

The following is a brief overview of the two legal challenges the Association has filed to invalidate the County's approval of the 600-bed, NorthView student housing project proposed to be built at the entrance to our community. The court filings in both cases are available on the Association's webpage at www.carillonhoa.com/northview.

<i>Consistency Challenge</i>	<i>Current Status (12/18/09)</i>
<ul style="list-style-type: none"> • All local governments in Florida are required to adopt a comprehensive land use plan, and all development approvals must <i>strictly</i> comply with the local government's comprehensive plan. • An action for declaratory and injunctive relief pursuant to Section 163.3215, <i>Florida Statutes</i>, is the method by which an affected party, such as the Association, can challenge a development approval on the basis that it violates (or is inconsistent with) the local government's comprehensive plan. • On July 2, 2009, the Association filed an Amended Complaint in Circuit Court challenging the County's approval of the NorthView project on the basis that the project violates the County's Comprehensive Plan. The Association's Amended Complaint also alleges that the project violates the UCF Campus Master Plan, which requires UCF-owned student housing to be built on campus. 	<ul style="list-style-type: none"> • On July 14, 2009, the County filed a Motion to Dismiss the Association's Amended Complaint, claiming the Association has failed to state a cause of action. • On October 8, 2009, the Circuit Court held a hearing on the County's Motion to Dismiss. At the conclusion of the October 8 hearing, the Circuit Court denied the County's Motion to Dismiss. • On October 27, 2009, the Circuit Court denied the County's Motion for Rehearing of its Motion to Dismiss. • Now that the Circuit Court has rejected the County's repeated attempts to have the Association's lawsuit dismissed, the case can start moving ahead toward a ruling on the merits of the Association's claims. • If the Association prevails, the NorthView project will not be able to be developed in its current form without amendments to the County's Comprehensive Plan and possibly the UCF Campus Master Plan.
<i>Petition for Writ of Certiorari</i>	<i>Current Status (12/18/09)</i>
<ul style="list-style-type: none"> • A petition for writ of certiorari is essentially an appeal and is the method by which an affected party, such as the Association, can challenge a development approval on the basis that it does not comply with the local government's zoning regulations. Due process issues can also be raised in a certiorari proceeding. • On April 29, 2009, the Association filed an Amended Petition for Writ of Certiorari in Circuit Court challenging the County's approval of the NorthView project, asserting that: (1) the County violated the Association's due process rights by prohibiting cross-examination during the County's hearing on the NorthView project; and (2) the County's approval of the NorthView project violates the County's Land Development Code. 	<ul style="list-style-type: none"> • On September 25, 2009, without first holding a hearing to allow legal argument by the Association's attorneys, the Circuit Court entered an Order denying the Association's Amended Petition for Writ of Certiorari. • On October 26, 2009, the Association filed a Petition for Writ of Certiorari at the Fifth District Court of Appeal in Daytona Beach to appeal the Circuit Court's Order. • A ruling from the Fifth District will likely take four to six months. If the Association prevails on any of the issues raised on appeal, the County's approval of the NorthView project will be invalidated and the approval process will have to start over.