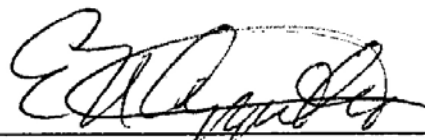


9. Based on the September 3, 2003 affidavit of Gary Betz, which was submitted to the Association's attorneys on October 6, 2003, the Association's attorneys attempted to set a second deposition of Gary Betz to ask him about the content of the aforementioned affidavit, as it compared to his June 23, 2003 deposition testimony. Despite the efforts of counsel for the Association to schedule a supplemental deposition of Gary Betz, the Defendants, through their attorney, filed a written objection with the Court in order to attempt to stop this deposition from occurring at all.

10. On December 17, 2003, Gary Betz was finally deposed again about his position in this case. During his December 17, 2003 deposition, Gary Betz explained that he, as the only member of the Developer controlled Architectural Control Committee, considered the van Bommel's new mailbox to be approved.

11. Based on the December 17, 2003 testimony of Gary Betz described above, Stagecoach Property Owners Association, Inc. hereby dismisses the present cause of action against the Defendants without prejudice effective December 24, 2003.



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Eric N. Appleton, Esq.  
Florida Bar No. 163988  
BUSH ROSS GARDNER  
WARREN & RUDY, P.A.  
Post Office Box 3913  
Tampa, FL 33601  
(813) 224-9255  
(813) 223-9620 (fax)  
Attorneys for Plaintiff