

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH an individual, and
SHARON DENSON, an individual,

Plaintiffs,

vs.

CASE NO. 2008-CA-11315

TRAILER ESTATE PARKS AND
RECREATION DISTRICT,
an independent special taxing district,
JANET JONES, an individual,
JOHN VANDER MOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU McNULTY, an individual,

Defendants.

NOTICE OF VIDEO-TAPED DEPOSITION DUCES TECUM

TO: Kevin S. Hennessy, Esquire
Maggie Mooney-Portale, Esquire
Jennifer R. Cowan, Esquire
Lewis, Longman & Walker, P.A.
1001 3rd Avenue West, Suite 670
Bradenton, FL 34236
(941) 708-4024

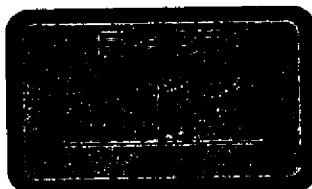
PLEASE TAKE NOTICE that the undersigned attorney for Defendant, TRAILER ESTATE PARKS AND RECREATION DISTRICT, will take the video-taped deposition of the following named person at the time and place indicated below. The deposition will be video-taped by Premier Video, address is 1511 57th Avenue West, Bradenton, Florida 34207.

DEPONANT: MARY LOU SMITH

PLACE: Lewis, Longman & Walker, P.A.
1001 3rd Avenue West, Suite 670
Bradenton, FL 34236

TIME: 9:30 a.m.

DATE: Thursday, August 27, 2009



The deponent is required to bring with her at said time and place any and all documents listed on Exhibit "A" attached hereto.

The deposition is to be taken upon oral examination for the purpose of discovery, for use at trial, or both, and for such other uses and purposes as are permitted under applicable and governing rules, before a court reporter, Notary Public of the office of Vincent M. Lucente & Associates, Inc., or other officer duly authorized by law to take depositions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail to the above-named addressees, and to Daniel E. Scott, Esquire, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, Florida 34237; Robert E. Turff, P.A. 1444 First Street, Suite B, Sarasota, Florida 34236; James D. Dye, Esquire, Dye, Deitrick, Petruff & St. Paul, P.L., 1111 3rd Avenue W., Bradenton, FL 34205-7834; and Hunter W. Carroll, Esquire, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, on this ~~5~~ 7 day of August, 2009.

KIRK • PINKERTON, P.A.
50 Central Avenue, Suite 700
Sarasota, Florida 34236
(941) 364-2425 Tel (direct)
(941) 364-2490 Fax
Attorney for Defendant, Trailer Estates

By: 

Thomas D. Shults, Esquire
Fla. Bar No. 363219
Zachary L. Ross, Esquire
Fla. Bar No. 0028351

jmh

cc: via facsimile to Vincent M. Lucente & Associates, Inc. [941-748-3289]

EXHIBIT "A"

1. Any document reflecting a communication occurring at any time between any of the parties to this action.
2. Any document reflecting the occurrence of any Sunshine Law violation alleged in your Amended Complaint.
3. Any document reflecting the occurrence of any public records law violation alleged in your Amended Complaint.
4. All documents reflecting a request made by any party to this action for public records from the Trailer Estates Park and Recreation District.
5. Any document which discusses, describes, or makes mention of any of the alleged Sunshine Law violations described in the Amended Complaint. This request includes, but is not limited to, all diaries, letters to parties or non-parties, memorandums or notes, whether or not disseminated to any other person.
6. Any document which discusses, describes, or makes mention of any of the alleged public records law violations described in the Amended Complaint. This request includes, but is not limited to, all diaries, letters to parties or non-parties, memorandums or notes, whether or not disseminated to any other person.
7. Any audio tape or recording of the voice of any defendant in this action.
8. All photographs or videotapes of the exterior or interior of the Trailer Estates Park and Recreation District office.
9. All documents reflecting the incurrence of any cost or fee for which you are seeking reimbursement in this action.
10. Any document reflecting a communication between any of the parties in this action and Mike Neal or Tom Featheringill.
11. Any audio tape or recording of the voice of Mike Neal or Tom Featheringill.
12. If you have been a party to any lawsuit or criminal proceeding at any time, all papers, depositions, orders and judgments relating to or filed in such proceedings.

13. If you were ever a candidate for any office with the Trailer Estates Park and Recreation District, any document reflecting a communication between you and anyone and relating to your candidacy. This request includes, but is not limited to, campaign materials disseminated to others, documents reflecting campaign strategies or goals, documents reflecting the outcome of the election concerning your candidacy, and documents reflecting an opinion or assessment concerning the outcome of that election.

14. Any document reflecting a communication occurring at any time between anyone and describing or mentioning your candidacy for office at the Trailer Estates Park and Recreation District.

15. A copy of the e-mail from Mary Lou Smith referenced in the July 26, 2009 article published in the Bradenton Herald attached hereto as Exhibit "A".

16. Copy of all e-mails which forward or copy the above-referenced e-mail to any person or party.

17. All documents reflecting a communication between any persons or entities (other than between attorney/client or between the Plaintiffs and mediators or between mediation participants or parties), which mentions or discusses the mediation in this matter or any communication occurring during that mediation or any purported settlement, preliminary or otherwise, resulting from that mediation. This request includes, but is not limited to, letters, e-mails, internet posts, blog posts, Twitter's, instant messages and the like.



TIFFANY TOMPKINS-CONDIE/tompkins@bradenton.com

"I think this one had been there for years, living off Muscovy ducks in a nearby pond."

Justin Matthews, *Matthews Wildlife Rescue*



TIFFANY TOMPKINS-CONDIE/tompkins@bradenton.com

rs from Southern Manatee Fire Rescue help Justin Matthews of Matthews Wildlife Rescue deposit a captured Burmese python, which he pulled from a drainage pipe in the area of 51st Avenue and 33rd Street East. It took the rescue expert about an hour and a half to pull the reptile out of the drain.

Wildlife expert battles 14-foot python inside concrete pipe

TIFFANY TOMPKINS-CONDIE and GARY TAYLOR
Herald Staff

MANATEE — His plan was to pull the python out of a concrete pipe measuring 2-by-2. But then he had to get on his hands and knees or so into the two-foot-diameter hole to reach the snake. And when he turned back on him

Matthews would handle it himself.

Now Matthews the younger, four firefighters and a growing group of spectators stood by and listened — more than an hour into the battle Saturday afternoon and within sight of a Sweetbay Supermarket and a day care center.

When the python's hissing maw and spitting tongue reached four

feet, Matthews called for help. Matthews Wildlife Rescue, an animal care and educational company, the cowboy-hatted Matthews envisioned a specimen with which to teach people about nature and not to keep pythons as pets.

"I think this one had been there for years, living off Muscovy ducks in a nearby pond," Matthews said.

As a wildlife expert and instructor, Matthews has permits to take py-

Trailer Estates suit set for trial

By CARL MARIO NUDI
cnudi@bradenton.com

MANATEE — Trailer Estates property owners who filed a lawsuit in November will finally get their day in court.

Judge Janette Dunnigan has set a trial date of Sept. 8 for a case involving two Trailer Estates residents who claim the mobile home park's board of trustees is violating Florida's Government in the Sunshine laws.

Mary Lou Smith and Sharon Denson say they filed the lawsuit after repeatedly requesting documents from the governmental agency concerning how rates are set for the marina and parking spaces.

"It is regrettable that we have had to reach this point," Smith said in an e-mail response sent to the Bradenton Herald. "Mrs. Denson and I reached a mediated settlement with the chairman of the Board of Trustees (who had been elected by the board to be the park spokesperson at the mediation) a few weeks ago. The Board of Trustees refused to accept this mediated agreement, reached by their representative, forcing the matter into the courts and costing even more taxpayer dollars."

The trustees of the Trailer Estates Park and Recreational District contend they fol-

TRAILER TO 2B

Work

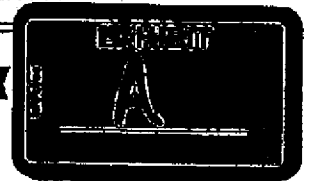




PHOTO PROVIDED
Bank robber shown
with them when

TRAILER FROM 1B

lowed the law.
The board controls an annual budget of about \$1 million.
The district became a governmental body, subject to the state's Sunshine and Open Records laws, when it was established by the Florida Legislature in 1969 as a special taxing district.
Court records show that after six months of court

hearings, the parties tried to mediate the dispute June 9, but mediator Gary Larsen reported to the court July 15 "the mediation resulted in an impasse."
The Trailer Estates board held a closed-door meeting, sometimes called a "shade meeting," July 13 with attorney Mark Barnebey to discuss the litigation, according to minutes posted on the mobile home park's Web site.
After meeting for more

than two hours, the board convened a public hearing to consider a mediated settlement, but Barnebey reported that there was no settlement.
Two trustees who were named in the suit as individuals, Janet Jones and Joseph Salerno, could not be reached for comment.
John Vandermolen, another board member named in the suit, said he had no comment.
Mary Lou McNulty, a for-

mer board member, also was named in the lawsuit and referred all questions to her attorney, Jim Dye.
"It's an unfortunate situation," Dye said.
"It would be great if this could be resolved without going to trial."
He said going to trial was a waste of the district's funds, but was hopeful a resolution could be achieved without a trial.
"But if not, we're prepared to go to trial," Dye said.

ers is totally innocent of this crime," he said.
Vickers remained in jail on a \$50,000 bond Saturday night.
ntors are expected to respond to the felony in court this before Judge Pensky.

riminal justice can be reached 119.

Alameda is the pres-Pier Regulars, an group of pier fans, ie city should coming the pier to pre-m damage.
pier was a little t might help the " he said. "When comes, the water so high. The waves at the pier." lvisitors this week r felt safe on the hat an inspection lp.
tly well worn," said neddy, who is visit- Ocala for a week. o much traffic, I'd they have to fix it falls apart."

Jean Compton-Jones

Jean Compton-Jones 81, died July 23, 2009.
Survived by husband: John; Daughters: Rebecca Morrison and Martha Compton; Son: David Compton; Brother: Robert Dennis and six grandchildren.
Viewing will be Monday at 9-10am with services to follow at Bradenton Funeral Home 5827 14th Street West Bradenton. Burial will be at Skyway Memorial Gardens.

Donna Marie (Dee) Lipinski

Donna Marie (Dee) Lipinski, 84, Homemaker, passed away peacefully on July 23, 2009 in Bradenton of pneumonia.
Dee was born in Grafton, North Dakota to Harry and Ethel Wilson. She met her husband, Stanley (Stan) W. Lipinski, while in grade school; they married on July 11, 1948 and moved to Lakeland in



William Clemmer

"Bill" Rhyne
William Clemmer "Bill" Rhyne, 83, of Linville, NC, formerly of Bradenton, passed away on Saturday, July 11, at Cannon Memorial Hospital, Linville, NC, after a brief illness.

He is survived by his wife of 63 years, Marian; daughters, Linda Rhyne of Charlotte, NC; Candace Blackley and husband, Ron, of Apex, NC; son, Steve Rhyne and wife, Amy, of Asheville, NC; six grandchildren, Heather and Patrick Blackley, and Joshua, Emily, Julia and Abbey Rhyne.

Bill was born on September 17, 1925, in Gastonia, NC, the son of the late Robert Love Rhyne and Annie Mae Clemmer. He was a Navy veteran and served for 2 years in the Pacific. After serving in the military, Bill graduated from NC State University in 1951 with a BS in Rural Sociology.
Bill lived in Bradenton from 1952 to 1964 where



Pamela J. Cordle Allen

Pamela J. Cordle Allen, 58 formerly of Bradenton, passed away after a long illness July 8th, 2009 in Port Charlotte, FL.
She was preceded in death by her husband Mack "Pistol" Allen and nephew Cecil "Burt" Haynes.
She is survived by her sisters Cynthia Coffman, Constance Cordle and brother Michael B. Cordle.

Graveside services will be at 10:00AM Tuesday, August 4th. Burial will be at Memorial Park Funeral Home & Cemetery in Memphis, TN.

Betty Jean Sowders

Betty Jean Sowders, 79, of Owensboro, Kentucky died July 23, 2009.
Survived by daughter, Sheila Lindergren of Bradenton, FL; son, Thomas Lee (Kim) Sowders of Owensboro; six grandchildren; eleven great grandchildren; a brother and two sisters.
Services, 11:00 a.m., July 25 at James H. Davis Fu-

Judy Lee Gooden

Bungalow Antique Shop, Owner, Bradenton, age 61, went to be with the Lord on July 11, 2009.
She died peacefully in her home surrounded by family and friends after a long, hard and courageous battle with Mesothelioma.



Judy was born on December 11, 1947. She lived most of her life in Florida and in Bradenton since 1980. Judy's special gift was taking another person's junk and turning it into a priceless treasure. She was an active member of the Bayside Community Church.
She is survived by her husband, Jackie Gooden and their daughters Jamie and Jena Gooden both of Bradenton.
A celebration of life service will be held at the Manatee Village Historical Park church on Saturday, August 1, 2009, at 9:30am.
In lieu of flowers, donations can be made to Bayside Community

OBITUARIES

IN THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION

MARY LOU SMITH
an individual, and
SHARON DENSON,
an individual

Plaintiffs,

vs.

CASE NO.: 08 CA 11315
Division B.

TRAILER ESTATES PARK AND
RECREATION DISTRICT,
an independent special taxing district,
JANET JONES, an individual,
JOHN VANDERMOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU MCNULTY, an individual

Defendants.

AFFIDAVIT OF MARY LOU SMITH

STATE OF FLORIDA
COUNY OF MANATEE

I, MARY LOU SMITH, the Affiant herein, do hereby swear and affirm as follows:

1. My name is Mary Lou Smith and I am a competent adult over the age of 18 and able to give testimony in a court of law.
2. I make this affidavit based upon personal knowledge.
3. I currently reside at 6907 Tarpon Lane, Bradenton, Florida 34207, in Manatee County, Florida.
4. I have owned property within the Trailer Estates Park and Recreational District ("Distict") since early 1999.

5. I have attended or viewed, as broadcast on Channel 95, all of the below referenced District's Board of Trustee ("Board") meetings.

6. Based on communications that occurred at the District's Board of Trustee ("Board") meetings during January thru March of 2009, I believe that Sunshine Law violations have occurred and continue to occur.

7. I have observed the following instances that lead me to the conclusion that Trustees are communicating about District business outside of publicly noticed meetings.

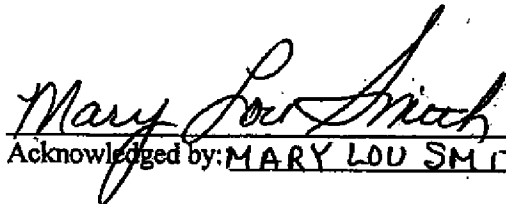
- a) At the January 5, 2009, Board meeting I observed Martha Brauer (Trustee) discussing that she had a "committee" of volunteers that were developing the District's website on behalf of the District. This "committee" had been authorized to meet and develop the District's website and I believe that the "committee" is meeting outside the Sunshine.
- b) I check the District's bulletin boards regularly and have never seen a notice for the website development "committee" that Martha Brauer formed.
- c) On January 27, 2009, my sister and I attended a public records review at the District's office. After lunch at approximately 1p.m., I witnessed and heard Martha Brauer talking to Fred Hoch (Trustee) about Board business.
- d) Also during my January 27, 2009, public records review, I witnessed and heard John Vandermolen and Fred Hoch.
- e) Also during my January 27, 2009, public records review, I witnessed and heard John Vandermolen and Joe Salerno (Trustee) discussing the District's survey in the District's office.
- f) I viewed the February 23, 2009, Board workshop, where Martha Brauer explained that she received the District's attorney's breakdown of costs associated with the above referenced litigation on Friday, but did not have time to call an emergency meeting of the Board. At the same meeting, Gail Opper (Trustee) states that she had thought about this breakdown of litigation costs all weekend. The Treasurer, Pam Cole, stated that she had not received this information until Monday. Based upon this dialog, I believe that Martha Brauer and Gail Opper met outside the Sunshine to discuss the District's litigation expenses.
- g) I viewed the March 2, 2009, Budget Hearing, where Martha Brauer stopped the meeting to take a break. At that time, Martha Brauer announced that she and Gail Opper were going together to the District office to check the District's calendar for continuing the Budget Hearing to another day.

h) I viewed the March 9, 2009, Board Workshop, where Martha Bauer states that she and John Vandermolen were members of an audit committee that had met outside the Sunshine.

8. On January 5, 2009, I viewed the District's Board meeting. During this meeting, Martha Brauer announced that the Board was going to go into an Executive Session with its attorney, and then Ms. Brauer listed the names of the attendees of that meeting, but excluded John Vandermolen's name from the list of attendees. Mr. Vandermolen walked into the office, where the Executive Session was being held, with other Board members.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AND THAT THE FACTS STATED IN IT ARE TRUE.

FURTHER AFFIANT SAYETH NAUGHT.


Acknowledged by: MARY LOU SMITH

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 9th day of March, 2009 by Mary Lou Smith: who [check one] is personally known to me has produced _____ as identification.


Notary Public, State of Florida
Christine Jenkins

Notary Public's Stamp/Seal



IN THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH, an individual,
and SHARON DENSON, an individual

Plaintiffs,

vs.

CASE NO.: 2008 CA 11315

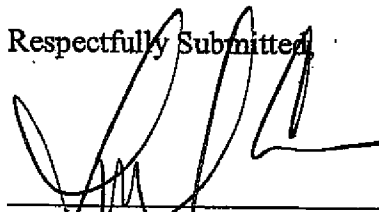
TRAILER ESTATES PARK AND
RECREATION DISTRICT,
an independent special taxing district,
JANET JONES, an individual,
JOHN VANDERMOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU MCNULTY, an individual

Defendants.

**AMENDED NOTICE OF SERVICE OF ANSWERS TO DEFENDANT, TRAILER
ESTATES PARK AND RECREATION DISTRICT'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF, MARY LOU SMITH**

Plaintiff, MARY LOU SMITH by and through undersigned counsel, and pursuant to Rule 1.280 and 1.340 Florida Rules of Civil Procedure, hereby certifies that it has served a copy of this notice and an original and copy of its Answers to Defendant, TRAILER ESTATES PARK AND RECREATION DISTRICT's First Set of Interrogatories.

Respectfully Submitted,



KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 038081

Lewis, Longman & Walker, P.A.

1001 3rd Avenue West, Suite 670

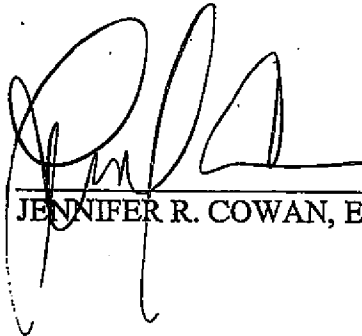
Telephone (941) 708-4040

Facsimile (941) 708-4024

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Amended Notice of Service of Answers to Defendant, Trailer Estates Park and Recreation District's First Set of Interrogatories to Plaintiff, Mary Lou Smith has been furnished to **Hunter Carroll, Esquire**, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, **James D. Dye, Esquire**, Dye, Deitrich, Petruff, & St. Paul, 1111 Third Ave. West, Suite 300, Bradenton, FL 34205, **Robert E. Turffs, Esquire**, 1444 First Street, Suite B, Sarasota, FL 34236, **Robert J. Gill, Esquire**, Ruden McClosky, Smith, Schuster & Russell, P.A., 1515 Ringling Blvd., Suite 700, Sarasota, FL 34236, **Thomas D. Shults, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *U.S. First Class Mail*, this 6th day of April, 2009.



JENNIFER R. COWAN, ESQUIRE

GENERAL OBJECTIONS

A. Plaintiff objects to each interrogatory to the extent that it calls for information protected from disclosure and discovery by the attorney-client privilege, the attorney work product doctrine or any other judicially recognized protections or privileges which make such answer or information not subject to discovery that is consistent with the Florida Rules of Civil Procedure. To the extent that any privileged or otherwise protected documents are inadvertently disclosed or answered, such disclosure shall not be deemed to constitute a waiver of any such privilege or answer.

B. Plaintiff objects to each interrogatory to the extent that it calls for information that is not reasonably calculated to lead to the discovery of admissible evidence.

C. By responding to any of Defendants' Interrogatories, Plaintiff expressly does not waive its right to assert any objection. The responses propounded herein do not waive or intend to waive the right to object on the ground of competency, privilege, relevancy, confidentiality, materiality or any other proper grounds. These General Objections are incorporated by reference into each of the following answers to Plaintiff's Answers and Objections to Interrogatories.

ANSWERS TO INTERROGATORIES

1. List the name, address and telephone number of each person assisting in providing the answers set forth below, and for each such person, indicate the interrogatory number for which such assistance was provided.

**Mary Lou Smith, 6907 Tarpon Road, Bradenton, Florida 34207
Telephone: (941) 739-0347, all interrogatories.**

**Legal Counsel, 1001 3rd Avenue West, Suite 670, Bradenton Florida 34205
Telephone: (941) 708-4040, all interrogatories.**

2. Please describe by date, location and participants each meeting which you claim violated the Florida Sunshine Law and which you witnessed with your own eyes and ears.

- a) **January 27, 2009, Trailer Estates Park and Recreation District's ("District") Office, Martha Brauer and Fred Hoch.**
- b) **January 27, 2009, District Office, John Vandermolen and Fred Hoch.**
- c) **January 27, 2009, District Office, John Vandermolen and Joe Salerno.**

3. For each event described in interrogatory number 2, describe in detail the content of the communication that you heard with your own ears.

- a) **On January 27, 2009, Martha Brauer and Fred Hoch talking.**
- b) **On January 27, 2009, John Vandermolen and Fred Hoch.**
- c) **On January 27, 2009, John Vandermolen and Joe Salerno discussing the District's budget questionnaire/survey, the results of the survey, and Martha Brauer.**

4. For each event described in paragraph 2 above, state the name, address and telephone number of every other witness to the event.

- a) **Sharon Denson, 1613 Illinois Avenue, Bradenton, Florida 34207, in Manatee County, Florida, Telephone: (941) 752-7421.**
- b) **and c) Legal Counsel, 1001 3rd Avenue West, Suite 670, Bradenton, Florida 34205 Telephone: (941) 708-4040; Jane Laduc, 2304 Pennsylvania Avenue, Bradenton, Florida 34205 Telephone (941) 739-9062; TJ Miller 2314 New York Avenue, Bradenton, Florida 34207, Telephone: (941) 756-7177.**

5. If you believe that a violation of the Florida Sunshine Law as alleged in your Complaint is reflected in any document, describe the date, author and content of the document.

In accordance Fla. R. Civ. P. Rule 1.340(c), documents responsive to Defendant, Trailer Estates Park and Recreation District's Request for Production to Mary Lou Smith, dated February 13, 2009, Request No. 2 ("Any document reflecting the occurrence of any Sunshine Law violation alleged in your Complaint.") are responsive to this request. Further, these documents, except attorney-client privilege documents, will be made available for inspection and copying, in accordance with Plaintiff's Response to Defendant, Trailer Estates Park and Recreation District's Request for Production to Mary Lou Smith, at the Plaintiffs' counsel's office and at a mutually agreeable time. Privileged documents will be accounted for in a privilege log.

6. If you have ever been a party to a civil lawsuit or criminal proceeding, provide the date and location that such proceeding was commenced, the parties to the proceeding, the case number of the proceeding and the nature of the civil lawsuit or criminal charge:

- **Civil Lawsuit – Small Claims, East Lansing, Michigan, Parties: Dan Smith (my husband) and myself; suit was filed 15-20 years ago. My son and his wife were living at the property that my husband and I owned. My son and his wife boarded a horse for a neighbor and the horse allegedly got into some feed and ended up dying as a result. I don't recall the name of the people that sued us.**
- **Civil Lawsuit – Small Claims in Manatee County, FL. Case No: 41 2006 SC 001258 It was heard in May 2006. Parties: Me, Robert Risley and Ronald Callahan. Mr. Risley, a neighbor, and Mr. Callahan entered my property without my knowledge or consent and cut down a citrus tree. The parties reached a mediated settlement.**
- **No Criminal proceedings.**

7. If you have ever been arrested, provide the date, location and offense for which you were arrested.

Objection. Not relevant or reasonably calculated to lead admissible evidence. Further, this is only to serve to annoy, embarrass, and harass the Plaintiff. Without waiving said objections, the Plaintiff has not been arrested.

8. Please provide all postal mailing and e-mail addresses that you or anyone in your household has used from January 1, 2006 to present.

- **6907 Tarpon Road
Bradenton, FL 34207**
- **P.O. Box 5802
Bradenton, FL 34281**
- **6909 Porter Avenue
East Lansing, MI 48823**

Objection. As to email addresses, they are not relevant or reasonably calculated to lead admissible evidence. Further, this is only to serve to annoy, embarrass, and harass the Plaintiff.

9. If you have ever served as an officer or director of any corporation, limited liability corporation or limited liability company or partnership, provide the dates you held such office, the office held, and the full name of the entity as well as state of incorporation or formation.

2005-2007, Vice President of the Towar Community Concerns Committee (TC³), 501(c)(3) incorporated/formed in Michigan.

1996-1997, Secretary of the Smith Resources Group, Inc., Incorporated in Michigan.

Mary Lou Smith
Mary Lou Smith

STATE OF FLORIDA

COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 3rd day of April, 2009, by Mary Lou Smith, Plaintiff in the above-styled cause, who is personally known to me or has produced _____ as identification, who being duly sworn, deposes and says that he has read the foregoing Answers to Interrogatories and that the same are true and correct to the best of his knowledge.

Melanie A. Marken
NOTARY PUBLIC



Melanie A. Marken
PRINTED NAME OF NOTARY PUBLIC

My Commission Expires: 4/20/2011

Given to us by
T.J. Miller
drainage
issue
TO resolve

- Exhibit 16

Card from
Larry Sturm
& yellow
note w/
address

MANATEE COUNTY GOVERNMENT
To Serve With Excellence
Public Safety Department

Larry Sturm
Code Enforcement Officer
Code Enforcement Division
10/24/05

1112 Manatee Avenue West
Bradenton, FL 34205
Phone: (941) 748-2071

P.O. Box 1006
Bradenton, FL 34206-1006
Fax: (941) 741-5339

11-3-05
Letter from
Manatee
Enforcement
Division called
to make sure
dam was
removed

Request Tracking : CAC Update

Page 1 of 2

Exhibit 17

CAC Update

Req#: 405782 Origin: Status: Complete Called: 100704 09:58AM Due: 102104

Taken By: KCE Accessed: 100804 0925AM By: SMILLS Source: District: 4

ADA?: Brief Request: OWNER HAS NOT RESTORED SWALES AS INSTRUCTED TO BY Type: 56

Confidential?:

Dept Id: CE Div Id: CE Contact: RM Reference:

Citizen: DENSON, WILLIAM Home Phone#: 7527421

Address: 1613 ILLINOIS AV, BOX 5677. Work Phone#: Ext.:

City/State: BRADENTON, FL Zip: 34281-5677 Citizen Contacted: 100804

Violation Type: Description: Assign to: SH Assigned:

Viol.Address: 1611 ILLINOIS AVE Dir.:

Apartment: City: BRADENTON Subdivision:

TRAILER ESTATES

Completed: 100804 By: S.HUNT Days: 1 Dept?: Signed: 100804

CAC?: Signed: 100804 Brief RSOL:

TRAILER ESTATES HANDLES DRAINAGE ISSUES INTERNALLY.

Update Revert

Request

Control Page No Extended RQST

405782 1 OWNER HAS NOT RESTORED SWALES AS INSTRUCTED TO BY LETTER SENT FROM COUNTY LAST YEAR. THIS NEEDS TO BE DONE TO ALLOW WATER TO FLOW THROUGH BACK YARDS TO THE EAST TO CULVERT AT EAST END OF THEIR BLOCK. THE CULVERT IS LOCATED BETWEEN 1603 ILLINOIS & 1604 MINNESOTA

New

Request Tracking : CAC Update

Page 2 of 2

Resolution

Control	Page No.	Text
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405782	1	PER SH THE COUNTY HAS AN AGREEMENT WITH TRAILER ESTATES TO LET THEM HANDLE DRAINAGE ISSUES INTERNALLY. SH CONTACTED T/E AND THEY WILL GET BACK WITH US ON MONDAY WE WILL UPDATE THIS FILE THEN. JF
--------	---	--

405782	2	TRAILER ESTATES IS WORKING WITH PROPERTY OWNERS TO RESOLVE INTERNALLY. COMPLAINANT IS HAPPY WITH THIS.RM
--------	---	--

- **Return Links**
 - CAC Update
 - Request Tracking

Trailer Estates Park & Recreation District
P.O. Box 6298, Bradenton, Florida 34281-6298
Phone Number: 941-756-7177, Fax Number: 941-755-2937

August 8, 2006

DANIEL P JR. & MARY LOU SMITH
6309 PORTER AVE
East Lansing, MI 48823

RE: 6907 TARPON LN.

Dear DANIEL P JR. & MARY LOU SMITH:

The Board of Trustees is empowered by Florida State Law to initiate action in the matter of deed restrictions and any rules/leases within Trailer Estates Park and Recreation District in order to maintain pleasant surroundings for the residents of our community, and to improve all property values.

As public relations trustee it is my responsibility to see that these deed restrictions are enforced.

THE WEEDS IN THE BACK AND SIDE LAWN NEEDS TAKEN CARE OF AND IS IN VIOLATION OF DEED RESTRICTION #07.

If there are any questions concerning this violation, please call me at the Park Office, 941-756-7177, at your earliest opportunity. We would sincerely appreciate your prompt attention in correcting the above matter within 10 days.

Sincerely,

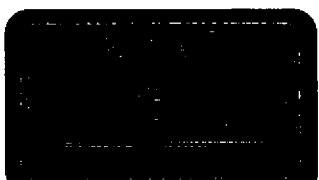

Mike Neal - Trustee
The Board of Trustees

NOTE: FAILURE TO COMPLY WITH DEED RESTRICTION NUMBER 7 COULD RESULT IN TRAILER ESTATES PARK & RECREATION DISTRICT TAKING CARE OF THE PROBLEM AND A CHARGE TO THE PROPERTY OWNER. FAILURE TO PAY COULD RESULT IN A LIEN BEING FILED AGAINST THE PROPERTY.

cc: Deed Restriction

Adopted 4/9/99

Unless someone come up the panel, it would have required to trespassing on my property to see the backyard. Retaliation



MSSD00089

LITIGATION ASSESSMENT PRIVATE SESSION WITH DISTRICT COUNSEL

January 5, 2009, 11:00 a.m. In Small Hall

Those in attendance will be:

Martha Bauer

Pam Cole

Robert Durrin

Harry Fitzpatrick

Fred Hoch

Janet Jones

Gail Opper

Joe Salerno

John Vander Molen

Mark P. Barnebey, Esq.

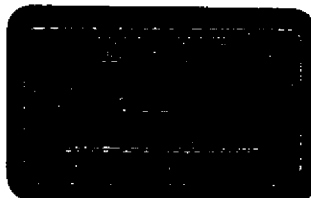
Thomas D. Shults, Esq.



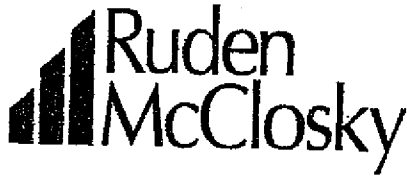
You Dumb Bitch

**Don't start sending out these letters to vote for them
assholes. WE WANT CHANGE NOW!!! We need a
change in this park starting with getting rid of these
lying stealing assholes. They have this park all fucke
up now changing everything to there liking and
spending our money like it is there own. They all
should be ran out of here on a rail. Ole Vander Mole
promised to leave ARC if he got back on the board.
Well the lair is still on ARC. Proves what a lair he is
and you want him to represent us. Your Fucken
Nuts!! Sounds like you voted for Bush too. That is
why this country in in the worse shape it has ever
been in.**

Concern citizens of Trailer Estates



MSSD01515



8/21/07

COPY

1515 RINGLING BOULEVARD
SUITE 700
SARASOTA, FLORIDA 34238

POST OFFICE BOX 49017
SARASOTA, FLORIDA 34230-6017

(841) 316-7800
FAX: (841) 316-7914
LOUIS.URSINI@RUDEN.COM

OCT 12 2007 PM 1:03

May 18, 2006

Mary Lou McNulty
Trailer Estates Park & Recreation District
Post Office Box 6298
Bradenton, Florida 34281-6298

Re: Mary Lou Smith

Dear Mary Lou:

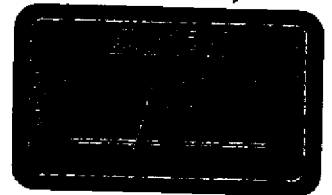
Per our discussion today, please find enclosed a copy of the memorandum prepared regarding the issue as to whether or not the Board may charge a fee for the use of various common areas within Trailer Estates. As we also discussed, I have enclosed a draft response letter to Ms. Smith for the Board's use.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Louis M. Ursini, III

LMU/hb
Enclosure



Turned in by Mary Lou Smith

SAR:173667:1

MSSD01820

RUDEN McCLOSKEY SMITH SCHWARTZ & RUSSELL, P.A.

From: MSmith0603@aol.com
To: tfeatheringill@yahoo.com
Subject: Your Call
Date: Mon, 18 Sep 2006 9:16 am

Hi Tom,

I am blown away by your comment last night about Pam not being able to access the financial accounts. I need to ask a couple more questions.

Do you know which account(s) was/were involved?

When did he tell you this? Was it right after she assumed the position of treasurer or more recently?

Did he tell you in confidence? Did anyone else hear the conversation?

I want to act on this information, but don't want it tied to you.

I am also astounded that nobody on the board dares to cast a dissenting vote.

TJ should be the one without access to the accounts. This really troubles me combined with the difficulty I had getting financial records, and the reluctance to have any accounting system to track things. The lack of receipting transactions also plays into this scenario.

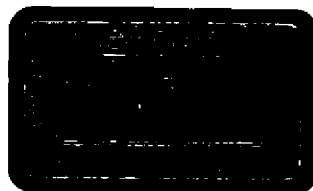
My sister, Sharon, worked for the corporate office of a nation-wide carpet company and her job was to go into stores and look for theft/embezzlement. She has told me from the start of all of this that she thinks TJ is stealing from the park, just by her demeanor and her jewelry. I am agreeing with her more and more as time goes by. Somebody needs to get her away from the money.

Also, Robert Poor resigned as soon as I started asking questions. I think this is more than coincidence.

I will meet with Ron Getman as soon as I get there to find out if the park will be scrutinized by the State. If he hasn't done anything (or can't), I will go to our legislators, and the governor if I have to. My last option is a private attorney to sue them.

Thanks for calling last night. I appreciate your trust, and will not abuse it.

Mary Lou



MSSD00024

From: Tom Featheringill <featheringill@yahoo.com>

To: Mary Lou Smith <msmith0603@aol.com>

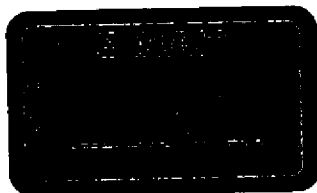
Subject: (no subject)

Date: Mon, 18 Sep 2006 11:45 am

I guess I would have to say right up front, what Walt told to me about what Pam was going through was in confidence. The reason I let you know was because you have put forth so much effort and time and research on this I thought you should know. I have no idea what accounts she was restricted from or to. Even talking with Pam was kind of on a cautious note. Not that Pam was uneasy about it but she was clearly troubled by it. Pam is a very thorough person and will get to the bottom of things but she is also somewhat be conservative right now because she is on her "own" so to speak. I do believe she will get a lot stronger and bolder when the election has taken place and I am down there for her support as well. I have to re-enforce this though; Pam has the ability to do this on her own but she is like walking through a mine field and must select her steps very carefully. She is gathering parts and pieces very slowly and before you know it, she will have something complete and a total package that cannot be denied or set aside. Right now, I do not doubt her ability one bit. Eventually she will get the big picture and be ready to open up. I guess I can only say she is putting together the puzzle after she thinks she has all the pieces. She does not want to show the puzzle until the it is complete. I admire that method greatly because I know myself that my way is usually when I get a piece of something I sometimes make the mistake of trying to attack to early and run out of ammunition, causing me to regroup, fall back and then trying to attack again. I have found that is not the best way to fight a war. I know you want to get this fixed as I do as well. However, I do think we can do a better job by getting together when we are all down there and sitting down to see how many of the pieces we have and if we have them all, we go for it. There will be no retreat. I also believe there is strength in numbers rather than individuality. That strength will also show to the people that this is not just one person that has a problem but one that has many people concerned, thus showing the strength. Anyway, that is my idea on this whole thing. That is just me talking and sharing my opinion. But in answer to you question, yes, it was in confidence about her looking at all the accounts. I hope to find out more about that later. Hope that clears things up a little. If you have any concerns, please do not hesitate to let me know. I am not always right, but I always have opinions. Good luck!!!!

Tom

Get your email and more, right on the [new Yahoo.com](http://www.yahoo.com)



MSSD00025

From: Originaltr@cs.com
To: MSmith0603@aol.com
Subject: Re: Board and Ethics
Date: Sat, 7 Oct 2006 4:18 pm

Wayne Hamblen
6716 Marina dR.
P.O. Box 6737
Bradenton, FL 34281

Mary Lou McNulty
1806 Ohio
P.O. Box 6491
Bradenton, FL 34281

I think the more pressure the better. There is nothing to lose.

Where did you find that Getman was the oversight for the park? I remember seeing it somewhere, but can't find it now. I don't know if he really isn't, or if he is just passing the buck.

Sharon



MSSD01152

From: Originaltr@cs.com
To: MSmith0603@aol.com
Subject: Fwd: Thursday Meeting
Date: Fri, 9 Mar 2007 9:48 am

I am not sure what you told Flo. I don't think you told her. You will have to let me know for sure.

Hope you got home ok.

Sharon

Attached Message

From: berndog2@juno.com
To: Originaltr@cs.com
Subject: Re: Thursday Meeting
Date: Thu, 8 Mar 2007 23:40:55 -0500

Thanks for your good work for the Park. I appreciate you not telling Flo you have the Survey, but I am satisfied no one will be asking to see it while you have it.

Jane and i go back to Ohio May 9th. My e-mail address remains the same in Ohio as here so let me know if you have any questions i could answer.

I really appreciate the friendship I have with Chet Force and the good job he is doing for all of us with his Web site. I hope the Trustees follow our Future Planning recommendation to set up a Communications Committee having the authority to establish a T E Web Site and to keep it updated. Chet knows how and will do the job for all of we snowbirds. Bruce Smith promised he would make the motion to form the Communication Committee, but they want to Workshop our Future Planning Recommendation to establish it and the web site.

Here is the first draft of the minutes of the meetng you attended.

Bernie

Future Planning Meeting of March 7, 2007

Vice Chair Florence Mallory opened the meeting in the Small Hall at 1:00 PM. Members present were , Bernie Dent, Walter Dietz, Fred Hoch, Ruth Langton, Florence Mallory, Dorothy Naugle Emma Tuttle, Bob VanFossen. John White and Janet Jones - Liaison, with visitors, John Brown, Sharon Denson, Peggy and Richard Jansen, Niles Kenyon, Kay Hislop, Beverly and Ira Lew, Mary Lou Smith, Harry Splett, and Bob Young.

All had reviewed the minutes of the February 7 meeting which were accepted as written. Chair Mallory asked for a report on the status of the Future Planning sub-committee's report which requested the Trustees to establish a T E web site under the control of a new Standing Communications Committee to be appointed by the Trustees. Mary Lou McNulty had advised this subject has to be Workshopped and Janet advised none had been scheduled. John White then moved, seconded by Dorothy Naugle that we request the Trustees appoint the Communications Committee within the next thirty days. Vote was unanimous AYE.

Chair Mallory reviewed the history of the 2005 request by Walter Dietz to suggest the web site, followed by Dorothy Naugle's work on this subject, and asked Janet Jones if she would invite Bob Young to attend the Workshop to cover this subject. Bob was asked if there would be any changes required in the office procedure to have the office forward the desired web site data to the Webmaster. He answered that this could become a standard duty and could be done. Bernie reported that Chet Force had stated he would give the Trustees the TrailerEstatesFlorida web site name and the Domain space he has obtained if the Trustees assume ownership and proper maintenance of the web site. Chet would assist the

MSSD01213

new Communications Committee if they were directed by the Trustees to establish a new web site, but he may continue his site to provide readers what he thinks they want to know on a daily basis. Flo stated that he has the right to do what he wants with his web site. The Communications Committee would decide how to establish a Trailer Estates web site. Bernie will continue as chairman of the Future Planning sub committee to develop a proposed operating procedure for the Communications Committee and submit it to the Trustees as previously discussed..

Beverly New told of her experience volunteering to assist people in the tornado damaged area of Northern Florida. There was no disaster plan and the victims did not know where to go for assistance after the tornado passed. There was no advance warning system. She urged us to purchase one of the special radios which come on automatically if the weather Station at Ruskin sends the message that a tornado or emergency is near us. Radio Shack had sold out of these radios, but expect to have them soon. She urged us to develop a Plan for our residents to establish how to get FEMA assistance and to direct us where to go to be in a safe building until the danger had passed. Beverly stated that FEMA will be announcing some changes shortly. There was discussion about having a Tornado Warning Siren within our Park hearing distance but no action was taken. Janet will be working to obtain a speaker for a Coffee Break to inform us on the details we should have in our Disaster Plan. We are required by Law to evacuate our Park completely in the case of Hurricane force winds and all people should know where they can go to be safe. In the case of a Tornado, residents may have less than a five minute warning to escape from the danger. Flo cited an article in today's paper sub titled "Old, Affordable and Dangerous" relating to Trailer Park homes. Flo asked Bernie to coordinate with Beverly and Mary Lou McNulty to have Future Planning assist in the work which needs to be done.

Bernie reported that he had reviewed the fence problems with DeSears CEO John Rice Snr and Jr, and they suggested that if we permitted them to tie in to our North Park Fence post, they would install a new plastic fence Westward from our post along their property line. This would secure the border between our properties. DeSears will also add some shrubs inside their fence which would absorb some of the noise from their loading docks. Janet Jones will write DeSears to confirm this program.

John Brown and Niles Kenyon presented an architect's drawings on proposed enclosures over our shuffleboard courts. They cited many locations with roofs and/or enclosures to protect players from the damaging Sun which causes Cancer. The enclosures reduce the cost of court maintenance and eliminate the rain and wind problems. John has visited many enclosed courts in Florida and other states. A high percentage of our players support this project. Cost estimates are being obtained, but the chance of getting our owners to vote for the cost in a referendum is very slim. Although such an addition to our courts would be a good selling point to prospective new owners, it is doubtful that our owners would vote to increase our Park Fee for this project. The Shuffleboarders have contributed much money to the Trustees for many local projects. Our Committee members support this project and hope there could be a way to pay for it. Many remember the repeated effort to obtain approval to build the swimming pool years ago, and now we know it was a good investment. We say to the good shuffleboard players, "don't give up, go for it!". Niles reported that our Park has been selected as the site for the next National Shuffleboard Tournament. The Club makes a good profit on the lunches sold at these tournaments, and gives money to the Park.

Bob Van Fossen reported that the turn out for the Phase Five water project meeting was good and many owners signed the required easements to permit the County to drill underground to connect from the new Mains to their old meters. Chair Mallory thanked Bob for all his work on this and for his messages on this he reported in the Tribune. Bob also reported that his latest submission on the Deed Restrictions has not yet been placed on the ballot. Any other changes in the Deed Restrictions need to be submitted to the Trustees for their action. We will place this item as top priority at our April meeting. Bob informed us that he and Leonne will be moving to Houston this month to be near their son and daughter. He thanked us for our assistance on the duties he has worked on, and for the opportunity to serve our Park. Our applause to him

MSSD01214

indicated our love for him and appreciation of his outstanding work for our owners.

Walter asked if there was a problem with obtaining approval for our non-union workers to work on the Marina projects. Janet advised that we have County approval for this repair work and no Permit was required unless we desired to build a new structure, such as a Rest Room near the beach. This would require a Permit and use of a Licensed Contractor, not our employees.

Janet asks all owners to encourage the younger people to volunteer for the Fire Department and get their EMT certification. We are losing firemen who are moving out of the Park and if we do not get replacements, we will have to use Cedar Hammock. This could increase our annual Park Fee by as much as \$100 per home. She also mentioned that if we hired a Park Manager to do all the work our Trustees perform, it would increase our Park Fee by near \$78 per year. All owners should help rather than criticize our Trustees. The criticizing should be done in private, face to face, and offer assistance to solve the problem. It is hard to find qualified people who will volunteer to become a Trustee, knowing that we have some owners who will criticize them in a public meeting.

Flo Mallory thanked our visitors for their suggestions and their attendance. The meeting was adjourned. Next meeting will be April 6.
Submitted by Secretary Bernie Dent

MSSD01215

From: Originaltr@cs.com

To: MSmith0603@aol.com

Subject: list of wants

Date: Sun, 15 Apr 2007 7:55 pm

1. Enforce sunshine laws/State Attorney file on Janet and anyone else we can prove
2. Fees collected and handled correctly if they can lawfully collect. Not a few paying for all. Still question how 418.20 applies to us.
3. Get rid of Peg, Janet, Mary Lou (malfeasance or whatever works)

I don't think we can accomplish anything if we don't eliminate some of the top. I don't think we can correct the problems with them in their seats.

Sharon



MSSD01337

From: Tom Featheringill <tfeatheringill@yahoo.com>
To: msmith0603@aol.com
Subject: Re: (no subject)
Date: Mon, 6 Aug 2007 10:45 pm

Lefty say she has concerns about the last paragraph as well so I am going to delete it. I will also send a similar letter to Janet as well. The letter that was handed out to the Board members today is dated May 14 as I understand it.

msmith0603@aol.com wrote:

In your next to last sentence, you should have a "NOT" between "or" and "being"...**or not being totally honest...**

I am still thinking about wording, but it sounds like you. It is direct and to the point.

It is great that your are asserting yourself as a Trustee. They have to realize that there are 9 Board members. Even if they have a majority of votes, they can't ignore the law.

-----Original Message-----

From: Tom Featheringill <tfeatheringill@yahoo.com>
To: Trailer Estates <trailerestatesfl@tampabay.rr.com>; Mary Lou Smith <msmith0603@aol.com>
Cc: Sharon Denson <originaltr@cs.com>
Sent: Mon, 6 Aug 2007 8:33 pm
Subject: (no subject)

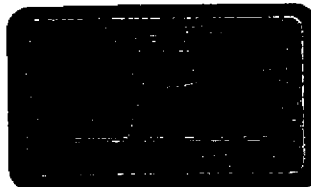
Hello TJ:

I have just been informed by one that attended the regular meeting of Trailer Estates on Monday, August 6th of 2007. I have been told that John Vander Molen submitted a letter that stated he had withdrawn his letter of resignation from the ARC Committee. I am hereby making this an official request for information as a Trustee of Trailer Estates from you. These are the questions I am requesting you to answer in a return email to me ASAP, NLT this Friday, August 10th.

1. When were you first aware of a letter from John Vander Molem withdrawing his letter of resignation from the ARC Committee?
2. Did you make normal distribution of this letter to all Trustees?
3. If you did not make normal distribution of such a letter, was there a reason you did not do so?
4. Did anyone instruct you in making, or not making such distribution of such a letter?
5. If you did receive such instructions from an individual concerning this letter, please tell me who the individual was and when it took place?
6. Please state to me any other information you are aware of in reference to this letter.

I want to be very frank with you prior to answering these questions. I am not making any accusations to you whatsoever. However, things could get very rough within the next six months and anything you know of and are being asked about, can and will be verified if necessary to do so. Failure to respond openly now could possibly have a very detrimental effect on the future of anyone who is found to be concealing information or being totally honest with an official request from a Trustee. I look forward to hearing from you.

Tom Featheringill
Trustee



MSSD00065

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Yahoo! Answers - Check it out.

MSSD00066



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW

Reply to: Bradenton

December 12, 2008

Via Electronic Mail

Mark P. Barnebey, Esquire
Kirk Pinkerton
1301 6th Avenue West
Suite 401
Bradenton, Florida 34205-7435

Via U.S. First Class Mail

TJ Miller, Records Custodian
Trailer Estates Recreation District
1903 69th Avenue West
Bradenton, FL 34207

RE: MARY LOU SMITH and SHARON DENSON vs.
TRAILER ESTATES PARK AND RECREATION DISTRICT, et al.
Case No.: 2008 CA 11315 (Matter Nos.: 3198-002 and 3778-001)

Dear Mr. Barnebey and Ms. Miller:

Pursuant to Florida's Public Records Act, Chapter 119, Florida Statutes, this is a request to inspect and copy the public records listed below. Further, this records request applies to all records maintained by Trailer Estates Park and Recreation District (the "District"), its employees, agents, elected and appointed representatives, its legal counsel and any and all records retained by individuals responsible for reviewing or supervising such documents or records. Please note that this request for emails extends to all public records including, but not limited to, those maintained on a District computer, Board of Trustee member's personal computer, including those generated or stored on host servers such as AOL, Yahoo, etc. Please make the following public records available for inspection within fifteen (15) days:

1. Any and all emails sent between District Board of Trustee members relating to the District from January 1, 2006, to the present.
2. Any and all emails sent by a District Board of Trustee member that carbon copies another District Board of Trustee member(s) relating to the District from January 1, 2006 to the present.

EXHIBIT

20

Helping Shape Florida's Future

BRADENTON
1001 Third Avenue West
Suite 670

JACKSONVILLE
245 Riverside Avenue
Suite 150

TALLAHASSEE
2600 Centennial Place
Suite 100

WEST PALM BEACH
1700 Palm Beach Lakes Blvd.
Suite 1000

Mark P. Barnebey, Esquire
TJ Miller
December 11, 2008
Page 2

3. Any and all blogs, chat rooms, chalkboards, bulletin boards, instant messages, groups, or other electronic mediums where two or more District Board of Trustee members have communicated regarding District issues from January 1, 2006, to the present.

If you contend that any record, or any portion of any record, does not exist, please state such in writing. If you contend that any record, or any portion of any record is exempt from inspection and examination, please state in writing the basis of the exemption which you contend is applicable to the record, including statutory citation to an exemption created or afforded by statute, and state in writing and with particularity the reasons for the conclusion that the record is exempt. Please be cautioned that failure to timely produce these records may result in the filing of a civil action to enforce the provisions of Chapter 119, Fla. Stat., including a request for attorneys' fees and costs pursuant to §119.12(1), Fla. Stat.

Please contact my paralegal, Melanie Marken, at 941-708-4040 to arrange time for the document review. If during our review and inspection, we request copies of some or all of the documents provided, we are willing to pay reasonable costs associated with the duplication of those documents in accordance with Chapter 119.07(1)(a), Florida Statutes.

Sincerely,

LEWIS, LONGMAN & WALKER, P.A.

Jennifer H. Cowan

JRC/ash

cc: Thomas D. Shults, Esquire
Melanie A. Marken, CP
Mary Lou Smith
Sharon Denson



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW

Reply to: Bradenton

March 12, 2009

Via Facsimile (941) 364-2490

Mark P. Barnebey, Esquire
Kirk Pinkerton
1301 6th Avenue West
Suite 401
Bradenton, Florida 34205-7435

Via U.S. First Class Mail

T. J. Miller
Records Custodian
Trailer Estates Recreation District
1903 69th Avenue West
Bradenton, FL 34207

**RE: MARY LOU SMITH and SHARON DENSON vs. TRAILER ESTATES
PARK AND RECREATION DISTRICT, et al.
Case No.: 2008 CA 11315 (LLW Matter Nos.: 3198-002 and 3778-001)**

Dear Mr. Barnebey and Ms. Miller:

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1. All 8B forms filed in 2008 and 2009, disclosing voting conflicts for members of the Board of Trustees.
2. The completed U.S. Department of Commerce, Census Bureau, Form F-32 (2007) for the Trailer Estates Park and Recreation District.
3. The audio recording made at the October 9, 2006, meeting between Mike Neal, Wayne Hamblen and Sharon Denson.
4. The revised minutes of the January 7, 2008 Board meeting.

EXHIBIT

21

Helping Shape Florida's Future®

BRADENTON
1001 Third Avenue West
Suite 670
Bradenton, Florida 34205

JACKSONVILLE
245 Riverside Avenue
Suite 150
Jacksonville, Florida 32202

TALLAHASSEE
2600 Centennial Place
Suite 100
Tallahassee, Florida 32310

WEST PALM BEACH
1700 Palm Beach Lakes Blvd.
Suite 1000
West Palm Beach, Florida 33411

Mark P. Barnebey, Esquire
T. J. Miller
March 12, 2009
Page 2

5. The document Ms. McNulty references during the December 15, 2008, Board meeting/workshop, when she states "Trustees have a hard time working with folks they don't like or don't agree with ... (looking down at her paperwork) this particular committee says they have several of these" people.
6. All documents Ms. McNulty references during the December 15, 2008 Board meeting/workshop.
7. Mr. John Vander Molen's resignation from the Audit Committee.
8. All Audit Committee minutes, agendas, and notices from 2008 and 2009.
9. All letters Kirk Pinkerton provided to the District during January, February, or March of 2009 regarding litigation and legal costs and fees.
10. All notices and agendas for all Executive Board, Executive Committee, and Administrative Committee meetings from January 1, 2005 to the present.
11. All documents from anyone at Ruden, McClosky, et al. from December 1, 2008 to the present.
12. All documents from anyone at Robert Turffs, P.A. from December 1, 2008 to the present.
13. All documents from anyone at Dye Deitrick, Petruff & St. Paul, P.A. from December 1, 2008 to the present.
14. All documents from anyone at Matthews, Eastmoore, Hardy, Crauwels, & Garcia, P.A. from December 1, 2008 to the present.

If you contend that any record, or any portion of any record, does not exist, please state such in writing. If you contend that any record, or any portion of any record is exempt from inspection and examination, please state in writing the basis of the exemption which you contend is applicable to the record, including statutory citation to an exemption created or afforded by statute, and state in writing and with particularity the reasons for the conclusion that the record is exempt. Please be cautioned that failure to timely produce these records may result in the filing of a civil action to enforce the provisions of Chapter 119, Fla. Stat., including a request for attorneys' fees and costs pursuant to §119.12(1), Fla. Stat.

Mark P. Barnebey, Esquire
T. J. Miller
March 12, 2009
Page 3

Thank you for your cooperation in this regard.

Sincerely,


LEWIS, LONGMAN & WALKER, P.A.

Jennifer R. Cowan

JRC/cej

cc: Thomas D. Shults, Esquire
Maggie D. Mooney-Portale, Esquire
Clients

April 17, 2006

6907 Tarpon Lane
Bradenton, FL

Trailer Estates Park and Recreation District Board of Trustees

Dear Trustees:

The purpose of this communication is to obtain clarification of the statutory authority of the Board of Trustees to interfere with the use of common areas of the park by charging "rents" which are exploitive of one segment of the population, with the stated (see minutes 3/20/06 and proposed 2006-2007 budget) purpose of providing funds for the operation of the district.

I received a bill last month for use of a parking space. The yearly rate had tripled. I received no explanation of the reason for the increase and was not notified before the increase took effect. The original amount I paid was not authorized in the charter, although I paid it. The increase in the fee is totally unacceptable. My mother lives in a nearby park and residents are invited to park any trailer or RV for \$5.00/mo.

I referred to Florida Statutes 189.429, 418.2, the Trailer Estates Amended Deed Restrictions and Charter (2002-361) for the information used in preparation of this document.

Pursuant to the 2002-361 Trailer Estates Park and Recreation District Charter (which recognizes the Deed Restrictions):

Section 1 - Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Trailer Estates Park and Recreation District. **It is the intent of the Legislature in enacting this law to provide a single, comprehensive, special act charter for the district, including all current legislative authority granted to the district by its several enactments, and any additional authority granted by this act.** (The only authority the trustees have is what is in the Charter. If it is not in the Charter, it cannot be legally done)

Section 3 - The Trailer Estates Park and Recreation District is re-created and the charter is re-created and re-enacted to read: Section 1. Upon this act becoming a law, all lands described in Section 2 lying in Manatee County, hereinafter described, shall become and be incorporated and as a park and recreation district, which shall be an independent special taxing district, **having the powers and duties herein set forth, under the name of "Trailer Estates Park and Recreation District"** (The only powers and duties the board of trustees possess are set forth in the Charter.)

Section 7 - The Board of Trustees shall have the right, power, authority, to levy a special assessment known as a recreation district tax against all taxable real estate within said district **for the purpose of providing funds for the operation of the district...The district tax shall not be an ad valorem tax but rather shall be a unit tax assessed equally against all improved residential parcels.** (Authority is given to assess property to produce operating revenue for the park. The operating costs are to be shared uniformly among property owners.)

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Section 13 - The property of the district shall consist of the recreational center, shuffleboard courts, marina, playgrounds, walks, and other property and improvements now or hereafter erected or purchased by the trustees for the district, as well as any other real or personal property which the trustee of the district, at their discretion, determine necessary or convenient for the district. (Common areas are defined. There is no distinction between the recreational center, marina and the shuffleboard courts)

Section 14 - Persons entitled to use the facilities and property of the park shall be limited to property owners within the district... (There is no expressed or implied consent here for "rent" to be charged for use of certain common areas)

Section 15 gives the trustees power to:

(d) Incur obligations on behalf of the district, including the power to issue bonds, notes and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district... (This is another way to obtain revenue for the operation of the park, which spreads costs evenly among owners)

(f) To buy, sell, rent or lease real and personal property in the name of the district. (This gives authority to enter into agreements that benefit all owners uniformly, not authority to discriminate against a segment of the owners for the benefit of others.)

(k) Promulgate reasonable rules and regulations governing the use of facilities of the district. (This does not grant authority to "rent" common areas, and is certainly not reasonable. There is no mention of charges for use of facilities.)

Section 17 - ...Said trustees may adopt such rules and regulations, not inconsistent with any portion of this act, as they may deem necessary or convenient and about the transaction of business of the board and in carrying out provisions of this act. (The "rent" on the marina and parking spaces is inconsistent with this act)

Section 18 - For the general purposes of this act, each parcel of improved residential property in said district, is hereby declared to be uniformly and generally benefited by the provisions hereof. (There is no authority here, to exploit one segment of the property owners in order to keep assessments lower for the rest. The expectation of uniformity is again expressed)

Pursuant to Trailer Estates Amended Deed Restrictions:

Amended Deed Restrictions (2000) WHEREAS (#4), the lands encumbered by these restrictions, together with the lands within additional plats with similar restrictions, constitute an area within Manatee County, Florida, known as "Trailer Estates". Said area has been, pursuant to the laws of the State of Florida, designated a Special Taxing District known as Trailer Estates Park and Recreation District. The Trailer Estates Park and Recreation District (the "District") is governed by an elected Board of Trustees. The district is, further the owner of certain lands within the District including a recreation hall, swimming pool, shuffleboard area, storage yards, and other areas held for the use of owners and/or residents of lands in the District, and is the successor of Gulf Development Corporation of its rights, duties, and obligations under the Deed Restrictions. (No authority is given to charge for storage yard or marina. The area is to be held for the use of the owners)

(6) No Boat, boat trailer, travel trailer, motor home, or similar property shall be stored on or about any lot, block or parcel unless in an enclosed structure or completely underneath a carport structure, **SAVE AND EXCEPT upon a parcel designated for storage of such property by the Board of Trustees of the District.** (No authority is given here to charge for the use of the space. It is required by the charter)

Pursuant to Florida Statute:

Trailer Estates Park and Recreation district is given the statutory authority to function per Florida Statute 418.20

418.20 Creation of recreation districts authorized.--Each municipality and county in the state is authorized to create one or more recreation districts comprising the whole of or any part of the territory of said municipality and by counties only in the unincorporated areas of each county. Each such district shall be established by ordinance approved by a vote of the electors in the district in accordance with s. 165.041. **Such ordinance, as it may from time to time be amended by the governing body of said municipality or county and approved by a vote of electors in the district, shall constitute the charter of the recreation district.** The electors residing in a proposed district may petition the governing body of the city or county to create a recreation district. If a majority of electors has signed the petition, no referendum shall be required to create the district.

Florida Statute 418.22 Powers of recreation districts.-- The charter of a recreation district may grant to the recreation district the powers and all further or additional as the governing body...The powers which by may be granted by such charter include the following: (6) To establish, charge, and collect fees for admission to or use of recreational facilities and to apply such fees to the operation, maintenance, improvement, enlargement, or acquisition of recreational facilities or to the payment of bonds or revenue bonds of the district. **(This language is not contained in the Trailer Estates charter, and the fee/tax/rent is not authorized)**

In summary, the common theme in the charter is "uniformity" in the methods of providing operational revenue for the park. The "rents" for the parking spaces and marina use are not authorized in the Trailer Estates Charter, Amended Deed Restrictions, or Florida Statute. They are being illegally levied on a segment of the owners for the purpose of raising revenue for operation of the park. There is no statutory authority to do this. It is my informed opinion that you are acting beyond the scope of your authority in collecting these "rents". I have spoken to my attorney, as I indicated I would in the March meeting. He advised me to seek an answer to my question from the attorney whom I pay for in my assessment. I am formally requesting this letter be forwarded to the park attorney for an answer to my question in a timely manner. This is an extremely serious situation, which I intend to pursue until it is resolved.

Although our methods are different, I hope you will reflect on the fact that our goals for the park are the same. We all want a peaceful place in which to live and enjoy our retirement and we all want to be treated fairly.

Please mail your response to my home address in Michigan: 6309 Porter Avenue, East Lansing, Michigan, 48823. You have my consent to give this address out to anyone who wishes to have it. My phone number and e-mail are: 517-351-9483
MSmith0603@aol.com

What follows, is a list of documents I need to continue my research. Please forward them within the next 30 days.

Sincerely,

Mary Lou Smith

Documents Requested

1. Proposed budgets from 1993 forward.
2. Year end financial statements from 1993 forward.
- 3 A copy of the lease with Manatee County for the land containing the parkir dumpsters, re-cycling building, boat hoist, etc,.
4. Name, address, and phone number of legal counsel for Trailer Estates.
5. A job description and salary rate for the Dock Master.
6. A copy of the Board "By-Laws" I have been into the office twice for this document, and was told it does not exist. I have been assured by other owners that it does exist.

Please forward documents to:

Mary Lou Smith
6309 Porter Ave.
East Lansing, Michigan 48823

May 23, 2006

Mary Lou Smith
6907 Tarpon Lane
Bradenton, FL

Trailer Estates Park and Recreation District
Post Office Box 6298
Trailer Estates
Bradenton, FL 34281-6298

Dear Mrs. McNulty:

Thank you for your response to my letter of April 17th. Your response was interesting. I understand fully, that you think you are acting within your authority. As I stated in my last communication, I disagree. I am attempting to keep this issue "in house". If you, as a board, are acting outside your authority, as I contend, you are each fully liable as individuals for your actions and are neither protected, nor financially covered for liability, by the park. The park is also financially liable for expenses of a lawsuit. This hurts everyone in the park. It is extremely serious. Florida statute is very clear about the authority granted to governmental bodies. *I am asking again for my April 17th letter to be forwarded to the park attorney for an opinion on this matter.* The question remains, **Does the board of trustees have the statutory authority to interfere with the use of common areas by charging "rents" which are exploitive of one segment of the population with the stated (minutes 3/20/2006, proposed 2006-2007 budget) purpose of providing funds for the operation of the district?** My approach to the issue is simple and will be the least costly for the park property owners. Your approach could be very costly for the park, and yourselves as board members. I am trying to understand why you are not as interested as I am, in an answer to the question.

If you insist that I go outside the park, I am prepared. I caution you to be careful what you ask for.

As to the document request, I must not have made myself crystal clear. I have no intention of coming to the office to view the documents. **This letter is an official Freedom of Information Act (Florida Sunshine Law) request for copies of documents.**

In order to help determine my status for purposes of determining the applicability of any fees, you should know that I am a property owner in the park, and am requesting the documents to for personal, not commercial use. I am trying to understand the budgeting process. Some of the requested documents have not been provided, as required in the charter (year end financial statements). Some have been requested at the office and not provided.

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I may be reached at 517-351-9483 or e-mail MSmith0603@aol.com, should you need to discuss any aspect of this request.

I want the information mailed to my home at 6309 Porter Avenue, East Lansing, MI 48823.

Information requested:

Proposed budgets from 1993 forward

Copies of year end financial statements from 1993 forward. These are required by the charter to be mailed to all owners within 30 days of preparation. I have never received one.

Documentation of any and all amendments to proposed budgets from 1993 forward

Copy of lease with Manatee County for the land containing the dumpsters, and parking area

Name, address and phone number of legal counsel for Trailer Estates

Name, address, and phone number of accounting firm used by Trailer Estates

Name, address and phone number of auditing firm used by Trailer Estates

A copy of the board "By-Laws", used to conduct meetings. I have been to the office twice for this document and have been told it does not exist. Others in the park insist it does exist.

Thank you for your prompt attention to this request.

Sincerely,

Mary Lou Smith



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW

Reply to: Bradenton

January 8, 2009

Via Hand Delivery

Mark P. Barnebey, Esquire
Kirk Pinkerton
1301 6th Avenue West
Suite 401
Bradenton, Florida 34205-7435

Via U.S. First Class Mail

TJ Miller, Records Custodian
Trailer Estates Recreation District
1903 69th Avenue West
Bradenton, FL 34207

RE: MARY LOU SMITH and SHARON DENSON vs.
TRAILER ESTATES PARK AND RECREATION DISTRICT, et al.
Case No.: 2008 CA 11315 (Matter Nos.: 3198-002 and 3778-001)

Dear Mr. Barnebey and Ms. Miller:

Pursuant to Florida's Public Records Act, Chapter 119, Florida Statutes, this is a request to inspect and copy the public records listed below. Further, this records request applies to all records maintained by Trailer Estates Park and Recreation District (the "District"), its employees, agents, elected and appointed representatives, its legal counsel and any and all records retained by individuals responsible for reviewing or supervising such documents or records. Please make the following public records available for inspection promptly:

1. Any and all financial documents, including but not limited to bank statements, investment records, and budgets, of the District from January 1, 2004, to the December 31, 2008.
2. Any and all correspondence, including but not limited to emails, regarding the District's financial records for 2005, 2006, 2007, 2008, and 2009.
3. Any and all sales tax applications of the District from January 1, 2004, to the December 31, 2008.
4. Any and all sales tax reports the District has issued from January 1, 2004, to the December 31, 2008.

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Helping Shape Florida

Depo 24

BRADENTON
1001 Third Avenue West
Suite 670
Bradenton, Florida 34205

JACKSONVILLE
245 Riverside Avenue
Suite 150
Jacksonville, Florida 32202

2600 Centennial Place
Suite 100
Tallahassee, Florida 32308

WEST PALM BEACH
1700 Palm Beach Lakes Blvd.
Suite 1000
West Palm Beach, Florida 33401

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5. Any and all record retention policies, including but not limited to drafts and prior versions, of the District from January 1, 2004, to the December 31, 2008.
6. Any and all notices regarding the January 5, 2009, Executive Session of the District's Board.
7. Any and all documents or evidence of publication of the notice of the January 5, 2009, Executive Session.
8. Any and all emails, documents, correspondence, or communications regarding the January 5, 2009, Executive Session.
9. Any and all documents provided to the District by its legal counsel during the public meeting held on January 5, 2009.
10. Any and all documents provided to the District by its legal counsel during the Executive Session held on January 5, 2009.
11. Any and all agendas and minutes from the Executive Session held on January 5, 2009.
12. The transcript from the Executive Session held on January 5, 2009.
13. Any and all minutes from "pre-meetings" referenced in the District's Board Meeting minutes dated March 21, 2005.
14. Any and all minutes from all meetings where the increase in marina fees was discussed from January 1, 2004, to the December 31, 2008.
15. Any and all minutes from all meetings where the increase in parking lot storage fees was discussed from January 1, 2004, to the December 31, 2008.
16. Any and all emails and letters the District received from Mary Lou Smith during the May of 2008.

To date, we have not been provided a time and date to inspect District records that are responsive to our December 12, 2008, public records request. In accordance with Florida Statute Section 119.07(1)(c), a custodian of public records must acknowledge request to inspect or copy records **promptly and respond** to such requests in good faith. It has been nearly a month since our request was submitted. Please provide us with immediate access to the records responsive to our December 12, 2008, public records request.

Mark P. Barnebey, Esquire
TJ Miller
January 8, 2009
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If you contend that any record, or any portion of any record, does not exist, please state such in writing. If you contend that any record, or any portion of any record is exempt from inspection and examination, please state in writing the basis of the exemption which you contend is applicable to the record, including statutory citation to an exemption created or afforded by statute, and state in writing and with particularity the reasons for the conclusion that the record is exempt. Please be cautioned that failure to timely produce these records may result in the filing of a civil action to enforce the provisions of Chapter 119, Fla. Stat., including a request for attorneys' fees and costs pursuant to §119.12(1), Fla. Stat.

Please contact my paralegal, Melanie Marken, at 941-708-4040 to arrange time for the document review. If during our review and inspection, we request copies of some or all of the documents provided, we are willing to pay reasonable costs associated with the duplication of those documents in accordance with Chapter 119.07(1) (a), Florida Statutes.

Sincerely,

LEWIS, LONGMAN & WALKER, P.A.

Jennifer R. Cowan

JRC/ash

cc: Thomas D. Shults, Esquire
Melanie A. Marken, CP
Mary Lou Smith
Sharon Denson