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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204897
Party	Plaintiff John G. Marino
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application Serial No. 85411955  
For the mark LAGUNA LAKES Published in the Official Gazette on  
February 28, 2012**

**Consolidated Opposition No:91204897**

91204941

**JOHN GERARD MARINO**

**v.**

**LAGUNA LAKES COMMUNITY ASSOCIATION, INC.**

**JOHN GERARD MARINO'S  
NOTICE OF FILING  
TESTIMONY DEPOSITION OF OPPOSER**

John Gerard Marino ("Marino") hereby files his Testimony Deposition pursuant to TBMP 703.01 and all exhibits thereto as Exhibit "A."

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic mail on this 10 day of October 2014 to: Donna M. Flammang, Esq., Brennan Manna & Diamond, P.L., 3301 Bonita Beach Road, Suite 100, Bonita Springs, FL 34134.

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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451

JOHN G. MARINO,

Opposition No: 91204897

vs.

Opposition No: 91204941

LAGUNA LAKES COMMUNITY  
ASSOCIATION, INC.,

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DEPOSITION OF:       **JOHN G. MARINO**

DATE TAKEN:           October 8, 2014

TIME:                   11:41 a.m. to 3:08 p.m.

PLACE:                 Von Ahn Associates, Inc.  
13241 University Drive  
Suite 104  
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BEHALF OF:            The Opposer

REPORTER:             Heather J. Shelton, CSR, RPR

---

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## I N D E X

### JOHN MARINO

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1 Q. Okay. What kind of licenses do you hold?

2 A. I hold a broker associate for real estate.

3 Q. Okay. And how long have you held that license  
4 for?

5 A. Since 2010.

6 Q. And there have been no claims then on your  
7 license at all?

8 A. No. Absolutely clear since 2001.

9 Q. And the addresses that you provided for us,  
10 9069 Paseo De Balencia Street, is that located in a  
11 particular development here in Fort Myers?

12 A. Yes, Laguna Lakes.

13 Q. And as a Realtor, have you been listing and  
14 selling homes in the Laguna Lakes development?

15 A. Yes, I have since 2003.

16 (A short break was taken.)

17 MR. ROTHSCHILD: Can you describe -- pretrial  
18 disclosures --

19 THE COURT REPORTER: I'm sorry, Chad, I can't  
20 hear you. What did you say?

21 MR. ROTHSCHILD: Sorry. I just -- I have a  
22 list of pretrial disclosure of potential exhibits  
23 if it would be possible to --

24 MR. BEHREN: No. I'm not going to do it that  
25 way. I'm not prepared to do it that way. I'm

1 going to describe the exhibits. There's copies  
2 here for the attorney who is here to take a look  
3 at.

4 MR. ROTHSCCHILD: Okay. That's fine.

5 (Exhibit 1 marked for identification.)

6 MR. BEHREN: Let me show you what's been  
7 marked as Composite Exhibit 1, and just so you  
8 know, Chad, Composite Exhibit 1 are the two  
9 trademark applications for Laguna Lakes, the word  
10 and logo applications.

11 MR. ROTHSCCHILD: Okay. I appreciate that.  
12 Thanks.

13 MS. HASTINGS: And these are both Exhibit 1?

14 THE WITNESS: Yes, uh-huh.

15 MR. BEHREN: Gerard, you need to answer  
16 questions and not get involved in all this other  
17 stuff.

18 BY MR. BEHREN:

19 Q. All right. You recognize this composite  
20 exhibit?

21 A. Yes, I do.

22 MR. BEHREN: Actually, just to make it clear  
23 also, we're going to mark -- we'll mark the word  
24 application as Exhibit 1 and the mark or logo  
25 application as Exhibit 2.

1 (Exhibit 2 marked for identification.)

2 BY MR. BEHREN:

3 Q. So taking a look at Exhibit 1, you recognize  
4 that document?

5 A. Yes, I do.

6 Q. What's that document?

7 A. That is a copy of the original trademark  
8 application filed by Donna Flammang on behalf of the  
9 Laguna Lakes Community Association on 8-31-2011.

10 Q. And Exhibit 2, do you recognize that document?

11 A. Yes, I do.

12 Q. And what is that document?

13 A. This is the trademark application for the logo  
14 for Laguna Lakes, filed by attorney Donna Flammang on  
15 behalf of the Laguna Lakes Community Association, on  
16 9-2-11.

17 Q. Okay. And let me have those back for one  
18 second, please.

19 And on these particular documents, at least  
20 Exhibit 1 here appears to have annotations on the actual  
21 trademark application in red lettering. Whose  
22 annotations are those?

23 A. Those are mine.

24 Q. Okay. So now, here on the application it  
25 says -- there's an application for Laguna Lakes in

1 Exhibit 1, and the owner of the mark, it says,  
2 "Laguna Lakes Community Association," and your  
3 annotation says that that's not true.

4 A. That is not true.

5 Q. Okay. Why do you claim that's not true?

6 A. I need to see the document.

7 Q. Exhibit 1.

8 A. Okay. They show on the page 1 of Exhibit 1,  
9 the owner of the mark is the Laguna Lakes Community  
10 Association, and I'm going to establish in this  
11 testimony that they are not the owner of the mark and  
12 have never been the owner of the mark.

13 Q. Okay. Let me take a look at Exhibit 1 again,  
14 please. And with regard to the second page of  
15 Exhibit 1, there's a website address here listed as  
16 [www.lagunalakes.com](http://www.lagunalakes.com). Do you have knowledge -- that  
17 particular website, who does that belong to?

18 A. I own that website.

19 Q. Okay. So on Exhibit 1. The trademark  
20 application, they listed a website address that you own?

21 A. That's correct.

22 Q. Okay. Has Laguna Lakes -- to your knowledge,  
23 has Laguna Lakes Community Association, Inc., ever owned  
24 [www.lagunalakes.com](http://www.lagunalakes.com)?

25 A. No. They have not, and I have submitted

1 previous documents to show the trail of ownership. It  
2 was owned by Transeastern Homes who were purchased by a  
3 company calls TOUSA, T-O-U-S-A, and I purchased it from  
4 TOUSA at their bankruptcy liquidation.

5 Q. Okay. And also on the application on page 2  
6 indicates that the first use of the Laguna Lakes mark  
7 was as early as 10-6-2003. Do you have any knowledge as  
8 to whether or not that's accurate?

9 MR. ROTHSCHILD: Objection. Lack of  
10 foundation. You can answer.

11 BY MR. BEHREN:

12 Q. Do you have any knowledge as to whether or not  
13 that's accurate, that date?

14 A. Yes. That date is accurate, however not by  
15 the applicant.

16 Q. Okay. So do you no who, if not Laguna Lakes  
17 Community Association, was using the mark Laguna Lakes  
18 as early as October 6, 2003?

19 A. Yes.

20 MR. ROTHSCHILD: Objection, lack of personal  
21 knowledge. You can answer.

22 MR. BEHREN: Well, I asked him whether or not  
23 he knows.

24 MR. ROTHSCHILD: You can answer.

25 THE WITNESS: Yes, I know because I researched

1           it carefully. That mark, the name lagunalakes.com  
2           was owned by Transeastern Homes and first used in  
3           2003 by them. It has never been owned by  
4           Laguna Lakes Community Association as stated on the  
5           application.

6 BY MR. BEHREN:

7           Q. On page 2 there's a specimen description, and  
8           they attach the first page of the Laguna Lakes Community  
9           Association website [www.lagunalakesassociation.com](http://www.lagunalakesassociation.com). Do  
10          you know what owns [www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)?

11          A. Yes, I do. The Who-is record maintained by  
12          the United States government will show that instead of  
13          it being owned by the applicant and used by the  
14          applicant in 2003, it was not even established until  
15          August of 2006, and we'll establish that in more detail  
16          later.

17          Q. And the last page of this application is a  
18          signature of Donna Flammang. Who is Donna Flammang?

19          A. Donna Flammang is an attorney who lives in  
20          Laguna Lakes and is actually my neighbor, one block  
21          away. I serve with her on a board which I'll show  
22          documentation, 2007, and Donna and I know each other  
23          for -- since at least that time period.

24          Q. Okay. Do you know also whether or not she's a  
25          partner in the law firm that's currently defending this

1 opposition proceeding?

2 A. I don't know if she's a partner or not, but I  
3 know she's an attorney who works for the law firm, but  
4 she's the one that signed under oath that this document  
5 is true and accurate, and it is not.

6 MR. ROTHSCHILD: Objection, lack of --  
7 speculative and lack of foundation.

8 MS. HASTINGS: Let the record reflect that the  
9 witness is showing the attorney questioning him  
10 what he wants to be asked about.

11 MR. ROTHSCHILD: Obviously I'm taking whoever  
12 it is at their word. Obviously we're objecting to  
13 that as inappropriate.

14 BY MR. BEHREN:

15 Q. I'm going to show you the last page of  
16 Exhibit 2 --

17 MR. ROTHSCHILD: There should be no dialogue  
18 between the witness and the attorney other than  
19 questions from the attorney.

20 BY MR. BEHREN:

21 Q. I'm going to show you the last page of  
22 Exhibit 2. What is that document there?

23 A. This document is taken directly in the U.S.  
24 Patent and Trademark Office, and it was submitted by the  
25 Laguna Lakes Community Association as a specimen on the

1 mark application, representing their 2003 first use  
2 when, in fact, this is a page taken from the  
3 www.lagunalakescommunityassociation.com page, which was  
4 not even established until 2006.

5 MR. ROTHSCILD: Objection. Misrepresentation  
6 of application. You can continue.

7 (Exhibit 3 marked for identification.)

8 BY MR. BEHREN:

9 Q. All right. Let me show you what I'm going to  
10 mark as Exhibit 3, Composite Exhibit 3. I'm going to  
11 give a copy to counsel.

12 Composite Exhibit 3, the first page is a  
13 Fort Myers News-Press advertisement, dated February 2nd,  
14 2003. The second page appears to be a picture of a  
15 Laguna Lakes monument sign from March 26, 2005. The  
16 third page appears to be -- well, I'll ask the witness  
17 about some of this documentation here. Mr. Marino, with  
18 regard to Exhibit 3, do you recognize the documents here  
19 in Composite Exhibit 3?

20 A. Yes, I do.

21 Q. Okay. And what are they?

22 A. Page 1 is a copy from the Fort Myers  
23 News-Press of an ad by Transeastern Homes, marketing the  
24 community whereas they're using the logo; the website,  
25 lagunalakes.com; and the name Laguna Lakes. They also

1 reference that these are California names that they're  
2 copying, and it is by the developer, not by Laguna Lakes  
3 Community Association. Page 2 --

4 Q. Now, hold on one second. With regards to the  
5 first page, can you tell from this first page when it  
6 was that Transeastern Homes first started selling or  
7 marketing homes in the Laguna Lakes community in  
8 Fort Myers?

9 MR. ROTHSCHILD: Objection. Lack of personal  
10 knowledge. You can answer.

11 THE WITNESS: Yes, the ad is very clear. It  
12 was the first weekend of February 2003.

13 BY MR. BEHREN:

14 Q. Okay. What is the second page of Composite  
15 Exhibit 3?

16 A. It is a copy of the entrance sign into  
17 Laguna Lakes, and it clearly says with the logo,  
18 "Laguna Lakes, a Transeastern Homes Community."

19 Q. Okay. And there's a date on that particular  
20 picture?

21 A. Yes. March 26, 2005.

22 Q. Okay. And hold on. With regard to the second  
23 page of Composite Exhibit 3, do you know who took that  
24 photo?

25 A. Yes. One of the residents in Laguna Lakes.

1 Q. And where did you get that photo from?

2 A. She gave me the photo to establish that the  
3 logo --

4 MR. ROTHSCHILD: Objection, hearsay. You can  
5 answer.

6 THE WITNESS: -- the logo and the monument  
7 sign clearly showed that it was a Transeastern  
8 Homes community and marketed as such in March of  
9 2005.

10 BY MR. BEHREN:

11 Q. Okay. With regard also to this monument sign,  
12 do you know who is the current owner of this monument  
13 sign?

14 MR. ROTHSCHILD: Objection. You can answer.

15 THE WITNESS: Yes, I do. Documentation that  
16 will follow later in my testimony will show that  
17 the sign is owned by another entity called the  
18 Laguna Lakes Community Association, Inc. It has  
19 nothing to do with Laguna Lakes Community  
20 Association.

21 BY MR. BEHREN:

22 Q. I'm sorry. I think you misspoke. You said it  
23 was Laguna Lakes Community Association?

24 THE COURT REPORTER: I'm sorry. Chad, I  
25 didn't hear what you said.

1 MR. ROTHSCHILD: Objection, asked and  
2 answered.

3 MR. BEHREN: No. It's not objection asked and  
4 answered.

5 BY MR. BEHREN:

6 Q. Laguna -- I'm sorry. The property that it's  
7 on is that.

8 MR. ROTHSCHILD: Objection. Coaching the  
9 witness.

10 MR. BEHREN: I'm not coaching the witness,  
11 Chad, okay. What he said didn't make sense; so I'm  
12 clarifying his answer to the question.

13 MR. ROTHSCHILD: It made sense. He said what  
14 he said. Objection for the record.

15 MR. BEHREN: Okay, Chad. You made your  
16 objection.

17 THE WITNESS: The property appraiser clearly  
18 shows that it's owned by the Laguna Lakes Community  
19 Development District, not the Laguna Lakes  
20 Community Association.

21 BY MR. BEHREN:

22 Q. Okay. So the monument sign, you're saying it  
23 shows in the public records of Lee County that the  
24 monument sign that you're referring to here is not owned  
25 by Laguna Lakes Community Association?

1           A.    That's correct.  And the property appraiser  
2 shows it was never owned by the Laguna Lakes Community  
3 Association.

4           MR. ROTHSCHILD:  Objection.  That document  
5 wasn't produced in discovery.

6           MR. BEHREN:  It's public record.

7           MR. ROTHSCHILD:  Objection.

8 BY MR. BEHREN:

9           Q.    Next page.  What is the next page here?

10          A.    The next page is a screen shot of the  
11 lagunalakes.com website on April 4th, 2003.  Clearly  
12 shows that it was owned and used by Transeastern Homes.

13 BY MR. BEHREN:

14          Q.    Get.  What was the next page?

15          A.    I'm sorry.  I was taking a breath.

16                It shows that it was owned by -- this page was  
17 owned by Transeastern Homes and not the Laguna Lakes  
18 Community Association as represented in the application.

19          MR. ROTHSCHILD:  Objection to the extent it's  
20 not listed in the pretrial disclosures.

21          MR. BEHREN:  These were all listed, and, Chad,  
22 listen, I'm not going to let you keep on making  
23 objections just to make objections.  No.  No.  
24 Chad, let me finish speaking.  You're allowed to  
25 make objection based upon evidentiary bases as if

1 we're in trial, not just object -- form objections  
2 or just objections with no specific basis; so if  
3 you want to --

4 MR. ROTHSCHILD: I can --

5 MR. BEHREN: No. Let me finish -- let me  
6 finish speaking.

7 So if you want to make an objection with a  
8 legitimate evidentiary objection as if we were in  
9 trial, then do it; otherwise, don't open your mouth  
10 anymore, okay? I'm not going to let you keep on  
11 just objecting to just to try to disrupt the  
12 deposition.

13 MR. ROTHSCHILD: Ask him your questions, okay.

14 BY MR. BEHREN:

15 Q. What is the next document here?

16 A. This is a coupon by Transeastern Homes for the  
17 opening day weekend, as I mentioned, in February of 2003  
18 given to potential buyers. It shows the Laguna Lakes  
19 community logo on it. It was shows that it was signed  
20 by an officer, vice-president of Transeastern Homes. It  
21 has a Transeastern Homes logo on it. It also shows  
22 Beverly Hills collection, which I'll show in testimony  
23 was also taken from California as all the names in the  
24 community have been.

25 Q. Okay. And does it have the Laguna Lakes logo

1 on it that actually is the subject of one of the  
2 trademark applications?

3 A. Clearly, yes, it does.

4 Q. Okay. The next page of Composite Exhibit 3 is  
5 what?

6 A. This is a copy of the flyer that was given out  
7 in the marketing package by Transeastern Homes, showing  
8 that they were going to open a new community with a  
9 California lifestyle by Transeastern Homes. It makes  
10 reference to the names, the lakes, and the amenities,  
11 all taken from California.

12 Q. Okay. What is the next page of Composite  
13 Exhibit 3?

14 A. This is a map, showing the community's  
15 location.

16 Q. When you say, "the community," what community  
17 are you referring to?

18 A. Laguna Lakes.

19 Q. Okay.

20 A. By Transeastern Homes. It uses the logo,  
21 shows the address, and has Transeastern Homes logo on  
22 it.

23 Q. Okay. So this document also -- that you just  
24 were referring to also has the same logo on it as set  
25 forth in the Exhibit 2, the application for trademark?

1 A. Yes, it does.

2 Q. Okay. What is the next page here?

3 A. This is a map. It's call a site map, s-i-t-e,  
4 map of Laguna Lakes, showing the four communities,  
5 Monterey, Pebble Beach, Santa Barbara, and  
6 Beverly Hills, all taken from California communities.

7 Q. Okay. What is the next page here of Composite  
8 Exhibit 3?

9 A. This is a business card from Transeastern  
10 Homes sales rep Jamie Buck with the Laguna Lakes logo on  
11 it, the Laguna Lakes website, that being  
12 lagunalakes.com, clearly showing they owned it, not the  
13 applicant as stated.

14 MR. ROTHSCHILD: Objection, narrative.

15 MR. BEHREN: Go ahead.

16 THE WITNESS: And it shows the email address  
17 as JamieB@Transeastern.com.

18 BY MR. BEHREN:

19 Q. Does that also have the Laguna Lakes logo on  
20 it as set forth in Exhibit 2?

21 MR. ROTHSCHILD: Objection, leading.

22 THE WITNESS: Yes. It has both the  
23 Laguna Lakes logo and the Transeastern Homes logo.

24 BY MR. BEHREN:

25 Q. Okay. And the last page of Composite Exhibit

1 3 is what?

2 A. This is a copy of a sales slick given by  
3 Transeastern Homes to potential buyers with the  
4 Laguna Lakes name on it, and it clearly says that these  
5 are copies from California. It also has the  
6 Transeastern Homes logo on it.

7 Q. Okay. Do you know whether or not at this time  
8 in approximately February of 2003, do you know whether  
9 or not Transeastern was using the lagunalakes.com  
10 website?

11 A. Yes, they were. They were very actively  
12 marketing it, and that's the reason for this deposition  
13 because the applicant claims they were using it, and  
14 that's not true.

15 Q. And as far as -- was that website also used at  
16 all for potential buyers?

17 A. Yes, it was.

18 Q. In what fashion?

19 A. Gave them an opportunity to see the community,  
20 floor plans, amenities, and even put in a priority  
21 reservation to purchase a home.

22 Q. Was there actually a grand opening sales event  
23 that Transeastern held for Laguna Lakes in February of  
24 2003?

25 A. Yes, there was.

1 Q. Can you tell us about that?

2 A. That was on Friday, Saturday, and Sunday,  
3 first weekend in February of 2003. At that time the  
4 president, vice-president of Transeastern Homes attended  
5 the event. It was a well-publicized event, radio, TV,  
6 even the hotel presentations to potential buyers  
7 previous to the grand opening.

8 Q. Do you have -- where are the marked exhibits,  
9 Gerard? Oh, never mind. Sorry about that. I just want  
10 to keep track of everything.

11 Let me show you what's going to be marked as  
12 Exhibit 4 or Composite Exhibit 4. Let me provide a copy  
13 to counsel.

14 MS. HASTINGS: Thank you.

15 (Exhibit 4 marked for identification.)

16 BY MR. BEHREN:

17 Q. All right. Let me show you composite  
18 Exhibit 4. Do you recognize this exhibit, and these  
19 documents contained in there?

20 A. Yes, I do.

21 Q. Okay. And the first page appears to be a  
22 photo including yourself. What is that document?

23 A. Yes. This is the opening day weekend in  
24 February of 2003 in which the president, vice-president,  
25 and chairman of Transeastern Homes put on an event to

1 sell Laguna Lakes. Included in the picture from left to  
2 right, Neil Eisner; Art Falcone, who is the CEO. He's  
3 shaking hands with me. Next to me is Joe Lazar. He's  
4 the officer who signed this coupon earlier.

5 Q. Do you recall why it is that Mr. Eisner and  
6 Falcone were taking pictures with you here with the  
7 Laguna Lakes logo and welcome sign?

8 A. Yes. The reason is this was a publicity photo  
9 that they were going to use because I did something that  
10 had never been done in the history of the company. I  
11 sold 11 properties in one day on the grand opening  
12 event.

13 THE COURT REPORTER: I'm sorry. I didn't get  
14 your objection.

15 MR. ROTHSCHILD: Objection, hearsay.

16 BY MR. BEHREN:

17 Q. Go ahead. You sold 11 homes in one day?

18 A. 11 homes in one day, and they were quite  
19 impressed; so they took the publicity photo.

20 Q. What is the second page of Composite Exhibit  
21 4? First of all do you recognize that document?

22 A. Yes, I do.

23 Q. Okay. What is that?

24 A. This is a letter thanking me.

25 Q. What's the date of the letter?

1 MR. ROTHSCHILD: Objection, hearsay.

2 THE WITNESS: March 11th, 2004. For my  
3 participation in the Transeastern project known as  
4 Laguna Lakes, signed by president Neil Eisner.

5 BY MR. BEHREN:

6 Q. Okay. And this is a letter that you received?

7 A. Yes, I did.

8 Q. And this is part of your business records?

9 A. Yes, it is.

10 Q. And you maintain these documents in the  
11 ordinary course of business?

12 A. Yes, I do.

13 Q. Okay. Go ahead. What's the next page of  
14 Composite Exhibit 4?

15 A. The next one is a copy of the agenda for a  
16 meeting held on April 9th, 2003, by my company at the  
17 time, RE/MAX Realty Group.

18 MR. ROTHSCHILD: Objection, hearsay.

19 THE WITNESS: And underlined it says, "Gerard  
20 Marino has qualified our entire group for this  
21 special rate by selling 11 properties in  
22 Laguna Lakes."

23 BY MR. BEHREN:

24 Q. What do you mean, "this special rate"? What  
25 does that mean?

1           A.    Transeastern Homes offered a special sliding  
2 scale and commissions if our entire office combined  
3 could sell 10 properties. I personally sold 11.

4           Q.    Okay. And is this also a business record of  
5 your real estate practice?

6           A.    Yes, it is.

7           Q.    This is also a document that you maintained in  
8 the ordinary course of your business?

9           A.    Yes, it is.

10          Q.    And this appears in the same condition as when  
11 you received it back in 2003?

12          A.    Yes, it is.

13          Q.    Okay. Let me show you -- take a look, please,  
14 at the next document here which is another series of  
15 photos. What is that supposed to refer to?

16          A.    It is a picture of interior of the sales  
17 office of Transeastern Homes on site at Laguna Lakes.  
18 It shows their sales rep leaning up against what we call  
19 in the industry a topo board, which is a representation  
20 of what the community is going to look like it. Shows  
21 all 614 homes in which to purchase and the lakes, all on  
22 a board roughly four feet by four feet.

23          Q.    Okay. Let me have back Exhibit 4, please.

24                   MS. HASTINGS: Again, the witness is  
25 communicating with his lawyer, telling him what to

1 ask about.

2 MR. BEHREN: The record -- you know, I'm not  
3 going to let the record reflect something that  
4 didn't reflect. He's handing me back exhibits.

5 MS. HASTINGS: No. He's pointing to you and  
6 telling you, "You forgot to ask this about this.  
7 You forgot to ask about this."

8 MR. BEHREN: He's asking -- he's handing me  
9 back exhibits.

10 MS. HASTINGS: He's doing more than that.

11 MR. BEHREN: No, he's not.

12 MR. ROTHSCHILD: Objection, obviously.

13 BY MR. BEHREN:

14 Q. Did you at some point eventually you and your  
15 wife close on your property in Laguna Lakes?

16 A. Yes, we did.

17 Q. At 9609 Paseo De Balencia Street?

18 A. Yes, we did.

19 Q. By the way, Paseo De Balencia Street, do you  
20 know, does that also derive somewhere from California  
21 locale?

22 A. Yes. It's the name of a street in California.

23 Q. And when did you and your wife close on your  
24 property?

25 A. In the spring of 2004.

1 (Exhibit 5 marked for identification.)

2 BY MR. BEHREN:

3 Q. Let me show you what's going to be marked as  
4 Composite Exhibit 5. I'll provide a copy to opposing  
5 counsel.

6 What is Exhibit -- first of all Exhibit 5, do  
7 you recognize the documents contained herein?

8 A. Yes, I do.

9 Q. Okay. And what is the first page of  
10 Exhibit 5?

11 A. The first page is a screen shot taken from the  
12 California Department, I believe, of Recreation, and it  
13 shows that Laguna Lakes is the name of a -- the only  
14 known natural fresh water lakes in Orange County,  
15 California. And the owner of Laguna Lakes -- the  
16 geographical Laguna Lakes in California I'm referring  
17 to -- is the City of Laguna Beach, and its location is  
18 on Laguna Canyon Road, approximately six miles north of  
19 Laguna Beach.

20 Q. Now, the second page in Composite Exhibit 5,  
21 what is that document?

22 A. This is a copy of an article from the --

23 Q. Let me just -- Gerard, the first page of  
24 Composite 5, where did you obtain that document from?

25 A. From a website from California -- City of

1 Laguna Beach. It's a public document.

2 Q. Now, the second --

3 THE COURT REPORTER: I'm sorry, Chad. I can't  
4 hear you.

5 MR. ROTHSCHILD: Objection. Proceed.

6 BY MR. BEHREN:

7 Q. The second page of Composite Exhibit 5, what  
8 is this document here?

9 A. It's a copy of an article from the Los Angeles  
10 Times.

11 Q. And where did you obtain that document from?

12 A. Also from their web -- the public record.  
13 It's from February 25th of 1997, and it makes reference  
14 that Laguna Lakes is Orange County's largest natural  
15 lake.

16 Q. Okay. The next page of Composite Exhibit 5,  
17 what is that document?

18 A. This is a document taken off Sunbiz in the  
19 state of Florida. It shows that on February 20th of  
20 1998 a developer filed documentation with the Florida  
21 Department of State for the name Laguna Lakes Homeowner  
22 Association, Inc.

23 Q. Okay. Do you know where this Laguna Lakes  
24 Homeowner Association was located?

25 A. No, I do not. I do not recognize it.

1 Q. Is there an address on the articles of  
2 incorporation here?

3 A. Just the reference of a legal address in  
4 Lehigh Acres.

5 Q. And that was filed when again?

6 A. February 11th, 1998.

7 Q. Okay. The next document here after the Sunbiz  
8 filing, what is this document?

9 A. This is a document from Zillow.com showing an  
10 advertisement for the Laguna Lakes subdivision in  
11 California for a property there.

12 Q. And how -- where did this particular printout  
13 come from?

14 MR. ROTHSCHILD: Objection, relevance.

15 THE WITNESS: From Zillow.com.

16 BY MR. BEHREN:

17 Q. And you actually went and researched that and  
18 printed that out?

19 A. Yes, I did.

20 Q. Okay. What is the next page here of Composite  
21 Exhibit 5?

22 A. This is a Craigslist advertisement for a  
23 rental in Laguna Lakes taken from the Craigslist in  
24 San Luis Obispo, California.

25 Q. So that was for a rental in Laguna Lakes,

1 where, in California?

2 A. In California.

3 Q. So is it your understanding there is a  
4 Laguna Lakes development in California?

5 A. Clearly there's a group of natural lakes,  
6 geographic lakes called Laguna Lakes, and there's at  
7 least one subdivision called Laguna Lakes.

8 Q. Okay. What is the next page of Composite  
9 Exhibit 5?

10 A. This is a comment about how well Verizon and  
11 Sprint work --

12 MR. ROTHSCHILD: Objection, hearsay.

13 THE WITNESS: -- in the Laguna Lakes  
14 subdivision in California.

15 BY MR. BEHREN:

16 Q. Okay. This is also something that you  
17 researched and were able to print out off of the  
18 Internet?

19 A. That is correct.

20 Q. What website is this from?

21 A. It did not print -- cellreception.com, I  
22 believe.

23 Q. Okay. What is the next page here of composite  
24 Exhibit 5?

25 A. This is an advertisement for a home for sale

1 in Laguna Lakes, again, San Luis Obispo, California.

2 Q. And where did you print that out from?

3 A. From Craigslist.

4 Q. Okay. And what is the next page of Composite  
5 Exhibit 5?

6 A. This is for a rental community owned by a  
7 large real estate investment trust called Lincoln  
8 Property Company, and they are advertising rentals at  
9 The Resort at Laguna Lakes.

10 Q. Okay. And what is the next page of Composite  
11 Exhibit 5?

12 A. I'm sorry. That's in West Palm Beach,  
13 Florida.

14 Q. Okay.

15 A. The next one is from Condo.com. It's for a  
16 rental at Emerald Isle at Laguna Lakes, and this is for  
17 West Palm Beach, Florida.

18 MR. ROTHSCHILD: Objection, hearsay, lack of  
19 personal knowledge.

20 BY MR. BEHREN:

21 Q. That page that you just referred to, was that  
22 something you personally researched and printed out off  
23 the internet?

24 A. Yes, it is.

25 Q. Off of what site? You said, Condo.com?

1 A. Condo.com.

2 Q. Okay. What's the next page of Composite  
3 Exhibit 5?

4 A. This is a rental from -- it's a picture of a  
5 rental community taken from YouTube for the resort at  
6 Laguna Lakes in West Palm Beach, Florida.

7 Q. Okay. What is the next page of Composite  
8 Exhibit 5?

9 A. A screen shot on Facebook for the resort at  
10 Laguna Lakes, also West Palm Beach, Florida.

11 (Exhibit 6 marked for identification.)

12 BY MR. BEHREN:

13 Q. Let me show you what I'm going to mark as  
14 composite Exhibit 6. I'm going to provide counsel with  
15 a copy of that also.

16 Let me show you what I've marked as Exhibit 6.  
17 Do you recognize that document?

18 A. Yes, I do.

19 Q. Okay. And what is that document?

20 A. This is the articles of incorporation of  
21 Laguna Lakes Community Association as filed with the  
22 State of Florida.

23 Q. Okay. And when was that filed?

24 A. September 26, 2003.

25 Q. And after the -- after the articles of

1 incorporation -- here, let me have that for a second.

2 First looking at the 4th page of the articles  
3 of incorporation of Laguna Lakes Community Association  
4 in Article 8 where it says, "Officers," there's some  
5 names here, Marc Schneiderman, Maryann Crowell,  
6 Cora DiFiore. Do you know who those people are?

7 A. Yes, I do.

8 Q. Who are they?

9 A. They were all employees of Transeastern Homes.  
10 They had nothing to do with the Laguna Lakes Community  
11 Association.

12 Q. And let me show you the next part of composite  
13 Exhibit 6 which is from Sunbiz, "2006 Not-for-Profit  
14 Corporation Annual Report," filed on April 13, 2006.  
15 Does that also -- did you print that out off of Sunbiz?

16 A. Yes. Directly off Sunbiz.

17 Q. Does that also have the names of the same  
18 people?

19 A. Yes, it does.

20 Q. Mr. Schneiderman, Ms. Crowell, and  
21 Ms. DiFiore?

22 A. Yes.

23 Q. And those are the original board members of  
24 Laguna Lakes Community Association?

25 A. Yes, they were from 2003 to 2006.

1 Q. Okay. And this last document is entitled --  
2 part of Composite Exhibit 6 is entitled "Who-is record."  
3 What is that document?

4 A. This shows the official creation date of  
5 Laguna Lakes Association. As I mentioned earlier on the  
6 application, they stated 2003. Clearly the official  
7 government record shows that it was created on  
8 August 24th of 2006.

9 Q. Now, when you say, "Laguna Lakes" -- when you  
10 say, "Laguna" -- hold on one second. Let me just see  
11 the document.

12 When you say, "Laguna Lakes Association," are  
13 you referring to lagunalakesassociation.com?

14 A. Yes, I am.

15 Q. Okay. So you're saying that, based upon your  
16 research on the Who-is record here, that  
17 lagunalakesassociation.com was created on August 24th,  
18 2006?

19 A. Yes. In spite of what the records say. The  
20 misrepresentation, I believe, and the Patent and  
21 Trademark Office will see, is that LLCA is intentionally  
22 confusing and misrepresenting to the Patent --

23 MR. ROTHSCILD: Objection. Unqualified to  
24 make that misrepresentation and speculative. You  
25 can answer.

1 THE WITNESS: -- who was the owner of the  
2 website, who was using the logo, and who was using  
3 the name in 2003. Clearly the record shows the  
4 Laguna Lakes Community Association was not even  
5 turned over until 2006; so it was impossible for  
6 the dates that they show on the application to be  
7 true.

8 (Exhibit 7 marked for identification.)

9 BY MR. BEHREN:

10 Q. Okay. Let me show you what I'm going to mark  
11 as Composite Exhibit 7. I'm going to provide a copy of  
12 it to counsel. Okay.

13 Take a look, please, at Composite Exhibit 7,  
14 and I want you to first tell me whether or not you  
15 recognize the documents contained therein.

16 A. Yes. I'm sorry, Scott. One piece of paper is  
17 left there that's part of this. Thank you. Yes, I  
18 recognize them.

19 Q. Okay. And let's go a page at a time here.  
20 The first page of Exhibit 7 appears to be a business  
21 card and some type of receipt. What are those documents  
22 there?

23 A. This is my receipt for the business cards that  
24 I printed on August 3rd of 2004, showing my name,  
25 photograph of the community, and "Mr. Laguna Lakes."

1 Q. Okay. And the next page of Composite Exhibit  
2 7, what is this document here?

3 A. This is my registration of MRLAGUNALAKES.COM,  
4 and it was created on February 17th of 2005.

5 Q. And this next document, which is some type of  
6 an invoice from Arthur Printing, dated May 20th, 2005,  
7 and a check from John Gerard Marino to Arthur Printing.  
8 What is that document?

9 A. This is the printing of my first postcard in  
10 which I start marketing myself as Mr. Laguna Lakes, and  
11 that date is 6-8-05.

12 Q. Okay. And then in next page here, what is  
13 that document?

14 A. This is an actual copy of the postcard, very  
15 first postcard, clearly showing "Mr. Laguna Lakes."

16 Q. When you say that was the postcard you were  
17 referring to, those were the postcards that were  
18 generated by Arthur Printing?

19 A. That's correct, and mailed to all the  
20 residents of Laguna Lakes, whether they were living  
21 there or they were living out of state, and has the word  
22 "Laguna Lakes" on there, it has "Mr. Laguna Lakes," and  
23 it has a photograph of the community under construction.

24 Q. Okay. And this next document, what is that  
25 document?

1           A.    This is the backside of that postcard, and it  
2 shows the properties that I've either sold, pending,  
3 available, and a paragraph of myself with the trade name  
4 "Mr. Laguna Lakes" on it.

5           Q.    Okay.  And what is the next document here?

6           A.    This is another postcard showing my name,  
7 "Mr. Laguna Lakes."

8           Q.    So is this -- and it says on here "Collector  
9 Card #1, July 10, 2003, digging Pebble Beach Lake."

10          A.    Yes.

11          Q.    What do you mean by "collector card"?

12          A.    I thought that it would be very enjoyable for  
13 those that receive the postcard to see the construction  
14 of the community, and I personally took and maintain  
15 hundreds of pictures of the community.

16          Q.    Okay.  Were there a series of collector's  
17 cards that you created as Mr. Laguna Lakes?

18          A.    Yes, there were.

19          Q.    Okay.  And what is this next document here?

20          A.    More sold homes pending.

21          Q.    Okay.  This next document here would be  
22 Collector Card #2?

23          A.    Yes.  It shows the clubhouse under  
24 construction, and again it shows my name,  
25 "Mr. Laguna Lakes."

1 Q. How about this next page here?

2 A. My need for listings -- again, it's got my  
3 picture, my phone number, and "Mr. Laguna Lakes."

4 Q. Was that a postcard also?

5 A. Yes, it was.

6 Q. And the Collector Card #2 was also a postcard?

7 A. Yes, it was.

8 Q. And who were the postcards being mailed out to  
9 when you were acting as Mr. Laguna Lakes at this time?

10 A. To all the residents in the community, whether  
11 living in the home or out of state.

12 Q. And the next document is Collector Card #3?

13 A. Yes. That's a picture of the sales center  
14 that I referenced earlier that had the topo board and  
15 the salespeople in it. This was on site of  
16 Laguna Lakes, it also has a picture of myself, my phone  
17 number, and the trade name "Mr. Laguna Lakes," and along  
18 with this name Laguna Lakes.

19 Q. Okay. What is the next document here? That  
20 is also a postcard?

21 A. Yes, backside of that same postcard,  
22 advertising a property for sale; my name;  
23 "Mr. Laguna Lakes," trade name.

24 Q. So this next page -- the page that you're  
25 talking about right now is the backside of Collector

1 Card #3?

2 A. Yes, it is.

3 Q. Okay. What is this next document here, this  
4 is Collector Card #4?

5 A. Yes. It shows a lake being dug in  
6 Beverly Hills, which is the community that I live in.  
7 It shows name, Laguna Lakes, that I'm the number one  
8 Realtor in Laguna Lakes, that I'm a resident in  
9 Laguna Lakes, and that I'm using the trade name,  
10 Mr. Laguna Lakes.

11 Q. Okay. What is this next document here?

12 A. The backside of that, and it has a --

13 Q. When you say, "the backside of that," so this  
14 next page is the backside of Collector Card #4?

15 A. Yes.

16 Q. Okay.

17 A. And it shows properties that are for sale, and  
18 it shows a miniature of that same site map that I  
19 referenced earlier, and it's in one of the exhibits with  
20 all the names of the communities and it shows properties  
21 for sale; along with my name; my trade name,  
22 Mr. Laguna Lakes.

23 Q. This next document is Collector Card #5?

24 A. Yes, it is. It shows properties in  
25 Pebble Beach under construction.

1 Q. And what is that next page?

2 A. Another one of the properties that I  
3 previously advertised for sale now being sold.

4 Q. Was that a postcard also, or is this the  
5 backside of a collector card?

6 A. It's a postcard. Mailed postcard to all the  
7 residents in the community and those that are not living  
8 in the community but are owners.

9 Q. This next document is Collector Card #6?

10 A. Yes.

11 Q. And what does that depict?

12 A. It shows a picture of an archive map of what  
13 Laguna Lakes used to look like, being a field, and it  
14 shows my picture; trade name, Mr. Laguna Lakes.

15 Q. Okay. This next page is -- what is this next  
16 document here?

17 A. It's a property -- it's a postcard, copy of a  
18 postcard of property for sale, again, showing  
19 Mr. Laguna Lakes.

20 Q. All right. This next page here, that is  
21 Collector Card #7?

22 A. Yes, it is. It shows the model homes under  
23 construction on Spring Mountain Way. Again, it shows my  
24 picture, "Mr. Laguna Lakes."

25 Q. This next document here?

1           A.    It's the backside of that postcard.  It shows  
2 properties that I recently sold.  They're 6-2007,  
3 7-2007, and some properties that I have for sale.

4           Q.    This next document here is Collector Card #8?

5           A.    Yes, it is.  It shows the community pool under  
6 construction.  Again, it's a postcard mailed to  
7 everybody both in the community and those that own in  
8 the community but are not living in the community, and I  
9 use the trade name Mr. Laguna Lakes.

10          Q.    And also above the picture here in Collector  
11 Card 8, what does that state?

12          A.    That according to the Florida Gulf Coast  
13 Multiple Listing Service, I sold 27 percent of all the  
14 Laguna Lakes properties sold in 2007.

15          Q.    What is this next page here?

16          A.    That is the backside of that same postcard,  
17 and it says that I specialize in Laguna Lakes.

18          Q.    That's the backside of Collector Card 8?

19          A.    Yes.  And it shows properties that I have for  
20 sale, featured listings, and those that I just sold.

21          Q.    What is that next document here?

22          A.    It's another postcard, showing the number --  
23 it has fun facts now instead of photos.  Some fun facts  
24 about the community; and again, emphasizing that I'm the  
25 number one Realtor in the community and known as

1 "Mr. Laguna Lakes."

2 Q. And what is the next page here?

3 A. It's the backside of that same postcard,  
4 showing that I'm number one in Laguna Lakes sales, have  
5 done at that point over \$8 million in property sales to  
6 date. It shows sales that I have, properties that are  
7 available.

8 Q. What is this next document here?

9 A. This is a postcard, and according to 2009,  
10 it's showing sales figures for the community, highest  
11 price, lowest price, shows my picture, and  
12 "Mr. Laguna Lakes," trade name.

13 Q. Okay. What is the next page.

14 A. This is the backside of that same postcard  
15 showing all the properties that I sold in 2009 or leased  
16 with another home for sale.

17 Q. This next -- what is this next page here that  
18 is labeled at the top "Exhibit J"?

19 A. This is an advertisement that I ran in -- the  
20 sample of one of the many advertisements that I ran in  
21 the local Florida weekly newspaper in which I have  
22 clearly featured on top of a photograph of property for  
23 sale, Laguna Lakes, it has my name, and it has the  
24 website, MRLAGUNALAKES.COM.

25 Q. This next document that says, "Exhibit J," on

1 it, what does that depict?

2 A. This is a photograph typical of curbside signs  
3 that I used for many years. It shows the Laguna Lakes  
4 logo, the name Laguna Lakes, and then it says in print,  
5 "Buy/sell/lease, Resident Agent," has my name and phone  
6 number.

7 Q. And the Laguna Lakes logo on these street  
8 signs that you were using is the same one as depicted in  
9 Exhibit 2?

10 A. Yes. The one that was used by Transeastern  
11 Homes.

12 Q. And this is a depiction of multiple road signs  
13 that you were using over the years?

14 A. Oh, yeah, throughout the entire neighborhood.

15 Q. Let me show the next page here, Exhibit J.  
16 The next few pages look like they're similar. What are  
17 those?

18 A. These are two individual bus stop signs that I  
19 lease from the County. One is directly across from  
20 Laguna Lakes; one is adjacent to Laguna Lakes. They're  
21 covered bus shelters. It shows the Laguna Lakes logo,  
22 lagunalakes.com. Underneath that it says, "Sales and  
23 rentals," and then "Free MLS search." So I very, very  
24 actively market the community both inside and outside.

25 Q. And on those bus shelter signs, the logo that

1 you used here is the same logo as depicted on Exhibit 2?

2 A. Yes. As owned by Transeastern Homes.

3 Q. Let me show you the next document here, and  
4 what is that there?

5 A. The typical property sign. It's got my name,  
6 my website, lagunalakes.com. I own it contrary to what  
7 the application said. They have never owned it. It was  
8 either owned by Transeastern Homes, their successor  
9 TOUSA, or myself. I purchased it when TOUSA filed  
10 bankruptcy liquidation, and this is in the community,  
11 and then it has a flyer box underneath there in which I  
12 advertise myself as Mr. Laguna Lakes and that specific  
13 property.

14 MR. ROTHSCHILD: Objection. Lack of  
15 foundation as to Laguna Lakes Community Association  
16 never owned it. You can continue.

17 BY MR. BEHREN:

18 Q. This next -- what is this next page here?

19 A. It's a screen shot of the YouTube video that I  
20 have, advertising the community. It was produced for me  
21 by a New York company in approximately 2005 and has been  
22 on YouTube or other websites since.

23 Q. And this next document here, what is this  
24 here?

25 A. This is a postcard that I received from my

1 commercial printer last night. They'll be going out  
2 this weekend.

3 MR. ROTHSCHILD: Objection. Never produced.  
4 He can continue.

5 THE WITNESS: It shows the Laguna Lakes logo,  
6 the name Laguna Lakes; again, my trade name,  
7 "Mr. Laguna Lakes," as I've been using now for ten  
8 years; my website, lagunalakes.com, that, again, is  
9 mine, and has never been owned by Laguna Lakes  
10 Community Association.

11 MR. ROTHSCHILD: Objection. You can continue.

12 BY MR. BEHREN:

13 Q. All of these documents here in composite  
14 Exhibit 7, these are all business records of your real  
15 estate practice?

16 A. Yes, they are.

17 Q. They've all been maintained in the ordinary  
18 course of your business?

19 A. That's correct.

20 Q. And they're in the same condition as they were  
21 in when you first generated them or produced them?

22 A. That's correct.

23 Q. Do you know whether or not Transeastern Homes  
24 and its officers knew you were using the name  
25 Mr. Laguna Lakes as of -- you know, sometime in 2004?

1 MR. ROTHSCHILD: Objection, lack of personal  
2 knowledge. You can continue.

3 THE WITNESS: Yes. I have personal knowledge,  
4 not only did they know it, as I established, we had  
5 a very -- more than business relationship. I've  
6 been in their personal jet. I've sold in their  
7 other communities from after Laguna Lakes was  
8 established, and I gave them business cards showing  
9 "Mr. Laguna Lakes." Not only did they approve of  
10 me doing that --

11 MR. ROTHSCHILD: Objection, hearsay.

12 THE WITNESS: -- they thought it was very  
13 clever.

14 BY MR. BEHREN:

15 Q. Do you know whether or not the sales staff for  
16 Transeastern Homes as of, you know, 2004 knew you were  
17 using the name "Mr. Laguna Lakes"?

18 MR. ROTHSCHILD: Lacks personal knowledge.

19 THE WITNESS: Yes.

20 BY MR. BEHREN:

21 Q. Go ahead. You have personal knowledge?

22 A. Yes, I have personal knowledge. They  
23 approached me. They thought it was very clever. They  
24 had my --

25 MR. ROTHSCHILD: Objection, hearsay.

1           THE WITNESS: And I would like to put on the  
2 record that not only did Transeastern Homes know  
3 that I was marketing Laguna Lakes as  
4 "Mr. Laguna Lakes," but as documents we passed by  
5 in one of the exhibits show, that they gave me the  
6 topo board as a gift that was used in the sales  
7 center along with all the marketing material, and I  
8 still own them, and they are marked as one of the  
9 exhibits.

10           MR. BEHREN: Let me show you what I'm going to  
11 mark as composite Exhibit 8, and I'm going to give  
12 a copy to counsel.

13           MS. HASTINGS: Thank you.

14           (Exhibit 8 marked for identification.)

15 BY MR. BEHREN:

16           Q. Do you recognize the documents in Composite  
17 Exhibit 8?

18           A. Yes, I do. They're composite documents of  
19 other real estate agents using the name and/or logo,  
20 Laguna Lakes.

21           Q. Do you know whether or not Laguna Lakes has  
22 ever -- do you have any knowledge as to whether or not  
23 Laguna Lakes has asked these particular Realtors to  
24 discontinue the name of Laguna Lakes in their marketing  
25 materials?



1 BY MR. BEHREN:

2 Q. Let me show you what I'm going to mark as  
3 Exhibit 9 or Composite Exhibit 9. Let me show you  
4 Composite Exhibit 9. Do you recognize the documents  
5 contained in there?

6 A. Yes, I do.

7 Q. Okay. Let me take it a page at a time again  
8 with you.

9 With regard to the first page here, what does  
10 that refer to?

11 A. This refers to the purchase of Transeastern  
12 Homes by a company known as TOUSA.

13 MR. ROTHSCHILD: Was this produced in  
14 discovery?

15 MR. BEHREN: Yeah, it was.

16 MR. ROTHSCHILD: Okay.

17 BY MR. BEHREN:

18 Q. And you actually printed that out from online  
19 somewhere?

20 A. Yes, from Builder Magazine. It shows that in  
21 2005 TOUSA purchased the assets of Transeastern  
22 properties which was the owner of Transeastern Homes,  
23 and that sale was completed in 2005.

24 Q. And do you have knowledge as to whether or not  
25 TOUSA at some point in time filed for bankruptcy

1 protection?

2 A. Yes, I do.

3 Q. And the next couple of pages here in Composite  
4 Exhibit 9, would those be documents reflecting the  
5 bankruptcy filing of TOUSA?

6 A. Yes. They were mailed -- we don't know if  
7 they were mailed to everybody, but they were mailed to  
8 us.

9 Q. When you say, "us," who are you referring to?

10 A. My wife and I of the liquidation of TOUSA,  
11 USA. Again, I printed additionally on this composite  
12 document or printout from the federal government showing  
13 the stages of the liquidation of TOUSA.

14 Q. And this next page here in Composite Exhibit 9  
15 is labeled "Exhibit R." What is that document?

16 A. This is a printout of the screen shot from the  
17 Internet archive Way Back Machine, and the date of it is  
18 September 22nd, 2008, and it clearly shows the owner of  
19 lagunalakes.com was TOUSA, which was the purchaser of  
20 Transeastern Homes, contrary to what the application  
21 states. It was never owned by --

22 MR. ROTHSCHILD: Objection.

23 THE WITNESS: -- Laguna Lakes Community  
24 Association.

25

1 BY MR. BEHREN:

2 Q. Okay. This next page in Composite Exhibit 9,  
3 something labeled "Exhibit S." What is that document?

4 A. This is an email to me in which -- from  
5 December 29th, 2010, which states that the owner, the  
6 domain owner, which was TOUSA, they were at that stage  
7 of date they were in bankruptcy reorganization, and I  
8 inquired about purchasing the domain name  
9 lagunalakes.com from them, but they told me that they  
10 are holding it for a client who plans to use it for an  
11 upcoming project. We know that from Who-is record it's  
12 TOUSA.

13 Q. This next page of Composite Exhibit 9 is  
14 something labeled "Exhibit X" from BuyDomains.com. What  
15 is that document?

16 A. This shows that lagunalakes.com is for sale as  
17 part of the bankruptcy liquidation. I purchased it then  
18 from --

19 Q. Did you print out this particular -- I mean,  
20 do you know when this particular document that shows  
21 that lagunalakes.com is for sale, do you know when that  
22 was printed out?

23 A. Print is so small because it's a screen shot.  
24 I can't read it. The document is not dated, but I  
25 probably can ascertain a date from the screen shot.

1 Q. Which would approximately when?

2 A. 2012.

3 (Exhibit 10 marked for identification.)

4 BY MR. BEHREN:

5 Q. Let me show you what's being marked as  
6 Composite Exhibit 10.

7 By the way, with regard to the Laguna Lakes  
8 Community Association, were you on the board of  
9 Laguna Lakes Community Association at some time?

10 A. Yes, I was. I was the vice-president for two  
11 years.

12 Q. What was the timeframes?

13 A. 2007, 2008.

14 Q. Did anybody ever object to you about the use  
15 of the "Mr. Laguna Lakes" name?

16 A. No. Which is interesting, being that I was  
17 the vice-president of the board, there was never a  
18 single objection. Also, I'd like to put on record that  
19 Donna Flammang, the same attorney who filed the  
20 trademark application, was serving as a director on that  
21 same board in 2007.

22 Q. Was there -- in fact, up until you determined  
23 that Laguna Lakes had filed for this trademark, was  
24 there ever any objections made to you by any  
25 representative of Laguna Lakes Community Association

1 complaining about your use of the name

2 "Mr. Laguna Lakes"?

3 A. Yes, there was.

4 Q. Okay. And when was that?

5 A. In the summer of 2011 Bob Hajicek --

6 MR. ROTHSCHILD: Objection, relevance. You  
7 can continue.

8 THE WITNESS: -- visited my house while I was  
9 working outside. He told me that he was sent by  
10 the board and instructed to instruct me to tell me  
11 to stop using the name Laguna Lakes, the logo  
12 Laguna Lakes, and any reference to Laguna Lakes as  
13 they were trademarked. I explained to them that  
14 not only were they not trademarked, that he should  
15 do his research, that the name and the logo were  
16 owned by the creator -- the logo was owned by the  
17 creator which --

18 MR. ROTHSCHILD: Objection, hearsay.

19 THE WITNESS: -- was TOUSA because they had  
20 purchased -- they had purchased Transeastern Homes.

21 MR. BEHREN: What's hearsay, what Mr. Hajicek  
22 told him?

23 MR. ROTHSCHILD: Marino's out-of-court  
24 statement during his conversation.

25 MR. BEHREN: What Marino testified to and what

1 he talked about, that's not going to be hearsay.

2 MR. ROTHSCHILD: You can't admit your own  
3 out-of-court statement.

4 Just continue.

5 BY MR. BEHREN:

6 Q. All right. Let me show you Composite Exhibit  
7 10, and I have a copy for counsel. The first page of  
8 Composite Exhibit 10 appears to be a board of directors  
9 meeting minutes from August 22nd, 2011 for Laguna Lakes.  
10 Was the conversation that had you with Mr. Hajicek prior  
11 to this particular board meeting on or about  
12 August 22nd, 2011?

13 A. Yes. It was about 30 days earlier.

14 Q. Okay. So, now, taking a look at Composite  
15 Exhibit 10, do you recognize the first three pages here?

16 A. Yes. This is a printout of the official  
17 minutes of the Laguna Lakes Community Association board  
18 meeting held on August 22nd of 2011.

19 Q. Is that the first -- does that board  
20 meeting -- board minutes meeting reflect when it was  
21 that the board decided they were going to try to  
22 trademark the name Laguna Lakes?

23 A. Yes, absolutely. On page 3 of the board  
24 minutes, under the discussion of trademark, it says,  
25 "Laguna Lakes logo is not a registered trademark and is

1 being used without the permission of the board of  
2 directors," and then a motion was made by director  
3 Maryann Cowart to register the Laguna Lakes name and  
4 logo as a trademark at a cost of about \$2,700, seconded  
5 by Bob Hajicek, who was the officer that visited me and  
6 told me that it was trademarked and that they did not  
7 want me to use it.

8 Q. The next page here in Composite Exhibit 10 --

9 A. Could I not put on the record that the motion  
10 passed all in favor, and present at that meeting was  
11 board member Donna Flammang, who was the same attorney  
12 who completed the two trademarks that I allege are  
13 untrue and --

14 MR. ROTHSCHILD: Objection, non-responsive.

15 THE COURT REPORTER: What was the last part?

16 THE WITNESS: -- untrue and misleading.

17 BY MR. BEHREN:

18 Q. Let me show you now the next page of Composite  
19 Exhibit 10, which is something labeled "Exhibit U."  
20 What is that document there?

21 A. This is a picture of a property sign in  
22 Laguna Lakes of a property for sale by Mary Ann Cowart  
23 who is a competing real estate agent --

24 MR. ROTHSCHILD: Objection, relevance.

25 THE WITNESS: -- who is the very same person

1           who made the -- director who made the motion to  
2           register -- trademark the name Laguna Lakes and the  
3           logo.

4 BY MR. BEHREN:

5           Q.    The next pages here in Composite Exhibit 10,  
6           you recognize these pages here?

7           A.    Yes.  These are printouts of the official  
8           orders records as filed with the Secretary of State of  
9           Florida, showing that in 2007 I served as vice-president  
10          of the board of Laguna Lakes Community Association along  
11          with Donna Flammang, who served as a director, and in  
12          the second year of 2008 I was voted in again as the  
13          vice-president of the Laguna Lakes Community  
14          Association.

15          Q.    This next page -- next two pages here are  
16          entitled -- actually, the next three pages here are  
17          entitled "Exhibit Z."  What are those documents?

18          A.    This is the photograph of the entrance sign to  
19          Laguna Lakes, and it contains the logo.  It's the  
20          monument sign.  Again, it shows it was a Transeastern  
21          community.  That wording has been removed, and in  
22          previous testimony, which is part of the official  
23          record, Bob Hajicek alleged that the Laguna Lakes  
24          Community Association has the right to the logo because  
25          they own the monument sign; however, as shown on page 2

1 and 3 of this documentation --

2 MR. ROTHSCHILD: Objection, narrative.

3 THE WITNESS: -- public records shows --  
4 clearly shows that it's owned by the Laguna Lakes  
5 Community Development District, an entirely  
6 different corporation.

7 BY MR. BEHREN:

8 Q. Okay. So Exhibit Z here, does it reflect who  
9 owns the monument sign for the Laguna Lakes Community  
10 Association -- excuse me. Who owns the monument sign  
11 for Laguna Lakes?

12 A. Yes.

13 Q. Who?

14 A. Public record unequivocally shows that's an  
15 owned by Laguna Lakes CDD. That's --

16 MR. ROTHSCHILD: Objection. That document was  
17 not produced in discovery, and is not listed in  
18 pretrial --

19 MR. BEHREN: Yeah, actually it was. It was  
20 the subject of another deposition of one of your  
21 witnesses.

22 MR. ROTHSCHILD: Objection, not listed on  
23 pretrial disclosures. Continue.

24 MR. BEHREN: And it's public record.

25 MR. ROTHSCHILD: Continue.

1 BY MR. BEHREN:

2 Q. And the next page or two pages here of  
3 Composite Exhibit 10 which is something entitled  
4 "Exhibit AA," what is that?

5 A. This is an email that I received on  
6 December 19th, 2013, from -- the subject is  
7 "Laguna Lakes Community Association updates and  
8 reminders," and although the documentation that we  
9 reviewed earlier of the Laguna Lakes Community  
10 Association being a non-profit, they are now in the  
11 process, according to this email, in the process of  
12 updating homes for rent and sale on the website; so  
13 apparently Laguna Lakes Community Association is now  
14 going into the real estate business.

15 MR. ROTHSCHILD: Objection, relevance.

16 THE WITNESS: Well, it says it on here. It's  
17 an email from them.

18 MR. ROTHSCHILD: Objection, relevance.

19 BY MR. BEHREN:

20 Q. By the way, did -- once the trademark  
21 applications were filed by Laguna Lakes, exhibits 1 and  
22 2, did they give you any notification at all that they  
23 had filed for these trademarks?

24 MR. ROTHSCHILD: Objection, relevance.

25 THE WITNESS: No, they did not, and it's a

1 good point to bring out that according --

2 MR. ROTHSCHILD: Objection, non-responsive.

3 THE WITNESS: -- to my understanding of  
4 trademark law, they have to disclose the  
5 simultaneous use by another party, and if any other  
6 party would be harmed by the trademarking of any  
7 submission, and neither of those were disclosed to  
8 the Patent and Trademark Office.

9 BY MR. BEHREN:

10 Q. Would you be harmed by the registration of  
11 Laguna Lakes?

12 A. Absolutely. The majority of my income, as it  
13 has for the last ten years, comes from the marketing of  
14 properties within Laguna Lakes.

15 Q. Under the trade name "Mr. Laguna Lakes"?

16 A. Under "Mr. Laguna Lakes," using the website  
17 which I purchased, fairly purchased, from the owner of  
18 the website, use of the logo with the permission of the  
19 originator of the logo, the designer that was  
20 Transeastern Homes, full knowledge of them, and the use  
21 of the name Laguna Lakes which is a copy of a geographic  
22 location and used by other communities throughout the  
23 country.

24 MR. BEHREN: Okay. I don't have anything  
25 further. Any cross?

1 MR. ROTHSCHILD: I do. Can we take a five or  
2 ten-minute adjournment? We'll go off the record.

3 (A short break was taken.)

4 MR. ROTHSCHILD: Mr. Marino, before I begin  
5 your cross-examination, I just want to note a  
6 couple objections for the record. I'll be taking  
7 your cross-examination in protest while reserving  
8 the right to object to receipt of the testimony and  
9 the exhibits that have been marked in your direct  
10 examination. I'm doing that all under protest.  
11 The first objection.

12 The second objection, regarding the pretrial  
13 disclosures you provided. I object on the basis  
14 that with respect to your identification, the  
15 pretrial disclosure does not include a general  
16 summary or list of subjects in which you were going  
17 to be testifying as required by Section 702.01 of  
18 the TTAB Manual Procedure, and I also note that  
19 second objection of pretrial disclosures were  
20 served two days late after the April 15, 2014,  
21 deadline. Okay.

22 CROSS-EXAMINATION

23 BY MR. ROTHSCHILD:

24 Q. Now, Mr. Marino, during your original trial  
25 testimony period, you represented you only wanted to

1 submit affidavit testimony to the board; is that  
2 correct?

3 A. I have no idea.

4 MR. BEHREN: Let me object to the extent as to  
5 what his intentions were with regard to the initial  
6 trial period, that's protected by attorney-client  
7 privilege, and I'm instructing him not to answer.

8 MR. ROTHSCHILD: How is that protected by  
9 attorney-client privilege?

10 MR. BEHREN: Because if there was discussions  
11 between me and Mr. Marino about what was going to  
12 be done during the prior trial period, it's  
13 privileged. He's not answering it.

14 MR. ROTHSCHILD: Well, I'm asking Mr. Marino,  
15 if he wanted to do anything other than provide  
16 affidavit testimony.

17 MR. BEHREN: It's not relevant.

18 MR. ROTHSCHILD: It's cross-examination.

19 MR. BEHREN: It's not -- it's not relevant,  
20 and he's not answering it because it's privileged.

21 MR. ROTHSCHILD: Of course it's relevant.

22 MR. BEHREN: It's completely not relevant, and  
23 it's privileged. He's not answering it; so move on  
24 to another topic.

25 MR. ROTHSCHILD: No. I'm going to keep asking

1 the question.

2 MR. BEHREN: Okay. Well, guess what? He's  
3 not answering it; so you can ask another question  
4 now.

5 BY MR. ROTHSCHILD:

6 Q. Mr. Marino, you understand that you initiated  
7 this opposition proceeding; correct?

8 A. Yes.

9 Q. Laguna Lakes had not initiate any proceedings  
10 against you by filing this trademark applications; is  
11 that correct?

12 A. No, that's incorrect. They did because --  
13 they did absolutely.

14 MR. ROTHSCHILD: Non-responsive.

15 MR. BEHREN: He's answering the question.

16 THE WITNESS: I'm answering the question.

17 MR. BEHREN: And I'm going to object to the  
18 relevance anyway, but go ahead.

19 THE WITNESS: I want to comment on it.

20 No, they did, Chad, because they filed a  
21 false, which I'm alleging, a false misleading  
22 trademark application. They did not disclose the  
23 simultaneous use, and they intentionally hid it  
24 from me.

25

1 BY MR. ROTHSCHILD:

2 Q. Which rule requires that disclosure?

3 A. Under the --

4 MR. BEHREN: Objection. Call for a legal  
5 conclusion.

6 MR. ROTHSCHILD: He can answer.

7 THE WITNESS: It requires -- my study of the  
8 trademark rules required the simultaneous -- the  
9 disclosure of simultaneous use and the names and  
10 contact information of any parties that would be  
11 harmed, and I would be harmed, and I was  
12 simultaneously using it.

13 BY MR. ROTHSCHILD:

14 Q. The trademark rule that you just mentioned you  
15 studied required Laguna Lakes to disclose the  
16 simultaneous use of anybody?

17 A. That's correct.

18 Q. No. I asked you a question. Which trademark  
19 rule that you just said you reviewed? You reviewed  
20 trademark rules; correct?

21 A. Yes, I did.

22 Q. Which trademark rules did you review?

23 A. As published by the trademark office.

24 Q. Which rules are you --

25 A. Well, I don't have them today, and obviously,

1 I'm not an attorney, but I went and downloaded and read  
2 the trademark rules and the handbook published by the  
3 TTAB, and it requires the disclosure of simultaneous use  
4 and any parties that would be harmed, neither of which  
5 were done.

6 Q. Do you do you recall which specific section  
7 you saw that?

8 A. No, I do not.

9 Q. You wouldn't have any idea if that related to  
10 concurrent use application?

11 A. That would --

12 MR. BEHREN: Objection. This is all calling  
13 for a legal conclusion, and it's totally not  
14 relevant.

15 MR. ROTHSCHILD: He alleged this in his  
16 opposition; so it is relevant. So I'm going to ask  
17 the question again. Actually, Court Reporter, can  
18 you read that back?

19 THE COURT REPORTER: Okay. I'm asking  
20 everyone to speak one at a time, please. It's  
21 really hard to hear you sometimes, Chad.

22 MR. ROTHSCHILD: Okay. I'll speak up.

23 (The record was read.)

24 THE COURT REPORTER: I think it's cutting off  
25 the first one or two words of your questions, Chad.

1 MR. ROTHSCHILD: Okay. So I will be more  
2 deliberate with my questions.

3 THE COURT REPORTER: Thank you. I appreciate  
4 it.

5 BY MR. ROTHSCHILD:

6 Q. The question was, Mr. Marino, you would not  
7 know if whether or not the requirement you read in the  
8 trademark rules applies only to concurrent use  
9 applications; correct?

10 MR. BEHREN: Objection. Call for a legal  
11 conclusion, and it's irrelevant.

12 MR. ROTHSCHILD: He can answer.

13 MR. BEHREN: Well, if he's able to answer,  
14 he's can answer.

15 MR. ROTHSCHILD: Don't coach the witness.

16 THE WITNESS: I don't know. I'm not an  
17 attorney.

18 BY MR. ROTHSCHILD:

19 Q. Okay. Thank you. You're not in the business  
20 of providing homeowner services; correct?

21 A. No, I am not.

22 Q. Let's turn to what has previously been marked  
23 as Exhibit 1. If you turn to the second page which  
24 lists the website address. Do you see that?

25 A. Yes, I do.

1 Q. Can you turn to the last page?

2 A. Uh-huh.

3 Q. Do you see a certain picture represented on  
4 that last page?

5 A. No, I don't have a picture. Are you looking  
6 at Exhibit 2 or 1?

7 Q. Exhibit 1.

8 A. That's Exhibit 2. Exhibit 1 doesn't have it.

9 MR. ROTHSCHILD: Okay. Kim, could you hand  
10 Mr. Marino fax 1 of 5?

11 MS. HASTINGS: Yeah.

12 MR. ROTHSCHILD: If you take a second to  
13 review this. Let your attorney look at it.

14 MS. HASTINGS: I'm taking off the fax cover  
15 page which says, "Fax 1 of 5," put a clip on there  
16 and handing it to Mr. Marino.

17 MR. BEHREN: To me first.

18 MS. HASTINGS: To his attorney first.

19 MR. BEHREN: Just for the record, this fax is  
20 somewhat illegible, but go ahead, take a look.

21 Is that being marked as an exhibit here?

22 MR. ROTHSCHILD: Nope. Ms. Court Reporter,  
23 unless I indicate I'll be marking any exhibits, I  
24 do not anticipate --

25 MR. BEHREN: Well, I'm going to object then to

1 the witness testifying about something.

2 MR. ROTHSCHILD: You can --

3 MR. BEHREN: You can't have the witness --

4 MR. ROTHSCHILD: He can review documents and  
5 testimony about these documents without them being  
6 admitted into evidence.

7 MR. BEHREN: No, you can't testify about  
8 documents unless they've been admitted into  
9 evidence.

10 MR. ROTHSCHILD: That is absolutely not true.

11 MR. BEHREN: That is absolutely true.

12 MR. ROTHSCHILD: That is not true.

13 MR. BEHREN: Yeah. Yeah, it is.

14 MR. ROTHSCHILD: No, it's not.

15 MR. BEHREN: Yeah, it is.

16 MR. ROTHSCHILD: Look, Scott, I'm not going to  
17 let you bully me around --

18 MR. BEHREN: A witness -- a witness can't  
19 testify about documents that have not been admitted  
20 into evidence.

21 MS. HASTINGS: That is absolutely not true.

22 MR. BEHREN: Yeah.

23 MS. HASTINGS: Have you tried a case?

24 MR. BEHREN: Actually I've tried probably more  
25 cases than either of you.

1 MR. ROTHSCHILD: Well, Scott --

2 MR. BEHREN: -- and guarantee you any judge  
3 who's a trial judge will tell you that the witness  
4 can't testify about a document that's not in  
5 evidence.

6 MR. ROTHSCHILD: You can object to it if you  
7 want, okay.

8 MS. HASTINGS: First --

9 MR. ROTHSCHILD: Your object is --

10 THE COURT REPORTER: I need one person talking  
11 at a time. Sorry. I cannot take three people  
12 talking at the same time. And I can't hear Chad  
13 when he's making an objection if everyone else is  
14 talking over him.

15 THE WITNESS: Hey, Chad, that photograph is  
16 Exhibit 2.

17 MR. ROTHSCHILD: Well, they're on both  
18 exhibits.

19 THE WITNESS: No, not on Exhibit 1, it's on  
20 Exhibit 2. Your paperwork is messed up; so it's --

21 MR. ROTHSCHILD: Let the record reflect --

22 MR. BEHREN: Gerard, what's the question?

23 THE WITNESS: No, I want to help answer  
24 question.

25 MR. BEHREN: Just stop -- let him -- he's

1 asking the questions; so let him ask whatever the  
2 question is.

3 THE WITNESS: So it's a picture of  
4 Laguna Lakes community. That photo, is that what  
5 you're talking about?

6 BY MR. ROTHSCHILD:

7 Q. And to be clear, we're looking at what has  
8 just been handed to you? You're looking at the fax that  
9 was just handed to you, Mr. Marino; correct?

10 A. Yes.

11 Q. Okay. And if you turn to the last page, you  
12 see the website printout; correct?

13 A. If I'm looking at your page, no, I don't.

14 Q. You don't see on the last page of the fax that  
15 was just sent to you?

16 A. Well, there's a photo, but it's mud.

17 Q. There's a photo; correct? Can you see a  
18 header?

19 MR. BEHREN: It's a photo that's not really  
20 very legible, Chad. That's the reason why I  
21 objected to the document; so --

22 MR. ROTHSCHILD: Okay. Can he describe -- let  
23 me strike that.

24 MS. HASTINGS: Hang on one second. This may  
25 help. What Mr. Marino is trying to tell you is

1           that the picture in what you faxed is also the last  
2           page of Exhibit 2 that was marked earlier in  
3           Mr. Marino's deposition, much better picture; so if  
4           you want to question him about this picture, I  
5           would use Exhibit 2, the last page.

6 BY MR. ROTHSCHILD:

7           Q.    The reason I asked this question is --  
8           Mr. Marino, what I've handed you is a copy of the  
9           Trademark Application Serial Number 85411599, regarding  
10          the award mark --

11           MS. HASTINGS: Stop, Chad. Chad, read the  
12          serial number again because we have 85411955.

13           MR. ROTHSCHILD: Correct.

14           MS. HASTINGS: Okay.

15           MR. ROTHSCHILD: I apologize.

16           MS. HASTINGS: I just wanted to make the  
17          record clear.

18 BY MR. ROTHSCHILD:

19           Q.    And is it your position, Mr. Marino, the last  
20          page you see, the illegible page, that's the same as in  
21          what's been previously marked as Exhibit 2, that that  
22          wasn't included in the trademark application for the  
23          word mark?

24           A.    Wow.

25           MR. BEHREN: Yeah. I'm going to object to the

1 question.

2 MR. ROTHSCHILD: Let me rephrase.

3 THE WITNESS: Everybody is scratching their  
4 head because you have the numbers mixed up.

5 BY MR. ROTHSCHILD:

6 Q. Regarding what was marked as Exhibit 1, that  
7 document does not include the same pictures as was  
8 included in Exhibit 2; correct?

9 A. Correct.

10 Q. Okay. So is it your representation then that  
11 the trademark application which we marked as Exhibit 1  
12 did not include that same printout that's included in  
13 Exhibit 2?

14 A. That is correct because the website address  
15 cited in Exhibit 1, lagunalakes.com, I own. The website  
16 address cited in Exhibit 2, lagunalakesassociation.com,  
17 they own, the Laguna Lakes Community Association owns,  
18 but it did not start there. They did not even have the  
19 website registered until '06 although they state --

20 Q. Let's not get ahead of ourselves, Mr. Marino.  
21 I just asked a simple question.

22 MR. BEHREN: Okay. So what's your question?

23 BY MR. ROTHSCHILD:

24 Q. Let's go back to what you marked as Exhibit 1,  
25 and we'll turn to page 2. Do you understand that the

1 trademark Laguna Lakes Community Association is seeking  
2 to register in this application the word "Laguna Lakes";  
3 correct?

4 A. That is correct.

5 Q. And it's your contention that they did not  
6 have a website until some later date after October 6,  
7 2003, that they could not have used the word  
8 "Laguna Lakes" as a trademark?

9 MR. BEHREN: Objection. Calls for a legal  
10 conclusion. You're asking basically him for what  
11 his attorney's legal arguments are. I think these  
12 are improper questions. You want to ask him  
13 factual questions.

14 MR. ROTHSCHILD: It is a factual question,  
15 Scott.

16 MR. BEHREN: It's not a factual question.  
17 You're basically asking him to make legal argument.

18 MR. ROTHSCHILD: Scott, I can go back to his  
19 direct testimony and see that it's riddled with him  
20 trying to say that.

21 THE WITNESS: Chad, I can answer it. I'm  
22 happy to answer it.

23 MR. ROTHSCHILD: Please.

24 THE WITNESS: I'm alleging, based on the  
25 application, Exhibit 1, that they're trying to

1 register Laguna Lakes and the website address that  
2 they cite as evidence of first use,  
3 lagunalakes.com, is false, misleading, inaccurate,  
4 and at the very least fraudulent since it was  
5 signed under oath. It was never owned by the  
6 Laguna Lakes Community Association.

7 BY MR. ROTHSCHILD:

8 Q. That's your contention and you're entitled to  
9 it.

10 A. Well --

11 MR. BEHREN: Wait a minute, he answered your  
12 question; so if you didn't want his contention,  
13 then why are you asking him the question?

14 THE WITNESS: It's not my contention, Chad,  
15 the Who-is record and the documentation that we --

16 MR. ROTHSCHILD: Objection --

17 THE COURT REPORTER: I'm sorry, Chad. What  
18 was --

19 MR. ROTHSCHILD: Objection, narrative,  
20 non-responsive.

21 BY MR. ROTHSCHILD:

22 Q. So if you turn to the first page of this --  
23 what you've marked as Exhibit 1, you see where it says,  
24 "Applicant information"?

25 A. Yes. Where it says, "Owner of mark," I do see

1 it.

2 Q. You see "Owner of mark." It says, "Internal  
3 address." You see "Internal address"?

4 A. Yes, I see it.

5 Q. You see "Street"?

6 A. Yes.

7 Q. You see "City"?

8 A. Yup.

9 Q. Do you agree that this information is trying  
10 to identify the applicant?

11 A. It clearly identifies the applicant as  
12 Laguna Lakes Community Association, stating that they  
13 are the owner of the mark.

14 Q. And so you disagree with me that, when they  
15 provide a website address, they're not providing it as  
16 identifying information?

17 A. No. It's under "Applicant information." They  
18 state, as an applicant, that their website address is  
19 lagunalakes.com as the owner. That is false. This is  
20 blatant -- blatantly fraudulent, Chad.

21 Q. Okay. And so, if we turn to Exhibit 2, which  
22 is an application merely days later, if we turn to  
23 page 2, can you read the website address?

24 A. Lagunalakesassociation --

25 Q. You agree that was filed --

1 A. -- .com.

2 Q. -- on September 2nd, 2011; correct?

3 A. Yes.

4 Q. And you agree that the trademark application  
5 as Exhibit 1 was filed on August 31st, 2011; correct?

6 A. Correct.

7 Q. Based on your review of trademark law, is  
8 Laguna Lakes required to submit a specimen that shows  
9 its first use?

10 A. Yes, they are.

11 MR. BEHREN: Let me -- let me object again.

12 Once again, this is calling for a legal conclusion.

13 MR. ROTHSCHILD: You can answer.

14 MR. BEHREN: Well, no. I mean, he's --

15 MR. ROTHSCHILD: Yes.

16 MR. BEHREN: Again, you're asking him to  
17 testify as a lawyer which is not proper; so  
18 Mr. Marino shouldn't be testifying as a lawyer  
19 because he's not a lawyer.

20 MR. ROTHSCHILD: He did plenty of that in his  
21 direct examination, okay?

22 MR. BEHREN: He's a fact witness.

23 MR. ROTHSCHILD: So I will have the court  
24 reporter read back the question, please.

25 (The record was read.)

1 MR. BEHREN: Objection, calls for a legal  
2 conclusion.

3 MR. ROTHSCHILD: You can answer.

4 MR. BEHREN: If he can answer.

5 THE WITNESS: Yes.

6 BY MR. ROTHSCHILD:

7 Q. You would agree with me -- if we turn back to  
8 the fax that I sent over, fax 1 of 5, the last page, can  
9 you read the website address that's on that last page at  
10 the bottom left?

11 A. This was submitted as a specimen.

12 MS. HASTINGS: This is it right here.

13 MR. ROTHSCHILD: I don't know who's talking to  
14 who.

15 THE WITNESS: There's no website address on  
16 it.

17 MR. ROTHSCHILD: The document that's my Fax  
18 Number 1.

19 MS. HASTINGS: If I may, yes, there is, but  
20 it's so tiny that he can't read it, and I can't  
21 read it.

22 BY MR. ROTHSCHILD:

23 Q. Mr. Marino, would you have any reason to  
24 disagree with me that it's the same printout that's in  
25 your Exhibit 2 that the website reads,

1 "http://lagunalakesassociation.com//lagunalakes/home.asp

2 "? Would you have any reason to disagree with that?

3 MR. BEHREN: Objection. Calls --

4 Gerard, you need to wait for me object before  
5 you speak.

6 Objections, calls for speculation.

7 Now you can answer.

8 THE WITNESS: I can read it, and I agree, that  
9 is the website for Laguna Lakes Community  
10 Association which was started in 2006, not in 2003,  
11 as misrepresented to the U.S. Patent and Trademark  
12 Office.

13 MR. ROTHSCHILD: Thank you, Mr. Marino.

14 Kim, if you -- now, I'm going to turn to some  
15 of the documents that you have, Kim. These are  
16 documents from Mr. Marino's deposition. Deposition  
17 Exhibit Number 1 which is the notice of opposition.  
18 Do you have that?

19 Mr. Marino, take a second to review it.

20 MS. HASTINGS: How big is Exhibit 1?

21 MR. ROTHSCHILD: 13 pages.

22 MS. HASTINGS: I got it. There was a bunch  
23 put together. Let me put a clip on this, hand it  
24 to Scott. There you go.

25 MR. BEHREN: I believe there was an amended

1 notice of opposition. Why are you asking him about  
2 a notice of opposition?

3 MR. ROTHSCHILD: Cross-examination as  
4 impeachment for Mr. Marino.

5 If you could let me know when Mr. Behren and  
6 Mr. Marino have had a chance to review it.

7 MS. HASTINGS: Okay. Mr. Behren has just  
8 handed the document to Mr. Marino.

9 THE WITNESS: Okay, Chad.

10 BY MR. ROTHSCHILD:

11 Q. Okay. You'll agree, based on this notice of  
12 opposition, you initially represented to the trademark  
13 board that you first used the trade name  
14 "Mr. Laguna Lakes" as early as July 2005; correct?

15 A. Where would it be on here?

16 Q. Can you turn to paragraph 4?

17 A. Correct.

18 Q. Can you read paragraph 4 for the record?

19 A. "Marino is the prior user of the name  
20 Laguna Lakes and used it prior to Laguna and as early as  
21 July 2005. Marino has used the trade name  
22 'Mr. Laguna Lakes' since that time. See attached  
23 Exhibit A," and Exhibit A shows it to be one year  
24 earlier, 8-3-04.

25 Q. I don't see an Exhibit A.

1           A.    It's attached.  It's the business card with my  
2 photograph.

3           Q.    Identify where it says, "Exhibit A."

4           A.    Chad, I'm just -- I'm just reading what you  
5 gave me.

6           Q.    No.  I understand.  On the document page that  
7 you have in front of you, can you identify where it  
8 says, "Exhibit A"?

9           A.    No, I cannot, but it clearly was as early as  
10 8-3-04.

11          Q.    And you reviewed the notice of opposition  
12 before you filed it with the trademark office; correct?

13          A.    No, I did not.

14          Q.    Is that troubling to you that you wouldn't  
15 review a pleading like that even though you're claiming  
16 you've been harmed by this trademark application?

17               MR. BEHREN:  Objection.  It's argumentative,  
18 number one; number two, it's not relevant because  
19 it's not even the operative pleading at this point  
20 in time.

21               MR. ROTHSCHILD:  You can answer.

22               THE WITNESS:  No, it's not, not troubling.  
23 Now that you brought it to my attention, you're  
24 right.  I have prior use one year earlier.

25

1 BY MR. ROTHSCHILD:

2 Q. So throughout the course of this opposition  
3 proceedings it wasn't brought to your attention you  
4 would have claimed you first used it as early as 2005?

5 A. Now that you brought it to my attention, I see  
6 that. It was a typographical error. You're right. It  
7 was first used since '04.

8 Q. Would you say that typographical errors are  
9 intentional?

10 A. No. It actually does our case the opposite.  
11 He should have put in there '04, not '05, showing that  
12 we have --

13 Q. So when you put in July 2005, you weren't  
14 intentionally trying to mislead the board?

15 A. No. I never saw those documents previous to  
16 being filed.

17 Q. Do you think your attorney was trying to  
18 intentionally mislead the board?

19 A. Absolutely not. We have the law and the facts  
20 on our side. There's no reason to intentionally mislead  
21 the board.

22 Q. Okay. Now, you understand you filed a second  
23 notice of opposition; correct?

24 A. I don't know that.

25 Q. Actually, let me rephrase that. The document

1 that was marked as Exhibit 1 in your deposition relates  
2 to Trademark Application Serial Number 85414343;  
3 correct?

4 A. You're going too fast, Chad.

5 Q. Sorry. I'll slow down. The notice of  
6 opposition that was marked as Defendant's Exhibit 1 in  
7 your deposition related to Trademark Application Serial  
8 Number 85414343; correct?

9 A. Correct. However, now that I am reviewing  
10 this document, I do see that maybe why my attorney would  
11 have said July '05.

12 Q. I haven't asked a question, Mr. Marino.

13 MR. ROTHSCHILD: Kim, do you have deposition  
14 Exhibit 2?

15 MS. HASTINGS: From the previous Marino  
16 deposition?

17 MR. ROTHSCHILD: Correct.

18 MS. HASTINGS: Yes.

19 MR. ROTHSCHILD: Can you hand that to  
20 Mr. Behren for his review? It should mirror the  
21 first deposition exhibit.

22 THE WITNESS: Okay. They don't mirror each  
23 other, but go ahead. I'm not sure what your  
24 question is.

25

1 BY MR. ROTHSCHILD:

2 Q. Okay. The document you've just been handed,  
3 is that -- you filed with the board in opposition to --  
4 in opposition to Trademark Application Serial Number  
5 85411955?

6 A. Okay. So -- okay, I see that. So what was  
7 the question? Are they the same, no.

8 Q. Is this -- is this a pleading that you filed  
9 in opposition to Trademark Application Serial Number  
10 85411955?

11 MR. BEHREN: I'm going to object based upon  
12 the relevance.

13 THE WITNESS: That was the one we've  
14 already -- you've already asked me about, and as I  
15 stated, my attorney filed it. I did not see it  
16 previous to him filing it.

17 BY MR. ROTHSCHILD:

18 Q. If I'm correct, I asked you about Serial  
19 Application Number 85414343.

20 MR. BEHREN: What's the question?

21 BY MR. ROTHSCHILD:

22 Q. The document you're reviewing --

23 MS. HASTINGS: Chad, why don't you use exhibit  
24 numbers because he's got two documents in front of  
25 him.

1 BY MR. ROTHSCHILD:

2 Q. Okay. Deposition Exhibit 2, correct? Please  
3 turn to deposition Exhibit 2.

4 MS. HASTINGS: All right. He's got Exhibit 2  
5 in front of him.

6 BY MR. ROTHSCHILD:

7 Q. And that relates to Trademark Application  
8 Serial Number 85411955; correct?

9 A. Correct.

10 Q. Okay. And in this document you represented  
11 that you used the trade name "Mr. Laguna Lakes" as early  
12 as July 2005; correct?

13 A. I don't know. I'd have to read it.

14 Q. Well, take your time to read it.

15 MR. BEHREN: Objection. The document speaks  
16 for itself. It's irrelevant. It's not an  
17 operative pleading in the case.

18 THE WITNESS: Correct.

19 BY MR. ROTHSCHILD:

20 Q. Now, let's turn to the amended notice of  
21 opposition that you filed in each of these opposition  
22 proceedings, and I believe --

23 So, Kim, that would be Deposition Exhibit 3.

24 MS. HASTINGS: Okay. I'm handing it to  
25 Mr. Behren first.

1 MR. ROTHSCHILD: It should be 20 pages, and  
2 once we've located the Deposition Exhibit 3, allow  
3 Mr. Behren to take a chance to review it.

4 MS. HASTINGS: He's looking at it right now.

5 MR. ROTHSCHILD: Okay. And then, if everyone  
6 could just let me know once Mr. Behren has finished  
7 and he has handed the document to his client and he  
8 has reviewed it.

9 MS. HASTINGS: Mr. Marino is reviewing the  
10 document.

11 MR. ROTHSCHILD: And, Mr. Marino, please take  
12 your time.

13 THE WITNESS: Okay.

14 BY MR. ROTHSCHILD:

15 Q. Now, I'm going to ask you a question based on  
16 paragraph 8; so if you could turn to paragraph 8. Could  
17 you please read the first sentence of paragraph 8?

18 A. "Marino is the prior user of the name  
19 'Laguna Lakes' and used it prior to Laguna and as early  
20 as April 2003. Marino has used the trade name  
21 'Mr. Laguna Lakes' since that time. See attached  
22 Exhibit F. Laguna's registration of a proposed mark,  
23 especially when using it to sell and rent real estate in  
24 Laguna Lakes, is likely to cause confusion, mistake,  
25 and/or deception, and should be prohibited."

1 Q. You agree with me those are allegations you  
2 made; correct?

3 A. My attorney made.

4 Q. So you didn't review this document either  
5 before it was filed with the board?

6 A. That would be correct.

7 Q. And you'll agree with me that -- you recall we  
8 just talked about the business card and receipt that was  
9 attached to the original notice of oppositions that you  
10 filed?

11 A. Yes.

12 Q. And you'll agree your attorney was in  
13 possession of that information when this amended notice  
14 of opposition was filed; correct?

15 A. Correct.

16 Q. And you're now claiming that your first use of  
17 the name "Mr. Laguna Lakes" is based on that page which  
18 is a receipt and a business card, photocopied?

19 A. Correct.

20 Q. And can you read on exhibit -- what was marked  
21 in your deposition as Exhibit 1 where the copy of the  
22 receipt and business card are located?

23 A. Yes, I see it.

24 Q. Is that a receipt from Pro Photo and Digital?

25 A. Yes.

1 Q. You'll agree there's no non-hearsay testimony  
2 or evidence from Pro Photo and Digital that you can  
3 provide to substantiate that the receipt relates to the  
4 business cards; correct?

5 A. I haven't been asked to, but certainly it's  
6 attainable.

7 Q. In your opinion, a layperson who is involved  
8 in this lawsuit, you don't think you were asked that  
9 question in discovery?

10 A. No. Nobody has brought it up until now.

11 Q. Okay.

12 A. That's my evidence. On its face, it's  
13 accurate, 8-3-04 is when the business cards were  
14 provided to me with "Mr. Laguna Lakes."

15 Q. Now, moving on. You'll agree that August 3rd,  
16 2004, is later than October 6, 2003; correct?

17 A. Correct.

18 Q. It's your testimony today and documents you  
19 previously submitted under oath that you did not use  
20 "Mr. Laguna Lakes" before August 3rd, 2004; correct?

21 A. No, that's not what I'm saying. I'm saying  
22 the earliest receipt that I could find of using  
23 "Mr. Laguna Lakes" is October -- is August 3rd of 2004.  
24 That's all I'm stating, that was the earliest  
25 documentation that I could find.

1 MR. ROTHSCHILD: Kim, can you pull out  
2 Deposition Exhibit 5 which are Mr. Marino's  
3 responses to discovery?

4 MS. HASTINGS: Okay.

5 MR. ROTHSCHILD: It would be our questions  
6 followed by his reply. They're two separate  
7 documents.

8 MS. HASTINGS: I got it. Handing Exhibit 5 to  
9 Mr. Behren for review. Exhibit 5 was handed to  
10 Mr. Marino. He's reviewing it now.

11 MR. ROTHSCHILD: Okay. No rush.

12 THE WITNESS: Okay.

13 BY MR. ROTHSCHILD:

14 Q. Can you identify this Deposition Exhibit 5?

15 A. "Applicant's amended first set of  
16 interrogatories, requests for production, and requests  
17 for admission to opposer."

18 Q. And do you recall ever seeing this document?

19 A. Parts of it.

20 Q. Which parts do you recall seeing?

21 A. The back half -- the back section, Marino's  
22 notice of service of answers to Laguna Lakes's first set  
23 of interrogatories.

24 Q. And just to be clear, there's a Defendant's  
25 Exhibit J on that document?

1 A. No, it's "I."

2 Q. The document says, "Marino's notice of the  
3 service of answers to Laguna Lakes's first set of  
4 interrogatories"?

5 A. Okay. Now we're looking at a different set.  
6 I have a different set now.

7 MS. HASTINGS: It's all part of Exhibit 5, but  
8 we had to find the exhibits. He's found the one  
9 that has Exhibit J on it.

10 MR. ROTHSCHILD: Okay. Correct. I thought  
11 that was the page he was referring to.

12 MR. BEHREN: Is there a question right now  
13 pending?

14 BY MR. ROTHSCHILD:

15 Q. I mean, I'll reask the question.

16 Does the portion of deposition Exhibit 5 that  
17 you recall seeing consist of four pages, beginning with  
18 a page that contains the words "Marino's notice of  
19 service of answers to Laguna Lakes's first set of  
20 interrogatories"?

21 A. Yes.

22 Q. Okay. So the other pages in Deposition  
23 Exhibit 5 that preceded these four pages, you never saw  
24 those; correct?

25 A. I don't know if I ever saw them before or if I

1 don't remember seeing them.

2 MR. BEHREN: Obviously, Chad, if he's served  
3 answers to interrogatories, there must be  
4 interrogatories in that pile of documents that he  
5 saw that he answered.

6 MR. ROTHSCHILD: I mean --

7 MR. BEHREN: Let me object to the --

8 MR. ROTHSCHILD: -- there's certain things  
9 that he had never seen that were filed --

10 MR. BEHREN: Let me object to the relevance.  
11 You know, Chad, that is not a discovery deposition;  
12 so ask --

13 MR. ROTHSCHILD: No.

14 MR. BEHREN: No. Hold on a second. Ask  
15 questions as if this is a trial. This is supposed  
16 to be cross-examination. It's supposed to be  
17 covering the things that were covered in the direct  
18 examination; so ask questions relating to the  
19 direct examination. This is not a discovery  
20 deposition here.

21 MR. ROTHSCHILD: Well, the question that I  
22 asked is relating to his date of first use. Now, I  
23 don't want to paraphrase, Mr. Marino. I'm sure the  
24 court reporter can read it back if he wants, but he  
25 said he's not relying on August 3rd, 2004, as his

1 first date of use.

2 MR. BEHREN: His testimony was that the  
3 document -- the only documentation he found of his  
4 first use of "Mr. Laguna Lakes" was August 2004.

5 BY MR. ROTHSCHILD:

6 Q. And then I asked the question, Mr. Marino, can  
7 you turn to page 3, Bullet Point 18, which reads,  
8 "8/3/2004 was the receipt for his business cards first  
9 using 'Mr. Laguna Lakes.'" Do you see that?

10 A. 8-3-04 with the receipt. Yeah, that's what  
11 we're discussing, right.

12 Q. And that's Number 18, and if you'll turn to  
13 page 10 of applicant's amended first set of  
14 interrogatories, requests for production, and requests  
15 for admission to opposer, I'll read the question to you:  
16 "State the exact date on which Marino will rely as to  
17 when his use of the term 'Mr. Laguna Lakes' commenced in  
18 connection with the sale or distribution of each product  
19 and/or service specified in answer to above, Number 17."

20 So you'll agree with me in your responses to  
21 your interrogatories that you stated under oath that  
22 August 3rd, 2004, is the date of first use that you used  
23 "Mr. Laguna Lakes" that you'll rely on in this  
24 proceeding; correct?

25 A. That is the date of the earliest receipt that

1 I have of using "Mr. Laguna Lakes" as I stated.

2 Q. Well, can you read Question -- Interrogatory  
3 Number 18 to me?

4 MR. BEHREN: You already read him -- he's not  
5 going to read it to you. You already read it to  
6 him.

7 MR. ROTHSCHILD: He's --

8 MR. BEHREN: You already read it to him, and  
9 you already read him the answer. I'm not -- Chad,  
10 I'm not going to have you waste time here, okay?  
11 He's not reading you the interrogatory that you  
12 already went through. If you want, mark it as an  
13 exhibit, and mark the answers as an exhibit. You  
14 already read them both. Let's move on to another  
15 question.

16 BY MR. ROTHSCHILD:

17 Q. All right. So we've established that  
18 August 3rd, 2004, is your date of first use of  
19 "Mr. Laguna Lakes"?

20 MR. BEHREN: No. You established how he  
21 answered a particular interrogatory; so move on to  
22 the next question.

23 BY MR. ROTHSCHILD:

24 Q. You testified in your deposition that -- and  
25 earlier today in your direct examination that to the

1 best of your knowledge, the development of Laguna Lakes  
2 began in the end of 2003; correct?

3 A. Correct.

4 Q. Okay. And in your deposition you testified  
5 that before development the area was, quote, "a field  
6 with cows in it." Would you have any reason to dispute  
7 that?

8 A. No.

9 Q. And you also testified that it didn't have a  
10 specific name; correct?

11 A. I don't remember if I testified to that or  
12 not. It -- I don't recall.

13 Q. Would it refresh your recollection to look at  
14 your deposition testimony?

15 A. Sure.

16 MR. ROTHSCHILD: Kim, could you please hand  
17 Mr. Marino the transcript of his deposition  
18 testimony?

19 MS. HASTINGS: No, because I don't have a  
20 transcript of his deposition testimony.

21 MR. ROTHSCHILD: Okay.

22 MS. HASTINGS: Sorry.

23 BY MR. ROTHSCHILD:

24 Q. You'll agree with me that you were under oath  
25 at your deposition; correct?

1 A. Yes.

2 Q. That everything you testified to in your  
3 deposition was truthful and accurate?

4 A. Yes.

5 Q. And so before Laguna Lakes was developed, are  
6 you aware of whether it had a specific name?

7 A. I don't recall.

8 Q. Okay. Would it surprise you if the field that  
9 you testified to at your deposition -- the field of cows  
10 didn't have a specific name?

11 A. That would surprise me because I think my  
12 recollection driving by it, it did have a name.  
13 Something like Gladiolus Farms or something, but you're  
14 asking me from memory from 15 years ago.

15 Q. Okay. But someone coined the name  
16 Laguna Lakes; is that correct?

17 A. Oh, absolutely. It was coined by the natural  
18 lakes in California and at least three other  
19 developments in two other states previous to the  
20 Laguna Lakes in Fort Myers. It's not a unique name.

21 Q. So the people in California named the  
22 development you live in, Laguna Lakes?

23 A. The people in California named their  
24 development Laguna Lakes, and the people in West Palm  
25 Beach named their development Laguna Lakes, before this

1 development was named Laguna Lakes.

2 Q. Then what -- what's that testimony based on?

3 A. My research of when the communities were  
4 built.

5 Q. And who coined the name Laguna Lakes in the  
6 development that you live in?

7 A. That would be Transeastern Homes.

8 Q. Are you sure it's Transeastern Homes and not  
9 Transeastern Laguna Lakes, LLC?

10 A. Yes, I'm sure, because in all the  
11 advertisements it says, "Transeastern Homes."

12 Q. And you're sure that's not a trade name that  
13 Transeastern Laguna Lakes, LLC, was using?

14 A. Yeah, I'm positive. The business cards are  
15 very clear that Transeastern Homes was the developer of  
16 the community, and their advertising says they took the  
17 names from California.

18 Q. Now, before Laguna Lakes, the community that  
19 you live in, was coined, you didn't use the name  
20 "Mr. Laguna Lakes"; correct?

21 A. That's correct.

22 Q. And you couldn't have used the name  
23 Mr. Laguna Lakes until after the Laguna Lakes community  
24 existed; correct?

25 A. No, I could have. Why would I, but I could

1 have.

2 Q. But you didn't though; is that correct?

3 A. Well, that's two different questions.

4 Q. So you didn't use the name "Mr. Laguna Lakes"  
5 before Laguna Lakes Community and Development existed;  
6 correct?

7 A. Correct. With the full knowledge and approval  
8 of Transeastern Homes who started the community.

9 Q. One of the exhibits that you labeled -- that  
10 was labeled during your direct examination was a copy of  
11 the articles of incorporation for Laguna Lakes Community  
12 Association; right?

13 A. Correct.

14 MS. HASTINGS: I've just handed them to  
15 Mr. Marino.

16 MR. ROTHSCHILD: Is that Exhibit 5?

17 MS. HASTINGS: Exhibit 6, I believe.

18 BY MR. ROTHSCHILD:

19 Q. Exhibit 6. So you're looking at Exhibit 6?

20 A. Yes.

21 Q. Okay. Do you have any reason to dispute the  
22 authenticity of that document?

23 A. None.

24 Q. You also testified in your direct examination  
25 that Laguna Lakes Community Association, Inc., had a

1 board of directors in September of 2003; correct?

2 A. Correct.

3 Q. And then, if you look at -- if you look at  
4 page 1 of the articles of incorporation under Section  
5 3.2.1, you'll agree that Laguna Lakes Community  
6 Association board of directors had the power to maintain  
7 real and personal property, did it not?

8 A. That is owned by the Laguna Lakes Community  
9 Association.

10 Q. And you weren't on the board of directors in  
11 2003?

12 A. That's correct.

13 Q. You weren't on the board of directors in 2004;  
14 correct?

15 A. Correct.

16 Q. You weren't on the board of directors until  
17 2007; correct?

18 A. Correct.

19 Q. And you have no personal knowledge of the  
20 decisions Laguna Lakes Community Association board of  
21 directors was making collectively; correct?

22 A. When?

23 Q. Before you were on the board of directors.

24 A. Well, yes, in '05, '06, when it was turned  
25 over.

1 Q. But not in '03?

2 A. Not in '03.

3 Q. Not in '04?

4 A. Not in '04, and not in '05.

5 Q. Not in '05?

6 A. Because those years were controlled by the  
7 developer.

8 MR. ROTHSCHILD: Now, Kim, could you hand  
9 Mr. Marino Deposition Exhibit 6. It's a quitclaim  
10 deed.

11 MS. HASTINGS: He found it.

12 MR. ROTHSCHILD: Okay, Mr. Behren, please take  
13 a chance to review that before your client.

14 MR. BEHREN: Okay.

15 THE WITNESS: Okay. I have read it.

16 BY MR. ROTHSCHILD:

17 Q. And would you agree that Transeastern  
18 Laguna Lakes, Inc., is the grantor?

19 A. Yes.

20 Q. And Laguna Lakes Community Association, Inc.,  
21 is the grantee?

22 A. Yes.

23 Q. And would you agree that this document is  
24 conveying Tracts A, B, C, D, E, G, H, I, J, K, L, and R  
25 of Laguna Lakes, the development, to Laguna Lakes

1 Community Association?

2 A. Correct.

3 Q. And do you have any idea -- earlier in your  
4 direct examination you refer to a document, a picture  
5 you printed out from a public website of Lee County.  
6 You claim regarding Laguna Lakes CDD; do you recall  
7 that?

8 A. Yes, uh-huh.

9 Q. Do you have any idea whether the documents  
10 that you printed out that claim have a monument sign are  
11 within these same tracts of -- same tracts of property  
12 that are listed in the quitclaim deed?

13 A. Yes, I researched them, and they're not. As a  
14 matter of a fact, this document clearly states that the  
15 properties that are being -- are hereby intended to be  
16 common areas of the master declaration whereas the lakes  
17 and the outer perimeter of Laguna Lakes are controlled  
18 by the community development district.

19 Q. Is that based on your review of the master  
20 declaration?

21 A. No. That's because I was on the board of the  
22 Laguna Lakes Community Association, and when the  
23 community association wanted to control the gates, we  
24 had to get permission and exchange documents with the  
25 CDD.

1 Q. That was 2007; correct?

2 A. That's correct, and our research --

3 Q. And --

4 A. -- and our research showed that the -- and  
5 it's public record -- that the grantor of the properties  
6 referred to earlier to the CDD was not Transeastern  
7 Laguna Lakes, LLC.

8 Q. What time period are you talking about?

9 A. 2000.

10 Q. Who was the grantor?

11 A. I'd have to open up a web page and look.

12 Q. That's all right.

13 Are you aware of whether Laguna Lakes CDD is  
14 an entity organized under the State of Florida law?

15 A. Yes, it is, under the CDD laws under the State  
16 of Florida.

17 Q. So what type of entity is it?

18 A. It is a community development district as  
19 established in the state of Florida with elected  
20 officials.

21 Q. A legal entity?

22 A. Yes, it is.

23 Q. An affiliate of the Laguna Lakes Community  
24 Association?

25 A. No. They have nothing to do with --

1 MR. BEHREN: Objection, calls for a legal  
2 conclusion.

3 THE WITNESS: They have nothing to do with  
4 each other. They're in no way tied together. They  
5 have different board members, different bank  
6 accounts, different collection procedures. They  
7 have nothing to do with each other.

8 BY MR. ROTHSCHILD:

9 Q. Okay. So you'll agree then that, based on the  
10 articles of incorporation, which has three persons  
11 listed as officers, you previously testified that the  
12 board of directors of Laguna Lakes was comprised of  
13 people from Transeastern; correct?

14 A. That's correct.

15 Q. They were operating as the board of directors  
16 of Laguna Lakes Community Association; correct?

17 A. Correct.

18 Q. And you've also previously testified and  
19 maintained that two separate entities can concurrently  
20 use trademarks; correct?

21 MR. BEHREN: Objection. Calls for a legal  
22 conclusion.

23 THE WITNESS: I didn't say that, you said  
24 that.

25

1 BY MR. ROTHSCHILD:

2 Q. I said that?

3 A. Yeah. I didn't say two separate entities. I  
4 said that the trademark application was intentionally  
5 misleading because they did not disclose another party  
6 simultaneously using the name and the logo.

7 Q. Okay. So one party can simultaneously use the  
8 same trademark as another party?

9 MR. BEHREN: Objection. Calls for legal  
10 conclusion.

11 THE WITNESS: Besides the Laguna Lakes  
12 Community Association in '03 was not using the logo  
13 or the trademark or the name in any way.

14 BY MR. ROTHSCHILD:

15 Q. You weren't on the board in 2003; correct?

16 A. No, I was not on the board in 2003, but I have  
17 the documents in front of me, supplied by you. There's  
18 no use of the logo, no mention of the logo, no mention  
19 of ownership of the logo, no mention of anything other  
20 than the common areas.

21 Q. Your contention is that there needs to be  
22 documentary support for a date of first use?

23 A. Yes. The Laguna Lakes Community  
24 Association -- my contention is the Laguna Lakes  
25 Community Association's first use is in '06 and maybe

1 even '07 when the website was first established. It was  
2 not in 2003 as misrepresented on the applications. That  
3 was Transeastern Homes, a completely separate different  
4 entity.

5 Q. And you have no idea whether, because the  
6 Transeastern people were on the board of Laguna Lakes,  
7 whether the Transeastern was allowing Laguna Lakes  
8 Community Association to also use the trademark;  
9 correct?

10 A. There's no evidence they did.

11 Q. No evidence they didn't; correct?

12 A. Well, I lived there from the day it was a  
13 field and have never seen it. I was on the board for  
14 two years and never saw it. First use was the website.

15 Q. You didn't move in until 2004; correct?

16 A. I was among the very first homeowners, that's  
17 correct, as soon as the development was finished. All  
18 of the marketing material, all usage that we have  
19 supplied to the trademark office clearly shows usage by  
20 Transeastern Homes, the developer of the community, and  
21 not Laguna Lakes Community Association, which is a  
22 non-profit to care for the common area.

23 Q. And so even though you testified in your  
24 deposition under oath that common areas maintained by  
25 Laguna Lakes Community Association that included the

1 monument?

2 A. No, it does not include the monument.

3 Q. You testified to that in your deposition.

4 A. No. I testified that Bob Hajicek said it  
5 included the monuments, and I testified that the  
6 monuments are owned by the community development  
7 district.

8 Q. You testify before Bob Hajicek during your  
9 discovery deposition period?

10 A. No, I did not. Bob Hajicek used the monument  
11 as his defense of ownership of the logo, but under  
12 cross-examination he admitted that he really knew that  
13 the Laguna Lakes Community Association was not the owner  
14 of it although they were using that argument to show  
15 ownership; so Bob Hajicek also is a party to the  
16 intentional deception --

17 MR. ROTHSCHILD: Objection. Narrative. I  
18 have no idea of a question is pending. I don't  
19 think I even asked one.

20 THE WITNESS: The truth will come out.

21 BY MR. ROTHSCHILD:

22 Q. Okay. So recalling your direct examination,  
23 you testified that you purchased something from TOUSA as  
24 a result of their liquidation in bankruptcy; correct?

25 A. Correct.

1 Q. And what did you claim to have purchased?

2 A. The domain name, lagunalakes.com.

3 Q. Are you aware of whether TOUSA owned, as an  
4 asset, the trademark as opposed to the domain name  
5 Laguna Lakes?

6 A. Yes, I am.

7 Q. What knowledge is that based on?

8 A. My knowledge and examination of U.S. Patent  
9 and Trademark Office records.

10 Q. Which records are those?

11 A. Those records state -- those records clearly  
12 show that neither Transeastern Homes, who was the  
13 creator of the logo, nor TOUSA, who purchased all the  
14 intellectual property rights when they purchased  
15 Transeastern Homes as well as the website, never applied  
16 for a trademark.

17 Q. Okay. That's a good point. Is it your  
18 contention that one has no trademark rights until they  
19 have a federal registration?

20 A. Well, they don't have any federal trademark  
21 rights.

22 Q. Is it your contention someone needs to  
23 register with either a State or the USPTO in order to  
24 have any trademark rights?

25 A. Oh, no. Absolutely not. As a matter of fact,

1 "Mr. Laguna Lakes," mine, has a "T" mark symbol next to  
2 it. It's published.

3 Q. Have you always had the trademark symbol next  
4 to it?

5 A. Whenever I was able to find it in the artwork  
6 that I was using it went in; so I know the difference  
7 between a common law trademark, which is prior to use,  
8 and -- publication of prior use, and a registered  
9 trademark. If we go with a common law trademark, I have  
10 prior use over the Laguna Lakes Community Association.  
11 If we go with the federal trademark, neither party has  
12 it because we are neither the creator nor the owner. It  
13 is now in the general domain since TOUSA liquidated.

14 Q. And what is that based off of, that testimony?

15 A. My research of trademark law.

16 Q. And so you dispute then that this trademark  
17 proceeding doesn't just concern your right versus  
18 Laguna Lakes Community Association's rights?

19 A. I don't understand the question.

20 Q. So you filed a trademark opposition; correct?

21 A. Absolutely.

22 Q. You filed it against Laguna Lakes Community  
23 Association; correct?

24 A. Yes.

25 Q. You didn't file it against Transeastern;

1 correct?

2 A. That's correct.

3 Q. Transeastern for all we know is defunct;  
4 correct?

5 A. TOUSA, but yeah, the company that purchased  
6 Transeastern is defunct.

7 Q. They're defunct?

8 MR. BEHREN: Well, let me object. It calls  
9 for a legal conclusion.

10 THE WITNESS: That's true. We don't really  
11 know they're defunct, yeah. They're in  
12 liquidation.

13 BY MR. ROTHSCHILD:

14 Q. So if these entities were defunct or if they  
15 were liquidating, as you said, and they sold trademark  
16 rights, they wouldn't continue to have any rights to  
17 those trademarks; correct?

18 A. That calls for a legal conclusion that I'm not  
19 qualified to make.

20 Q. You don't want to answer that question?

21 A. Well, I don't know the answer. If they sold  
22 them, I would assume that they don't own them, but I  
23 would not know the terms of it, but I know one thing: I  
24 purchased lagunalakes.com from the liquidation of TOUSA,  
25 and I own it, not them.

1 Q. You own a domain name?

2 A. That's correct.

3 Q. You don't necessarily own the trademark;  
4 correct?

5 A. That's correct. My understanding of the  
6 trademark logo I would have to be either the creator, or  
7 I would have to be the owner.

8 MR. BEHREN: Again, I'm going to move to  
9 strike. Stop testifying about legal conclusions.  
10 You're not a lawyer. You're not supposed to be  
11 testifying here about legal matters. You're  
12 supposed to be testifying about factual matters.

13 MR. ROTHSCHILD: If we can just take five  
14 minutes, I'm just wrapping up here.

15 (A short break was taken.)

16 MR. ROTHSCHILD: Kim, I think I have a  
17 Deposition Exhibit Number 4. Consists of documents  
18 labeled G1 to G107.

19 MS. HASTINGS: I have a G1 through G23 as an  
20 Exhibit 4.

21 MR. ROTHSCHILD: There's no G24, 25?

22 MS. HASTINGS: Yup, I'm sure there is. Hang  
23 on. Here we go. I have G24, G48 goes through to  
24 G103.

25 MR. ROTHSCHILD: Is there a 104 through 107?

1 MS. HASTINGS: Let me look and see if it's  
2 someplace else. Yes, there's 104, 105, 106, 107.

3 MR. ROTHSCHILD: Okay. Could you please hand  
4 those to Mr. Behren? They may be duplicative of  
5 some of the exhibits that were labeled during  
6 direct examination.

7 MS. HASTINGS: Do you want the entire G  
8 package?

9 MR. ROTHSCHILD: The entire G package, G1  
10 through G107.

11 MS. HASTINGS: Okay.

12 MR. ROTHSCHILD: And just so everyone knows  
13 where I'm going, just so there's clarity for me,  
14 because I'm not there, I just need to know which  
15 documents among the exhibits that were labeled  
16 during the direct examination were not included in  
17 this packet of documents; so I understand that will  
18 take some time.

19 MR. BEHREN: No, we're not doing that. This  
20 is not a discovery -- no. This is not a discovery  
21 deposition. This is supposed to be trial  
22 testimony; so you got the exhibits here. Your  
23 counsel or your co-counsel's got copies of  
24 everything, you can ask about whatever you want to  
25 ask about. I'm not having him go through -- we're

1 not going back through and matching up document for  
2 document. He's not doing it.

3 MR. ROTHSCHILD: I'll ask a question. That's  
4 fine.

5 BY MR. ROTHSCHILD:

6 Q. Mr. Marino, do you agree or disagree with me  
7 that all of the exhibits that were labeled during your  
8 direct examination -- do you agree or disagree with me  
9 that those were not all included in the discovery  
10 documents you produced to us?

11 A. I have no idea.

12 Q. Well --

13 MR. BEHREN: And again, this is a discovery --  
14 this is not a discovery deposition, this is trial  
15 testimony.

16 MR. ROTHSCHILD: Well, Scott, it's a little  
17 trial by ambush using new documents we've never  
18 seen before.

19 THE WITNESS: It doesn't change the fact that  
20 our allegation that the trademark applications  
21 were --

22 MR. ROTHSCHILD: Who is talking, Mr. Behren or  
23 Mr. Marino?

24 MR. BEHREN: Mr. Marino.

25 MR. ROTHSCHILD: And there's no question

1 pending; so --

2 MR. BEHREN: Mr. Marino's answer to your  
3 question was he wouldn't be able to do that; so --

4 MR. ROTHSCHILD: He can't do that?

5 MR. BEHREN: He wouldn't be able to do that.  
6 This is not a discovery deposition; so move on to  
7 another question.

8 MR. ROTHSCHILD: All right. That's fine.  
9 Let's go back to Deposition Exhibit 5.

10 MS. HASTINGS: Direct Exam 5?

11 MR. ROTHSCHILD: Uh-huh.

12 THE WITNESS: Kim, I can use it from here.

13 MS. HASTINGS: You got it?

14 THE WITNESS: Uh-huh.

15 MS. HASTINGS: It looks like this. It's this  
16 one.

17 THE WITNESS: Let me give you these back; but  
18 I don't know the order.

19 MS. HASTINGS: That's okay. I'll take care it  
20 of.

21 Go ahead. Mr. Marino has Exhibit 5 in front  
22 of him.

23 BY MR. ROTHSCHILD:

24 Q. Okay. Turn to page 10 which contains  
25 Interrogatory Number 15. I'm going to read it, going to

1 read your answer, and ask you some questions.

2 MR. BEHREN: Whatever you have him looking at,  
3 does not --

4 MS. HASTINGS: Exhibit 5 from his direct  
5 examination is --

6 MR. ROTHSCHILD: Oh, Deposition Exhibit 5  
7 which is the interrogatories, requests for  
8 production, requests for admission.

9 MR. BEHREN: I thought you didn't admit any of  
10 your documents as exhibits.

11 MR. ROTHSCHILD: No, I'm not.

12 MR. BEHREN: So then why are you asking him  
13 about exhibits that haven't been admitted as  
14 exhibits?

15 MR. ROTHSCHILD: They don't have to. This is  
16 cross-examination. It's impeachment. If I sound  
17 like a broken record --

18 MR. BEHREN: Well, this is not impeachment,  
19 but go ahead.

20 MR. ROTHSCHILD: And I --

21 MS. HASTINGS: All right. I know why --

22 THE COURT REPORTER: I can't -- I'm sorry,  
23 Chad, I can't hear anything that you're saying when  
24 everyone else in the room is talking. I just want  
25 to be fair and let you know that.

1 MR. ROTHSCHILD: I want to make the record  
2 clear that my understanding of impeachment is when  
3 there's contradictory evidence that contradicts  
4 someone's testimony that's impeachment; so --

5 MR. BEHREN: Chad, what's your question?

6 MS. HASTINGS: He's got Exhibit 5 in front of  
7 him.

8 THE WITNESS: I'm trying to --

9 MR. BEHREN: What's the question?

10 BY MR. ROTHSCHILD:

11 Q. Well, earlier, Mr. Marino, you testified  
12 that -- well, basically you're just testifying that  
13 Laguna Lakes Community Association never used the mark  
14 Laguna Lakes, correct, prior to 2006 when it got its  
15 website; correct?

16 A. Or 2007, depending on when the website was set  
17 up.

18 Q. Okay. But it relates to the website?

19 A. Correct.

20 Q. Okay. Now, one of the interrogatories that we  
21 asked you was "Identify factual evidence and other  
22 documents supporting the allegation that only  
23 Transeastern Properties, Inc., and TOUSA, Inc., and not  
24 applicant, utilized the mark 'Laguna Lakes' prior to  
25 June of 2007."

1           And you responded, and correct me if I'm  
2 wrong, I need to find your answer. Quote, "Until the  
3 Laguna Lakes Association was turned over to its  
4 residents in 2007, it was controlled and operated by  
5 Transeastern Properties and its successor TOUSA";  
6 correct?

7           A.    Correct.

8           Q.    Okay.

9           MR. ROTHSCHILD: I have no more questions  
10 other than to make an objection for the record that  
11 there was documents admitted into evidence during  
12 direct examination that are not listed on pretrial  
13 disclosures and were not produced during discovery  
14 either and cross-examination was taken under  
15 protest, subject to a motion to strike the  
16 testimony which may be filed later. I have no  
17 further questions.

18           MR. BEHREN: Just one quick follow-up  
19 question, Mr. Marino.

20                           REDIRECT EXAMINATION

21 BY MR. BEHREN:

22           Q.    I think there was some question about mistakes  
23 made in notices of opposition that you initially filed.  
24 Do you recall that?

25           A.    Yes.

1 Q. And whether that was an intent to deceive;  
2 correct?

3 A. Correct.

4 Q. As far as you know, after Laguna Lakes was  
5 made aware of their claimed mistakes in their trademark  
6 applications, did they ever fix any of their  
7 inaccuracies?

8 A. No.

9 Q. In your opinion, when somebody's notified of  
10 the fact that they've made blatant inaccuracies in  
11 documents filed under penalties of perjury and they  
12 failed to correct them, in your opinion would that be  
13 fraudulent?

14 MR. ROTHSCHILD: Objection, not qualified to  
15 render a lay opinion under 701 or any other rule.  
16 You can answer.

17 THE WITNESS: Absolutely it's fraudulent.  
18 There should be penalties.

19 MR. BEHREN: I don't have anything further.

20 MS. HASTINGS: We're done, right?

21 MR. ROTHSCHILD: One more question.

22 RE-CROSS-EXAMINATION

23 BY MR. ROTHSCHILD:

24 Q. Mr. Marino, did you ever correct either of  
25 your amended notices of opposition to reflect that your

1 first date of use of the mark "Mr. Laguna Lakes" was  
2 August 3rd, 2004?

3 A. As opposed to what date?

4 Q. As opposed to as early as April 2003.

5 A. Well, the documentation I submitted showed the  
6 August 2004; so I wouldn't have anything -- you had me  
7 look at my documentation, any documentation I submitted  
8 was dead accurate.

9 MR. ROTHSCHILD: Okay. We can end there.

10 That's okay.

11 FURTHER REDIRECT EXAMINATION

12 BY MR. BEHREN:

13 Q. So, Mr. Marino, let me ask you this: So as  
14 far as you know, did you use the name "Mr. Laguna Lakes"  
15 or the name "Laguna Lakes" in your real estate business  
16 prior to August 2004?

17 A. Nothing that I can substantiate. Whether I  
18 used -- I could have used it in emails. I could have  
19 used it in conversations. Again, nobody ever asked me  
20 how I got the name "Mr. Laguna Lakes," and I think  
21 that's important.

22 Q. How did you get the name "Mr. Laguna Lakes"?

23 A. Oh, thank you for asking. I had the name  
24 because a resident said to me, "You sell so many  
25 properties here we should call you, 'Mr. Laguna Lakes,'"

1 and that, of course, was previous to the business cards  
2 being printed.

3 Q. And when did that take place?

4 A. In 2003 sometime. Remember, I sold 11  
5 properties on the first -- on opening day.

6 MR. BEHREN: Okay. Nothing further.

7 MR. ROTHSCHILD: And one more question.

8 FURTHER RECROSS-EXAMINATION

9 BY MR. ROTHSCHILD:

10 Q. You'll agree, based on your interrogatory  
11 responses, you commenced use of "Mr. Laguna Lakes"  
12 August 3rd, 2004; correct?

13 A. Yes.

14 MR. BEHREN: Objection, asked and answered.

15 MR. ROTHSCHILD: No more questions.

16 MR. BEHREN: Okay. That's it.

17 (Deposition concluded at 3:08 p.m.)

18 -----

19

20

21

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23

24

25

STATE OF FLORIDA )

COUNTY OF LEE )

I, the undersigned authority, certify that  
JOHN G. MARINO personally appeared before me and was  
duly sworn.

WITNESS my hand and official seal on  
October 9, 2014.



---

Heather J. Shelton, CSR, RPR  
Notary Public, State of Florida  
Commission Expires: 2-28-2016  
Commission Number: EE174243

STATE OF FLORIDA )

COUNTY OF LEE )

I, Heather J. Shelton, Registered Professional Reporter and Certified Shorthand Reporter, do hereby certify that I was authorized to and did stenographically report and electronically record the foregoing deposition of JOHN G. MARINO; that a review of the transcript was not requested; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in this action.

Dated on October 9, 2014.

  
Heather J. Shelton, CSR, RPR

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85411955

Filing Date: 08/31/2011

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<u>Laguna Lakes</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Laguna Lakes
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Laguna Lakes Community Association, Inc.
INTERNAL ADDRESS	c/o Alliant Property Management, LLC
*STREET	6719 Winkler Road, Suite 200
*CITY	Fort Myers
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S.)	33919

State ownership of the name Laguna Lake which is untrue

Δ π EXHIBIT 1  
 Deponent Marinu  
 Date 10/8/14 Rptr. HS  
 www.DEFOBOOK.COM

applicants only)	
PHONE	239-454-1101
EMAIL ADDRESS	trademarks@bmdllc.com
WEBSITE ADDRESS	www.lagunalakes.com ← Website of Transeastern Homes, NOT LLCA
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	035
IDENTIFICATION	Association services, namely, promoting the interests of <b>homeowners and condominium associations, managing the business affairs of the common community association of the HOAs and condominium association comprising the Laguna Lakes community and promoting the use of and managing the maintenance of the real estate and improvements thereon owned by the community association.</b>
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/06/2003 ← First use by Transeastern Homes, NOT LLCA
FIRST USE IN COMMERCE DATE	At least as early as 10/06/2003
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">spec-7411823817-154501865 . Lakes Lakes Community Assoc.Website_page.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<a href="#">\TICRS\EXPORT11\IMAGEOUT11\854\119\85411955\xml1\FTK0003.JPG</a>
SPECIMEN DESCRIPTION	First page of Laguna Lakes Community Association website - <a href="#">www.lagunalakesassociation.com</a> ← This website did NOT even come into existence until 8/26/2006
<b>ADDITIONAL STATEMENTS SECTION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT	

(NAME/LIKENESS)  
(if applicable)

\*CONCURRENT USE  
CLAIM  
(if applicable)

**DISCLAIMER**

No claim is made to the exclusive right to use any color or font style or size apart from the mark as shown.

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<b>COMMUNICATE VIA EMAIL</b>	Yes
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<b>FEE INFORMATION</b>	
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<b>NUMBER OF CLASSES</b>	1
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<b>FEE PER CLASS</b>	275
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<b>*TOTAL FEE PAID</b>	275
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<b>SIGNATURE INFORMATION</b>	
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<b>* SIGNATURE</b>	/Donna M. Flammang/
--------------------	---------------------

<b>* SIGNATORY'S NAME</b>	Donna M. Flammang
---------------------------	-------------------

<b>* SIGNATORY'S POSITION</b>	Attorney of Record, Florida Bar Member
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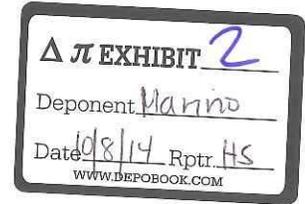
<b>* DATE SIGNED</b>	08/31/2011
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# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85414343  
 Filing Date: 09/02/2011



**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">\\TICRS\EXPORT1\IMAGEOUT\11\854\143\85414343\xml1\FTK0002.JPG</a>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	A setting sun over water with varieted long and short rays over the sun, imposed within two curved designs forming the letter "L" with 3 uneven squares above the design, and with the name "Laguna Lakes" starting on the outer right side border of the sunset design with a large script capital L and the remaining letters "aguna" in lower case script and the word "LAKES" beneath it in all in capital letters with bullet points between each letter to appears as "L?A?K?E?S"
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
	The mark consists of A setting sun over water with varieted long and short rays over the sun, imposed within two curved designs forming the letter "L" with 3 uneven squares above the design, and with the name "Laguna

*DESCRIPTION OF THE MARK (and Color Location, if applicable)	Lakes" starting on the outer right side border of the sunset design with a large script capital L and the remaining letters "aguna" in lower case script and the word "LAKES" beneath it in all in capital letters with bullet points between each letter to appears as "L·A·K·E·S".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	76 x 600
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Laguna Lakes Community Association, Inc.
INTERNAL ADDRESS	c/o Alliant Property Management, LLC
*STREET	6719 Winkler Road, Suite 200
*CITY	Fort Myers
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applica	33919
PHONE	239-454-1101
EMAIL ADDRESS	trademarks@bmdllc.com
WEBSITE ADDRESS	www.lagunalakesassociation.com
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	035
IDENTIFICATION	Association services, namely, promoting the interests of <b>condominium association and homeowner associations, managing the business affairs of the common community association of the HOAs and condominium association comprising the Laguna Lakes Community and promoting the use of and managing the maintenance of the real estate and improvements thereon owned by the community association.</b>

LLCA is NOT and has never been the owner of this mark

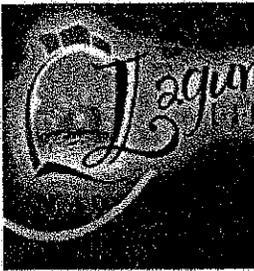
Did not come into existence until 8/26/2006

<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 10/06/2003
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/06/2003
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\854\143\85414343\xml11\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Webpage of Laguna Lakes Community Association, Inc.
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Donna M. Flammang
<b>FIRM NAME</b>	Brennan, Manna & Diamond, P.L.
<b>STREET</b>	3301 Bonita Beach Road, Suite 100
<b>CITY</b>	Bonita Springs
<b>STATE</b>	Florida
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	34134
<b>PHONE</b>	239-992-6578
<b>FAX</b>	239-992-9328
<b>EMAIL ADDRESS</b>	dmflammang@bmdpl.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Donna M. Flammang
<b>FIRM NAME</b>	Brennan, Manna & Diamond, P.L.
<b>*STREET</b>	3301 Bonita Beach Road, Suite 100

Show LLCA web page but cite 2003 as first use!

These dates are first use by Transeastern Homes and NOT LLCA

*CITY	Bonita Springs
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	34134
PHONE	239-992-6578
FAX	239-992-9328
*EMAIL ADDRESS	dmflammang@bmdpl.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Donna M. Flammang/
* SIGNATORY'S NAME	Donna M. Flammang
* SIGNATORY'S POSITION	Attorney of Record, Florida Bar
* DATE SIGNED	09/02/2011



[Public Homepage](#)

[Resident Login](#)

[Request Login](#)

[Online Payments](#)

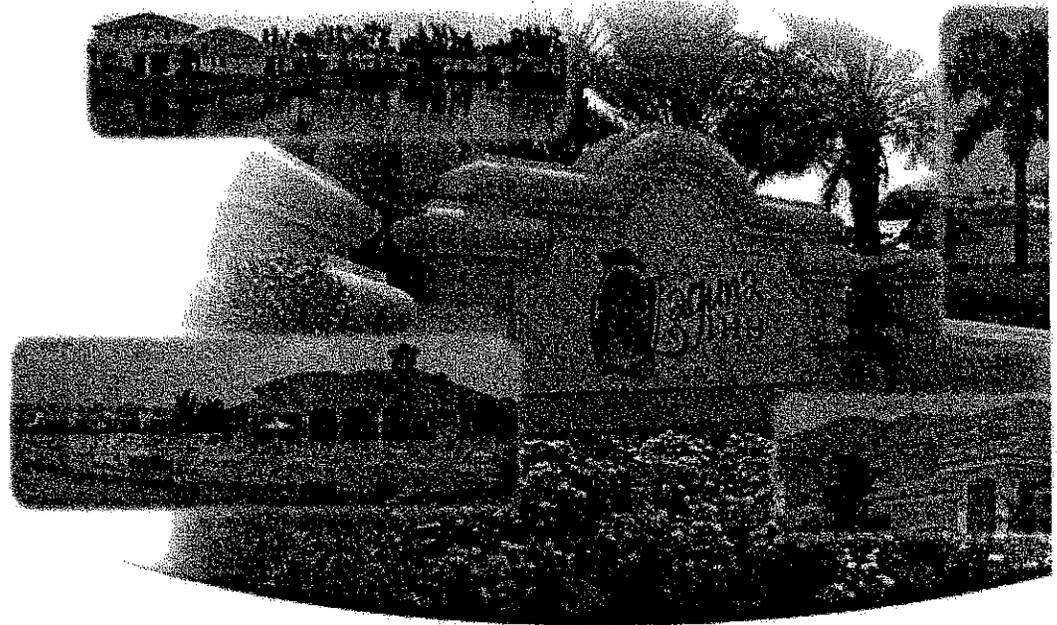
[Amenities](#)

[Homes/Condos  
For Sale](#)

[Homes/Condos  
For Rent](#)

[Map](#)

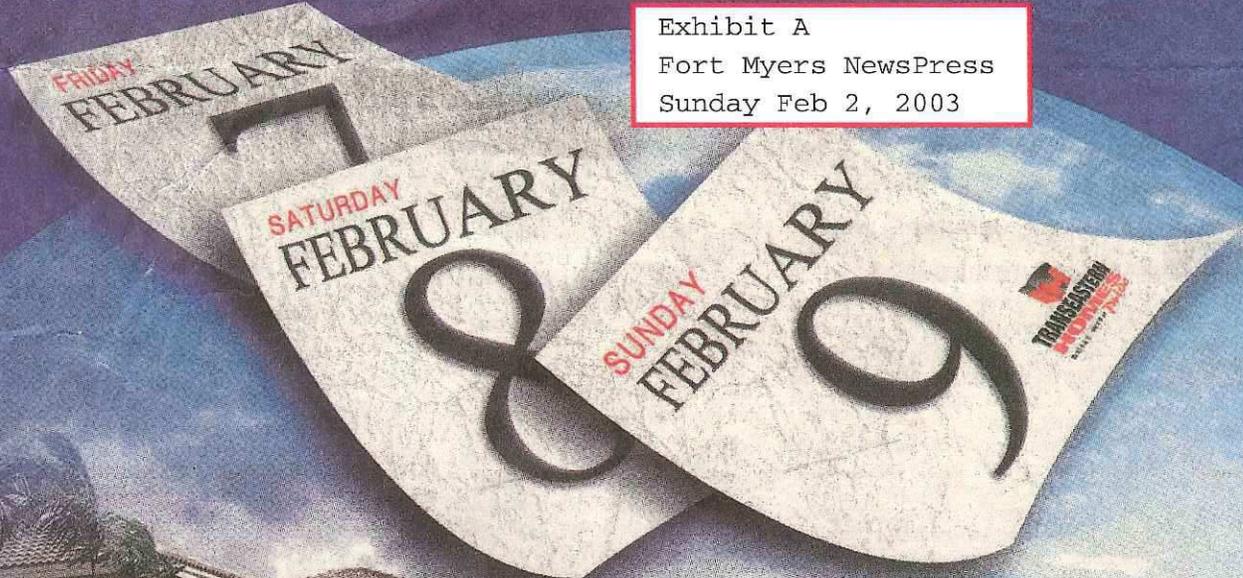
## Laguna Lakes Community- "an exceptional place to



Located in tropical Southwest Florida, the upscale community of Laguna Lakes is within easy proximity to Fort Myers Beach and the barrier islands of Sanibel and Captiva. Beautiful homes and condominiums complement the residential setting, along with sparkling lakes and lush tropical vegetation. Our Clubhouse features many amenities including a gorgeous fully equipped kitchen and dining room, lovely "Family style" room for casual get-togethers and billiard room for entertainment. The Clubhouse Complex includes tennis courts, a family pool, children's wading pool, spa, exercise room and parking court. All of the amenities for "Gracious Living" in a tropical setting.

# These Dates Could Represent The Most Important Days Of Your Life.

Exhibit A  
 Fort Myers NewsPress  
 Sunday Feb 2, 2003



California names

## This Is Your Last Chance To Purchase A New Home At "Priority Position" Pre-construction Prices At Transeastern's Exciting New Fort Myers Community, Laguna Lakes.

100 priority positions for prime Laguna Lakes homes have been sold in record breaking time. Your window of opportunity is about to close. Don't be left out. Secure your "Priority Position" and be among the first to experience The Laguna Lakes Lifestyle.

There's never been anything like it before in Fort Myers! Spacious single-family homes and coach homes reminiscent of Beverly Hills, Santa Barbara and Monterey, built on beautiful homesites. At Transeastern Homes' Laguna Lakes you'll encounter colorful foliage and a painted sky that touches forever, along with a spectacular Mediterranean-style clubhouse and magnificent recreational complex within a gated community.

Call now: (239) 481-5600 Or Toll Free (866)-524-8625  
 E-mail: [priority@lagunalakes.com](mailto:priority@lagunalakes.com)

Website

Website

LOGO

Developer



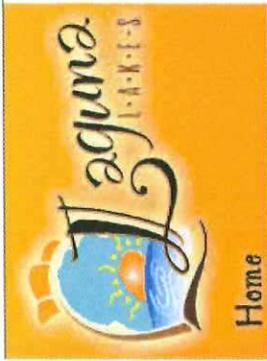
[www.lagunalakes.com](http://www.lagunalakes.com)  
 Information: (239) 481-5600  
 Located at the corners of Gladiolus Drive & Bass Road.  
 Broker Participation welcome

Δ π EXHIBIT 3  
 Deponent Marino  
 Date 10/8/14 Rptr. HS  
 WWW.DEPOBOOK.COM



A Transeastern  
Homes Community

"Monument sign"



About Transeastern Homes

About Laguna Lakes  
Models  
New Homes 2 Go

Site Plans

Area Map  
Towncenter

Realtor Center  
Contact Us  
Frequently Asked Questions

INTERNET ARCHIVE  
Wayback Machine

http://lagunalakes.com/site/n\_main.htm

Go

24 captures  
8 Feb 03 - 24 Nov 05



FEB 2002  
APR 4 2003



April 4, 2003

*The excitement has just begun...*

Located in Fort Myers, Florida, the most sought after location on Florida's Gulf Coast.

With its white sand beaches of the Gulf of Mexico (Close to Sanibel & Captiva Islands),

Laguna Lakes offers amenities and lifestyle choices for families and individuals alike!

For more information, please call: 1-866-LAGUNA5 (1-866-524-8625)  
or E-mail us: [priority@lagunalakes.com](mailto:priority@lagunalakes.com)

Our welcome center is open from 10:00 to 5:00, seven days a week.  
Our address: 9201 Gladiolus Dr. Fort Myers, FL 33908

DISCLAIMER: Prices are subject to change without notice. Model & Homesite availability may not be available as advertised...you must check with a Transeastern New Home Sales Executive at the sites...some sites do not update THEIR data and data links, and may not have access links to individual community sales centers for valid pricing and availability. All advertised offers, sales, special discounts, home and home site promotions and/or special pricing - are subject to change without notice, and can not be combined with any other offer.

Please Note: Transeastern Homes is linked to numerous real estate and non-real estate sites...some sites do not update THEIR data and data links, and may not have access links to proprietary Transeastern web site data...in those cases, information can be outdated...Transeastern Homes by virtue of this statement requires you to call the number (s) listed herein to obtain updated information about Transeastern Homes and it's communities, pricing and promotions. Thank you for your cooperation and see you soon in...Transeastern's Florida!

Exhibit A



logo. Named for a group of lakes in California. Laguna Lakes community has 8 lakes.

Priority Position Number

202

DATE 2-7-03

PAY TO THE ORDER OF

G. Marino

\$5,000.00

FIVE THOUSAND AND 00/100

DOLLARS

Ask Your Sales Executive For More Details.  
This Offer May Be Removed Without Notice. Offer Expires 2/9/03.  
Offer cannot be added or combined with any other incentive and only one per home.

Expires 2/9/03

FOR Beverly Hills Collection



Joel Lazar

Vice-President Sales & Marketing

569823148 362 859823 5 4235 THIS IS A NON NEGOTIABLE-NO CASH VALUE DOCUMENT.

developer

Name copied from California community

This is not a check but a discount coupon offered at the Grand Opening to the first buyers, of which I was one.

Transeastern Homes VP. (NOT LLCA)

EXHIBIT A



## Exhibit B

# CALIFORNIA LIFESTYLE WITH ENDLESS ACTIVITIES. THAT'S THE WAY TRANSEASTERN CREATES IT!

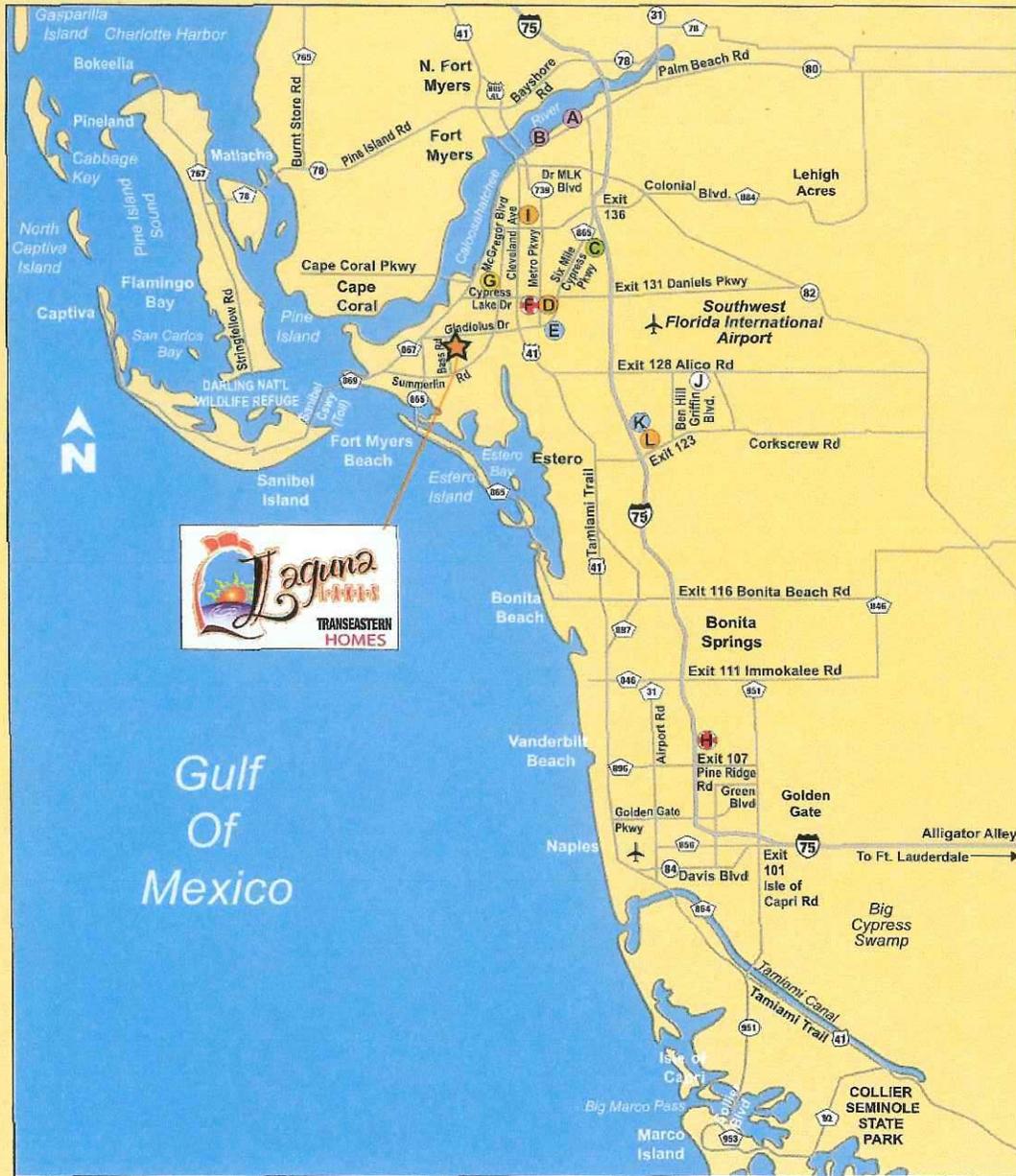
### References to California inspiration

YOU'RE GOING TO LOVE FORT MYERS' NEW CALIFORNIA GLOW! Now you can enjoy the "laid-back" look and casual feel reminiscent of the great homes in Pebble Beach, Beverly Hills, Monterey and Santa Barbara at Transeastern's Laguna Lakes. Here you'll especially like the beauty, flexibility and value of the 4 collections and 20 different floor plans being offered, which include opportunities for media rooms, libraries, gourmet kitchens – some with center islands, playrooms, spacious bedrooms, walk-in closets and many more extras. There is truly nothing else that comes close to Laguna Lakes for value, from the beautiful homesites to the quality of life and home design.

### RESORT-STYLE LIVING AT ITS BEST.

Abuzz with activity where crisp, clean air, lush foliage and a painted sky (that touches forever) surrounds you. Everyone in your family will enjoy a home and a community with amenities that have been specially-designed for today's lifestyles. The spectacular Mediterranean-style clubhouse offers activities to accommodate everyone:

- Resort-style pool • Kiddie pool • Spa • Har-Tru tennis courts
- Indoor racquetball court • Fishing pier • 33 acres of lakes • Private entry gatehouse with controlled access • Volleyball court • Well-equipped fitness center • A park with tot lot • Spacious meeting room • Social room, complete with kitchen, and much more • Convenient to I-75 • Close to great schools, shopping & entertainment



- |   |  |  |                              |
|---|--|--|------------------------------|
| <b>A</b> Historic Downtown Ft. Myers      | <b>E</b> Lee County Sports Complex / Hammond Field | <b>H</b> Cleveland Clinic              | <b>K</b> TECO Arena          |
| <b>B</b> Thomas Edison Home and Museum    | <b>F</b> Columbia Gulf Coast Hospital              | <b>I</b> Edison Mall                   | <b>L</b> Miromar Outlet Mall |
| <b>C</b> Six Mile Cypress Slough Preserve | <b>G</b> Barbara B. Mann Perf. Arts Hall           | <b>J</b> Florida Gulf Coast University |                              |
| <b>D</b> Daniels Crossing Shopping Ctr.   |  |  |                              |

Exhibit B

Developer



(239) 481-5600 • Fax: (239) 481-5636 • Toll Free: 1-866-LAGUNA 5  
 www.lagunalakes.com • 9201 Gladiolus Drive • Fort Myers, FL 33908

In the interest of continuous product improvements and to meet changing market conditions, the builder reserves the right to modify maps, floorplans, exterior specifications, features, prices and product types without prior notice or obligation. Some features may vary from plan to plan. All maps, plans, and elevation renderings are artist's conceptions and not necessarily to scale. All square footages are approximate. Landscape may vary as to maturity, number and species. GC#CGC018354

Copyright 2005 Gerard Marino "Mr. Laguna Lakes"™  
(239) 851-8883 Email: gmarino@mrlagunalakes.com

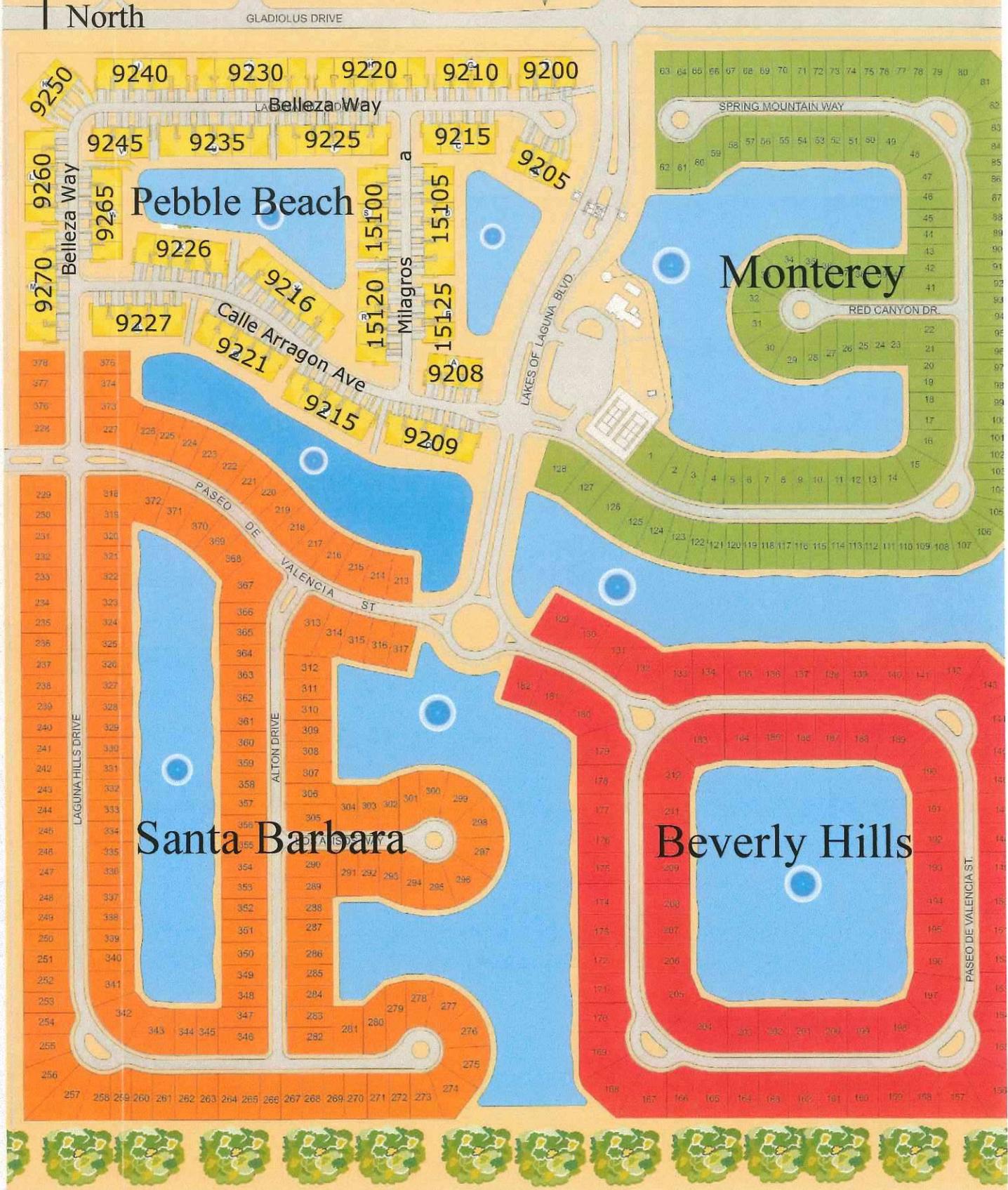


Exhibit N

logo



9139 Spring Mountain Way  
Fort Myers, Florida 33908  
Telephone: (239) 481-5600

Toll Free (866) laguna5  
Facsimile: (239) 481-5636

E-mail: [jaimeb@transeastern.com](mailto:jaimeb@transeastern.com)

[www.lagunalakes.com](http://www.lagunalakes.com)

website

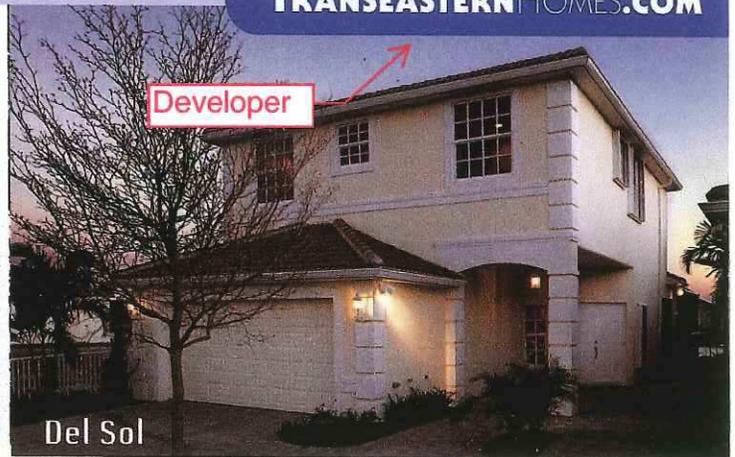


Developer

Exhibit B



Encino



Del Sol

# GRAND OPENING 9 SUPER MODELS

Wait Until You See The Homes & The Community Where Over 300 Families Purchased Even Before The Models Were Finished.

One look at the front entrance and you won't be able to contain yourself from entering the most spectacular community in Fort Myers. You'll find an incredible selection of models that offer so much more value, quality and style. The fabulous floorplans and deluxe details are highlighted by architecture made popular in the fine homes of Beverly Hills, Santa Barbara and Monterey.

*Coach Homes From the \$170's  
Single Family Homes From The \$190's*

Featuring Club Laguna -  
A Complete Super Recreation  
& Social Complex -  
Like Living In A 4-Star Resort

LOGO & NAME



*"So This Is Where The Gordons Bought?  
We're Impressed!"*



Located at the corners of Gladiolus Drive & Bass Road · Open daily from 10AM to 6PM · Broker Participation welcome

· Renderings and photographs are artist representation only · Prices subject to change without notice. This advertisement is not an offer to residents of N.J., CT, HI, ID, IL OR, or any other jurisdiction where prohibited, unless this property has been registered or exemptions are available.

Exhibit D  
Photo taken opening day  
Saturday 2/8/2003

Neil Eisner VP  
Transeastern

Art Falcone  
President  
Transeastern

Gerard Marino

Laguna Lakes  
Logo



Δ π EXHIBIT 4  
Deponent Marino  
Date 10/8/14 Rptr. Hs  
WWW.DEPOBOOK.COM



**TRANSEASTERN**  
PROPERTIES, INC.

March 11, 2004

Gerard Marino  
RE/MAX Realty Group  
7910 Summerlin Lakes Drive  
Ft. Myers, FL 33907

Exhibit G

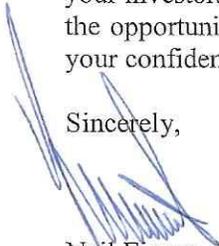
Dear Mr. Marino,

Your investors have joined a select group of Florida home buyers who have chosen to purchase a quality Transeastern home.

Your positive comments regarding your experiences with Misty Boies and Edie Moorhead are truly appreciated. We constantly strive to provide the most pleasant experience possible but too often only hear from individuals in those cases where we fall short of the goal. It is most pleasant to hear from a Realty company like yours who not only enjoyed a very satisfying experience but also took the time to "put pen to paper" and let us hear about it. For taking the time to do so, I sincerely thank you.

And I also extend my appreciation to you for having recommended Transeastern Properties to your investors. We take great pride in building a quality home for our buyers and truly appreciate the opportunity to have done so for you and your investors/buyers. Once again, thank you for your confidence in Transeastern Properties.

Sincerely,



Neil Eisner  
President

← Same person in  
Grand Opening  
photo

cc: Misty Boies, Edie Moorhead, Marnie Vaughn

Exhibit C

April 10, 2003

date

FILE

TO: ALL ASSOCIATES

FROM: MICHAEL FRYE, CCIM  
FRANK SZELEST, CCIM  
GEORGE SAYERS, BROKER

RE: RE/MAX REALTY GROUP SALES MEETING  
April 9, 2003

Kevin Jarrett, from Laguna Lakes, sponsored our Sales Meeting. Laguna Lakes is running a special program thru June 30, 2003, in which they're offering a 6% co-broke commission for qualifying agents and their offices. Gerard Marino has qualified our entire group for this special rate by selling 11 properties in Laguna Lakes! Congratulations to the following lucky raffle winners: George Sayers, Gerard Marino, Trac Zipperer, Jack Wagner, David Rowzer, Ken Marlowe, Phil Reasoner and Tom Ewert.

Karin Taylor, from the Radisson Inn of Fort Myers, gave a presentation on what the Radisson has to offer our out-of-town clients who may need accommodations while they are here looking for property. The Radisson will provide RE/MAX clients with a special rate of \$59 per night for their tropical pool-view room. The Radisson is also extending this offer to family and friends of RE/MAX Realty Group. The Radisson will be adding a new steakhouse restaurant, to be completed sometime this summer. The new restaurant will be capable of seating 400 people, with a combination of indoor/outdoor seating. You may notice the Tiki Bar being renovated too!

We would like to welcome Phil Reasoner to the commercial group. Please introduce your self when you seen him about the office.

Top Listing Associate, Sales Associate and Teams for the month of March 2003.

TOP RESIDENTIAL SALES - Judy Kash  
TOP COMMERCIAL SALES - James McMenamy  
TOP SALES TEAM - Millard Brown

TOP LISTING RESIDENTIAL - Jerry Tatarian  
TOP LISTING COMMERCIAL - Tom Woodyard  
TOP LISTING TEAM - Sande Ellis

TRANSACTIONS/VOLUME MARCH 2002 - 139 - \$ 18,395,881  
TRANSACTIONS/VOLUME MARCH 2003 - 202 - \$ 33,483,548  
(Record for transactions for 1 month)  
VOLUME YEAR TO DATE 2002 - \$ 60,138,940  
VOLUME YEAR TO DATE 2003 - \$ 91,362,555

TOTAL LISTINGS FOR MARCH 2002 - 91 - \$ 27,398,970  
TOTAL LISTINGS FOR MARCH 2003 - 131 - \$ 25,998,128

New Club Members:

Presidents Club - Betty Beach  
- Brett Ellis  
- John Heeter  
- Judy Kash  
Executive Club - Millard Brown  
- Donna Mason  
- David Rowzer  
100% Club - Bob Brown  
- Sande Ellis  
Platinum Club - Jim McMenamy

Exhibit N

# Laguna Lakes On Site Sales Center

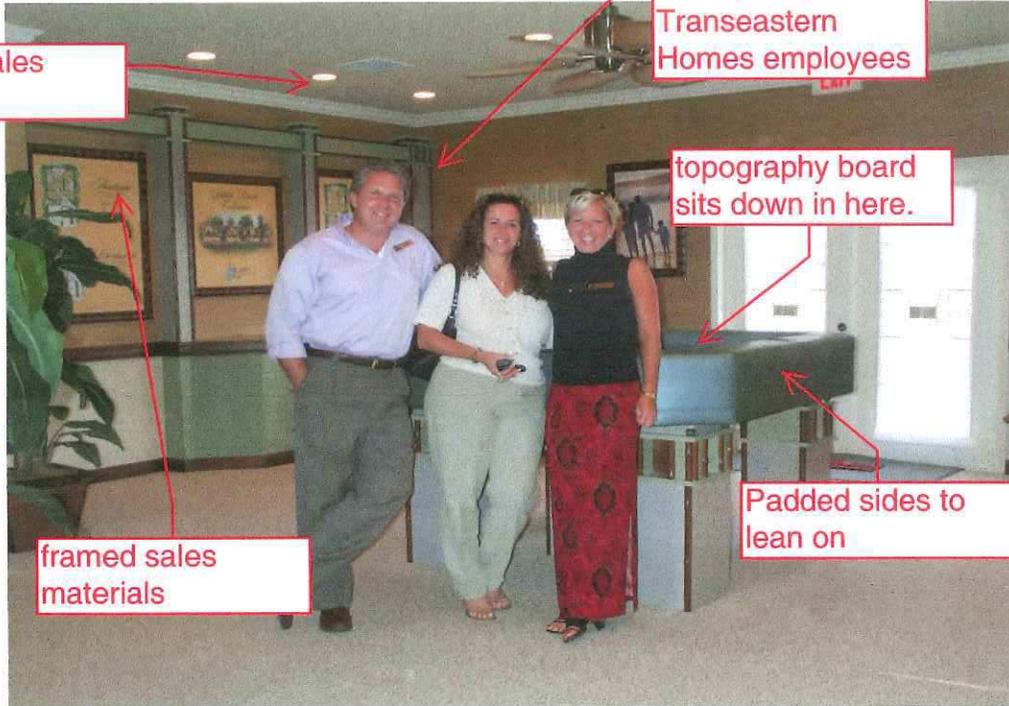
On Site Sales Center

Kevin, Lori, Jamie.  
Transeastern  
Homes employees

topography board  
sits down in here.

framed sales  
materials

Padded sides to  
lean on



Padded sides for  
Buyers to lean on.

Note: 8 lakes. Laguna  
Lakes in California which  
this community is named  
after is a group of natural,  
spring fed lakes.

Beverly Hills  
section

Santa Barbara  
section.

Monterey section

Pebble Beach  
condos





Topo board and framed art stored in my house.



Exhibit N

GENERAL			Source
Site	Laguna Lakes		
Map	Laguna Beach, USGS 7.5' quadrangle		
Location	Laguna Lakes are located inland along Laguna Canyon Road, approximately 6 miles north of Laguna Beach. The lakes are numbered 1 through 3 from upstream to downstream. Lakes 1 and 2 are on the west side of the road and Lake 3 is on the east side.		
Contacts	Laguna Greenbelt, (714)497-2102. Orange County Harbors, Beaches and Parks, (714)834-4620		
Approximate Wetland Habitat Acreage	27+ (open water in three lakes, plus unquantified riparian habitat)		1
Approximate Historic Acreage	Wetlands associated with the lakes appeared more extensive in a 1927 aerial photograph when compared with a 1953 photograph or 1994 conditions		1
Ownership	<b>Owner</b> City of Laguna Beach (area leased to Orange County for 55 years)	<b>Acres</b> Not specified	<b>Source</b> 1
<b>LAND USE</b>			
Land Use Designation	The City of Laguna Beach's General Plan designates the area as Open Space. It is designated Regional Open Space Planned Community Orange in County's General Plan		2
Onsite Use	The Lakes are part of Orange County's Laguna Coast Wilderness Park. Access to the lakes is restricted to docent lead tours.		1
Historic Use	In the early 1900's the lakes supplied municipal water to the town of Laguna Beach and were later used for livestock watering. The Laguna Beach Hunt Club used the area for hunting and fishing in the 1940's and 1950's. Lakes 2 and 3 were once one lake but are now separated by Laguna Canyon Road.		1
Adjacent Use	A retirement community is located east of Lake 3. Lands to the north, south and west, including the lakes, are a part of the Laguna Coast Wilderness Park established in 1991.		2
Adjacent Historic Use	Livestock grazing.		1
<b>HYDROLOGY</b>			
Tidal Influence	Non-tidal freshwater system. Lake 1 is ephemeral and Lakes 2 and 3 were once one lake, but are now separated by Laguna Canyon Road and connected by a box culvert.		1
Watershed Area	5,600 acres		1
Tributaries and Flow	<b>Tributary</b> Lake 1 flows to Lake 2. Drainage from Little Sycamore Canyon enters Lake 2. Lake 3 is fed by Lake 2 and adjacent run-off.	<b>Flow</b> Intermittent	<b>Source</b> 1
Dams	None.		
Other Sources	The lakes are filled by seasonal rains and natural and urban runoff. Lake 1 is seasonal, Lake 2 is semi-perennial and Lake 3 contains water throughout most years.		1
<b>WATER QUALITY</b>			
General	Water quality is described in a 1994 report as eutrophic with seasonally high levels of phosphorus and nitrogen. The Lakes are not listed for either water quality or Beneficial Uses by the Regional Water Quality Control Board.		1
Dissolved Oxygen (DO)	1991, 1992 - water quality sampling was conducted in Dec. 1991 and Feb., May and Aug. 1992 at five stations covering all three lakes, time of day not specified. DO levels at the bottom ranged from 0 to 11 mg/l and in surface waters from 5 to 11 mg/l. During late summer periods of very low oxygen are reported, resulting in fish kills. Temperatures ranged from 12 to 28 degrees C.		1
Water Salinity	Not applicable (freshwater).		1
Sediment	In 1989, it was estimated that the average annual inflow to lakes 1, 2 and 3 was 83.2, 13.8 and 33.5 cubic yards per year, respectively.		1
Soil			<b>Source</b>
Soil	The soils in the watershed have been categorized as alluvium deposits of sandy loam lacking a well developed clay horizon. Lake bottoms have a clay layer.		1
Habitat	<b>Acres</b>	<b>Vegetation</b>	
Open water	20 (depending on season)	1992 - blue-green algae in Lakes 2 & 3.	1
Freshwater marsh	Not specified.	1992 - Dominated by tule, broad-leaved cattail, and bulrush.	1
Seasonal wetlands	Not specified.	1992 - Dominated by toad rush, rush, spike rush, brass buttons*, rabbit-foot grass and curly dock*.	1
Riparian scrub/shrub	Not specified.	1992 - Dominated by Gooding's willow, red willow, and mulefat.	1
Upland	Not specified.	1992 - grasslands and coastal sage scrub.	1
<b>ANIMAL USE</b>			
Birds	1983, 1989, 1992/93 - separate surveys identified a total of 42 species of birds at the lakes, including 5 special status species. The species list combines data from all years.		1
Fish	No date specified - Exotic species found at Lake 3 included mosquitofish*, bluegill*, largemouth bass*, black bullhead*, brown bullhead* and gold fish*, no native fish have been found in the lake. Date, duration of survey and methods are not specified.		1
Benthic Invertebrates	Not specified.		
Insect	Not specified.		
Other Wildlife	1991 - Mammals - predators of small rodents included coyotes and bobcats. Reptiles and amphibians included bullfrog*, African clawed frog*, and Pacific pond turtle*.		1
Special Status Species	1992/93 - Tricolored blackbird, California gnatcatcher, Cooper's hawk, yellow warbler and double-crested cormorant, surveys were conducted in June and July 1992 and Aug., Sept. and Nov. 1993. 1991 - Pacific pond turtle.		2
<b>OUTLOOK</b>			
Enhancement Status	An enhancement and management plan was finalized in 1994 and calls for the removal of 3,000 cubic yards of sediment from Lake No. 2, creation of sediment basins at Lakes 2 and 3 to enhance water quality, and enhancement of riparian habitat by removal of non-native plants and planting of native species. Implementation of the project was begun in the summer of 1996. Improvement of Laguna Canyon Highway in the area of Laguna Lakes was pending construction funding in 1996.		1
Watershed Management	Not specified.		
Pressure	Long-term grazing and residential development in the watershed has resulted in increased erosion, duplication, destruction of natural vegetation and buffers, and decline in wildlife value within the lakes.		1
Comments	Laguna Lakes are the only known natural fresh water lakes in Orange County.		1
<b>SOURCES</b>			
	1 Wetlands Research Associates, Inc., Philip Williams and Associates, Ltd., and Vail Speck Associates for Laguna Greenbelt 1994 Laguna Lakes enhancement and management plan. 94 pp. plus appendices.		
	The Laguna Greenbelt initiated this study to develop a restoration and management plan for Laguna Lakes, the only known natural lakes in Orange County. It describes the opportunities and constraints at the lake and considers various enhancement options.		
	The Plan includes field data for vegetation and water quality. Data on wildlife is based on existing information.		
	2 Orange County Environment Agency in cooperation with California Department of Transportation. 1994. Draft environmental impact report No. 556 Laguna Canyon Road improvement project (I-405 to El Toro Road). 200 pp., plus appendices.		
	This document assesses the potential environmental impacts from a roadway improvement project along Laguna Canyon Road in the vicinity of Laguna Lakes. Biological resources, water resources, land use, traffic, and geology/soils are addressed. The information on water resources, land use and soils is based on existing data. The information on vegetation is based on original surveys and mapping from 1993.		
	3 Regional Water Quality Control Board. 1995. Water Quality Control Plan for the Santa Ana River Basin. 200 pp.		
	The plan includes information on the quality of inland surface waters, coastal waters, reservoirs and lakes and ground water in Orange County. It identifies beneficial uses supported by these waters and provides a plan for their protection.		
	4 Regional Water Quality Control Board Santa Ana Region. 1995. Water quality assessment.		
	This information comes from the state's water quality assessment data base and includes the water quality assessment data for estuaries in Orange County. For each estuary,		


**EXHIBIT 5**  
 Deponent: Marino  
 Date: 10/8/14 Rptr: HS  
 WWW.DEFOBOOK.COM

# Exhibit V



YOU ARE HERE: LAT Home → Collections → Laguna Lakes

IN THE NEWS

## Laguna Lakes

**MORE STORIES ABOUT:** [Missing Persons](#) [Bodies](#) [Conservation](#) [Hiking](#) [Grants](#) | [More](#)

### CRE Property Investor?

[auction.com/Commercial-Listings](http://auction.com/Commercial-Listings)

Auction.com® is the Leading Online Marketplace! Buy & Sell CRE Now.

natural lakes in California

#### FEATURED ARTICLES

CALIFORNIA | LOCAL

### Dive Finds No Trace of Woman

February 25, 1997 | GEOFF BOUCHER, TIMES STAFF WRITER

Using a cutting-edge sonar gun, divers continued their search Monday through the thick silt of the Laguna Lakes for a New Jersey woman who was tracked to the water's edge by search dogs after disappearing a week ago. For the third consecutive day, divers unsuccessfully searched the muddy depths of Orange County's largest natural lake for some sign of Silvia Molina, a 28-year-old Somerset resident who vanished last Tuesday afternoon after leaving a relative's Laguna Beach home for a walk.

#### ARTICLES BY DATE

CALIFORNIA | LOCAL

### Old Bob Is Stashed in a Secure, Undisclosed Location

January 9, 2005 | Sara Lin, Times Staff Writer

For years, fishermen traded tall tales about the beast who lived at the bottom of the lake. He was huge, those who had seen him agreed, pulling ducks underwater and stealing fish from reel lines. Old Bob, the giant alligator snapping turtle of Fullerton's Laguna Lake, was the stuff of legend. In September, workers dredging the lake as part of a restoration project found truth in the rumors as they netted the 4-foot-long, 100-pound turtle. But as quickly as Old Bob surfaced, he disappeared again.



CALIFORNIA | LOCAL

### 3 Laguna Lakes Being Restored to Natural Condition

November 10, 1996 | LESLIE EARNEST, SPECIAL TO THE TIMES

They are named unimaginatively—Lake No. 1, Lake No. 2 and Lake No. 3—and their size is so puny some may wonder why they are called lakes at all. But as the only three natural lakes in Orange County, they do hold a certain distinction. And those who have studied them say the Laguna Lakes are the crown jewels of the Laguna Coast Wilderness Park, a sprawling blanket of open space that encircles them.

Advertisement



TRAVEL

### In Orange County, Exploring Laguna Canyon's Natural Lakes

November 18, 2001 | JOHN MCKINNEY

Lakes are few and far between in Orange County. For the most part, they are decorative contrivances created for city parks, golf courses and housing developments. The county's only natural lakes are the Laguna Lakes in Laguna Canyon, bodies of water replenished by rainfall and possibly underground springs. The largest of the three, Barbaras Lake, is particularly delightful for hikers because it's accessible only by a trail through the engaging James Dillely Greenbelt Preserve.

This is NOT Laguna Lakes Community Association

EXHIBIT W

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DIVISION OF CORPORATIONS

98 FEB 20 AM 9:27

**CAPITAL CONNECTION, INC.**  
417 E. Virginia Street, Suite 1 • Tallahassee, Florida 32302  
(850) 224-8870 • 1-800-342-8062 • Fax (850) 222-1222

N98000000995

Laguna Lakes Homeowner  
Association, Inc.

200002427382--1  
-02/11/98--01026--013  
\*\*\*\*122.50 \*\*\*\*122.50

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98 FEB 11 AM 10:19

DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

Note Date! 15  
years prior to  
Laguna Lakes  
Community  
Association filing  
with State of Florida

- Art of Inc. File \_\_\_\_\_
- \_\_\_ LTD Partnership File \_\_\_\_\_
- \_\_\_ Foreign Corp. File \_\_\_\_\_
- \_\_\_ L.C. File \_\_\_\_\_
- \_\_\_ Fictitious Name File \_\_\_\_\_
- \_\_\_ Trade/Service Mark \_\_\_\_\_
- \_\_\_ Merger File \_\_\_\_\_
- \_\_\_ Art. of Amend. File \_\_\_\_\_
- \_\_\_ RA Resignation \_\_\_\_\_
- \_\_\_ Dissolution / Withdrawal \_\_\_\_\_
- \_\_\_ Annual Report / Reinstatement \_\_\_\_\_
- Cert. Copy \_\_\_\_\_
- \_\_\_ Photo Copy \_\_\_\_\_
- \_\_\_ Certificate of Good Standing \_\_\_\_\_
- \_\_\_ Certificate of Status \_\_\_\_\_
- \_\_\_ Certificate of Fictitious Name \_\_\_\_\_
- \_\_\_ Corp Record Search \_\_\_\_\_
- \_\_\_ Officer Search \_\_\_\_\_
- \_\_\_ Fictitious Search \_\_\_\_\_
- \_\_\_ Fictitious Owner Search \_\_\_\_\_
- \_\_\_ Vehicle Search \_\_\_\_\_
- \_\_\_ Driving Record \_\_\_\_\_
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- \_\_\_ UCC 11 Search \_\_\_\_\_
- \_\_\_ UCC 11 Retrieval \_\_\_\_\_
- \_\_\_ Courier \_\_\_\_\_

Signature \_\_\_\_\_

Requested by: \_\_\_\_\_

2/11/98 9:03

Name \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

Walk-In \_\_\_\_\_

Will Pick Up \_\_\_\_\_

RP  
02-20-98



EXHIBIT W

FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State

February 11, 1998

CAPITAL CONNECTION, INC.  
417 E. VIRGINIA ST.  
STE. 1  
TALLAHASSEE, FL 32301

SUBJECT: LAGUNA LAKES HOMEOWNER ASSOCIATION, INC.  
Ref. Number: W98000003098

We have received your document for **LAGUNA LAKES HOMEOWNER ASSOCIATION, INC.** and your check(s) totaling \$122.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

You must list the corporation's principal office and/or a mailing address in the document.

Please return the original and one copy of your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 487-6929.

Randall Purintun  
Document Specialist

Letter Number: 298A00007919

**EXHIBIT W**

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS

98 FEB 20 AM 9:27

**Articles of Incorporation of homeowners' association.**

Articles of Incorporation

of

**LAGUNA LAKES HOMEOWNER ASSOCIATION, INC.**

Date of filing.

A Nonprofit Corporation

We, the undersigned natural persons of legal age, at least two of whom are citizens of the State of Florida, acting as incorporators of a corporation under Chapter 617 of the Florida Statutes, do hereby adopt the following articles of incorporation for such corporation.

Article I

The name of the corporation (called the association) is:

**LAGUNA LAKES HOMEOWNER ASSOCIATION, INC.**

The principle and mailing address of the corporation (called the association) is:

**1251 Taylor Lane, Unit 6F, Lehigh, Florida 33936**

Article II

The association is a nonprofit corporation.

Also in Lee County  
Florida

Article III

The period of its duration is perpetual.

Article IV

The specific primary purposes for which the association is formed are to provide for operation management maintenance, preservation, and architectural control of the residence lots and common area within a certain subdivided tract of real property described as **LAGUNA LAKES SUBDIVISION**, and to promote the health, safety, and welfare of the residents within the above-described subdivision and such additions thereto as may hereafter be brought within the jurisdiction of the association for such purpose.

## EXHIBIT W

In furtherance of such purposes, the association shall have power to:

- (a) Perform all of the duties and obligations of the association as set forth in a certain Declaration of Covenants, Conditions, and Restrictions (the declaration) applicable to the subdivision and to be recorded in the public records of Lee County, Florida;
- (b) Affix, levy, and collect all charges and assessments pursuant to the terms of the declaration, and enforce payment thereof by any lawful means; and pay all expenses in connection therewith, and all office and other expenses incident to the conduct of the business of the association, including all licenses, taxes, or governmental charges levied or imposed on the property of the association;
- (c) Acquire (by gift, purchase, or otherwise), own, hold, improve, build on, operate, maintain, convey, sell, lease, transfer, dedicate, to public use, or otherwise dispose of real and personal property in connection with the affairs of the association;
- (d) Borrow money and, subject to the consent by vote or written instrument of **two-thirds** of each class of members, mortgage, pledge, convey by deed of trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;
- (e) Establish Rules and Regulations for LAGUNA LAKES SUBDIVISION;
- (f) Sue and be sued;
- (g) Contract for services to provide for the operation and maintenance of LAGUNA LAKES SUBDIVISION, including the storm water management system, in the event the Association elects to employ a maintenance company or other service company;
- (h) Operate and maintain the Storm Water Management System as provided by the South Florida Water Management District, including, but not limited to, all lakes, retention areas, culverts and related appurtenances; and
- (i) Undertake any necessary act to effectuate the purposes for which the Association is organized.
- (j) Dedicate, sell, or transfer all or any part of the common areas to any municipality, public agency, authority, or utility for such purposes and subject to such conditions as may be agreed on by the members. No such dedication or transfer shall be effective unless an instrument has been signed by **two-thirds** of each class of members, agreeing to such dedication, sale, or transfer;
- (k) Participate in mergers and consolidations with other nonprofit corporations organized for the same purposes, or annex additional residential property and common areas, provided that any merger, consolidation, or annexation shall have the consent by vote or written instrument of **two-thirds** of each class of members;

# EXHIBIT W

(l) Have and exercise any and all powers, rights, and privileges that a corporation organized under Chapter 617 of the Florida Statutes by law may now or hereafter have or exercise.

The association is organized and shall be operated exclusively for the aforementioned purposes. The activities of the association shall be financed by assessments on members as provided in the declaration, and no part of any net earnings shall inure to the benefit of any member.

## Article V

The Association shall be the entity responsible for the maintenance of the Storm Water Management System as permitted by the South Florida Water Management District. In the event that the Association is dissolved, the property consisting of the Storm Water Management system and the duty of maintaining same shall be conveyed and/or dedicated to a similar non-profit organization so as to assure the continued maintenance of the Storm Water Management System in perpetuity.

## Article VI

The street address of the initial registered office of the association is **7370 College Parkway, Suite 300, Fort Myers, Florida 33907**, and the name of its initial registered agent at such address is **Raymond L. Schumann, Esq.**

## Article VII

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants of record to assessments by the association, including contract sellers, but excluding persons holding title merely as security for performance of an obligation, shall be a member of the association. Membership shall be appurtenant to and may not be separated from ownership of a lot which is subject to assessment by the association.

## Article VIII

The association shall have **two** classes of voting members as follows:

**Class A.** Class A members shall be all owners with the exception of the declarant as such term is defined in the declaration, and shall be entitled to one vote for each lot owned. When more than one person holds an interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as such members may determine among themselves, but in no event shall more than one vote be cast with respect to any lot owned by Class A members.

**EXHIBIT W**

**Class B.** The Class B members shall be the declarant, as such term is defined in the declaration, who shall be entitled to **four (4)** votes for each lot owned. The class B membership shall cease and be converted to Class A membership as provided in the declaration.

Article IX

The affairs of the corporation are to be managed by the President, Vice President, Secretary and Treasurer of the Association and such officers shall be elected by the members of the Association annually.

Article X

The names of the officers and Directors who are to serve until the first election or appointment under the Articles of Incorporation shall be:

NAME	TITLE	ADDRESS
<u>Walter Mur</u>	<u>President/Treasurer</u>	<u>1251 Taylor Lane, Unit 6F</u> <u>Lehigh, FL 33936</u>
_____	_____	_____
_____	_____	_____

Article XI

The number of persons constituting the first Board of Directors shall be **one (1)**, and the number may be increased to any number not exceeding **seven (7)**, as may be established by the By-Laws of the Association. The manner of election of the members of the Board of Directors shall be provided for in the By-Laws of the Corporation. The name and address of the person who is to serve as the initial director is:

Name	Address
<u>Walter Mur</u>	<u>1251 Taylor Lane, Unit 6F</u> <u>Lehigh, FL 33936</u>
_____	_____
_____	_____

# EXHIBIT W

## Article XII

The By-Laws of the Association may be made, altered or amended by the members of the Association. No amendment shall be made to the By-Laws of the Association without the approval of the Declarant, its successors or assigns, prior to the relinquishment of control of the Association by the Declarant, its successors, nominees or assigns, to the members of the Association or as otherwise may be provided for in the Declaration of **LAGUNA LAKES SUBDIVISION**.

## Article XIV

Amendments to or dissolution of these Articles may be proposed and adopted at any regular or specially called meeting of the members of the Association or any annual meeting of the Association by the affirmative vote of at least **two-thirds** of the members. No amendment shall be made to these Articles without the approval of the Class B members, its successors or assigns, prior to the relinquishment of control of the Association by the Class B members, its successors, nominees and assigns, to the Class A members of the Association, or as otherwise may be provided for in the Declaration of **LAGUNA LAKES SUBDIVISION**. However, such amendment to or dissolution of these Articles requires the prior approval of HUD/VA as long as there is a Class B member.

## Article XV

No amendment to these Articles or the By-Laws of the Association shall be valid unless recorded with identification on the page thereof of the Book and page of the Public Records where the Declaration of Covenants and Restrictions **LAGUNA LAKES SUBDIVISION** is recorded.

## Article XVI

On dissolution, the assets of the association shall be distributed to an appropriate public agency to be used for purposes similar to those for which the association was created. In the event acceptance of such distribution is refused, such assets shall be granted, conveyed, and assigned to any nonprofit corporation, association, trust, or other organization organized and operated for such similar purposes.

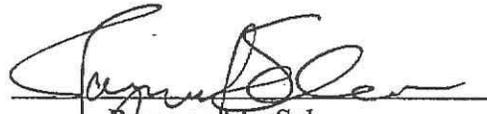
**EXHIBIT W**

Article XVII

The name and street address of each incorporator is:

Name	Address
<b>Raymond L. Schumann</b>	<b>7370 College Parkway, Suite 300 Fort Myers, FL 33907</b>

Executed at Fort Myers, Florida, on Feb 5, 1998

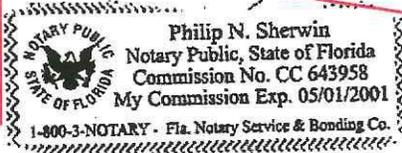
  
Raymond L. Schumann

State of Florida  
County of Lee

I, Philip N. Sherwin, a notary public, do hereby certify that on Feb. 5, 1998, personally appeared before me Raymond L. Schumann, who being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporators, and that the statements therein contained are true, said person being personally known to me.

In witness whereof I have hereunto set my hand and seal the day and year above written.

Lee County  
Florida, same  
county where  
current Laguna  
Lakes is located



Philip N. Sherwin  
 Notary Public in and for  
LEE County, Florida

My commission expires:

\_\_\_\_\_

**EXHIBIT W**

**ACCEPTANCE OF REGISTERED AGENT**

**RAYMOND L. SCHUMANN** having been named as the registered agent in the foregoing Articles of Incorporation of **LAGUNA LAKES HOMEOWNER ASSOCIATION, INC.**, to accept serve of process for the corporation at **7370 College Parkway, Suite 300, Fort Myers, Florida 33907**, hereby agrees to act as the registered agent and comply with the laws of the state of Florida relative to such position.

DATED this 5<sup>th</sup> day of February, 1998

  
**RAYMOND L. SCHUMANN**  
Registered Agent

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
98 FEB 20 AM 9:27

# EXHIBIT W

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California Elk Grove 95758 9537 Laguna Lake Way



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### Contact a local agent

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- Heidi Phong** (50) Recent sales (916) 267-0057
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Your Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
I would like advice about selling a home similar to 9537 Laguna Lake Way, Elk Grove, CA 95758.

Contact Agent

Learn how to appear as the agent above

## 9537 Laguna Lake Way, Elk Grove, CA 95758

4 beds, 2 baths, 2,562 sqft

Sold: \$325,000

Sold on 05/30/13  
Zestimate®: \$344,674

Est. Mortgage: \$1,242/mo  
Get Pre-Approved on Zillow  
Get prequalified with Chase

### Views

If this home is listed on Zillow, it will reach the largest real estate network on the web.\*

2,399 all-time views of this home (chart)

217 forecasted views of this home in the first 7 days after listing for sale (264 views if listed for rent)

Interested in selling this home? Post your home as Make Me Move, for sale, for rent, or contact an agent.

California

NOT BANK OWNED OR SHORTSALE in highly desirable, gated HIGHLY DESIREABLE LAGUNA LAKES SUBDIVISION Beautiful single story, 4bd, 2ba, approx 2002 sqft on .18 acre lot with upgrades thruout. Granite countertops in kitchen and bathrooms. Stainless steel appliances; laminate flooring and carpeting thruout. Lots of cabinetry! family room with fireplace and surround sound

### Grand Opening Sacramento

From \$399,000

## Google Alerts

### "laguna lakes"

Daily update - July 25, 2014

#### WEB

#### 5 BR/3BA detached home in Laguna Lakes

craigslist

About the house: Available in time for the fall quarter (~ September 20, maybe earlier), this free-standing ranch house is near Laguna Lake Park, ...



Pages irrelevant

[CL](#) > [san luis obispo](#) > [all housing](#) > [apts/housing for rent](#)

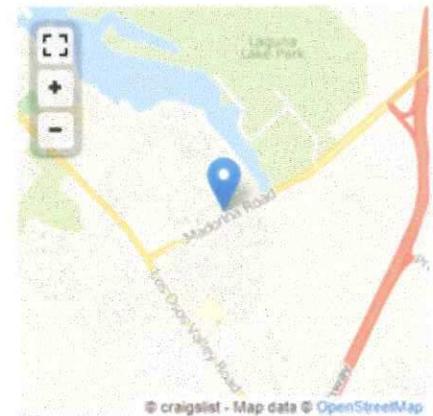
[\[ account \]](#)

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Posted: 22 hours ago

#### ★ \$3500 / 5br - 2030ft<sup>2</sup> - 5 BR/3BA detached home in Laguna Lakes (SLO)



© craigslist - Map data © OpenStreetMap

Madonna Rd at Oceanaire Drive

[\(google map\)](#) [\(yahoo map\)](#)

5BR / 3Ba 2030ft<sup>2</sup> house

available sep 20

w/d hookups attached garage

wheelchair accessible no smoking

dogs are OK - woof



#### About the house:

Available in time for the fall quarter (~ September 20, maybe earlier), this free-standing ranch house is near Laguna Lake Park, shopping, and bus lines. There is a small, fenced yard with avocado and citrus trees. A large, open-concept kitchen, family room, dining room, and living room create a great space for games, projects (perfect for CalPoly student teams), and entertaining. Five bedrooms and 3 baths. Each bath has a shower. No tubs. One bedroom has a semi-private bath that is also accessible from the kitchen area. The four other bedrooms share two full baths. Double-pane windows. Laminate floor in the common areas. Wood-burning fireplace in LR. Large storage shed in back. Two-car garage. There are two additional off-street parking spaces and easy parking on the street. Rent is \$3,500/mo. Deposit \$3,500.

#### About our tenants:

The property is a no smoking property. We have good neighbors and trust our new tenants will, likewise, be good neighbors. Fenced yard. Pets considered. Minimum one-year lease. Tenants pay all utilities. We pay for gardening. CalPoly students are encouraged to apply.

#### Interested?

The timing is tight on availability for showing and occupancy. The house may be available for showing as early as mid-August but maybe not until September 2. However, we encourage you to apply for tenancy promptly. We will review all applications by August 27 and be prepared to sign a lease during the first week of September following a showing. Occupancy by September 20, in time for classes to begin on Monday, September 22. We know this is not the ideal situation, but we are committed to working it out with the right tenant. Reply by email with questions or to request an application and guarantor forms by email.

Thanks for looking!

# EXHIBIT W

California

## Verizon

★★★★☆ (4 stars) | Elk Grove Blvd. | Franklin, Elk Grove, CA 95758 | December 14, 2005

I just switched from Cingular to Verizon because I never could get a decent signal. Now I have 4 bars to 5. Nextel did not get a decent signal either.

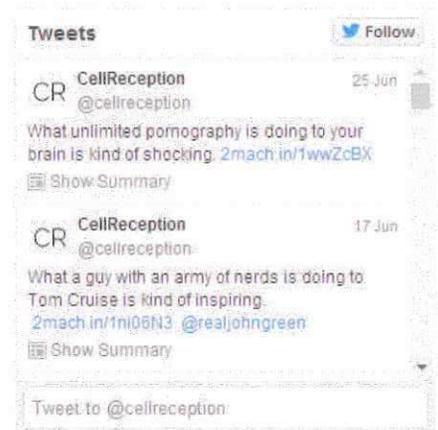
Was this review helpful to you? [Yes](#) [No](#)

## Sprint

★★★★☆ (4 stars) | Laguna Park Dr. | Foulks Ranch Rd, Elk Grove, CA 95758 | November 05, 2005

After five years of poor reception and well-known coverage gaps in the Laguna subdivisions of Elk Grove, Sprint PCS cellular signals started improving in the summer of 2005 when the company opened a store (on Laguna Blvd. near 99). Our home is located between Laguna Blvd. and Elk Grove Blvd. (about half way between 99 and I-5), just north of **Laguna Lakes subdivision**. In addition to the Sprint PCS Store on Laguna, There are a couple of Nextel dealers here in town. Back in 2000, we barely received 1 bar of signal strength inside our house south of Foulks Ranch School. In the fall of 2005, we finally have a full 5 bars! Aside a mediocre selection of business phones and features, Sprint's Sanyo models provide the best cellular reception, Samsung probably are the worst. Sprint's biggest problem now may be tower capacity (bandwidth). Often, my phone never rings and just rolls directly to voice mail, and I've been told by some that this is a sign that the towers are operating at capacity...

Was this review helpful to you? [Yes](#) [No](#)



# EXHIBIT W

**From:** [Google Alerts](#)  
**To:** [gmarino007@gmail.com](mailto:gmarino007@gmail.com)  
**Subject:** Google Alert - "laguna lakes"  
**Date:** Saturday, October 20, 2012 6:31:14 AM

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Web

1 new result for "laguna lakes"

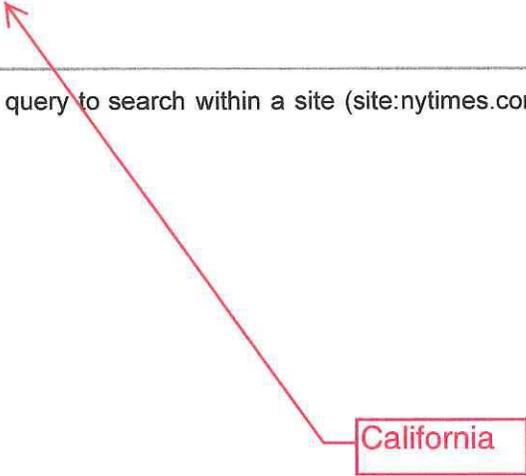
[Beautiful Manufactured Home Right On The Golf Course At Laguna ...](#)

\$199000 / 2br - 1884ft<sup>2</sup> - Beautiful Manufactured Home Right On The Golf Course At Laguna Lakes! (San Luis Obispo). Date: 2012-10-19, 12:40PM PDT ...  
[slo.craigslist.org/reb/3350624141.html](http://slo.craigslist.org/reb/3350624141.html)

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Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more.](#)

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California

Large REIT

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Find Apartments for Rent in Florida

the resort at laguna lakes

west palm beach ZIP

Florida Palm Beach

price range

MINIMUM MAXIMUM

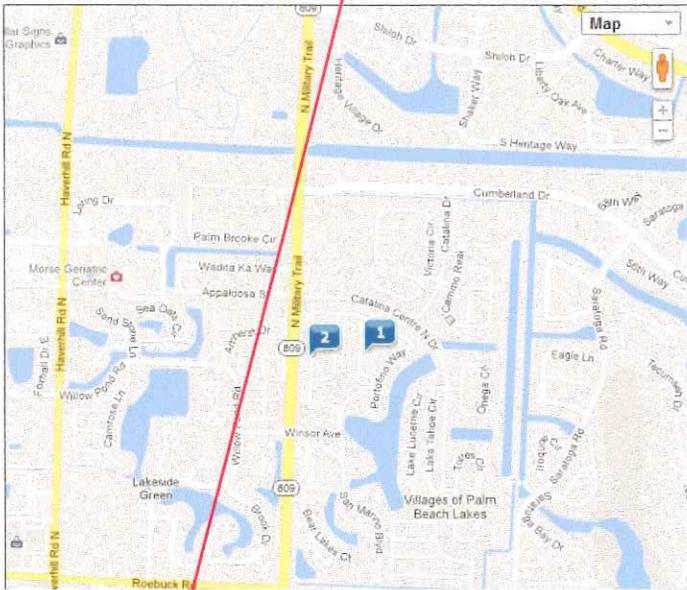
bedrooms

MINIMUM MAXIMUM

bathrooms

MINIMUM MAXIMUM

ADVANCED SEARCH SEARCH



**1 The Resort at Laguna Lakes I**  
4400 Portofino Way  
West Palm Beach, FL 33409  
(866) 491-1119

SHOW ON MAP COMPARE GO TO

**2 The Resort at Laguna Lakes II**  
4600 Portofino Way  
West Palm Beach, FL 33409  
(855) 281-7338

SHOW ON MAP COMPARE GO TO

2 different communities both containing "Laguna Lakes"

Rental community

EXHIBIT W

West Palm Beach Florida

Condo community

### Emerald Isle at Laguna Lakes

4041 San Marino Blvd, West Palm Beach, FL 33409 [Map and Directions](#)

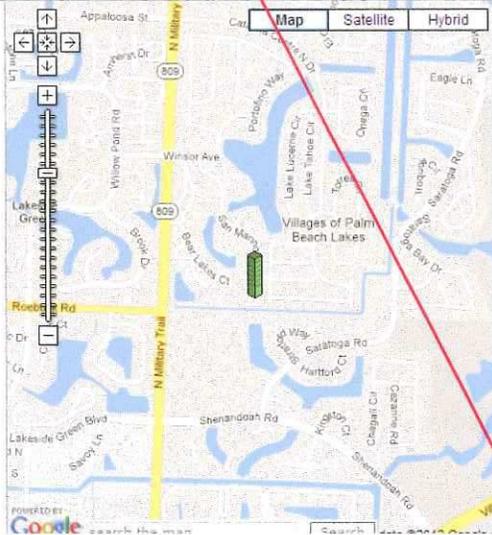
★★★★★ (0 Reviews) [Write a review](#)

Sale: \$56,000 - \$92,500 | Rent: \$1,000

Building For Sale For Rent Sales Data Reviews Mortgage Insurance Map

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Property ID# 6493733

Condo.com



Already have an account? [Sign In](#) or [Log In](#)

First Name\* Last Name\*

Email Address\* Phone\*

Message  
I was searching on Condo.com and found this listing. Please send me more information about Emerald Isle at Laguna Lakes

Interested In:  Buying  Renting

Price Range: Choose

I want a FREE pre-approval on a Home Loan (No Obligations / No Credit Check)

I want a local moving company to help me move. Please provide FREE moving quotes.

Send Message

I consent to being contacted at the email or phone number provided above.

Agents - Get Leads as the Building Expert

EXHIBIT W

West Palm Beach Florida



Laguna Lakes

The Resort at Laguna Lakes Apartments in West Palm Beach, F...

ForRent.com 3,201 subscribers 373 views

<http://www.youtube.com/watch?v=WGwzG4rPX0w>

Like Share Add to playlist

Laguna Lakes

West Palm Beach  
Florida

EXHIBIT W

IF YOU LIKE US SHOW IT

West Palm Beach  
Florida

Find us on Facebook



The Resort at Laguna Lakes



EXHIBIT W

446 people like The Resort at Laguna Lakes.



Scoota

"Friends make  
the parties.  
When you eat  
them, they die."

Ela



Tina



YoungstaBoy



Merrick



Pappys



Ashton



A Wes



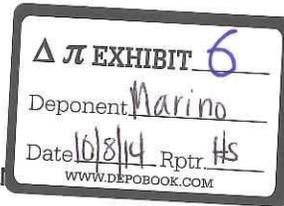
Michael



John



Facebook social plugin



FILED  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA  
03 SEP 26 PM 1:22

ARTICLES OF INCORPORATION  
OF  
LAGUNA LAKES COMMUNITY ASSOCIATION, INC.

The undersigned incorporator, for the purpose of forming a corporation not-for-profit pursuant to the laws of the State of Florida, Florida Statutes, Chapter 617, hereby adopts the following Articles of Incorporation:

PREAMBLE

TRANSEASTERN LAGUNA LAKES, LLC, a Florida limited liability company ("DECLARANT"), owns certain property in Lee County, Florida (the "SUBJECT PROPERTY"), and intends to execute and record a Master Declaration for Laguna Lakes (the "DECLARATION") which will affect the SUBJECT PROPERTY. This association is being formed as the association to administer the DECLARATION, and to perform the duties and exercise the powers pursuant to the DECLARATION, as and when the DECLARATION is recorded in the Public Records of Lee County, Florida, with these Articles of Incorporation attached as an exhibit. All of the definitions contained in the DECLARATION shall apply to these Articles of Incorporation, and to the Bylaws of the COMMUNITY ASSOCIATION.

ARTICLE 1. - NAME AND ADDRESS

The name of the corporation is LAGUNA LAKES COMMUNITY ASSOCIATION, INC., hereinafter referred to as the "COMMUNITY ASSOCIATION." The initial address of the principal office of the COMMUNITY ASSOCIATION and the initial mailing address of the COMMUNITY ASSOCIATION is 3300 University Drive, Coral Springs, Florida 33065.

ARTICLE 2. - PURPOSE

The purposes for which the COMMUNITY ASSOCIATION is organized are as follows:

2.1 To operate as a corporation not-for-profit pursuant to Chapter 617 of the Florida Statutes.

2.2 To enforce and exercise the duties of the COMMUNITY ASSOCIATION as provided in the DECLARATION.

2.2.1 To promote the health, safety, welfare, comfort, and social and economic welfare of the members, and the OWNERS and residents of the SUBJECT PROPERTY, as authorized by the DECLARATION, by these ARTICLES, and by the BYLAWS.

ARTICLE 3. - POWERS AND DUTIES

The COMMUNITY ASSOCIATION shall have the following powers and duties:

3.1 All of the common law and statutory powers of a corporation not-for-profit under the laws of the State of Florida.

3.2 To administer, enforce, carry out and perform all of the acts, functions, rights and duties provided in, or contemplated by, the DECLARATION, including but not limited to, the following:

3.2.1 To own, purchase, sell, mortgage, encumber, lease, administer, manage, operate, maintain, improve, repair and/or replace real and personal property.

3.2.2 To make and collect ASSESSMENTS against OWNERS to defray the costs, expenses and losses incurred or to be incurred by the COMMUNITY ASSOCIATION, and to use the proceeds thereof in the exercise of the COMMUNITY ASSOCIATION'S powers and duties.

3.2.3 To enforce the provisions of the DECLARATION, these ARTICLES, and the BYLAWS.

3.2.4 To make, establish and enforce reasonable rules and regulations governing the use of COMMON AREAS, LOTS, UNITS and other property under the jurisdiction of the COMMUNITY ASSOCIATION.

3.2.5 To grant and modify easements, and to dedicate property owned by the COMMUNITY ASSOCIATION to any public or quasi-public agency, authority or utility company for public, utility, drainage and cable television purposes.

3.2.6 To borrow money for the purposes of carrying out the powers and duties of the COMMUNITY ASSOCIATION.

3.2.7 To exercise control over exterior alterations, additions, improvements, or changes in accordance with the terms of the DECLARATION.

3.2.8 To obtain insurance as provided by the DECLARATION.

3.2.9 To employ personnel necessary to perform the obligations, services and duties required of or to be performed by the COMMUNITY ASSOCIATION and for proper operation of the properties for which the COMMUNITY ASSOCIATION is responsible, or to contract with others for the performance of such obligations, services and/or duties.

3.2.10 To sue and be sued.

3.2.11 To operate and maintain the surface water management system for the SUBJECT PROPERTY as permitted by the South Florida Water Management District (the "SFWMD"), including all lakes, retention areas, culverts and related appurtenances, as may be applicable, and to comply with the requirements of any permit issued by the SFWMD for the SUBJECT PROPERTY.

3.2.12 To contract for cable television, security and other services for the SUBJECT PROPERTY.

#### ARTICLE 4. - MEMBERS

##### 4.1 MEMBERS.

4.1.1 PARCEL ASSOCIATION MEMBER. Each PARCEL ASSOCIATION shall be a MEMBER of the COMMUNITY ASSOCIATION. Such membership shall be established upon the filing of the articles of incorporation of the PARCEL ASSOCIATION with the Secretary of State of the State of Florida, and the recording of such articles of incorporation in the public records of the county in which the SUBJECT PROPERTY is located, along with, or as an exhibit to, a PARCEL DECLARATION.

4.1.2 DECLARANT. DECLARANT shall be a MEMBER of the COMMUNITY ASSOCIATION so long as DECLARANT owns any PROPERTY, or holds a mortgage encumbering any PROPERTY other than a UNIT.

4.2 MEMBERS' Voting Rights. The total number of MEMBERS' votes shall be equal to the total number of UNITS and PLANNED UNITS within the SUBJECT PROPERTY from time to time. On all matters upon which the membership shall be entitled to vote, there shall be one (1) vote for each UNIT and PLANNED UNIT.

4.2.1 Each PARCEL ASSOCIATION MEMBER shall have the number of votes equal to the number of UNITS within the PROPERTY operated by, or subject to the jurisdiction of, that PARCEL ASSOCIATION at the time of such vote. A PARCEL ASSOCIATION MEMBER shall cast its votes in the manner provided by the BYLAWS.

4.2.2 DECLARANT shall have three votes for each vote of any MEMBER other than DECLARANT, so long as DECLARANT is entitled to appoint a majority of the directors of the COMMUNITY ASSOCIATION, as hereafter provided, and thereafter DECLARANT shall have three votes for each UNIT and each PLANNED UNIT contained with the PROPERTY owned by DECLARANT, and contained within any portion of the property described in Exhibit "B" of the DECLARATION which may be added to the DECLARATION.

4.3 The BYLAWS shall provide for an annual meeting of the members of the COMMUNITY ASSOCIATION and shall make provision for special meetings.

#### ARTICLE 5. - TERM OF EXISTENCE

The COMMUNITY ASSOCIATION shall have perpetual existence.

#### ARTICLE 6. - INCORPORATOR

The name and street address of the incorporator is: Eric A. Simon, 2825 University Drive, Suite 300, Coral Springs, Florida 33065.

#### ARTICLE 7. - DIRECTORS

7.1 The property, business and affairs of the COMMUNITY ASSOCIATION shall be managed by a BOARD which shall consist of not less than three (3) directors, and which shall always be an odd number. The BYLAWS may provide for a method of determining the number of directors from time to time. In the absence of a determination as to the number of directors, the BOARD shall consist of three (3) directors. Directors are not required to be OWNERS.

7.2 All of the duties and powers of the COMMUNITY ASSOCIATION existing under the DECLARATION, these ARTICLES and the BYLAWS shall be exercised exclusively by the BOARD, its agents, contractors or employees, subject to approval by the members only when specifically required.

7.3 The DECLARANT shall have the right to appoint all of the directors so long as DECLARANT owns any portion of the SUBJECT PROPERTY or any property that may be added to the SUBJECT PROPERTY, or as otherwise provided by law. The DECLARANT may waive its right to elect one or more directors by written notice to the COMMUNITY ASSOCIATION, and thereafter such directors shall be elected by the members. When the DECLARANT no longer owns any portion of the SUBJECT PROPERTY or any property that may be added to the SUBJECT PROPERTY, all of the directors shall be elected by the members in the manner provided in the BYLAWS.

7.4 Directors may be removed and vacancies on the BOARD shall be filled in the manner provided by the BYLAWS, however any director appointed by the DECLARANT may only be removed by the DECLARANT, and any vacancy on the BOARD shall be appointed by the DECLARANT if, at the time such vacancy is to be filled, the DECLARANT is entitled to appoint the directors.

7.5 The names and addresses of the initial directors, who shall hold office until their successors are appointed or elected, are as follows:

Marc Schneiderman, 3300 University Drive, Coral Springs, Florida 33065  
Maryann Crowell, 3300 University Drive, Coral Springs, Florida 33065  
Cora DiFlore, 3300 University Drive, Coral Springs, Florida 33065

#### ARTICLE 8. - OFFICERS

The officers of the COMMUNITY ASSOCIATION shall be a president, vice president, secretary, treasurer and such other officers as the BOARD may from time to time by resolution create. The officers shall serve at the pleasure of the BOARD, and the BYLAWS may provide for the removal from

office of officers, for filling vacancies, and for the duties of the officers. The names of the officers who shall serve until their successors are designated by the BOARD are as follows:

President . . . . . Marc Schneiderman  
Vice President. . . . . Maryann Crowell  
Vice President/Secretary/Treasurer. . . Cora DiFiore

← Transeastern  
Home's employees

ARTICLE 9.- INDEMNIFICATION

9.1 The COMMUNITY ASSOCIATION shall indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the COMMUNITY ASSOCIATION) by reason of the fact that he is or was a director, employee, officer or agent of the COMMUNITY ASSOCIATION, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with the action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interest of the COMMUNITY ASSOCIATION; and with respect to any criminal action or proceeding, if he had no reasonable cause to believe his conduct was unlawful; except, that no indemnification shall be made in respect to any claim, issue or matter as to which such person shall have been adjudged to be liable for gross negligence or willful misfeasance or malfeasance in the performance of his duties to the COMMUNITY ASSOCIATION unless and only to the extent that the court in which the action or suit was brought shall determine, upon application, that despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, in and of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in, or not opposed to, the best interest of the COMMUNITY ASSOCIATION; and with respect to any criminal action or proceeding, that he had no reasonable cause to believe that his conduct was unlawful.

9.2 To the extent that a director, officer, employee or agent of the COMMUNITY ASSOCIATION has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Paragraph 1 above, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees and appellate attorneys' fees) actually and reasonably incurred by him in connection therewith.

9.3 Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the COMMUNITY ASSOCIATION in advance of the final disposition of such action, suit or proceeding as authorized by the BOARD in the specific case upon receipt of an undertaking by or on behalf of the directors, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the COMMUNITY ASSOCIATION as authorized herein.

9.4 The indemnification provided herein shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the laws of the State of Florida, any BYLAW, agreement, vote of members or otherwise, and as to action taken in an official capacity while holding office, shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

9.5 The COMMUNITY ASSOCIATION shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the COMMUNITY ASSOCIATION, or is or was serving at the request of the COMMUNITY ASSOCIATION as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him and incurred by him in any such capacity, as arising out of his status as such, whether or not the COMMUNITY ASSOCIATION would have the power to indemnify him against such liability under the provisions of this Article.

#### ARTICLE 10. - BYLAWS

The first BYLAWS shall be adopted by the BOARD and may be altered, amended or rescinded by the DECLARANT, the Directors and/or members in the manner provided by the BYLAWS.

#### ARTICLE 11. - AMENDMENTS

Amendments to these ARTICLES shall be proposed and adopted in the following manner:

11.1 A majority of the BOARD shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of the members, which may be the annual or a special meeting.

11.2 Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote thereon within the time and in the manner provided in the BYLAWS for the giving of notice of a meeting of the members. If the meeting is an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

11.3 At such meeting, a vote of the members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes of the entire membership of the COMMUNITY ASSOCIATION.

11.4 Any number of amendments may be submitted to the members and voted upon by them at any one meeting.

11.5 If all of the directors and all of the members eligible to vote sign a written statement manifesting their intention that an amendment to these ARTICLES be adopted, then the amendment shall thereby be adopted as though the above requirements had been satisfied.

11.6 No amendment shall make any changes in the qualifications for membership nor in the voting rights of members without approval by all of the members and the joinder of all INSTITUTIONAL LENDERS holding mortgages upon the LOTS. No amendment shall be made that is in conflict with the DECLARATION. Prior to the closing of the sale of all LOTS within the SUBJECT PROPERTY, no amendment shall make any changes which would in any way affect any of the rights, privileges, powers or options herein provided in favor of, or reserved to, the DECLARANT, unless the DECLARANT shall join in the execution of the amendment, including, but not limited to, any right of the DECLARANT to appoint directors pursuant to Article VII.

11.7 No amendment to these ARTICLES shall be made which discriminates against any OWNER(S), or affects less than all of the OWNERS within the SUBJECT PROPERTY, without the written approval of all of the OWNERS so discriminated against or affected.

11.8 Upon the approval of an amendment to these ARTICLES, the articles of amendment shall be executed and delivered to the Department of State as provided by law, and a copy certified by the Department of State shall be recorded in the public records of the county in which the SUBJECT PROPERTY is located.

#### ARTICLE 12. - DISSOLUTION

In the event of dissolution or final liquidation of the COMMUNITY ASSOCIATION, the assets, both real and personal, of the COMMUNITY ASSOCIATION, shall be dedicated to an appropriate public agency or utility to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the COMMUNITY ASSOCIATION. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization, to be devoted to purposes as nearly as practicable to the same as those to which they were required to be devoted by the COMMUNITY ASSOCIATION.

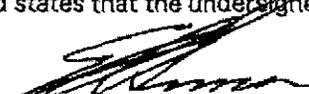
If the local government declines to accept the conveyance then the surface water management system, property containing the surface water management system and water management portions of the COMMON AREAS shall be dedicated to a similar non-profit corporation.

ARTICLE 13.

INITIAL REGISTERED OFFICE ADDRESS AND NAME OF REGISTERED AGENT

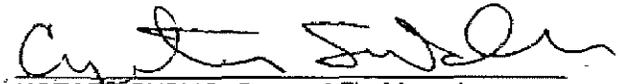
The initial registered office of the COMMUNITY ASSOCIATION shall be at 2825 University Drive, Suite 300, Coral Springs, Florida 33065. The initial registered agent of the COMMUNITY ASSOCIATION at that address is Eric A. Simon.

WHEREFORE, the incorporator, and the initial registered agent, have executed these ARTICLES on this 25<sup>th</sup> day of September, 2003. By executing these ARTICLES, the undersigned registered agent accepts the appointment as registered agent and states that the undersigned is familiar with, and accepts, the obligations of that position.

  
Eric A. Simon, as incorporator and as Registered Agent

STATE OF FLORIDA            )  
  ) SS:  
COUNTY OF BROWARD        )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September, 2003, by Eric A. Simon, as Incorporator and as Registered Agent. He is personally known to me.

  
NOTARY PUBLIC, State of Florida at Large

 Cynthia S Voller  
My Commission CC965666  
Expires October 07 2004

FILED  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA  
03 SEP 26 PM 1:22

# 2006 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

FILED  
Apr 13, 2006  
Secretary of State

DOCUMENT# N03000008338

Entity Name: LAGUNA LAKES COMMUNITY ASSOCIATION, INC.

## Current Principal Place of Business:

3300 UNIVERSITY DRIVE  
CORAL SPRINGS, FL 33065

## New Principal Place of Business:

1044 CASTELLO DRIVE  
SUITE 206  
NAPLES, FL 34103

## Current Mailing Address:

C/O SOUTHWEST PROPERTY MGMT.  
1044 CASTELLO DR., #206  
NAPLES, FL 34103

## New Mailing Address:

1044 CASTELLO DRIVE  
SUITE 206  
NAPLES, FL 34103

FEI Number: 20-0277963      FEI Number Applied For ( )      FEI Number Not Applicable ( )      Certificate of Status Desired ( )

## Name and Address of Current Registered Agent:

SIMON, ERIC A  
2825 UNIVERSITY DRIVE  
SUITE 300  
CORAL SPRINGS, FL 33065 US

## Name and Address of New Registered Agent:

SOUTHWEST PROPERTY MANAGEMENT CORP  
1044 CASTELLO DRIVE  
SUITE 206  
NAPLES, FL 34103 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: STEPHEN E. WILLIAMS

04/13/2006

Electronic Signature of Registered Agent

Date

## OFFICERS AND DIRECTORS:

Title: PD ( ) Delete  
Name: SCHNEIDERMAN, MARC  
Address: 3300 UNIVERSITY DRIVE  
City-St-Zip: CORAL SPRINGS, FL 33065

Title: VD ( ) Delete  
Name: CROWELL, MARYANN  
Address: 3300 UNIVERSITY DRIVE  
City-St-Zip: CORAL SPRINGS, FL 33065

Title: VSTD ( ) Delete  
Name: DIFIORE, CORA  
Address: 3300 UNIVERSITY DRIVE  
City-St-Zip: CORAL SPRINGS, FL 33065

Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

## ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: PD (X) Change ( ) Addition  
Name: GARZIA, JOSEPH  
Address: 9200 BELLEXA WAY, #201  
City-St-Zip: FORT MYERS, FL 33908

Title: VD (X) Change ( ) Addition  
Name: NEIGHBORS, PAUL  
Address: 8699 PASEO DE VALENCIA ST  
City-St-Zip: FORT MYERS, FL 33908

Title: TD (X) Change ( ) Addition  
Name: SEELE, THOMAS  
Address: 9149 PASEO DE VALENCIA ST.  
City-St-Zip: FORT MYERS, FL 33908

Title: SD ( ) Change (X) Addition  
Name: GRAY, RICHARD  
Address: 15359 LAGUNA HILLS DRIVE  
City-St-Zip: FORT MYERS, FL 33908

Title: D ( ) Change (X) Addition  
Name: ADKINS, RALPH  
Address: 8700 SPRING MOUNTAIN WAY  
City-St-Zip: FORT MYERS, FL 33908

Title: D ( ) Change (X) Addition  
Name: BEAULIEU, WILLIAM  
Address: 9150 PASEO DE VALENCIA ST  
City-St-Zip: FORT MYERS, FL 33908

Board of Directors changes.

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: JOSEPH GARZIA

P

04/13/2006

Electronic Signature of Signing Officer or Director

Date

# Who-is Record

**Laguna Lakes Community Association, Inc.**

15250 Lakes of Laguna Blvd.  
Fort Myers, Florida 33908  
United States

Registered through: GoDaddy.com, LLC (<http://www.godaddy.com>)

Domain Name: **LAGUNALAKESASSOCIATION.COM**

**Created on: 24-Aug-06**

← **date of creation**

Expires on: 24-Aug-12

Last Updated on: 26-May-10

**Administrative Contact:**

Lakes, Laguna [noc@SolutionSense.com](mailto:noc@SolutionSense.com)  
Laguna Lakes Community Association, Inc.  
15250 Lakes of Laguna Blvd.  
Fort Myers, Florida 33908  
United States  
(239) 482-1469

← **owner of record**

**Technical Contact:**

Lakes, Laguna [noc@SolutionSense.com](mailto:noc@SolutionSense.com)  
Laguna Lakes Community Association, Inc.  
15250 Lakes of Laguna Blvd.  
Fort Myers, Florida 33908  
United States  
(239) 482-1469

**Domain servers in listed order:**

NS.RACKSPACE.COM  
NS2.RACKSPACE.COM

Exhibit U

**OPEN HOUSE:**  
**Sunday, Sept. 30, 1:30 pm - 3:30 pm**

PRSRT STD  
1st POSTAGE  
PAID  
FT MYERS, FL  
Permit No: 790

**Laguna Lakes**

15665 Alton Drive  
\$319,940

- 5 bedroom / 3 bath / 3 car garage,**
- Pool & Spa, Lake View**
- Granite and Stainless Kitchen
- New Floors • New Paint
- Many more new touches!

**Other Area Listings**

**Parker Lakes** - Just Listed!  
3/2/2 Single Family House  
*Just updated:*  
• Gourmet Kitchen • New Floors  
• Freshly Painted  
\$159,940 - \$99/month total fees



**Jason H. Schroeder**  
Realtor®

**Direct: (239) 823-9090**  
realtor123@hotmail.com

[www.FortMyersSold.com](http://www.FortMyersSold.com)

John G & Barbara Marino  
*or current resident*  
9069 Paseo De Valencia St  
Fort Myers, FL 33908-9662



Δ π EXHIBIT 8  
Deponent Marino  
Date 10/14 Rptr. HS  
www.DEPCBOOK.COM

**\* OPEN HOUSE \***

**Laguna Lakes**  
**Just Listed!**

# LAGUNA LAKES REAL ESTATE MARKET UPDATE

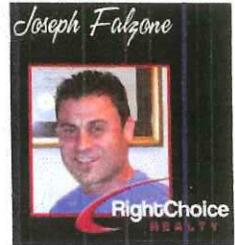
Right Choice Realty  
13121 University Drive  
Fort Myers, FL 33907

COMPLIMENTS OF JOSEPH FALZONE  
"LAGUNA LAKES SPECIALIST"

99011 \*T003\*P001\*\*150\*\*\*\*\*ECRWSH\*\*R102



JOHN MARINO  
9069 PASEO DE VALENCIA ST  
FORT MYERS FL 33908-9662



Tel: (239) 218-2332 Fax: (239) 333-2379  
E-Mail: [joseph.falzone@yahoo.com](mailto:joseph.falzone@yahoo.com)

Dear John,

Your home is one of your most important assets. Like any other investment, you should know everything you can about its value and marketability. That is why I am happy to enclose this complimentary report on sales activity in Laguna Lakes over the past year. I will send you an updated report every sixty (60) days to help you stay current on how changes in the real estate market are specifically impacting Laguna Lakes and your home. If you prefer not to receive any reports from me in the future, you can easily remove yourself from my mailing list at [www.mycommunityupdate.com](http://www.mycommunityupdate.com).

The following tables contain information on homes sold in Laguna Lakes over the past two years. Most of the information is self-explanatory. However, additional clarification may be helpful for the following statistics:

**Annual Turnover:** This is the percentage of homes that has sold in Laguna Lakes over the past year. For example, if Laguna Lakes had 100 homes and 5 sold in the past year, your annual turnover would be 5%. This statistic measures the pace of real estate activity in Laguna Lakes. A higher turnover indicates a faster pace.

**Avg Price per Sq Ft:** The average price per square foot is useful for understanding the average value of homes in Laguna Lakes regardless of size. For example, a 2,000 square foot home that sold for \$400,000 and a 2,500 square foot home that sold for \$500,000 both have a price per square foot of \$200. The difference in their sale price results from the difference in their living area. Multiplying the living area of your home by the average price per square foot for Laguna Lakes provides a rough estimate of your home's value.

**Difference (+/-):** This shows how each statistic has changed from one year to the next, illustrating important trends in Laguna Lakes. For example, if the Avg Price per Sq Ft was \$200.00 over the past 12 months, and was only \$180.00 the year before, it would show +\$20.00, indicating that the Avg Price per Sq Ft has increased by \$20.00 compared to the previous year.

**Living Area:** This is the space in a home that is typically air-conditioned. It generally excludes areas such as the garage, lanai, porch, veranda, etc.

**Beds:** This is the number of existing bedrooms in a home. The number of possible bedrooms may be

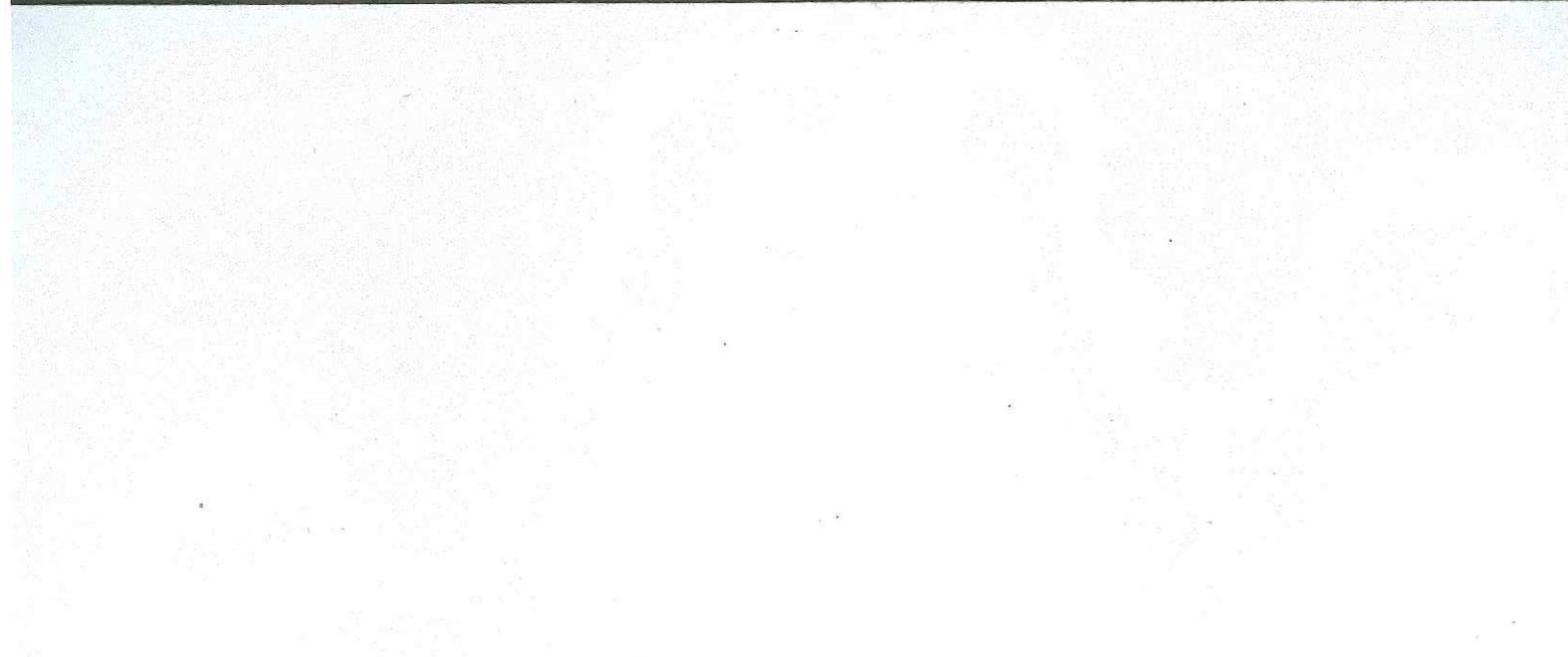
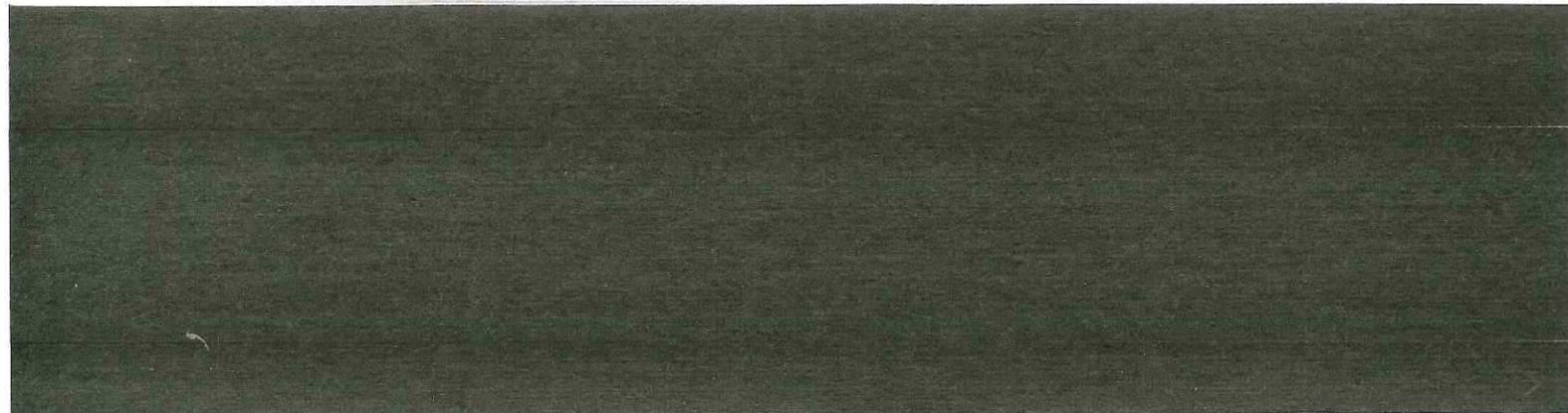


**Just Sold**

**8720 Spring Mountain Way** **Laguna Lakes**



RESIDENTIAL REAL ESTATE



# JUST SOLD

8720 SPRING MOUNTAIN WAY  
**LAGUNA LAKES**

This property has just been sold with the assistance of our Coldwell Banker sales office. If you'd like information related to the marketability of your home or real estate in general, please call me.



RESIDENTIAL REAL ESTATE

Coldwell Banker Residential Real Estate LLC  
5216 Summerlin Commons Blvd, Ste 100  
Fort Myers, FL 33907

PRSRT STD  
U.S. POSTAGE PAID  
ZIP CODE 76161  
PERMIT NO. 4145

The actual address  
is: Fort Myers, FL  
33908



**Laurie Johnstone, ABR, e-PRO, SFR  
Certified**

Top Producer  
239-462-1195  
LaurieJohnstone@comcast.net

WWW.FLORIDAMOVES.COM



T152 P1 \*\*\*\*\*AUTO\*\*3-DIGIT 339  
40305 298835525  
BARBARA MARINO  
OR OCCUPANT  
9069 Paseo De Valencia St  
Fort Myers FL 33908-9662

If your property is listed with a real estate broker, please disregard. It is not our intention to solicit the offerings of other real estate brokers. We are happy to work with them and cooperate fully.  
©2013 Coldwell Banker Real Estate LLC. Coldwell Banker is a registered trademark, licensed to Coldwell Banker Real Estate LLC, An Equal Opportunity Company, Equal Housing Opportunity, Operated by a subsidiary of NRT LLC.



\*\*\*\*\*ECRWSS\*\*\*\*\*

PRSR STD  
ECRWSS  
U.S. POSTAGE  
PAID  
EDDM RETAIL

26381 S. Tamiami Trail Suite 300,  
Bonita Springs, FL 34134

If your home is currently listed, this is not  
a solicitation of your listing.

Local  
Postal Customer

# KRIS ASQUITH *YOUR NEIGHBOR AND YOUR NEIGHBORHOOD EXPERT*

Prices are increasing and buyers are here. Now is a great time to look at a market analysis of your home and the Laguna Lakes neighborhood!

My **FREE market analysis** has the information you need to get your home sold at the highest possible price!

# Kris Asquith

**(239) 300-1427**

Kris@FindParadiseWithKris.com

[www.FindParadiseWithKris.com](http://www.FindParadiseWithKris.com)



# ATTENTION *Laguna Lakes* RESIDENTS!

Your home may be worth **MORE** than you think!

## Recent Laguna Lakes SALES:

Address	Sold Price	Sold Date
9360 Paseo De Valencia St	\$265,000	12/20/2013
9339 Los Alisos Way	\$284,000	12/20/2013
9200 Belleza Way 101	\$170,000	12/18/2013
15289 Laguna Hills Dr	\$246,000	12/16/2013
8839 Paseo De Valencia St	\$390,000	12/5/2013
8879 Paseo De Valencia St	\$525,000	12/4/2013
8817 Spring Mountain Way	\$220,000	11/27/2013
9220 Belleza Way 104	\$171,000	11/26/2013
8680 Spring Mountain Way	\$260,000	11/14/2013
9220 Belleza Way 103	\$158,000	11/4/2013
8720 Spring Mountain Way	\$280,000	10/31/2013
9240 Belleza Way 203	\$168,500	10/18/2013
9330 Paseo De Valencia St	\$293,450	10/1/2013
8899 Paseo De Valencia St	\$440,000	9/27/2013

This data is based on information from the Multiple Listing Service of Bonita Springs-Estero, Inc. These properties were not all listed or sold by Keller Williams Elite Realty and were listed or sold by various MLS participating offices.



logo on monument sign



*Lisa Shepard &*  
**SCOTT FRIEDMAN**  
REALTORS®

LisaShepard@REMAX.net  
Scott.Friedman@REMAX.net  
**RE/MAX Realty Group**

7910 Summerlin Lakes Drive  
Fort Myers, FL 33907

[www.ShepardFriedmanRealEstate.com](http://www.ShepardFriedmanRealEstate.com)

PRSR STD  
ECRWSS  
U.S. POSTAGE  
PAID  
EDDM RETAIL

LOCAL  
POSTAL  
CUSTOMER

**Lisa Shepard**  
239-910-1882

**Scott Friedman**  
239-404-6700

## Lisa & Scott are...

- A Husband & Wife Team who are Full-time Realtors & Residents of Fort Myers
- Experienced in Real Estate, Mortgages, Title & Property Management for Over 40 Years
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Listed & Sold in Parker Lakes



15121 Cloverdale Drive

Sold in Laguna Lakes

Sold in Gladiolus Preserve



8960 Spring Mountain Way

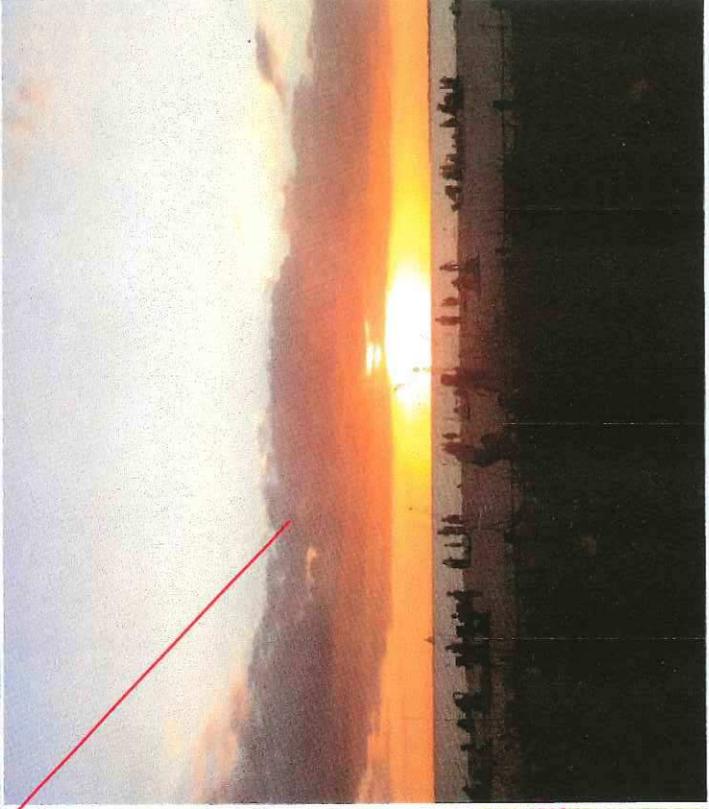


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**Tisha Lestorti**  
 239.233.9622  
 tisha.lestorti@sothebysrealty.com

## “I Am Here For You”

To market a distinctive home requires uncommon knowledge and resources. I understand that a home, regardless of its price range, reflects the incalculable value of the life within.

**I love living in Laguna Lakes.** It is a community with real people, living and enjoying real lives. I care about Laguna Lakes and would like to help you, your friends and your family in any way I can.

I have access to the best real estate tools available. What I deliver is extraordinary service.

Whether you're buying or selling, I am here to help you navigate the process. Please feel free to call me or just stop me as I walk my dog through this wonderful community.

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John G & Barbara Marino  
 9069 Paseo De Valencia St  
 Fort Myers FL 33908-9662



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MAY 16, 2012: Entry form and fee deadline  
JUNE 29, 2012: Final binder deadline



call for entries 2012  
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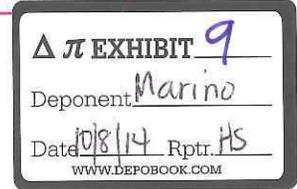
hanley

# Builder

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EXHIBIT L

From: [BUILDER 2007](#)  
Posted on: July 2, 2007 2:24:39 PM



## TOUSA Settles Transeastern Deal

Nearly two years after initial agreements were signed, TOUSA finally reaches a deal giving them sole control of Transeastern Homes' assets.

By: [Ethan Butterfield](#)

It has taken almost two years, and will require the home builder to take out \$500 million in debt from Citibank, but TOUSA, Inc. is on the verge of acquiring outright the assets of its Transeastern Joint Venture, which in 2005 bought the assets of Transeastern Properties, Inc.

The settlement, announced Friday, resolves disputes that occurred between Hollywood, Fla. -based TOUSA and its partners in a joint venture to buy the assets and operations of Transeastern in August, 2005, as well as between TOUSA and lenders who backed the deal. TOUSA expects to close the global settlement by July 31, the company said in a statement.

Once complete, the Transeastern JV along with an additional 7,500 homesites, will be rolled into Engle Homes, one of TOUSA's home building brands operating in Florida.

"This global settlement enables TOUSA to put the Transeastern JV issue behind us and removes the uncertainty and distraction of a prolonged litigation," said Antonio Mon, president and CEO of TOUSA in a statement.

In the statement, the company said the terms of the deal call for TOUSA to pay \$422.7 million, including interest, to its primary lender. TOUSA will issue other lenders \$20 million in notes due in 2015, as well as preferred stock carrying an aggregate liquidation preference of \$117.5 million. TOUSA will issue additional lenders warrants to purchase TOUSA common stock, carrying a value of \$16.25 million, the company said.

The company also stated that it anticipates the settlement will increase its total losses brought on by the Transeastern JV by roughly \$38 million from the \$354.3 million the company estimated in its fourth quarter report.

"We intend to take aggressive action to reduce our debt, and while this will not happen overnight, we are prepared to take the necessary steps to strengthen the company's capital structure and position it for the future," Mon said in the statement.

TOUSA, along with partners The Falcone Group, formerly majority owners of Transeastern Homes, based in Coral Springs, Fla., formed a joint venture to purchase the assets of Transeastern in the summer of 2005, with each side receiving 50 percent voting interest. The deal, reportedly worth \$857 million, was first announced on August 1, 2005, and left TOUSA as the managing member of the venture.

To fund the purchase, the joint venture partners borrowed \$675 million from Deutsche Bank, while TOUSA contributed \$90 million of equity, and the Falcone Group contributed another \$75 million, according to TOUSA statements.

TOUSA, Inc.  
c/o KCC  
2335 Alaska Ave  
El Segundo, CA 90245

PRF 58415 3711750

009602

Barbara Marino  
9069 Paseo De Valencia St  
FT Myers FL 33908

Exhibit X

Notice of liquidation of TOUSA

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:	)	Chapter 11 Cases
	)	Case No. 08-10928-JKO
TOUSA, INC., <i>et al.</i> ,	)	Jointly Administered
	)	
Debtors.	)	
	)	

**NOTICE OF DISCLOSURE STATEMENT HEARING**

PLEASE TAKE NOTICE THAT, on or about May 15, 2013, TOUSA, Inc. and its affiliated debtors and debtors in possession (collectively, the "Debtors") and the Official Committee of Unsecured Creditors appointed in the above-captioned, jointly administered chapter 11 cases (the "Committee" and together with the Debtors, the "Proponents") filed (a) the proposed Disclosure Statement for Amended Joint Plan of Liquidation of TOUSA, Inc. and Its Affiliated Debtors and Debtors in Possession Under Chapter 11 of the Bankruptcy Code (the "Disclosure Statement") and (b) the proposed Amended Joint Plan of **Liquidation of TOUSA, Inc. and Its Affiliated Debtors and Debtors in Possession Under Chapter 11 of the Bankruptcy Code** (the "Plan"). On May 15, 2013, the Proponents filed a motion seeking approval of the Disclosure Statement and other related relief (the "Disclosure Statement Motion").

PLEASE TAKE FURTHER NOTICE THAT a hearing will be held before the Honorable John K. Olson, United States Bankruptcy Judge, on **June 20, 2013 at 9:30 a.m.** prevailing Eastern time, or on such other date as the Court may determine, in the United States Bankruptcy Court for the **Southern District of Florida, Fort Lauderdale Division** (the "Disclosure Statement Hearing"), to consider the entry of an order finding that, among other things, the Disclosure Statement contains "adequate information" within the meaning of section 1125 of the Bankruptcy Code and approving the relief sought in the Disclosure Statement Motion (the "Disclosure Statement Order"). The Disclosure Statement Hearing may be continued from time to time without further notice other than an announcement of the adjournment in open court and/or a notice of adjournment filed with the Court and served on the Master Service List, the 2002 List and any parties that have filed objections to the Disclosure Statement, without further notice to any other parties.

PLEASE TAKE FURTHER NOTICE THAT the Disclosure Statement, the proposed Disclosure Statement Order, the Plan and other related documents and materials may be obtained (i) from the Voting and Claims Agent, Kurtzman Carson Consultants, LLC (a) at its website at <http://www.kccllc.net/tousa>, (b) by writing to TOUSA Balloting Center, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245, (c) by calling (888) 647-1742 or (d) by emailing [KCC\\_TOUSA@kccllc.com](mailto:KCC_TOUSA@kccllc.com) or (ii) for a fee via PACER at <https://ecf.flsb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE THAT, at the Disclosure Statement Hearing, the Proponents shall seek to establish June 20, 2013, as the voting record date for determining which holders of claims against the Debtors are entitled to vote to accept or reject the Plan.

PLEASE TAKE FURTHER NOTICE THAT responses and objections, if any, to the approval of the Disclosure Statement or to any of the other relief sought by the Proponents in the Disclosure Statement Motion must be filed with the Court and served by first-class mail upon each of the following parties so as to be **actually received** no later than **5:00 p.m. prevailing Eastern time on June 17, 2013**:

Richard M. Cieri (New York Bar No. 420712) Joshua A. Sussberg (New York Bar. No. 4316453) KIRKLAND & ELLIS LLP 601 Lexington Avenue New York, NY 10022 Telephone: (212) 446-4800 Facsimile: (212) 446-4900	Paul Steven Singerman (Florida Bar No. 378860) BERGER SINGERMAN LLP 1450 Brickell Avenue, Suite 1900 Miami, FL 33131 Telephone: (305) 755-9500 Facsimile: (305) 714-4340
<i>Co-Counsel to the Debtors</i>	
Daniel H. Golden, Esq. (New York Bar No. 1133859) Philip C. Dublin, Esq. (New York Bar No. 2959344) AKIN GUMP STRAUSS HAUER & FELD LLP One Bryant Park New York, NY 10036 Telephone: (212) 872-1000 Facsimile: (212) 872-1002	Patricia A. Redmond (Florida Bar No. 303739) STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A. 150 West Flagler Street Miami, FL 33130 Telephone: (305) 789-3553 Facsimile: (305) 789-3395
<i>Co-Counsel to the Statutory Committee of Unsecured Creditors</i>	
Seven Rivera (New York Bar No. 3984986) CHADBOURNE & PARKE LLP 30 Rockefeller Plaza New York, NY 10112 Telephone: (212) 408-5100 Facsimile: (212) 541-5369	Stephen D. Busey (Florida Bar No. 117790) James H. Post (Florida Bar No. 175460) SMITH HULSEY & BUSEY 225 Water Street, Suite 1800 Jacksonville, FL 32202 Telephone: (904) 359-7700 Facsimile: (904) 359-7708
<i>Co-Counsel to the Agents to the First Lien Lenders</i>	
Gregory W. Nye, Esq. (CT Bar No. 300188) Evan Flaschen, Esq. (CT Bar No. 304232) BRACEWELL & GIULIANI LLP Goodwin Square 225 Asylum Street, Suite 2600 Hartford, CT 06103 Telephone: (860) 947-9000 Facsimile: (860) 246-3201	Scott L. Baena, Esq. (Florida Bar No. 186445) Matthew I. Kramer, Esq. (Florida Bar No. 0937231) Jeffrey I Snyder, Esq. (Florida Bar No. 21281) BILZIN SUMBER BAENA PRICE & AXELROD LLP 2500 Wachovia Financial Center 200 South Biscayne Boulevard Miami, FL 33131-2385 Telephone: (305) 374-7580 Facsimile: (305) 374-7593
<i>Co-Counsel to the Agent to the Second Lien Lenders</i>	
CLERK OF THE BANKRUPTCY COURT United States Bankruptcy Court Southern District of Florida, Fort Lauderdale Division 299 E. Broward Blvd., Room 112 Fort Lauderdale, FL 33301 T: 954-769-5700	OFFICE OF THE UNITED STATES TRUSTEE FOR THE SOUTHERN DISTRICT OF FLORIDA 51 S.W. First Avenue Room 1204 Miami, FL 33130 T: 305-536-7285 F: 305-536-7360 Attn: Steven Schneiderman

In re TOUSA, Inc., Case No. 08-10928 (JKO)

**SORT: click any column header**  
**SEARCH: press Ctrl-F or Apple-F**

<u>Date Filed</u>	<u>Court Docket #</u>	<u>Document Name</u>	<u>File Size</u>
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Tousa, Inc.</a>	823 k
1/20/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Florida, L.P.</a>	791 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Newmark Homes, L.L.C.</a>	786 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for LB/TE #1, LLC</a>	785 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Lorton South Condominium, LLC</a>	788 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle Homes Commercial Construction, LLC</a>	787 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for McKay Landing LLC</a>	784 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA, LLC</a>	794 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Investment #2, LLC</a>	787 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Newmark Homes Purchasing, L.P.</a>	788 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Mid-Atlantic Investment, LLC</a>	795 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle/Gilligan, LLC</a>	787 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Preferred Builders, Inc.</a>	809 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Newmark Homes, L.P.</a>	794 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Investmnet #2, Inc.</a>	807 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Reflection Key, LLC</a>	786 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes, L.P.</a>	793 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Realty, Inc.</a>	835 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle/James LLC</a>	782 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA/West Holdings, Inc.</a>	808 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Mid-Atlantic Holding, LLC</a>	794 k

## Important Date Documents

1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Silverlake Interests, L.L.C.</a>	782 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Investment #2, Inc.</a>	804 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Funding, LLC</a>	802 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOI, LLC</a>	785 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Nevada, LLC</a>	788 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Investment #1, Inc.</a>	806 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Arizona, LLC</a>	792 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Delaware, Inc.</a>	800 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Colorado, LLC</a>	789 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Associates Services Company</a>	819 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle Homes Residential Construction L.L.C</a>	783 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle Homes Delaware, Inc.</a>	801 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle Sierra Verde P4, LLC</a>	786 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes Mid-Atlantic, LLC</a>	783 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Engle Sierra Verde P5, LLC</a>	786 k
1/29/2008	0001	<a href="#">Chapter 11 Voluntary Petition for Newmark Homes Business Trust</a>	800 k
1/31/2008	0001	<a href="#">Chapter 11 Voluntary Petition for TOUSA Homes, Inc.</a>	832 k

## Exhibit R

September 22, 2008



Loading...

http://www.lagunalakes.com:80/ | 16:08:00 s  
ep 22, 2008

Got an HTTP 302 response at crawl time

Redirecting to...

http://www.lagunalakes.com:80/tousa

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Exhibit S

Gerard Marino

---

**From:** domain admin <inquiry@protection2.org>  
**Sent:** Wednesday, December 29, 2010 5:19 AM  
**To:** Gerard Marino CCIM  
**Subject:** Re: Domain Name Inquiry

December 29, 2010

We are holding this domain name for a client who is planning to use it for an upcoming project. They do not have an asking price in mind, however, if you wish we can relay your best offer to them for review.

On 12/28/2010 2:32 PM, Gerard Marino CCIM wrote:  
Good afternoon,

I understand you are the owner of lagunalakes.com but have not used it for many years. Would you be interested in selling it? Thank you in advance...

Gerard Marino  
[gmarino@iname.com](mailto:gmarino@iname.com)

# Exhibit X

## lagunalakes.com Is For Sale!

Need a price instantly? Just give us a call.  
Don't want to wait for us to process the below form? You don't have to!  
We can give you the price over the phone, help you with the purchase process, and answer any questions.

### Call Us Today!

866-820-2328 (Toll Free in the U.S.)  
+1 339-222-5129 (Worldwide)

Normal business hours are Monday — Sunday, 7AM-11PM US EST.



Don't mind a short wait? Provide your contact information below.  
One of our domain experts will have a price to you within 24 business hours.

Fields marked with an \* are required.

* First Name:	* Last Name:
* Email Address:	* Confirm Email Address:
* Country: UNITED STATES	* Phone Number: (Outside the United States please use the 011 prefix)

\* Please enter security key:



- I have read and agree to the [Terms of Use](#)
- I would like to subscribe to the BuyDomains Free Monthly Newsletter.

Receive Price by Email

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[www.lagunalakes.com](http://www.lagunalakes.com)



Exhibit T

Δ π EXHIBIT 10  
Deponent: Marino  
Date: 08/14 Rptr: HS  
www.DEFOBOOK.COM

**Community Association Inc.**  
**Board of Director's Meeting Minutes**  
*Held on August 22nd, 2011 at 7:00pm at the Laguna Lakes Clubhouse,  
Located at 15300 Lakes of Laguna Boulevard, Fort Myers Florida, 33908*

**Approved Minutes**

**Present:** President, Patrick Tardiff; Vice-President, Donna Flammang (by phone);  
Treasurer, Bob Hajcek, Secretary, Jeff Kelley; Director, Mary Ann Cowart

**Management Company:** Patrick McGuire, CAM – Alliant Association Management (absent)  
Kim Hertner, CAM – Alliant Association Management was present.

**Chairperson of Meeting:** President, Patrick Tardiff.

- 1) **Establish a Quorum/Call to Order:** A quorum was established and the meeting was called to order at 7:03 by Patrick Tardiff.
- 2) **Proof of Notice:** Notice was posted on August 15<sup>th</sup> on the website and on August 19<sup>th</sup> on the bulletin board.
- 3) **Disposal of Unapproved Minutes:** – Previous minutes will be approved at the next meeting.

4) **Treasurer's Report:**

i) Cash Operating	\$458,872.00
ii) Cash Reserves	\$179,490.00
iii) Cash Total	\$638,362.00
iv) Operating Actual YTD Expenses	\$707,423.00
v) Operating Budget YTD Expenses	\$725,001.00

5) **Committee Reports:**

- a) **Social Committee** – No report given
- b) **Landscaping Committee** -
  - i) **Items Completed**
    - (1) Ficus hedge was completed.
    - (2) Washingtonian palms were trimmed.
    - (3) Oak trees on Laguna Lakes parkways will be completed on Monday.
  - ii) **Proposals**
    - (1) Removal of 5 Hong Kong Orchids, Silver Buttonwoods, Green Island Ficus and Core Grass around the edge of the roundabout. Install sod. Everyday Maintenance proposal \$2,125.00
    - (2) Renovate 5 sprinkler zones on the roundabout. Irrigation Specialist proposal \$2,084.00.

**Visit us at**

**www.lagunalakesassociation.com**

*This agenda was prepared by Alliant Association Management;  
6719 Winkler Road Suite 200, Fort Myers Florida, 33919,  
In accordance with Florida Statutes.  
Cc; BOD; LLCA File*

- (3) Sylvester Palm on the roundabout needs to be straightened. Gulf Coast Palm proposal \$275.00.
- (4) Total cost for the roundabout \$4,484.00.

***MOTION: A motion was made by Donna Flammang to accept the proposal from Everyday Maintenance for \$2,125.00 for removal of 5 Hong Kong Orchids, Silver Buttonwoods, Green Island Ficus and Core Grass around the edge of the roundabout and install sod. And also accept the proposal from Irrigation Specialist to renovate 5 sprinkler zones on the roundabout for a cost of \$2,084.00. Seconded by Bob Hajicek. All in favor, motion passes.***

**c) Club House Committee –**

**Exhibit U**

- i) Billiard bar stools have been recovered.
- ii) Umbrellas were replaced in the pool area.
- iii) Water fountain is leaking for the fourth time this year.
- iv) Need to replace the two nets and poles at the tennis courts.
- v) Tarp cover on the gazebo is shredded.
- vi) Racket ball court needs either repairing or a member vote to change the use status.
  - (1) Proposals from Mark Wardell at Ritzman Tennis
    - (a) Net posts \$350.00
    - (b) Nets two at \$183.00 each
    - (c) Gazebo cover \$750.00
    - (d) Windscreens \$1,500.00 plus tax to do all around both courts
    - (e) Clay \$350.00

***MOTION: A motion was made by Bob Hajicek to proceed with the net posts at \$350.00, new nets at \$183.00 each, Gazebo cover at \$750.00, clay at about \$350.00 and to replace the fountain. Seconded by Donna Flammang. All in favor, motion passes.***

**6) Old Business:**

- a) **LLCA Vote Meeting** – Amendment changes prepared by the Association Attorney were reviewed by the Board.

***MOTION: A motion was made by Mary Ann Cowart to recommend to the members to pass the amendment change. Seconded by Patrick Tardiff. All in favor, motion passes.***

Members meeting will be held on October 4, 2011 at 7:00 in the Clubhouse.

- b) **TEM Update** – Security measures at the clubhouse have been progressing along but not yet completed.
- c) **Comcast Contract** – Contract was signed on Tuesday, August 16, 2011. Contract effective date is October 1, 2011. Letter will be mailed to the residents soon.
- d) **Oak Tree Trimming Update** – Discussed previously in the meeting.

**7) New Business:**

- a) **Chairs for Pool Deck** – 15 chairs are needed to replace the missing chairs.

***MOTION: A motion was made by Jeff Kelly to purchase 16 chairs from Leaders to replace the missing chairs. Seconded by Donna Flammang. All in favor, motion passes.***

- b) **Clean up Wall in Club House -**

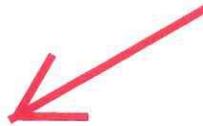
***MOTION: A motion was made by Bob Hajicek to remove the "entertainment center" from the wall of the clubhouse as per the Elias Brothers proposal and cost, refurbish the wall and purchase a big screen TV and electronics needed not to exceed \$4,500.00. Seconded by Mary Ann Cowart. All in favor, motion passes.***

**Visit us at**

**[www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)**

*This agenda was prepared by Alliant Association Management;  
6719 Winkler Road Suite 200, Fort Myers Florida, 33919,  
In accordance with Florida Statutes.*

*Cc; BOD; LLCA File*

- 
- c) **BBQ Deck** – No discussion
  - d) **Replace TV** – No discussion
  - e) **Trademark** – Laguna Lakes Logo is not a registered trademark and is being used without the permission of the Board of Directors.

***MOTION: A motion was made by Mary Ann Cowart to register the Laguna Lakes name and logo as a trademark at a cost of around \$2,700.00. Seconded by Bob Hajicek. All in favor, motion passes.***

8) **Other Business:**

- a) **Next meeting** – September 26, 2011

9) **Homeowners Comments** (up to 3 minutes each, time permitting):

**Question:** Due to the Comcast contract changes when will the homeowners see their \$500.00?

**Answer:** *This will be decided on and discussed at the Budget Meeting.*

10) **Adjournment:**

***MOTION: A motion was made by Mary Ann Cowart to adjourn the meeting at 9:08 pm. Seconded by Donna Flammang. All in favor, motion passes.***

The next meeting will be held on September 26<sup>th</sup>, 2011 at 7pm.

***Respectfully Submitted by  
Kim Hertner, CAM  
Patrick K. McGuire, CAM  
Alliant Association Management***

**Exhibit U**



**2007 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT**

**FILED**  
**Aug 07, 2007 8:00 am**  
**Secretary of State**

08-07-2007 90026 050 \*\*\*\*61.25

**DOCUMENT # N03000008338**

1. Entity Name  
**LAGUNA LAKES COMMUNITY ASSOCIATION, INC.**



Principal Place of Business  
 1044 CASTELLO DRIVE  
 SUITE 206  
 NAPLES, FL 34103

Mailing Address  
 1044 CASTELLO DRIVE  
 SUITE 206  
 NAPLES, FL 34103

40128331

Exhibit 0



2. Principal Place of Business - No P.O. Box #  
 6719 Winkler Rd  
 Suite, Apt. #, etc.  
 Suite 200

3. Mailing Address  
 6719 Winkler Rd  
 Suite, Apt. #, etc.  
 Suite 200

02232007 Chg-NP CR2E037 (12/06)

City & State  
 Fort Myers, FL  
 Zip  
 33919  
 Country  
 USA

City & State  
 Fort Myers, FL  
 Zip  
 33919  
 Country  
 USA

4. FEI Number  
 20-0277963  
 Applied For  
 Not Applicable

5. Certificate of Status Desired  \$8.75 Additional Fee Required

**6. Name and Address of Current Registered Agent**

SOUTHWEST PROPERTY MANAGEMENT CORP  
 1044 CASTELLO DRIVE  
 SUITE 206  
 NAPLES, FL 34103

**7. Name and Address of New Registered Agent**

Name  
 Alliant Property Management  
 Street Address (P.O. Box Number is Not Acceptable)  
 6719 Winkler Rd  
 Suite 200  
 City  
 Fort Myers FL Zip Code  
 33919

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.

SIGNATURE *Millie K. Strohm, VP/OWNER* *Millie K. Strohm* 2-27-07  
 Signature, typed or printed name of registered agent and title if applicable. (NOTE: Registered Agent signature required when reinstating) DATE

**Filing Fee is \$61.25**  
**Due by May 1, 2007**

9. Election Campaign Financing Trust Fund Contribution.  \$5.00 May Be Added to Fees

**Make check payable to Florida Department of State**

**10. OFFICERS AND DIRECTORS**

TITLE NAME STREET ADDRESS CITY-ST-ZIP	PD GARZIA, JOSEPH 9200 BELLEXA WAY, #201 FORT MYERS, FL 33908	<input checked="" type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	VD NEIGHBORS, PAUL 8699 PASEO DE VALENCIA ST FORT MYERS, FL 33908	<input checked="" type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	TD SEELE, THOMAS 9149 PASEO DE VALENCIA ST. FORT MYERS, FL 33908	<input checked="" type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	SD GRAY, RICHARD 15359 LAGUNA HILLS DRIVE FORT MYERS, FL 33908	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D ADKINS, RALPH 8700 SPRING MOUNTAIN WAY FORT MYERS, FL 33908	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D BEAULIEU, WILLIAM 9150 PASEO DE VALENCIA ST FORT MYERS, FL 33908	<input checked="" type="checkbox"/> Delete

**11. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 10**

TITLE NAME STREET ADDRESS CITY-ST-ZIP	PD ESMOND LEWIS 8869 PASEO DE VALENCIA ST. FORT MYERS, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	VPD Gerard Marino 9109 PASEO DE VALENCIA ST. FORT MYERS, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	ID Ellen Young 8959 PASEO DE VALENCIA ST FORT MYERS, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D see next page	<input checked="" type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	SD Mike Rowe 9216 Calle Arragon Ave #202 Fort Myers, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D Gregg Turner 9160 Spring Mountain Way Fort Myers, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition

12. I hereby certify that the information supplied with this filing does not qualify for the exemptions contained in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address with all other like empowered.

SIGNATURE: *Edmund J. Sir* 2-27-07  
 SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Date Daytime Phone #

# 2007 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

(2 of 2)

<b>DOCUMENT # N03000008338</b> 1. Entity Name <b>LAGUNA LAKES COMMUNITY ASSOCIATION, INC.</b>					
Principal Place of Business 1044 CASTELLO DRIVE SUITE 206 NAPLES, FL 34103		Mailing Address 1044 CASTELLO DRIVE SUITE 206 NAPLES, FL 34103			
2. Principal Place of Business - No P.O. Box #		3. Mailing Address			
Suite, Apt. #, etc.		Suite, Apt. #, etc.			
City & State		City & State		4. FEI Number <b>20-0277963</b>	
Zip		Country		5. Certificate of Status Desired <input type="checkbox"/> <b>\$8.75 Additional Fee Required</b>	
6. Name and Address of Current Registered Agent  <b>SOUTHWEST PROPERTY MANAGEMENT CORP</b> <b>1044 CASTELLO DRIVE</b> <b>SUITE 206</b> <b>NAPLES, FL 34103</b>				7. Name and Address of New Registered Agent	
Name				Name	
Street Address (P.O. Box Number is Not Acceptable)				Street Address (P.O. Box Number is Not Acceptable)	
City				City	
State				State <b>FL</b>	
Zip Code				Zip Code	
8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.					
SIGNATURE: <u>Millie K. Strohm V P/owner</u> <u>Millie K. Strohm</u> <u>2-27-07</u> <small>Signature, typed or printed name of registered agent and title if applicable. (NOTE: Registered Agent signature required when reinstating) DATE</small>					
<b>Filing Fee is \$61.25 Due by May 1, 2007</b>		9. Election Campaign Financing Trust Fund Contribution. <input type="checkbox"/>		<b>\$5.00 May Be Added to Fees</b>	
Make check payable to Florida Department of State					
10. OFFICERS AND DIRECTORS				11. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 10	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	PD GARZIA, JOSEPH 9200 BELLEXA WAY, #201 FORT MYERS, FL 33908	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	D Dennis Rose 8830 Paseo de Valencia St. Fort Myers, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	VD NEIGHBORS, PAUL 8699 PASEO DE VALENCIA ST FORT MYERS, FL 33908	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	D Dana Flamming 9059 Spring Mountain Way Fort Myers, FL 33908	<input type="checkbox"/> Change <input checked="" type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	TD SEELE, THOMAS 9149 PASEO DE VALENCIA ST. FORT MYERS, FL 33908	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	(Empty)	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	SD GRAY, RICHARD 15359 LAGUNA HILLS DRIVE FORT MYERS, FL 33908	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	(Empty)	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D ADKINS, RALPH 8700 SPRING MOUNTAIN WAY FORT MYERS, FL 33908	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	(Empty)	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D BEAULIEU, WILLIAM 9150 PASEO DE VALENCIA ST FORT MYERS, FL 33908	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	(Empty)	<input type="checkbox"/> Change <input type="checkbox"/> Addition
12. I hereby certify that the information supplied with this filing does not qualify for the exemptions contained in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.					
SIGNATURE: <u>Edward J. Sun</u>				Date: <u>2-27-07</u>	
<small>SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR</small>				<small>Date Daytime Phone #</small>	

ATTACHMENT

40128351



**2008 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT**

**FILED**  
**Mar 03, 2008 8:00 am**  
**Secretary of State**

03-03-2008 90201 050 \*\*\*\*61.25

**DOCUMENT # N03000008338**

1. Entity Name  
**LAGUNA LAKES COMMUNITY ASSOCIATION, INC.**



Exhibit P

Principal Place of Business  
**6719 WINKLER RD  
 SUITE 200  
 FORT MYERS, FL 33919**

Mailing Address  
**6719 WINKLER RD  
 SUITE 200  
 FORT MYERS, FL 33919**



2. Principal Place of Business - No P.O. Box #  
 Suite, Apt. #, etc.

3. Mailing Address  
 Suite, Apt. #, etc.

02042008 Chg-NP CR2E037 (12/06)

City & State

Zip Country Zip Country

4. FEI Number  
**20-0277963**

Applied For  
 Not Applicable

5. Certificate of Status Desired  **\$8.75 Additional Fee Required**

**6. Name and Address of Current Registered Agent**

**ALLIANT PROPERTY MANAGEMENT, LLC  
 6719 WINKLER ROAD  
 SUITE 200  
 FORT MYERS, FL 33919**

**7. Name and Address of New Registered Agent**

Name  
 Street Address (P.O. Box Number is Not Acceptable)  
 City **FL** Zip Code

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.

SIGNATURE *[Signature]* **VP** DATE **2-15-08**

Signature, typed or printed name of registered agent and title if applicable. (NOTE: Registered Agent signature required when reinstating)

**Filing Fee is \$61.25  
 Due by May 1, 2008**

9. Election Campaign Financing Trust Fund Contribution.  **\$5.00 May Be Added to Fees**

**Make check payable to Florida Department of State**

10. OFFICERS AND DIRECTORS		<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	PD LEWIS, ESMOND 8869 PASEO DE VALENCIA ST. FORT MYERS, FL 33908	<input type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	VPD MARINO, GERARD 9069 PASEO DE VALENCIA ST FORT MYERS, FL 33908	<input type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	TD YOUNG, ELLEN 8959 PASEO DE VALENCIA ST. FORT MYERS, FL 33908	<input type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D GRAY, RICHARD 15359 LAGUNA HILLS DRIVE FORT MYERS, FL 33908	<input checked="" type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D ADKINS, RALPH 8700 SPRING MOUNTAIN WAY FORT MYERS, FL 33908	<input checked="" type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	SD ROWE, MIKE 9216 CALLE ARRAGON AVE #202 FORT MYERS, FL 33908	<input checked="" type="checkbox"/>

11. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 10		<input type="checkbox"/> Change	<input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/>	<input type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/>	<input type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/>	<input type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	SD John McHugh 15680 Laguna Hills Dr Ft Myers, FL 33908	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D Gregg Turner 9160 Spring Mountain Way Ft Myers, FL 33908	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/>	<input type="checkbox"/>

2nd year as VP

12. I hereby certify that the information supplied with this filing does not qualify for the exemptions contained in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address with all other like empowered.

SIGNATURE: *[Signature]* **John S** Date **239-454-1101**  
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Daytime Phone #

Exhibit Z



A Transeastern  
Homes Community

"Monument sign"

Exhibit Z



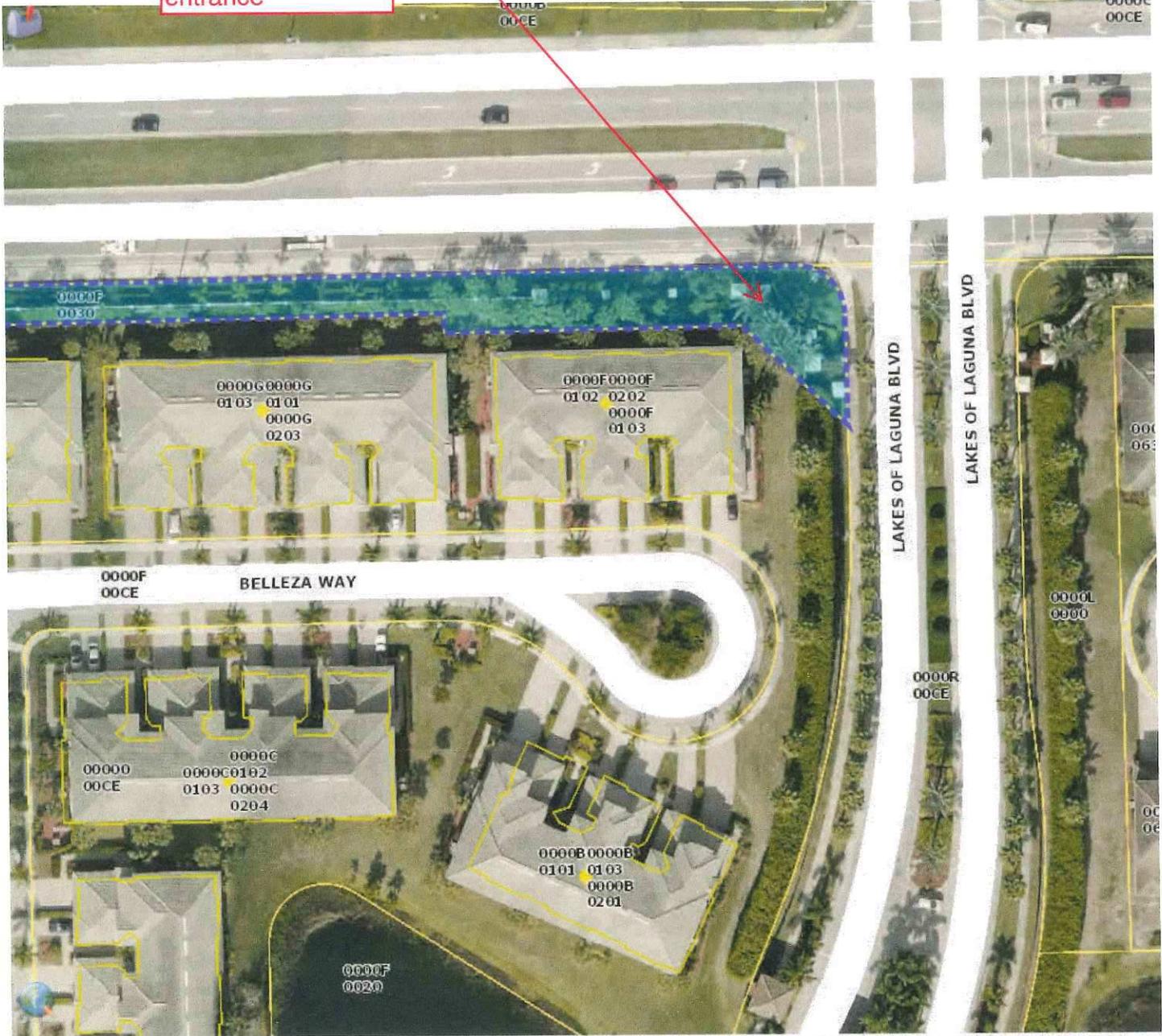
Monument sign on SE Corner

STRAP	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
33-45-24-15-0000L.0000	LAGUNA LAKES CDD	123 LAGUNA LAKES TRACT L, FORT MYERS 4-2003		\$2,500,000	\$3,870	\$0

Owned by CDD, not LLCA

Exhibit Z

Monument sign on SW Corner of Laguna Lakes entrance



STRAP	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
33-45-24-15-0000F.0030	LAGUNA LAKES CDD ACCESS UNDETERMINED, FORT MYERS		1-2007	\$100	\$55	\$0

Owned by CDD, not LLCA

## Exhibit AA

Gerard Marino

**From:** alliantpm@yourcommunitybulletins.com on behalf of LL Clubhouse Admin  
<lagunalakesclubhouse@gmail.com>  
**Sent:** Thursday, December 19, 2013 4:37 PM  
**To:** John Marino  
**Subject:** LLCA Updates and Reminders



### LAGUNA LAKES WEBSITE

Good evening I wanted to inform you all of the website updates.

Please make sure to read all emails that I send out. There will be some good stuff the next week months.

The calendar has been updated for the month of December and January is almost complete. There is also an updated board by the Restrooms at the Club House that will be updated monthly with the happenings and events around the club house and the community so please take a look at that.

I am also in the process of updating homes for rent and for sale on the website if you have a home or condo is for sale or rent please let me know or have your Realtor contact me so that may be updated on the website at [lagunalakesclubhouse@gmail.com](mailto:lagunalakesclubhouse@gmail.com).

I am in need of anyone who would like to start the Laguna Lakes Book Club that would meet once a month and also an Arts and Crafts, Sewing and Crochet

volunteer for the community to meet either once or twice per month. Thursday nights are game night and card night so please come up at 6 or 6:30 p.m. to play. We have recently purchased Bingo, Scrabble, Dominos and Cribbage for the Club House.

As a reminder if you are having family or company coming down during the Holidays and they are parking at the club house parking lot please email me at [lagunalakesclubhouse@gmail.com](mailto:lagunalakesclubhouse@gmail.com) with the Make, Model, Year, Color and License Plate number of the vehicle so that I have a record of it. Reminder that there is no parking in the street after 1 a.m.

School break starts on Friday afternoon with another half day and then the children are off until January 7, 2014. Please watch the roads and drive carefully.

Sincerely, Vanessa

This is a Publication from Vanessa, Club House Manager



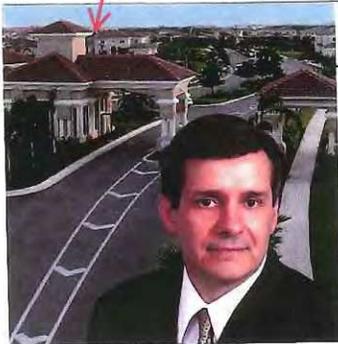
Please click [HERE](#) to visit the Laguna Lakes Community Association, Inc. web site.

EXHIBIT G

8/3/2004

Laguna Lakes gate house.

Mr. Laguna Lakes



**Gerard Marino**  
"Mr. Laguna Lakes"



**RE/MAX**

© Each office independently owned and operated

**Realty Group**

7910 Summerlin Lakes Dr.  
Fort Myers, FL 33907

(239) 851-8883 Direct

(239) 489-0444 Office

(239) 433-3094 Fax

(800) 330-SOLD Toll Free

gmarino@remax.net

*Ms. Ma #4998*

PRO PHOTO & DIGITAL  
8945 COLLEGE PARKWAY  
FORT MYERS FL 33919

DATE: 08/03/04 TIME: 17:39  
MER#: 991600005569 TERM: 0001  
S-A-L-E-S D-R-A-F-T

REF: 0017 BCH: 091  
CD TYPE: MC  
TR TYPE: PR  
AMOUNT: **\$37.10**

ACCT: \*\*\*\*\*4998 EXP: \*\*\*  
AP: 035999

CARDMEMBER ACKNOWLEDGES RECEIPT OF  
GOODS AND/OR SERVICES IN THE AMOUNT OF  
THE TOTAL SHOWN HEREON AND AGREES TO  
PERFORM THE OBLIGATIONS SET FORTH BY THE  
CARDMEMBER'S AGREEMENT WITH THE ISSUER

X *[Signature]*  
TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

**POSTED**

**Δ π EXHIBIT** 7  
 Deponent Marino  
 Date 8/14 Rptr. HS  
 WWW.DEFOBOOK.COM

Exhibit H

Domain name: **MRLAGUNALAKES.COM**

Administrative Contact:

Marino, Gerard gmarino007@gmail.com  
PO Box 60733  
Fort Myers, FL 33906  
US  
+1.2398518883

Technical Contact:

Marino, Gerard gmarino007@gmail.com  
PO Box 60733  
Fort Myers, FL 33906  
US  
+1.2398518883

Registration Service Provider:

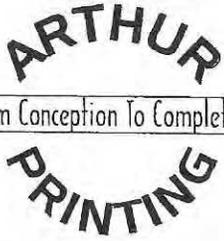
Register4less, support@r4l.com  
(514) 905-6500  
<http://register4less.com>

Registrar of Record: TUCOWS, INC.  
Record last updated on 05-Mar-2012.  
Record expires on 17-Feb-2013.

**Record created on 17-Feb-2005.** ←

Registrar Domain Name Help Center:  
<http://tuowdomains.com>

Domain servers in listed order:  
NS1.R4L.COM  
NS2.R4L.COM



From Conception To Completion

Exhibit I

# Invoice

1518 S.E. 46th Lane  
Cape Coral, FL 33904  
239-542-2452 • Fax: 239-542-3236

DATE INVOICE #

5/20/2005

519B

**BILL TO:**

**SHIP TO:**

Remax Realty Group  
7980 Summerlin Lakes Drive #201  
Ft. Myers, FL 33907  
ATTN: G Marino

5/20/2005

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
Gerard Marino	C.O.D.		5/20/2005			

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1,000	Printing	Postcards Tax	0.247 6.00%	247.00T 14.82

**JOHN GERARD MARINO, P.A.** 08-02  
1682 S. FLOSSMOOR RD.  
FORT MYERS, FL 33919-6407

1265

Date 6/08/05

63-4/630 FL  
1120

Pay to the order of Arthur Printing \$ 261.82  
Two Hundred Sixty One + 82/100 Dollars

**Bank of America**

ACH R/T 063100277

For Invoice 519B

⑆063000047⑆

**TOTAL** \$261.82



# Selling/Buying Laguna Lakes?

Put My Experience To Work For You...

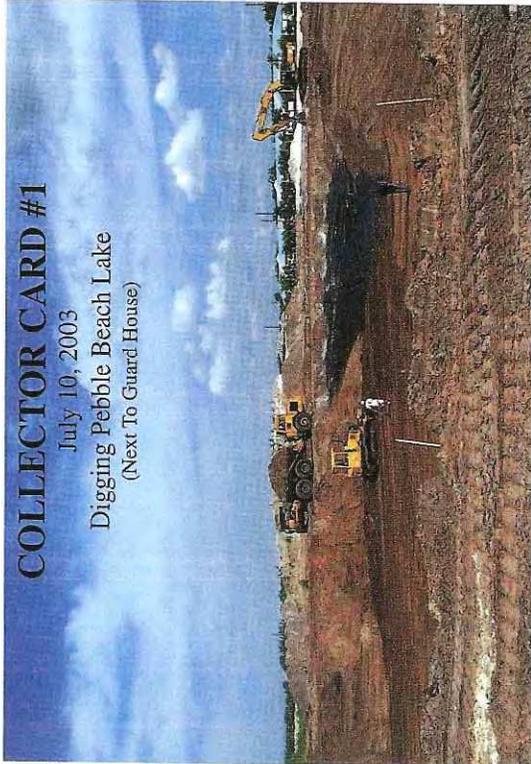
- 12 Laguna Lakes Properties Sold
- Laguna Lakes Resident
- Beverly Hills HOA President

**Gerard Marino**  
 "Mr. Laguna Lakes"  
**(239) 851-8883**

**Gerard Marino**  
 RE/MAX Realty Group  
**(239) 851-8883**  
 gmarino@remax.net

First postcard mailing.  
 May 2005 using  
 "Mr. Laguna Lakes"

Exhibit I



## COLLECTOR CARD #1

July 10, 2003  
 Digging Pebble Beach Lake  
 (Next To Guard House)



**PENDING**

**SOLD**

**SOLD**

**SOLD**

**SOLD**

**AVAILABLE**

**SOLD**

**SOLD**

**SOLD**

**SOLD**

**PENDING**

**SOLD**

**SOLD**

**SOLD**

**LISTINGS  
NEEDED!**

Gerard  
Marino  
(239)  
851-8883



"Mr. Laguna Lakes"

Mr. Laguna Lakes

# Selling/Buying Laguna Lakes?

Put My Experience  
To Work For You...

- 12 Laguna Lakes Properties Sold
- Laguna Lakes Resident
- Beverly Hills HOA President



**Gerard Marino**  
"Mr. Laguna Lakes"  
**(239) 851-8883**

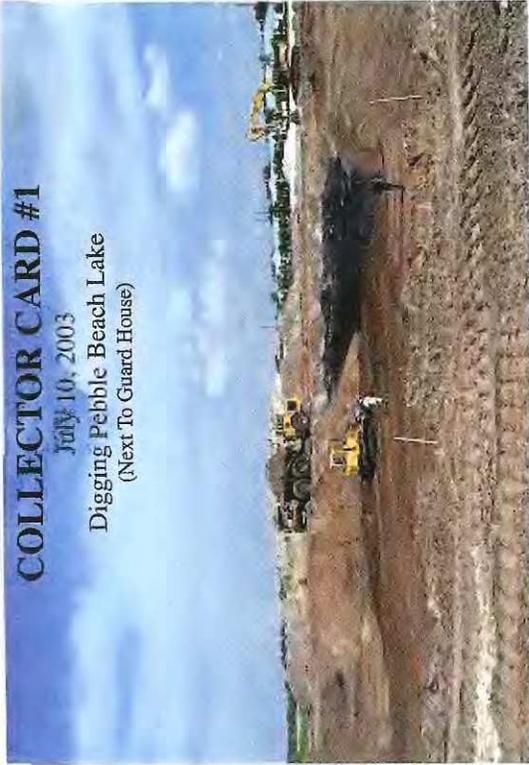
**Gerard Marino**  
RE/MAX Realty Group  
**(239) 851-8883**  
gmarino@remax.net

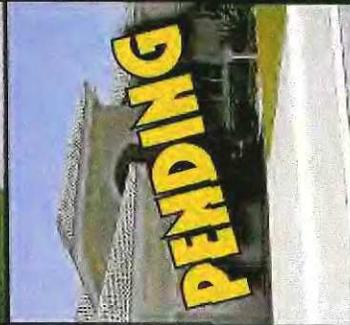
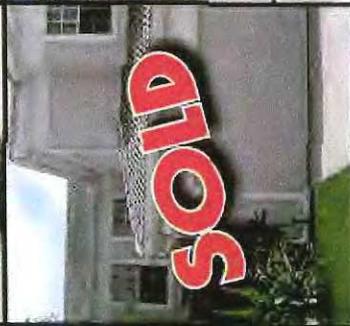
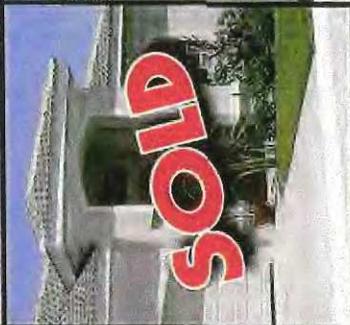
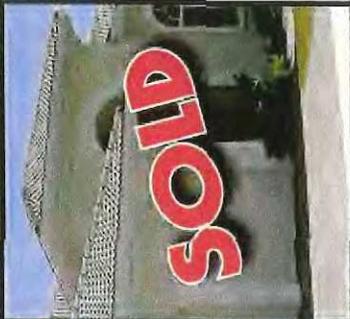
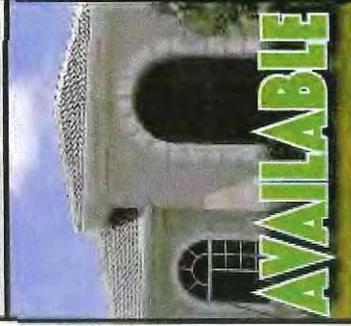
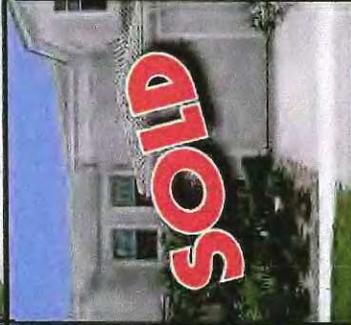
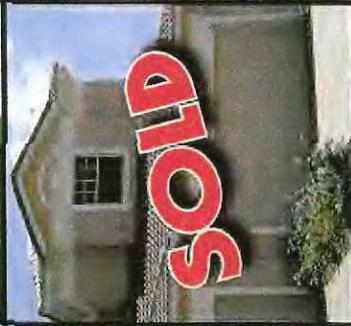
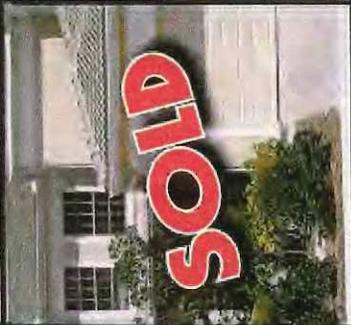
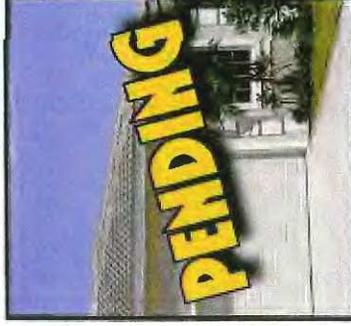
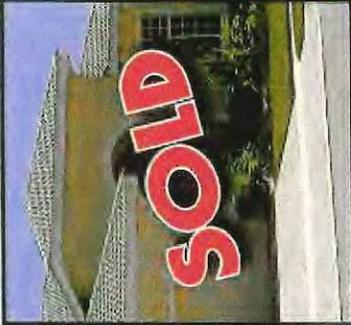
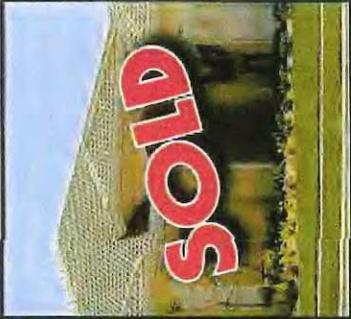
Start Composite Exhibit J

## COLLECTOR CARD #1

July 10, 2003

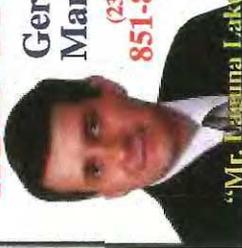
Digging Pebble Beach Lake  
(Next To Guard House)





**LISTINGS NEEDED!**

Gerard Marino  
(239) 851-8883



"Mr. Laguna Lake"



**Gerard Marino**  
"Mr. Laguna Lakes"  
**(239) 851-8883**

## **Selling/Buying Laguna Lakes?**

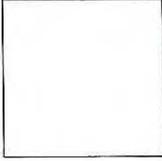
### **Put My Experience**

### **13 To Work For You...**

- 12 Laguna Lakes Properties Sold
- 2 Pending • 2 Available
- Laguna Lakes Resident
- Beverly Hills HOA President

**Gerard Marino**  
**RE/MAX Realty Group**  
**(239) 851-8883**  
**gmarino@remax.net**

Gerard Marino  
P.O. Box 60733  
Fort Myers, FL 33906



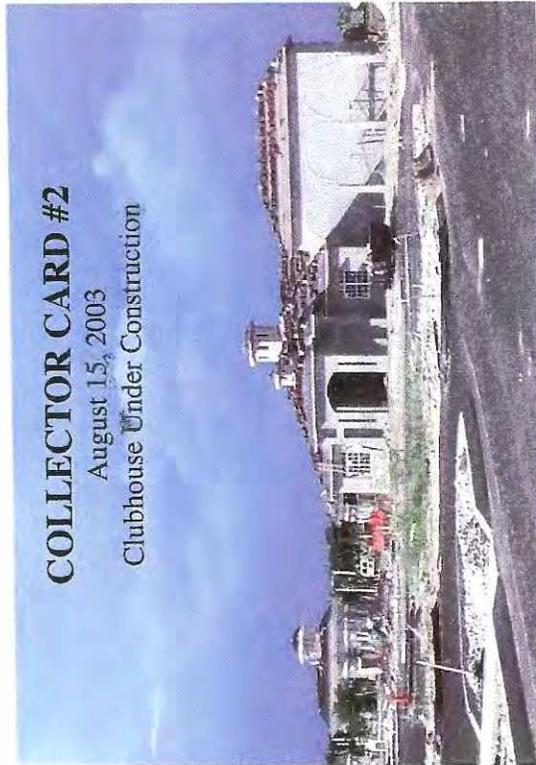
# **LISTINGS NEEDED!**

PLEASE FORWARD IF NECESSARY

## **COLLECTOR CARD #2**

August 15, 2003

Clubhouse Under Construction

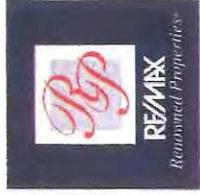




# Laguna Lakes Properties For Sale

## LISTINGS NEEDED!!

Gerard Marino  
 "Mr. Laguna Lakes"  
 (239) 851-8883



RE/MAX Realty Group



9100 Paseo De Valencia St. • Malibu Model w/Pool • \$679,000



8820 Spring Mountain Way • Del Sol Model Corner Lot • \$399,900



## Selling/Buying Laguna Lakes?

Put My Experience  
To Work For You!

- More Laguna Lakes Properties Sold Than Any Other Realtor
- Laguna Lakes Resident
- Beverly Hills HOA President

**Gerard Marino**  
"Mr. Laguna Lakes"  
**(239) 851-8883**

**RE/MAX Realty Group**  
**(239) 851-8883**  
gmarino@remax.net

Gerard Marino  
P.O. Box 60733  
Fort Myers, FL 33906

**LISTINGS NEEDED!**

PLEASE FORWARD IF NECESSARY

### COLLECTOR CARD #3

August 14, 2003

Original Laguna Lakes Sales Center  
On Gladiolus Drive



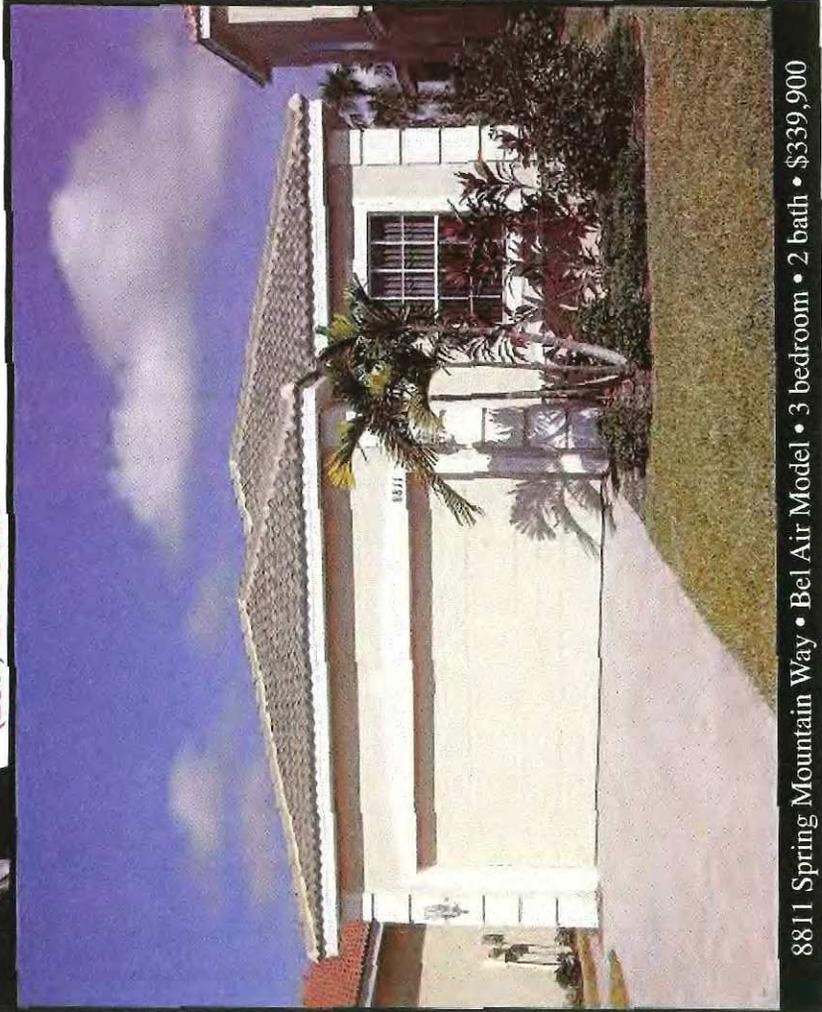


Gerard Marino  
"Mr. Laguna Lakes"  
(239) 851-8883

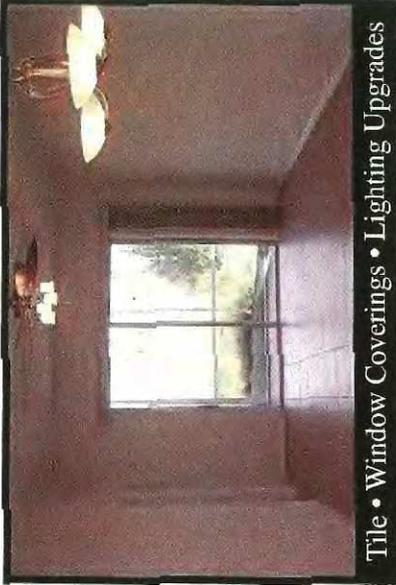
# Just Listed... Never Lived In!



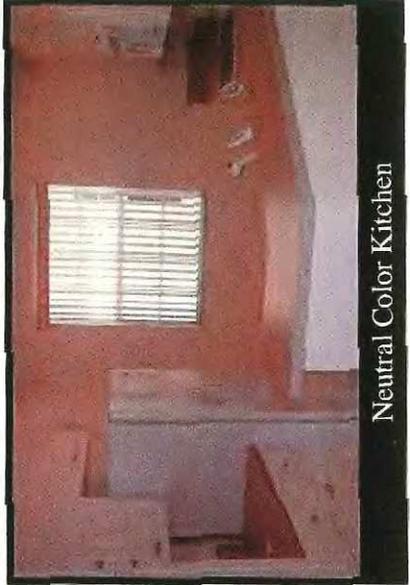
RE/MAX Realty Group



8811 Spring Mountain Way • Bel Air Model • 3 bedroom • 2 bath • \$339,900



Tile • Window Coverings • Lighting Upgrades



Neutral Color Kitchen

# Buying or Selling Laguna Lakes?

Put My Knowledge and  
Experience To Work For You!

- #1 Laguna Lakes Realtor®
- Laguna Lakes Resident
- Letters from Past Clients



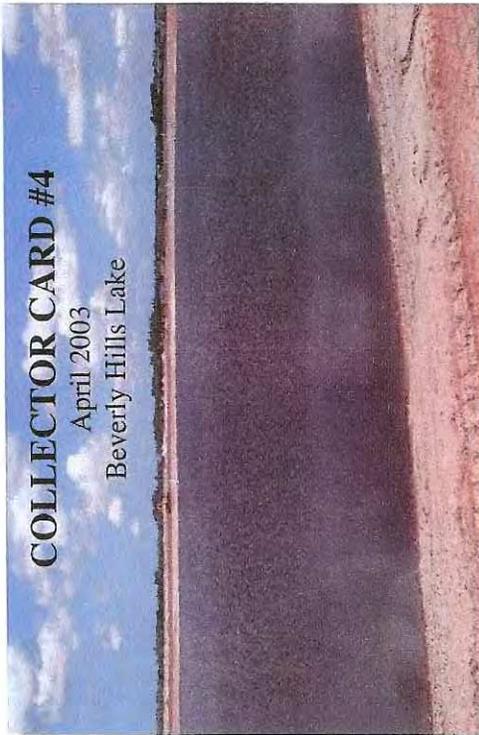
**Gerard Marino**  
"Mr. Laguna Lakes"

**Direct: (239) 851-8883**

Email: [gmarino@remax.net](mailto:gmarino@remax.net)

[www.ParadiseProperty.net](http://www.ParadiseProperty.net)

**FREE**  
"No Strings Attached"  
CMA on your property!

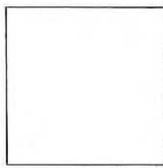


**COLLECTOR CARD #4**

April 2003

Beverly Hills Lake

Gerard Marino  
P.O. Box 60733  
Fort Myers, FL 33906



**LISTINGS NEEDED!**

Postmaster: Please Deliver Name On Label Or Current Resident



Gerard Marino  
"Mr. Laguna Lakes"  
(239) 851-8883

# Laguna Lakes Properties For Sale



RE/MAX Realty Group  
239-489-044



9225 Belleza Way #204  
"Davenport" Condo  
3 Bed / 2 Bath  
2 Car Garage  
\$349,900



15407 Laguna Hills Dr  
Like New "Glendale"  
5 Bed / 4 Bath  
Room for Pool!  
\$499,900



8811 Spring Mountain  
"Belair" Model  
3 Bed / 2 Bath  
2 Car Garage  
NEVER LIVED IN!  
\$299,900



15562 Alton Dr  
Popular "Burbank"  
3 Bed / 2 Bath  
2 Car Garage  
Great Lake Views!  
\$369,900



## Thinking About Selling Your Laguna Lakes Home Or Condo?

Our Local Real Estate Market Has Changed Since Last Year. In March 2006 there were 19,000 + Homes & Condos Listed For Sale in Lee County. A sign in the yard and a "For Sale" flyer aren't enough anymore.

**Did You Know That 77% of Home Buyers Begin Their Search Online?** (2004 NAR Survey)

When You List With "Mr. Laguna Lakes", Your Property is Advertised In:

- Local MLS [www.mlsreal.com](http://www.mlsreal.com) • News-Press Print & [www.New-Press.com](http://www.New-Press.com) • [www.Realtor.com](http://www.Realtor.com) (#1 Searched Site Online)
- [www.Homes.com](http://www.Homes.com) (#2 Searched Site Online) • [www.ParadiseProperty.net](http://www.ParadiseProperty.net) • Color Postcard Mailings (Just Like This).

**Contact Gerard Marino for a FREE, no obligation CMA and consultation: (239) 851-8883 or [gmarino@remax.net](mailto:gmarino@remax.net)**



**Gerard Marino**

"Mr. Laguna Lakes"

**RE/MAX Realty Group**

**Direct: (239) 851-8883**

Email: [gmarino@remax.net](mailto:gmarino@remax.net)

[www.ParadiseProperty.net](http://www.ParadiseProperty.net)



**FREE**

"No Strings Attached"  
CMA on your property!

"If you want to **LIST** your home, any real estate agent will do.  
If you want to **SELL** your home, Call "Mr. Laguna Lakes"

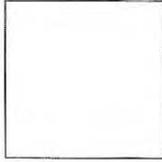
#1 Laguna Lakes REALTOR® 2004, 2005, 2006



COLLECTOR CARD #5

August 2003

Pebble Beach Blag "Q"



Gerard Marino  
P.O. Box 60733  
Fort Myers, FL 33906

**LISTINGS NEEDED!**

Postmaster: Please Deliver To Name On Label Or Current Resident



Gerard Marino  
"Mr. Laguna Lakes"  
(239) 851-8883

# Laguna Lakes Real Estate Update



RE/MAX Realty Group  
239-489-0444

**PENDING**  
Just 8 Days  
Listing In Contract!

9260 Belleza Way #105  
"Anaheim" Model  
3 Bed / 2 Bath  
Beautiful Kitchen!  
\$279,900

**JUST LISTED**

9265 Belleza Way #103  
"Brentwood" Model  
3 Bed / 2 Bath  
Long View of Lake!  
\$372,000

**SOLD**

8811 Spring Mountain  
"Belair" Model  
3 Bed / 2 Bath  
2 Car Garage  
NEVER LIVED IN!  
\$299,900

**SOLD**

15562 Alton Dr  
"Burbank" Model  
3 Bed / 2 Bath  
2 Car Garage  
Great Lake Views!  
\$369,900



### Did you know...

According to the Fort Myers MLS on May 1, 2006 for Laguna Lakes...

- 6 Single-family homes Sold since January 1, 2006 • 2 are Pending • 49 are currently For Sale (2 Single-family homes Sold in April 2006 – Both by "Mr. Laguna Lakes")
- 4 Pebble Beach Coach homes Sold since January 1, 2006 • 2 are Pending • 21 are currently For Sale

**"If you want to LIST your home, any real estate agent will do.  
If you want to SELL your home, Call 'Mr. Laguna Lakes'!"**

(\*Gerard Marino Has Sold More Laguna Lakes Properties Than Any Other Realtor® & Is A Laguna Lakes Resident)

**Call now for an absolutely FREE & no obligation CMA and consultation: Direct (239) 851-8883**



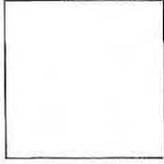
*"Mr. Laguna Lakes"*

**Gerard Marino**  
"Mr. Laguna Lakes"  
**RE/MAX Realty Group**  
**Direct: (239) 851-8883**  
Email: [gmarino@remax.net](mailto:gmarino@remax.net)  
[www.ParadiseProperty.net](http://www.ParadiseProperty.net)

*Search Properties, See Photos, FREE Reports*  
[www.ParadiseProperty.net](http://www.ParadiseProperty.net)



**Collector Card #6**  
**Farm land that is now Laguna Lakes**  
(Photo taken 2002)



Gerard Marino  
P.O. Box 60733  
Fort Myers, FL 33906

**LISTINGS NEEDED!**

Current Resident Or



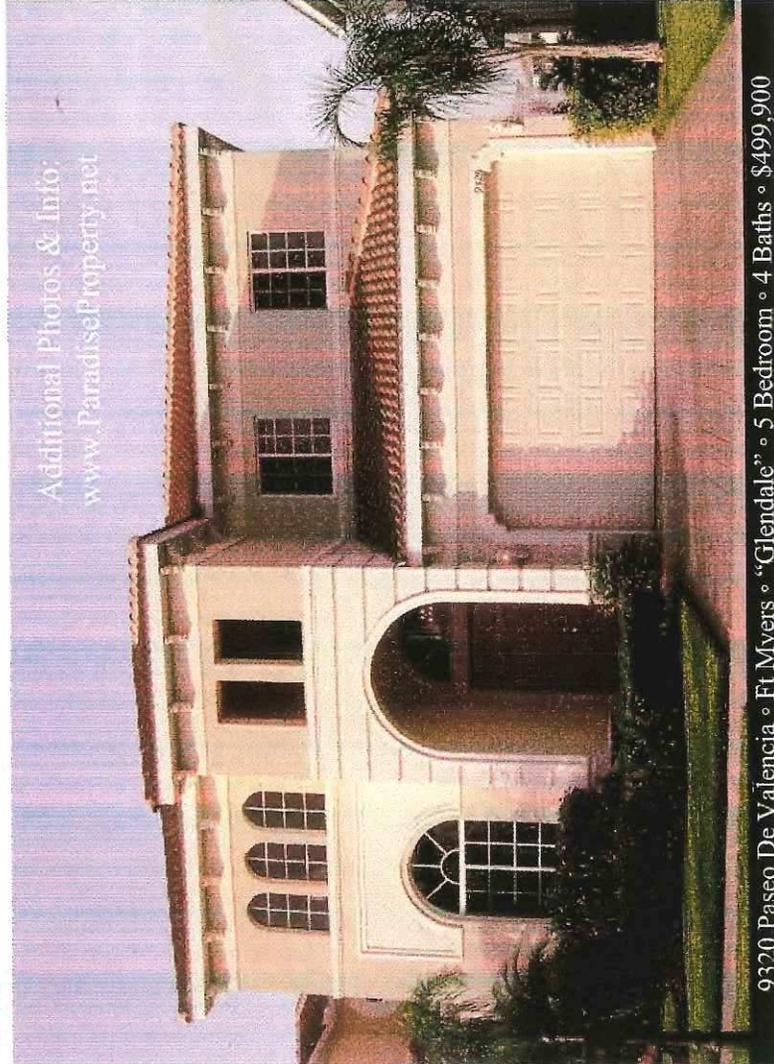
Gerard Marino  
"Mr. Laguna Lakes"  
(239) 851-8883

# Just Listed!

## Magnificent Lakefront Family Sized Home

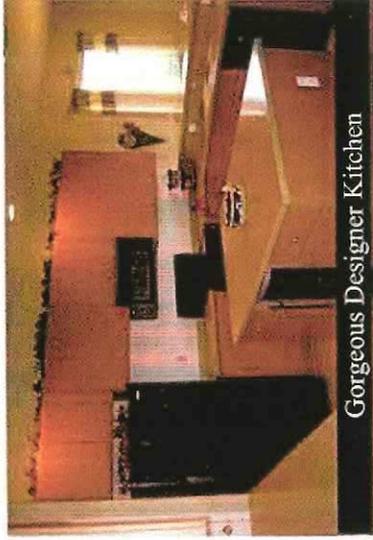


RE/MAX Realty Group  
239-489-0444

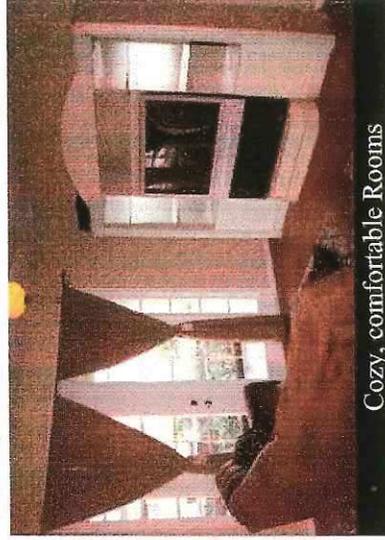


Additional Photos & Info:  
[www.ParadiseProperty.net](http://www.ParadiseProperty.net)

9320 Paseo De Valencia • Ft Myers • "Glendale" • 5 Bedroom • 4 Baths • \$499,900



Gorgeous Designer Kitchen



Cozy, comfortable Rooms

Gerard Marino  
PO Box 60733  
Fort Myers, FL 33906

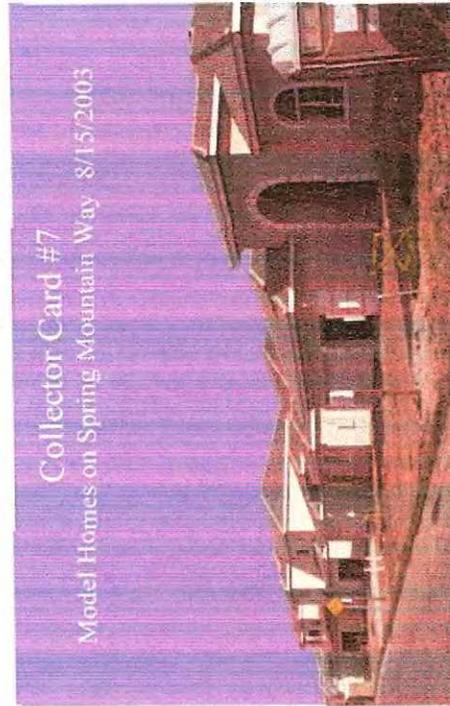


*Paradise Property Team*  
RE/MAX Realty Group



Gerard Marino  
"Mr. Laguna Lakes"  
Laguna Lakes Resident  
Direct: (239) 851-8883

*If You Just Want To List, Any Agent Will Do.  
But if You Want To Sell, Call The  
Paradise Property Team!™*



*We Are Selling Property!*  
**Laguna Lakes**  
**Listings Needed!**

Please Forward If Necessary

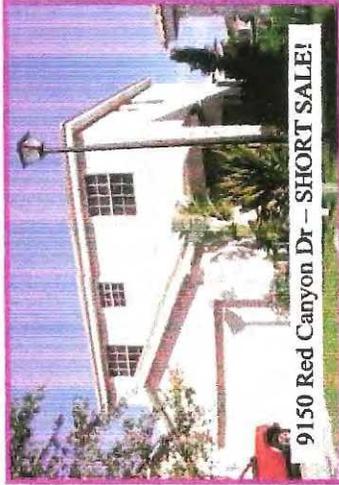
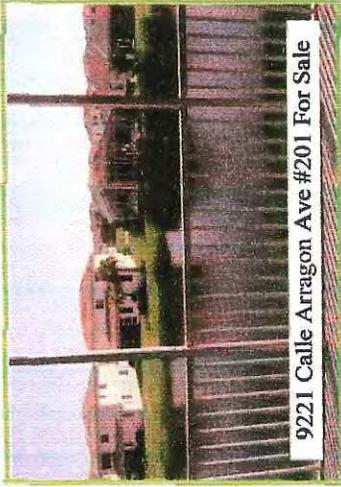
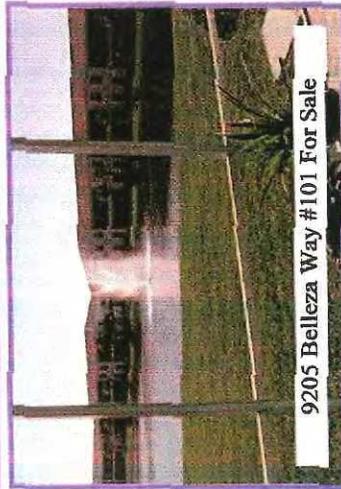
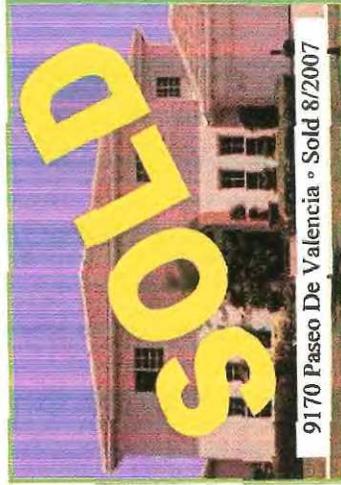
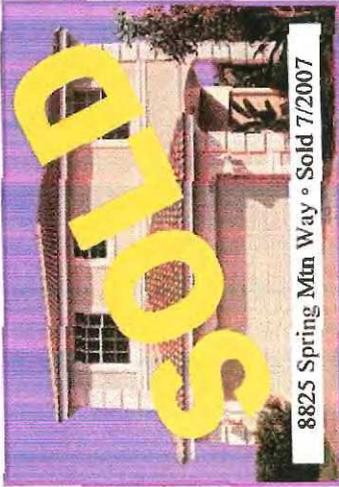
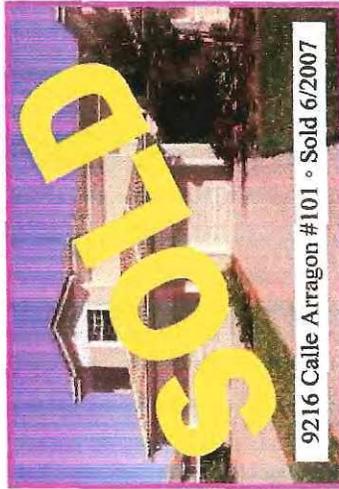


Gerard Marino  
"Mr. Laguna Lakes"  
(239) 851-8883

*Paradise Property Team  
Specializes in...  
Laguna Lakes!*



*Paradise Property Team  
RE/MAX Realty Group  
Office: 239-489-0444*



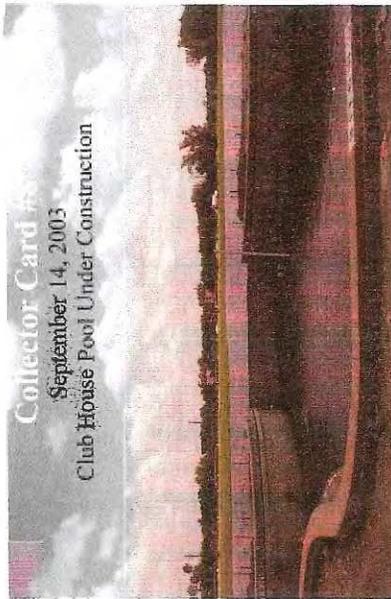
*Gerard Marino Has Sold 19 Laguna Lakes Properties. Is On The Board Of Directors and Is A Laguna Lakes Resident!*

**Call now for an absolutely FREE & no obligation CMA and consultation: Direct: (239) 851-8883**



**Gerard Marino**  
*"Mr. Laguna Lakes"*  
**(239) 851-8883**

*According to Florida Gulf Coast MLS,  
Gerard Marino sold 27% of all the  
Laguna Lakes properties sold in 2007*



Collector Card #  
September 14, 2003  
Club House Pool Under Construction

Gerard Marino  
PO Box 60733  
Ft Myers, FL 33906

# Laguna Lakes Listings Needed!

*Postmaster: Please Forward If Necessary*

**RE/MAX** RE/MAX REALTY GROUP



**Gerard Marino**  
"Mr. Laguna Lakes"  
(239) 851-8883

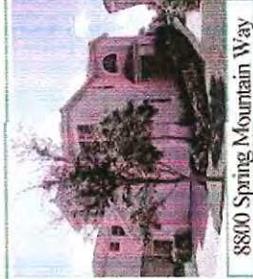
# Specializing In Laguna Lakes!

If You just want to list, any agent will do.  
But, if You want to SELL, call Gerard Marino

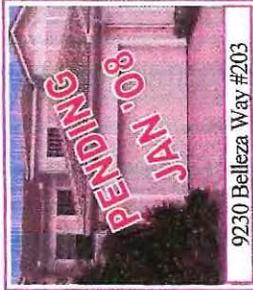
## Featured Listings



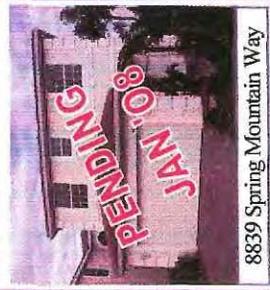
9270 Belleza Way #202



8800 Spring Mountain Way



9230 Belleza Way #203



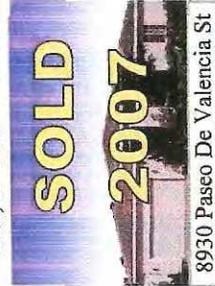
8839 Spring Mountain Way



9100 Spring Mountain Way



8823 Spring Mountain Way



8930 Paseo De Valencia St



9216 Belleza Way #101



9205 Belleza Way #101



8825 Spring Mountain Way



9150 Red Canyon Dr



9170 Paseo De Valencia

Gerard Marino is an original Laguna Lakes resident and has served on the LLCA, Pebble Beach & Beverly Hills Boards.  
Call Now For An *Absolutely FREE & No Obligation* Consultation. Direct Phone: (239) 851-8883





**"Mr. Laguna Lakes"**

**Gerard Marino**

**(239) 851-8883**

**gmarino@remax.net**

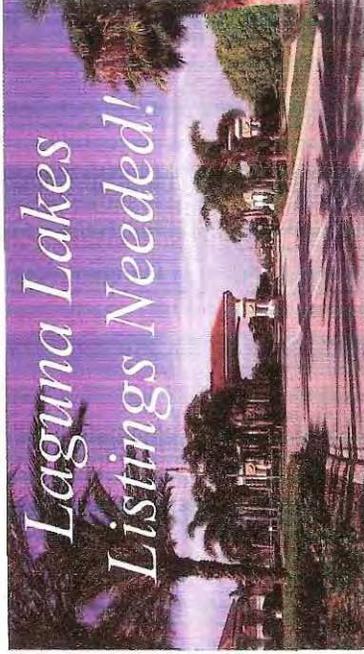
*According to Florida Gulf Coast MLS,  
Gerard Marino sold 27% of the  
Laguna Lakes properties sold in 2007 ...  
More than any other REALTOR!*

## Laguna Lakes Fun Facts

- Laguna Lakes is 151 acres
- The land was purchased by Transeastern in April 2002 for \$8,776,400  
(At the time, considered a very high price)
- Laguna Lakes has 33 acres of lakes
- There are 614 residences in Laguna Lakes:  
Pebble Beach : 236 Santa Barbara: 166  
Monterey: 128 Beverly Hills: 84

Gerard Marino  
PO Box 60733  
Ft Myers, FL 33906

*Laguna Lakes  
Listings Needed!*



*Postmaster: Please Forward If Necessary*

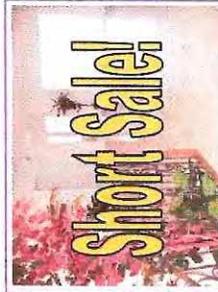
**RE/MAX** REMAX REALTY GROUP

# #1 in Laguna Lakes Sales



"Mr. Laguna Lakes"  
**Gerard Marino**  
 (239) 851-8883  
 gmarino@remax.net

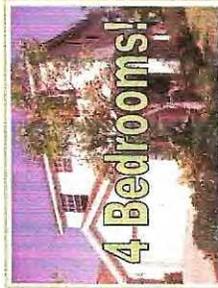
Over \$8,000,000 in Laguna Lakes sales to date.  
 If buying or selling in Laguna Lakes, call Gerard Marino  
 for an absolutely free, no obligation consultation.



9230 Belleza Way #203



9100 Spring Mountain Way



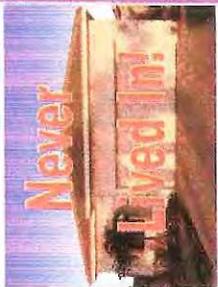
8995 Spring Mountain Way



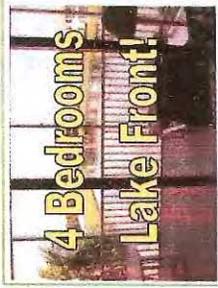
9205 Belleza Way #201



9230 Belleza Way #205



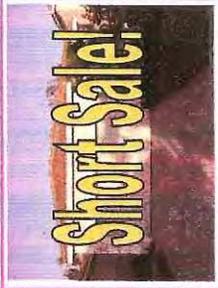
8823 Spring Mountain Way



9205 Belleza Way #202



9259 Paseo De Valencia



8969 Spring Mountain Way



8800 Spring Mountain Way

Gerard Marino is an original Laguna Lakes resident and has served on the LLCA, Pebble Beach & Beverly Hills Boards.  
 Call now for an absolutely free, no obligation consultation. Direct Phone: (239) 851-8883



"Mr Laguna Lakes" recommends...  
**Keep Your  
 Body Strong!**

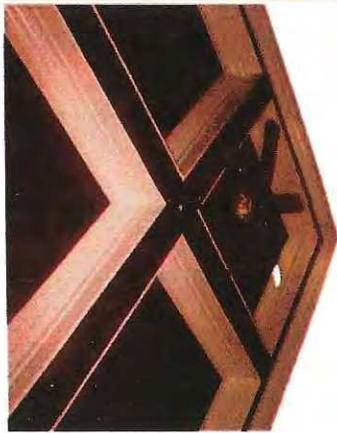


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**Barbara Marino**  
 Certified Personal Trainer  
**Call: 239-898-3535**

Specializing in Beginners, Weight Loss  
 & Senior Strength Training

**\$35 1/2 Hour session / \$50 One Hour Session**  
 5 One Hour Sessions only \$200 !!



**Faux Finishing**  
**Interior & Exterior Painting**  
**Dry Wall Repair**  
**Power Washing**  
**Garage Floor Painting**

**Venetian Vision**



Call Nick for a Free,  
 no Obligation Quote.  
**(239) 940-3956**

Licensed & Insured

**"Mr. Laguna Lakes"**  
**Gerard Marino**  
**239-851-8883**  
 gmarino@MrLagunaLakes.com



*In 2009, According to the Florida Gulf Coast MLS:*

*25 of the 378 Single Family Homes Sold (7%)*

*Lowest Price: \$161,000 (\$75.41 per square foot)*

*Highest Price: \$302,000 (\$107.90 per square foot)*

*13 of the 236 Coach Homes Sold (6%)*

*Lowest Price: \$115,000 (\$59.99 per square foot)*

*Highest Price: \$173,000 (\$90.25 per square foot)*

***Laguna Lakes Listings Needed!***

Gerard Marino  
 PO Box 60733  
 Ft Myers, FL 33906

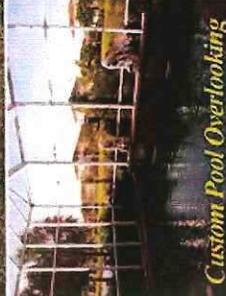
First Class  
 US. Postage  
 Paid  
 Ft Myers, FL  
 Permit No. 941

**RE/MAX**  
 RE/MAX REALTY GROUP  
 Fort Myers, Florida USA

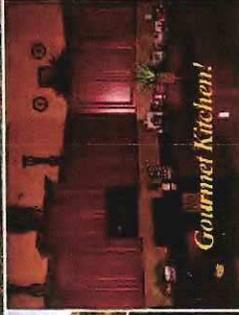
# For Sale

## Lake-Front Malibu with Pool

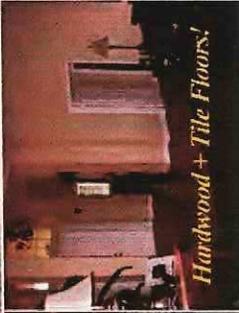
For Details, call "Mr. Laguna Lakes"



Custom Pool Overlooking



Gourmet Kitchen!



Handwood + Tile Floors!



Formal Dining Room!



"Mr. Laguna Lakes"  
Gerard Marino  
239-851-8883

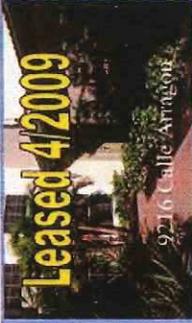
REMAX Realty Group  
Fort Myers, Florida

Gerard Marino is an *original* Laguna Lakes resident and has sold more in Laguna Lakes than *ANY* other REALTOR!

Selling / Buying / Leasing ?  
Call for an Absolutely Free, No Obligation Consultation!

Phone: (239) 851-8883  
gmarino@MrLagunaLakes.com

**NEW! Search the USA Multiple Listing Service at:**  
[www.MrLagunaLakes.com](http://www.MrLagunaLakes.com)



Sold 6/2009

9370 Los Alisos Way



Leased 6/2009

9070 Spring Mountain



Sold 8/2009

9289 Paseo De Valencia



Sold 10/2009

15581 Alton Dr



Sold 10/2009

9370 Los Alisos Way



Leased 10/2009

9070 Spring Mountain



Sold 11/2009

9265 Portero Way #102



Leased 11/2009

9089 Paseo De Valencia



Sold 11/2009

15660 Laguna Hills Dr

2009 Sales & Leases By

"Mr. Laguna Lakes"

2010 Business Is Up...

**Listings Needed !!**

Typical Ad

Nov 7-13, 2012

Exhibit J



# AMERIVEST<sup>TM</sup> Realty

of Lee Island Coast

**On the Web, In the Community, Here for You!**  
 www.AmerivestRealtyofFtMyers.com 7800 University Pointe Drive

<p><b>HOME2HOME.NET</b></p>  <p><b>\$2,200,000</b></p> <p><b>Tania Pleischl (239) 313-3639</b> A Spa in the Sky. Live in your own Penthouse Paradise! The Paramount at Gulf Harbour.</p>	<p><b>MIROMAR LAKES</b></p>  <p><b>\$1,199,000</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Breathhtaking, beach cottage, complete with 4 BR, 3 B/A, pool and many other luxuries.</p>	<p><b>HOME2HOME.NET</b></p>  <p><b>\$599,000</b></p> <p><b>Tania Pleischl (239) 313-3639</b> Exquisite Newport Shores Condo in Gulf Harbour. 3 Bdr/3Bth, 3129 sq ft, Custom Furniture Negotiable.</p>	<p><b>HOME2HOME.NET</b></p>  <p><b>\$499,900</b></p> <p><b>Gerard Marino (239) 851-8883</b> 4 Bed / 4 Bath / 3 Car / Pool / Lakefront <a href="http://www.MrLagunaLakes.com">www.MrLagunaLakes.com</a></p>
<p><b>HOME2HOME.NET</b></p>  <p><b>\$450,000</b></p> <p><b>Cathy Ancefsky (239) 565-1118</b> Gorgeous Gulf Access, Intersecting Canals, Spacious, 3/3+ office, pool, spa, Extended Lanai, Perfect.</p>	<p><b>MIROMAR LAKES</b></p>  <p><b>\$429,000</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Beautifully maintained, 3+ Den, 3 Bath, 2 car garage pool home, offer fantastic golf course view.</p>	<p><b>HOME2HOME.NET</b></p>  <p><b>\$339,500</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Amazing 3/2 attached villa, pool &amp; spa, preserve view spacious floor plan, eat-in kitchen &amp; formal dining.</p>	<p><b>LAGUNA LAKES</b></p>  <p><b>\$325,000</b></p> <p><b>Marsha Asp (239) 851-6434</b> Prime 3/3 end unit at Riva Del Lago, beautiful view! Ideal location with Lakes Park as a backyard.</p>
<p><b>HOME2HOME.NET</b></p>  <p><b>\$217,500</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Immaculate, 2/2, ground floor. Lakeview. Shows like a model.</p>	<p><b>MIROMAR LAKES</b></p>  <p><b>\$169,900</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Devonshire Lakes - Gateway. 2/2. This twin villa shows like a model. A must see!</p>	<p><b>HOME2HOME.NET</b></p>  <p><b>\$160,000</b></p> <p><b>Cathy Ancefsky (239) 565-1118</b> Beautiful &amp; Spacious 2Bed 2Bath +Den, Granite, Travertine Plantation Shutters Through-out. Perfect Condition!</p>	<p><b>LAGUNA LAKES</b></p>  <p><b>\$145,000</b></p> <p><b>Amerivest Realty (239) 989-0111</b> 2/2, ground floor, end unit with private patio. Amenities are clubhouse &amp; swimming pool.</p>
<p><b>HOME2HOME.NET</b></p>  <p><b>\$217,500</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Immaculate, 2/2, ground floor. Lakeview. Shows like a model.</p>	<p><b>MIROMAR LAKES</b></p>  <p><b>\$169,900</b></p> <p><b>Amerivest Realty (239) 989-0111</b> Devonshire Lakes - Gateway. 2/2. This twin villa shows like a model. A must see!</p>	<p><b>HOME2HOME.NET</b></p>  <p><b>\$160,000</b></p> <p><b>Cathy Ancefsky (239) 565-1118</b> Beautiful &amp; Spacious 2Bed 2Bath +Den, Granite, Travertine Plantation Shutters Through-out. Perfect Condition!</p>	<p><b>LAGUNA LAKES</b></p>  <p><b>\$145,000</b></p> <p><b>Amerivest Realty (239) 989-0111</b> 2/2, ground floor, end unit with private patio. Amenities are clubhouse &amp; swimming pool.</p>

Exhibit J

Typical sign used by for years by Marino on roads surrounding Laguna Lakes



Exhibit J

Gladiolus / Bass Road Bus stop.



Exhibit J

Winkler / Gladiolus Bus Stop



Exhibit J

Typical yard sign used throughout Laguna Lakes



## Exhibit K



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## Laguna Lakes Video

1-minute Laguna Lakes video.



**Gerard Marino, CCIM**  
"Mr. Laguna Lakes"  
Direct: 239-851-8883  
Cornerstone Coastal Properties  
7800 University Pointe Dr #400  
Fort Myers, FL 33907 USA



### MLS Searches

- [Laguna Lakes Homes For Sale](#)
- [Laguna Lakes Condos For Sale](#)
- [Laguna Lakes Rentals](#)
- [Lee Co. Bank Owned Houses](#)
- [Lee Co. Bank Owned Condos](#)
- [Homes Gulf Access \\$500K+](#)
- [Lee Co. Condos \\$500K+](#)
- [FREE MLS Search !](#)

**Gerard Marino is an original resident and the #1 REALTOR in Laguna Lakes 10 years in a row.**  
**When it comes time to Sell, Buy, Lease or Recommend, please remember "Mr. Laguna Lakes"™**

**... YOUR resident agent!**

Sold\* September 2014

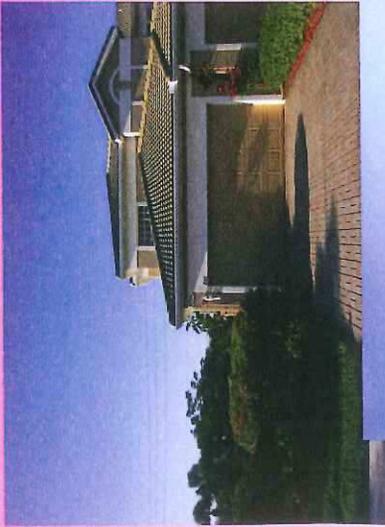
9240 Belleza Way #201

\$176,000

9226 Calle Arragon #105

\$195,000

\*I represented Seller or Buyer



Just leased...

15125 Milagrosa #202



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 gmarino@LagunaLakes.com



See what's for sale in Laguna Lakes, search the entire SW Florida MLS, view year-to-date sales, find recommended vendors, read my blog & more, all at [www.LagunaLakes.com](http://www.LagunaLakes.com)



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## Even I'm Surprised!

In May 2012, the United States Federal Bankruptcy court affirmed the bankruptcy of TOUSA, the international company that purchased Transeastern Homes, the original developer of Laguna Lakes. In the asset liquidation, the domain name LagunaLakes.com was offered for sale, and in November 2012, I purchased it.

Although costly for me, especially at time when real estate sales were just starting to recover from the "Great Recession", I believed this web address would become an efficient and productive way for me to promote Laguna Lakes worldwide.

However, I never dreamed how popular it would become!

According to Google Analytics, in the last 12 months, LagunaLakes.com has had 10,299 page views from 59 countries, including (in order of popularity) the USA, Brazil, Canada, Italy, Norway & Sweden.

These aren't just "lookers" as my recent sales show, but serious Buyers!

In an effort to make LagunaLakes.com even more useful to both residents and those interested in buying here, I've recently added additional features, including a recommended vendor list and a blog where I'll write about real estate and other important matters of concern to Laguna Lakes owners and residents.

**So, take a minute and visit [www.LagunaLakes.com](http://www.LagunaLakes.com)**



## Laguna Lakes Listings Needed!

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