

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN
AND FOR MARTIN COUNTY,
FLORIDA

CASE NO.: 00-657-CA

JUDGE: Ben L. Bryan, Jr.

GEORGE H. RITTERSBACH, JR. and SARA
E. RITTERSBACH, his wife; M. LANNING
FOX and JANE FOX, his wife; RONALD
BEATON and ARLENE BEATON, his wife;
GARY L. SWEET and MARY E. SWEET, his
wife; PAUL BULLWINKEL and STEPHANIE
DRABIN, his wife; SIDNEY SWARTZ and
GLORIA GARCIA, his wife; MARK S. BEATTY;
STEVEN SWANN and DARYL SWANN, his wife;
LAWRENCE TIMON and GAY TIMON, his wife;
ROBERT BRADFORD and STELLA M. BRADFORD,
his wife; CLAUDIO CARAMMA and JACQUELINE
CARAMMA, his wife,

Plaintiffs,

vs.

NORTH RIVER SHORES PROPERTY
OWNERS ASSOCIATION, INC., a
Florida Corporation,

Defendant.

FILED FOR RECORD
MARTIN CO., FL
2001 JUL -5 PM 3:39
INST # 1509293
OR BK 01566 PG 0796
RECORDED 07/10/2001 10:01 AM
NORTH RIVER SHORES
PROPERTY OWNERS
ASSOCIATION, INC.
MARTIN COUNTY, FLORIDA
RECORDED BY C. BURKEY

**ORDER REGARDING DEFENDANT'S MOTION TO DISMISS
FOR PLAINTIFFS' FAILURE TO JOIN INDISPENSABLE PARTIES**

THIS CAUSE, having come before the Court on the Defendant's Motion to Dismiss
Counts I and IV of the First Amended Complaint for Plaintiffs' failure to join indispensable parties
on March 20, 2001, the Court having heard the argument of counsel, and otherwise being fully
advised, this Court hereby

FINDS and DETERMINES that those homeowners owning lots in North River Shores,
who are not members of the North River Shores Property Owners Association, do have an interest

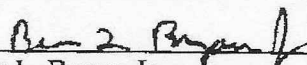
in the determination whether or not the conveyance of the boat ramps and related facilities from the original developer to First National Bank and Trust Company, as Trustee, and then to North River Shores Property Owners Association, Inc., and may affect these homeowners. First National Bank is also an indispensable party. It is hereby

ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss as to Count I of the First Amended Complaint, which is the declaratory judgment action filed by the Plaintiffs, is **DENIED**. It is further

ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss as to Count IV of the First Amended Complaint, for failure to join First National Bank and Trust Company as a party, is **GRANTED**; Plaintiffs shall have thirty (30) days from the date of this Order to effect service upon First National Bank and Trust Company.

ORDERED AND ADJUDGED that counsel for the Plaintiffs and Defendant are ordered to determine a method or way of informing and providing notice to homeowners who are not members of the North River Shores Property Owners Association of the existence of Count IV of the First Amended Complaint. Should counsel for the Plaintiffs and Defendant be unable to resolve this issue, this matter shall be brought before the Court for further determination.

DONE AND ORDERED in Stuart, Martin County, Florida this 5 day of July, 2001.


Ben L. Bryan, Jr.
Circuit Court Judge

Copies Furnished to:

Jane Cornett, Esq.

George W. Bush, Jr., Esq.

W. Thomas Wackeen, Esq.

FAHOMETOMARITTEBSBACH\PLEADINGS\ORDER.defm2dismiss