

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA
CIVIL ACTION**

WILLIAM MILLER and SUSAN KELLEGHAN,
as Trustee of the Susan I. Kelleghan Trust
dated 11/06/2007,

Plaintiffs,

Case No. 23-CA-2032

v.

RIVERBEND OF NAPLES MOBILE
HOMEOWNERS ASSOCIATION, INC.,

Defendant;

and

PHILLIP LUTZI,

Intervenor.

_____ /

FINAL JUDGMENT IN FAVOR OF PLAINTIFFS

This action was tried on January 22, 2025. Pursuant to the verdict rendered in this action [Dkt. 277] and the rulings of the Court, **IT IS ADJUDGED** that:

1. Final judgment is hereby entered in favor of Plaintiffs, William Miller and Susan Kelleghan, as Trustee of the Susan I. Kelleghan Trust dated 11/06/2007, as to Counts I and II of the Plaintiffs' Second Amended Complaint.

2. On Count I of the Plaintiffs' Second Amended Complaint (Declaratory Judgment), the Court finds in favor of the Plaintiffs. The Court further finds that Riverbend of Naples Mobile Homeowners Association, Inc. ("Riverbend") is a cooperative that owns and maintains a "mobile home" park and may not convert the property into either a "recreational vehicle" park or a hybrid park with both mobile homes and recreational vehicles set on the homesites, without first obtaining requisite approval from its members to appropriate changes to its governing documents.

3. On Count II of the Plaintiffs' Second Amended Complaint (Injunctive Relief), the Court also finds in favor of the Plaintiffs. The Temporary Injunction entered in this matter on

December 11, 2023 [Dkt. 74], the contents of which are incorporated by reference, is hereby converted to a Permanent Injunction which shall remain in place unless and until such time as Riverbend obtains approval from its members to convert the current “mobile home” park structure to one that allows “recreational vehicles” to be placed on the homesites.

4. The clerk is hereby directed to return the bond provided by the Plaintiffs in response to this Court’s December 11, 2023 Injunction.

5. The Court reserves jurisdiction to enter such other orders as may be necessary and proper to enforce this Final Judgment, as well as to determine Plaintiffs’ entitlement to an award of attorneys’ fees and costs, and the amount of any such award.


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Joseph G. Foster, Circuit Court Judge 1pnN4vz+
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