennifer Ann Englert
Orlando Law Group, PL
12301 Lake Underhill Rd Ste 213
Orlando, FL 32828-4511
Email: jenglert@theorlandolawgroup.com

¹ See, Petition, paragraph 8.b.

EXHIBIT "C"

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR POLK COUNTY, FLORIDA

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

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

Plaintiff

v.

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

Defendant.

_____ /

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Plaintiff, **THE FOREST AT RIDGEWOOD HOMEOWNERS ASSOCIATION, INC.**, a
Florida not-for-profit corporation, acting through its newly seated and certified Board of
Directors pursuant to the Department of Business and Professional Regulation Final Arbitration
Order dated October 8, 2026, and following a unanimous vote of the Board of Directors at a
properly noticed meeting held on October 14, 2026, hereby files this **Notice of Voluntary
Dismissal With Prejudice**.

Pursuant to **Florida Rule of Civil Procedure 1.420(a)(1)**, Plaintiff voluntarily and
unconditionally dismisses **with prejudice** this entire action, including all claims and causes of
action asserted against Defendant, **LARRY BASSETT**. Each party shall bear its own attorney's
fees and costs unless otherwise determined by internal corporate resolution of the Association.

This dismissal with prejudice constitutes a **final adjudication on the merits** of all claims in this action.

Respectfully submitted this 15th day of October, 2026.

THE FOREST AT RIDGEWOOD HOMEOWNERS ASSOCIATION, INC.

By: 

David MacMorran, President

Corporate Address: 318 Boxwood Dr, Davenport, FL 33837

CERTIFICATE OF SERVICE

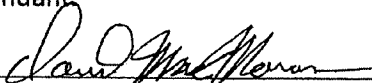
I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Voluntary Dismissal With Prejudice was furnished via Email on this 15th day of October, 2026, to:

Jennifer Ann Englert, Esq.
The Orlando Law Group, PL
12301 Lake Underhill Rd, Suite 213
Orlando, FL 32828-4511
JEnglert@TheOrlandoLawGroup.com
JSmith@TheOrlandoLawGroup.com

James L. Rouse, SR.
Florida Bar No. 0104547
306 Cherokee Avenue
Haines City, FL 33844
Ph. 443-831-9081
Primary Email: jamesrouse25@gmail.com
Attorney for Defendant

HEREBY CERTIFY that a copy of this document was served via email on October 15th 2026,
to the Forest at Ridgewood Homeowners' Association, Inc. Plaintiff, Email at and attorney for

Defendant.

By: 
David MacMorran, President