

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA
CIVIL ACTION**

FLOW WAY COMMUNITY DEVELOPMENT
DISTRICT,

Plaintiff,

v.

Case No. 20-CA-4147

TAYLOR MORRISON OF FLORIDA, INC.,
TAYLOR MORRISON ESPLANADE NAPLES,
LLC, TIM HALL, TURRELL, HALL &
ASSOCIATES, INC., STEPHEN REITER, ADAM
PAINTER, ANDREW MILLER, JOHN
WOLLARD, CHRISTOPHER NIRENBERG, and
ESPLANADE GOLF & COUNTRY CLUB OF
NAPLES, INC.,

Defendants.

**DEFENDANT'S, ESPLANADE GOLF & COUNTRY CLUB OF NAPLES, INC.,
ANSWER TO THIRD AMENDED COMPLAINT**

COMES NOW Defendant, ESPLANADE GOLF & COUNTRY CLUB OF NAPLES, INC. ("Defendant"), by and through undersigned counsel, and files this Answer to the Third Amended Complaint filed by Plaintiff, FLOW WAY COMMUNITY DEVELOPMENT DISTRICT ("Plaintiff"), and states as follows:

JURISDICTION AND VENUE

1. Admit.
2. Admit.

PARTIES

3. Admit.
4. Without Knowledge.
5. Without Knowledge.

6. Without Knowledge.
7. Without Knowledge.
8. Without Knowledge.
9. Without Knowledge.
10. Without Knowledge.
11. Without Knowledge.
12. Without Knowledge.
13. Admit.

GENERAL ALLEGATIONS

14. Admit.
15. Admit.
16. Admit all.
17. Admit.

A. *THE DEVELOPMENT*

18. Admit.
19. Admit.
20. Admit.
21. Admit.

B. *DEFENDANTS' ACTIONS*

22. Admit.
23. Admit.
24. Admit.
25. Admit.
26. Admit.

27. Admit.
28. Admit.
29. Admit.
30. Admit.
31. Admit.
32. Admit.
33. Admit.
34. Admit.
35. Admit.
36. Admit.
37. Admit.
38. Admit.
39. Admit.
40. Admit.
41. Admit.
42. Admit.
43. Admit.

COUNT I
DECLARATORY JUDGMENT
(The CDD v. TM Defendants and the Association)

44. Reallege and incorporates responses set forth in paragraphs 1-43 above
45. Admit.
46. Admit.
47. Admit.
48. Admit.

- 49. Admit.
- 50. Admit.
- 51. Admit.
- 52. Admit.
- 53. Admit.
- 54. Admit.
- 55. Admit.
- 56. Admit.
- 57. Admit.
- 58. Admit.
- 59. Admit.
- 60. Admit.

COUNT II
DECLARATORY JUDGMENT
(The CDD v. TM Directors and Association)

- 61. Reallege and incorporates responses set forth in paragraphs 1-43 above
- 62. Admit.
- 63. Admit.
- 64. Admit.
- 65. Admit.
- 66. Admit.
- 67. Admit.
- 68. Admit.
- 69. Admit.
- 70. Admit.

71. Admit.
72. Admit.
73. Admit.
74. Admit.
75. Admit.
76. Admit.
77. Admit.
78. Admit.
79. Admit.
80. Admit.
81. Admit.
82. Admit.
83. Admit.

COUNT III
UNJUST ENRICHMENT
(The CDD v. TM Defendants)

84. The Defendant realleges responses to paragraphs 1-43 above.

85. The Defendant "Association" is not required to answer the allegation as Count III is not directed against the Association.

86. The Defendant "Association" is not required to answer the allegation as Count III is not directed against the Association.

87. The Defendant "Association" is not required to answer the allegation as Count III is not directed against the Association.

88. The Defendant "Association" is not required to answer the allegation as Count III is not directed against the Association.

89. The Defendant “Association” is not required to answer the allegation as Count III is not directed against the Association.

90. The Defendant “Association” is not required to answer the allegation as Count III is not directed against the Association.

91. The Defendant “Association” is not required to answer the allegation as Count III is not directed against the Association.

92. The Defendant “Association” is not required to answer the allegation as Count III is not directed against the Association.

COUNT IV
BREACH OF FIDUCIARY DUTY
(The CDD v. TM Directors)

93. The Defendant realleges the responses contained in paragraphs 1-43 above.

94. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

95. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

96. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

97. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

98. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

99. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

100. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

101. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

102. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

103. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

104. The Defendant “Association” is not required to answer the allegation as Count IV is not directed against the Association.

COUNT IV
BREACH OF FIDUCIARY DUTY
(The CDD v. THA and Hall)

105. The Defendant realleges the responses contained in paragraphs 1-43 above.

106. The Defendant “Association” is not required to answer the allegation as Count V is not directed against the Association.

107. The Defendant “Association” is not required to answer the allegation as Count V is not directed against the Association.

108. The Defendant “Association” is not required to answer the allegation as Count V is not directed against the Association.

109. The Defendant “Association” is not required to answer the allegation as Count V is not directed against the Association.

110. The Defendant “Association” is not required to answer the allegation as Count V is not directed against the Association.

111. The Defendant "Association" is not required to answer the allegation as Count V is not directed against the Association.

112. The Defendant "Association" is not required to answer the allegation as Count V is not directed against the Association.

113. The Defendant "Association" is not required to answer the allegation as Count V is not directed against the Association.

114. The Defendant "Association" is not required to answer the allegation as Count V is not directed against the Association.

115. The Defendant "Association" is not required to answer the allegation as Count V is not directed against the Association.

Dated this 15th day of June, 2021.

GOEDE, ADAMCZYK & DEBOEST, PLLC

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CERTIFICATE OF SERVICE

I certify that on the 15th day of June, 2021, the foregoing document was served in conformity with Florida Rule of Judicial Administration 2.516 to the parties listed below by the means specified hereunder:

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