

109049-5

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL  
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

FONTANA ESTATES HOMEOWNER  
ASSOCIATION, INC., a Florida not-  
for-profit corporation,

CIRCUIT CIVIL DIVISION

CASE NO. 2020-CA-006569-O

Plaintiff,

vs.

TOLL FL VIII LIMITED  
PARTNERSHIP, a Foreign Limited  
Partnership, BROCK FANNING, an  
individual, BRIAN O'HARA, an  
individual, and JIMMY ORIOL, an  
individual,

Defendants,

vs.

JR. DAVIS CONSTRUCTION  
COMPANY, INC., a Florida Profit  
Corporation,

Third Party Defendant.

\_\_\_\_\_/

**CROSS NOTICE OF TAKING DEPOSITION DUCES TECUM OF FONTANA  
ESTATES' CORPORATE REPRESENTATIVE**

PLEASE TAKE NOTICE that the undersigned attorneys cross notice the deposition of:

**NAME:** Fontana Estates Homeowners Association, Inc.'s Corporate Representative

**DATE AND TIME:** Thursday, March 30, 2023 at 9:30 a.m.

**PLACE:** via Zoom Link Video Conference (link to be provided)

upon oral examination before Veritext Legal Solutions, Notary Public, or any other Notary Public or other officer authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Florida Rules of Civil procedure in such cases.

Deponent is to bring with him/her the following:

1. All documents in any way relating to the Fontana Estates Homeowners Association, Inc., located in or near Orlando, Orange County, Florida.

2. All documents in your custody or control, including but not limited to, FONTANA HOMEOWNERS ASSOCIATION, INC.'S job file documents, reports, field notes, files, drawings, sketches, plans, blue prints, journals, logs, correspondence, electronic data, electronic images, electronic correspondence, forms, requests for information and responses thereto, payment applications, contracts, subcontracts, purchase orders, change orders, payment applications, building permits, building department documents, code enforcement documents, certificates of completion, certificates of occupancy, building department inspection documents, notices, warranty requests, photographs, images, video footage, quality assurance documents, marketing materials, condominium unit purchase and sales documents, customer service requests, electronic and internet based marketing materials, construction schedules, homeowner correspondence, and building department applications, which arise from, relate to or are in connection with the design, construction, development and sale of the real property of the Fontana Estates Homeowners Association, Inc., located in or near Orlando, Orange County, Florida.

3. All documents in Exhibit A – Areas of Inquiry.

WE HEREBY CERTIFY that a copy hereof has been electronically served via Florida ePortal to: Patrick C. Howell, Esquire, phowell@beckerlawyers.com, dmilton@beckerlawyers.com, skuharske@beckerlawyers.com, kmurphy@beckerlawyers.com, orlefile@beckerlawyers.com,; Chad N. Dunigan, Esquire, chad.dunigan@knchlaw.com, alejandra.mangual@knchlaw.com, derika.miller@knchlaw.com, annie.hernandez@knchlaw.com,; on this 29th day of March, 2023.

/s/ Raymond E. Watts, Jr.

Raymond E. Watts, Jr., Esquire

Florida Bar No. 816442

Andrew S. Yatkman, Esquire

Florida Bar No. 1023231

WICKER SMITH O'HARA MCCOY & FORD, P.A.

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**In accordance with the Americans With Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the undersigned attorney's secretary at the address and phone number given above not later than seven (7) days prior to the proceeding. If hearing impaired, (TDD) 1-800-955-8770 via Florida Relay Service.**

## **EXHIBIT A**

### **AREAS OF INQUIRY**

1. Fontana Estates Homeowners Association purpose, duties and powers.
2. Fontana Estates Homeowners Association membership and voting rights.
3. Transfer/turnover of control of the Fontana Estates Homeowners Association.
4. Management, budgeting, accounting and services performed by the Fontana Estates Homeowners Association for the Fontana Estates Community.
5. Operation, maintenance and funding of Capital reserve accounts.
6. Operation, maintenance and funding of Required Association Accounts.
7. Operation, maintenance and funding of Routine Maintenance accounts.
8. Collection, requirements, use and type of assessments.
9. Collection, voting and use of special assessments.
10. Delinquency of assessments and/or special assessments.
11. Problems and/or issues with underfunding of reserve funding accounts.
12. Improvements, alterations, modifications and/or repairs to the Fontana Estates Community.
13. Notices of commencement for any improvements, alterations, modifications and/or repairs to the Fontana Estates Community
14. Reasons for improvements, alterations, modifications and/or repairs to the Fontana Estates Community.

15. Selection of contractors for the performance of improvements, alterations, modifications and/or repairs to the Fontana Estates Community.
16. Problems and/or issues with the work or performance of any contractors.
17. Defects and/or deficiencies in the development, design, engineering and/or construction of any common elements of the Fontana Estates Community, including, but not limited to: perimeter wall, guardhouse, curbs, streets, gutters, gated entry, and storm-water drainage system.
18. Identity and scope of services of any third-party quality assurance inspection.
19. Fontana Estates Community Declaration of Covenants, including any amendments and/or assignments.
20. Sale or transfer of any real property owners and/or controlled by the Fontana Estates Homeowners Association.
21. Maintenance of Fontana Estates Community common areas.
22. Property Management Company(ies) for the Fontana Estates Community.
23. Homeowner complaints, maintenance, repairs, alterations and/or improvements regarding the Fontana Estates Community.
24. Fontana Estates Homeowners Association meetings, agendas and minutes.
25. All allegations contained within the Complaint and any amendments thereto.