

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

FONTANA ESTATES HOMEOWNERS  
ASSOCIATION, INC., a Florida not-for-  
Profit corporation;

CASE NO.: 2020-CA-6569-O  
DIV. 43  
BUSINESS COURT

Plaintiff,

v.  
TOLL FL VIII LIMITED PARTNERSHIP,  
a Foreign limited partnership; and TOLL  
BROS., INC., a foreign for-profit  
corporation;

Defendants.

**SECOND AMENDED CONTINUED NOTICE OF TAKING DEPOSITION**  
**DUCES TECUM OF FONTANA ESTATES' CORPORATE**  
**REPRESENTATIVE**

**TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF  
RECORD:**

**PLEASE TAKE NOTICE** that Defendants, TOLL FL VIII LIMITED PARTNERSHIP and TOLL BROS., INC., by and through its attorney of record, will take the following deposition with Veritext Legal Solutions via Zoom Link Video Conference (link to be provided):

**DATE: Wednesday, March 22, 2023**

**TIME: 10:00 a.m.**

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

This deposition will be conducted upon oral examination, pursuant to Rule 1.310 of the Florida Rules of Civil Procedure, before Veritext, a Notary Public, or before some other officer authorized by law to administer oaths.

Oral examination will continue from day-to-day until completed. You are invited to attend and cross-examine.

**The deponent is required to bring to the deposition:**

**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.**

**ADA Notice:**

**"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at [ADACoordinator@myorangeclerk.com](mailto:ADACoordinator@myorangeclerk.com) or (407) 836-2303 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was sent via electronic service this 21<sup>st</sup> day of March, 2023 to: All Parties of Record.

**KOELLER NEBEKER  
CARLSON & HALUCK, LLP**

*/s/ Ryan C. Brooks*

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LIMITED PARTNERSHIP

## **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.