

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

GRAND OAKS HOMEOWNERS'
ASSOCIATION, INC.,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

Appellant,

v.

CASE NO. 1D07-6624

NORM AND CAROLYN
LEONPACHER,

Appellees.

NORM AND CAROLYN
LEONPACHER,

Appellants,

v.

CASE NO. 1D08-0743

GRAND OAKS HOMEOWNERS'
ASSOCIATION, INC.,

Appellee.

Opinion filed March 3, 2009.

An appeal from the Circuit Court for Okaloosa County.
G. Robert Barron, Judge.

D. Michael Chesser, Casey L. Jernigan, and Allison Sebastian of Chesser & Barr,
P.A., Shalimar, for Appellant.

Loren E. Levy and Ana C. Torres of The Levy Law Firm, Tallahassee; Jill W. Crew of Crew & Crew, P.A., Fort Walton Beach, for Appellees.

Loren E. Levy and Ana C. Torres of The Levy Law Firm, Tallahassee; Jill W. Crew of Crew & Crew, P.A., Fort Walton Beach, for Appellants.

D. Michael Chesser, Casey L. Jernigan, and Allison Sebastian of Chesser & Barr, P.A., Shalimar, for Appellee.

PER CURIAM.

In this consolidated appeal, we write only to address the trial court's denial of Norm and Carolyn Leonpachers' motion for attorney's fees. We affirm all other issues without further discussion.

The Leonpachers sought and obtained summary judgment against the Grand Oaks Homeowners' Association (GOHA). Subsequently, they filed a motion for attorney's fees. At the hearing on the motion, the trial court determined that the Leonpachers were the prevailing party but denied their motion. Section 720.305 (1), Florida Statutes (2007), and Article XI, section 2 of GOHA's declaration of covenants provide that a prevailing party is entitled to recover reasonable attorney's fees. As such, the trial court erred and the Leonpachers are entitled to receive fees.

AFFIRMED IN PART and REVERSED IN PART.

ALLEN, VAN NORTWICK, and ROBERTS, JJ., CONCUR.