

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL
CIRCUIT IN AND FOR BROWARD COUNTY, FL
CASE NO. 04-19092 (25) consolidated with
05-07511(25)

ROBERT AIELLO,

Plaintiff(s),

vs.

JUDITH STERN, et al.

Defendant(s).

**AGREED FINAL ORDER OF DISMISSAL WITH PREJUDICE
AND AGREED FINAL ORDER VACATING THE DECEMBER 1, 2006, ORDER GRANTING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT
AND AGREED FINAL ORDER REGARDING COVENANTS OF ASSOCIATION**

THIS CAUSE having come before the Court upon the Stipulation of the parties hereto, and the Court being duly advised in the premises, it is hereby, **ORDERED AND ADJUDGED**, as follows:

1. The December 1, 2006, Order Granting Plaintiff's Motion for Partial Summary Judgment is hereby **VACATED**. Subject to future proper amendment by the Defendant, COLONIAL MANOR WEST APARTMENTS CONDOMINIUM ASSOCIATION, INC., the current governing Association documents, defined as the Declaration, By-Laws, Articles of Incorporation, shall be as same were originally recorded at Official Records Book 4100, pages 964 through page 992 and pages 995 through 999. In addition to the foregoing, the current Rules of the Association, which are also hereby defined as current governing Association documents, and which were originally recorded at Official Records Book 4100, pages 993 and 994 but were thereafter properly amended, remain in full force and effect. In accordance with applicable law, the current version of the Rules must be kept on file with the Association but the law does not require that all such rule changes be recorded. Therefore, the current Association governing Documents are the Declaration, By-Laws, Articles of Incorporation, all as originally recorded, and the Rules of the Association, as same may have been properly amended from time to time. Nothing contained in this Order shall be construed to suggest that the Association may not amend in the future any of its governing Association documents, so long as same is done in compliance with their terms, when read in accordance with the Condominium Act, which also may be amended from time to time.

2. The Association documents as read in compliance with the applicable law shall be controlling with exception for individual members of the Association and mortgagees, who have acted in reliance on any subsequent amendments or who are grand-fathered in as of the date of this Order. This Order shall be subject to recording in the public record, and may be relied upon by current and future unit owners and mortgagees. The Court retains jurisdiction to enforce the provisions herein.

3. This case is hereby **DISMISSED WITH PREJUDICE** each party to bear its own attorney's fees and costs.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 5 day of FEBRUARY, 2009.

CIRCUIT COURT JUDGE
CHERYL ALEMAN

CHERYL J. ALEMAN

FEB - 5 2009

A TRUE COPY

Copies furnished to: F. Blane Carneal, Esq., John H. Richards, Esq., Herman J. Russomanno, Esq., Stuart J. Zoberg, Esq., James M. Stark, Esq.

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FOR AGREED ORDER FINAL ORDER OF DISMISSAL WITH PREJUDICE AND FOR AGREED FINAL ORDER REGARDING COVENANTS OF ASSOCIATION RE: CONDOMINIUM OF ASSOC STANDBY CONSOLE ON 1/13, 1/14 2/4/2009