

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

RALPH UDICK,

Appellant,

v.

Case No. 5D15-1062

HARBOR HILLS DEVELOPMENT, L.P.,
ET AL.,

Appellees.

_____ /

Opinion filed July 8, 2016

Appeal from the Circuit Court
for Lake County,
G. Richard Singeltary, Judge.

Ralph Udick, Lady Lake, pro se.

Phillip S. Smith and Matthew D. Black,
of McLin Burnsed, Leesburg, for Appellees.

PER CURIAM.

Ralph Udick, a property owner in the Harbor Hills development and member of the Harbor Hills Homeowner's Association, Inc., appeals the trial court's judgment awarding attorney's fees to Harbor Hills Development, L.P., a Delaware Limited Partnership, doing business as Harbor Hills Development, Ltd. ("the Developer"), H.H.C.C., Inc., a Delaware corporation and general partner of the Developer, and Michael Rich (collectively, "Appellees"). The trial court awarded attorney's fees to Appellees as the prevailing parties

based on section 720.305(1), Florida Statutes (2013), and Article XI, Section 2, of the Amendment and Restatement of Declaration of Covenants, Conditions and Restrictions for Harbor Hills. We reverse.

Prior to filing suit, Mr. Udick requested mediation pursuant to the terms of section 720.311, Florida Statutes (2013). Appellees failed or refused to participate in the mediation process. As a result, Appellees are not entitled to recover attorney's fees or costs. See § 720.311(2)(b), Fla. Stat. (2013).

REVERSED and REMANDED.

ORFINGER and WALLIS, JJ., and TRAVER, D., Associate Judge, concur.