

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

MICHAEL J. WRIGHT,

Appellant,

v.

SUMMERFIELD AT MEADOW WOODS
HOMEOWNERS ASSOCIATION, INC.,

Appellee.

CASE NO.: 2010-CV-63

Lower Court Case No.: 2010-SC-2493

Appeal from the County Court,
for Orange County, Florida,
Antoinette Plogstedt, County Court Judge

Michael J. Wright, pro se
for Appellant

Robert Alden Swift, Esq. and
Tara Tamoney, Esq.,
for Appellee

Before POWELL, J. KEST, and WALLIS, J.J.

PER CURIAM.

FINAL ORDER AFFIRMING TRIAL COURT

Wright appeals an order dismissing his summary claims action against Appellee Summerfield At Meadow Woods Homeowners Association. We have carefully read and considered the briefs, the filings in the record on appeal and the transcript of the motion hearing. We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320.

Although the trial judge did not set forth in her order any findings of fact or conclusions of law, the record establishes that Appellant did not timely serve a demand for pre-suit mediation before he filed the statement of claim in this action as required by statute. *See* § 720.311(2)(a),

Fla. Stat., (2010) (“Disputes between a parcel owner and an association regarding ... access to the official records of the association shall be the subject of a demand for pre-suit mediation served by an aggrieved party before the dispute is filed in court.”)

There is a second reason why the trial court’s dismissal order is correct. Appellant Wright, a non-lawyer, who has represented himself *pro se* below and in this appeal, did not have legal standing, i.e. legal authority¹, to file and maintain this summary claims action because he made no showing in his papers or otherwise that he was a member² of Appellee home owners association. Indeed, he says in his brief that “I, Michael J. Wright, am the husband and authorized representative of Maria Cristina Wright. Christina Wright is the parcel owner of 13419 Summerton Drive, located in the Summerfield at Meadow Woods Homeowners’ Association.” (Am. Initial Br. 3). The mere fact that he is the husband of the parcel owner member Wright does not give him standing.

Consequently, for the reasons set forth above, the order appealed from is **AFFIRMED**.

DONE AND ORDERED at Orlando, Florida this 18th day of November, 2011.

/S/
ROM W. POWELL
Senior Judge

/S/
JOHN MARSHALL KEST
Circuit Judge

/S/
F. RAND WALLIS
Circuit Judge

¹ For future guidance of the parties we point out that the only legal authority Wright had to be involved in this case was that he could act as “authorized representative” of Christina Wright, who was a member of the Association, in inspecting and copying the official records of the Association on behalf of Wright. § 720.303(5), Fla. Stat. (2010). We also note that in any future pre-suit mediations between the Association and Wright or other member who authorizes him to so act, he may not be present at any mediation unless the Association consents. § 720.311(2)(a), Fla. Stat. (2010).

² A “member” is defined by statute as the record title owner of a lot or parcel within the community governed by the association’s documents obligated to pay association assessments that, if not paid, may result in a lien. § 720.301(10)-(12), Fla. Stat. (2010). It has been our experience that members are similarly defined in homeowner association governing documents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished to **Michael J. Wright**, 13419 Summerton Drive, Orlando, Florida 32824; **Robert Alden Swift, Esq. and Tara Tamoney, Esq.**, 1900 Summit Tower Blvd., Orlando, Florida 32810; and **Honorable Antoinette Plogstedt**, 425 N. Orange Avenue, Orlando, Florida 32801, this 21st day of November, 2011.

/S/ _____
Judicial Assistant