

# CARILLON COMMUNITY RESIDENTIAL ASSOCIATION, INC.

December 16, 2009

To: Carillon Homeowners

From: Carillon Board of Directors

**Re: *NorthView – Letter From Alan Ginsburg***

Dear Neighbor:

You may have recently received a letter dated December 11, 2009, from Alan Ginsburg, one of the developers of the 600-bed student housing project proposed to be built at the entrance to our community. In the interest of full and accurate disclosure, the Association's Board of Directors is compelled to briefly respond to Mr. Ginsburg's self-serving letter, which once again omits critical facts in an attempt to further his own self interests.

First and foremost, the Association's Board has not "hidden" any settlement negotiations regarding the proposed 600-bed student housing project from the residents, as Mr. Ginsburg suggests. Rather, Mr. Ginsburg demanded that the Association's representatives and the Association's attorneys sign a "Confidential Discussion Agreement" prepared by his attorneys before he and a UCF Foundation representative would discuss the proposed project with the Association on July 8 and August 5, 2009.<sup>1</sup> The Confidential Discussion Agreement prohibited any party from disclosing "the dates of their settlement discussions, the results of their settlement discussions, and all other matters pertaining to or relating in any way to their settlement discussions."

In keeping the parties' July 8 and August 5 settlement discussions confidential, the Association's Board was complying with the terms of the Confidential Discussion Agreement. Indeed, at the Association's December 4 meeting, the Association's attorney informed the residents that there were some things he "cannot discuss," when one resident asked whether there had been any settlement negotiations with Mr. Ginsburg. By contrast, and in an apparent attempt to mislead residents, Mr. Ginsburg has now chosen to breach the very Confidential Discussion Agreement that he demanded the Association's representatives sign. If Mr. Ginsburg is willing to breach a written confidentiality agreement entered with the Association when he believes doing so furthers his own self interests, you may want to ask yourself whether there is any reason to believe that the other "promises" made regarding the proposed NorthView project would be honored – such as the promises regarding the caliber of college students who would live in the proposed student housing complex, the quality of the proposed development, the type of businesses that would occupy the retail space, and the "commitment" to operate and maintain the project at the highest level so that the student housing component would not adversely impact our neighborhood (*i.e.*, traffic, noise, crime, litter, property values, etc.).

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<sup>1</sup> In light of Mr. Ginsburg's actions, a copy of the Confidential Discussion Agreement has been posted to the Association's webpage at [www.carillonhoa.com/northview](http://www.carillonhoa.com/northview).

Second, there are several critical omissions in Mr. Ginsburg's December 11 letter regarding the parties' confidential settlement negotiations on July 8 and August 5. Most notably, Mr. Ginsburg neglects to mention that he started the first meeting by threatening to sue the Association for damages if the Association did not drop its legal challenges to the NorthView project, and that he would attempt to impose a lien on the Association's common areas for such damages. In addition, while there was some discussion of altering the location of particular buildings during the second meeting, Mr. Ginsburg told the Association's representatives that eliminating or reducing the size of the 600-bed student housing component of the project was not an option. Thus, despite any suggestion by Mr. Ginsburg in his December 11 letter, Mr. Ginsburg has made no substantive offer to the Association that would alleviate the issues associated with the 600-bed student housing component of the NorthView project.

Lastly, we would like you to know that we found out about Mr. Ginsburg's apparent offer to pay the Association to drop its legal challenges to the 600-bed student housing project the same way you did – by finding a letter taped to our front doors the day before the Association's December 4 meeting. Suffice it to say, do you really think Mr. Ginsburg would be willing to pay the Association such money to drop its legal challenges if he truly believed the Association's legal arguments against the 600-bed student housing project were baseless?

In closing, we appreciate your continued support of our efforts to ***protect our neighborhood from the adverse impacts of a 4-story, 600-bed student housing complex*** at the entrance to Carillon. For complete and accurate information regarding the status of the Association's legal challenges to the student housing project, we encourage you to visit [www.carillonhoa.com/northview](http://www.carillonhoa.com/northview).

Have a safe and happy holiday season.

Sincerely,

The Board of Directors of the Carillon Community  
Residential Association, Inc.