IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR CHARLOTTE COUNTY, FLORIDA
CIVIL DIVISION

JOHN W. SPRADLIN, JR., JANICE L. THOMPSON, FRANK G. BEDNAZ, and **CHERYL A. O'DONNELL**, individually and on behalf of all similarly situated persons,

Plaintiffs,

v.

VICTORIA ESTATES, LTD., BENDERSON-VICTORIA, L.C., and **KINGS GATE HOMEOWNERS ASSOCIATION, INC.**

Defendants.

Case No.: 25000728CA

_____/

AGREED ORDER APPROVING CLASS NOTICE AND SCHEDULE

THIS CAUSE came before the Court pursuant to the Agreed Order Granting Class Certification dated April 21, 2026 (Doc. 91), and in accordance with that Order, the parties request the Court's approval of their proposed Class Notice in accordance with Fla. R. Civ. P. 1.220. Thus, the Court has considered the matters presented, the filings, and is otherwise fully advised in the premises. It is therefore:

ORDERED AND ADJUDGED that the Court approves the Class Notice in substantially the form attached as **Exhibit A**, which shall be promptly mailed to all class members and published on the class action website by the Court appointed class administrator, A.B. Data, Ltd., who shall also provide a report on the mailing and publication of the Class Notice within 45 days of the date of this Order.

DONE and ORDERED in Chambers, in Punta Gorda, Charlotte County, Florida

05/06/2026 17:08:23
25000728CA

Russell T. Kirshy, Circuit Court Judge h4BByBrd 25000728CA
05/06/2026 17:08:23

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EXHIBIT A

Legal Notice

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR CHARLOTTE COUNTY, FLORIDA
CIVIL DIVISION

Do you currently or did you previously own a home in Kings Gate and paid (or must pay) Club Fees under the Kings Gate community's Master Declaration since June 2021?

You Could Be Part of a Class Action Lawsuit.

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ CAREFULLY.

Your rights may be affected by a class action lawsuit pending in this Court. Judge Russell T. Kirshy of the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida Civil Division is overseeing this lawsuit called *Spradlin vs. Victoria Estates*, No. 25000728CA.

Plaintiffs John W. Spradlin, Jr.; Janice L. Thompson; Frank G. Bednaz, and Cheryl A. O'Donnell, (the "Plaintiffs" or "Class Representatives"), or the individuals bringing this lawsuit, claim the Victoria Estates, Ltd. ("Victoria Estates"), and Benderson-Victoria, L.C. ("Defendants"), violated Florida Statutes by imposing and mandating homeowners in the Kings Gate community to pay club fees to Victoria Estates as assessments under the Kings Gate community Master Declaration. Defendants deny these claims and that they did anything wrong. The Kings Gate Homeowners Association, Inc. ("Kings Gate HOA") has been added as an indispensable party and Defendant in this lawsuit because the Kings Gate HOA is required to collect homeowners' payment of club fees to Victoria Estates under the Master Declaration.

The Court decided that this lawsuit should be a class action on behalf of a "class" or groups of people that could include you. The Court has not decided who is right. Because you were identified as possibly being an individual who currently owns or previously owned a home in Kings Gate, anytime since June 9, 2021, and must pay or paid club membership fees under the King's Gate community's Master Declaration, your legal rights may be affected. There are no money or benefits available now and no guarantee there will be. There will ultimately be a disposition of the claims and defenses raised by Plaintiffs and Defendants in this lawsuit. The purpose of this Notice is to inform you of this class action lawsuit and your legal rights and options.

CLASS ACTION RULING

The Court decided that this lawsuit can continue as a class action. This means that not only can the Plaintiff individually pursue their claims, but can also do so on behalf of a class.

You are included in the class in this lawsuit if you are part of the Kings Gate Injunctive Relief Class and/or the Kings Gate Damages Class. The Kings Gate Injunctive relief class includes people who currently own a home in Kings Gate and must pay Club Fees under the Kings Gate community's Master Declaration. The Kings Gate Damages Class includes people who currently own, or previously owned a home in Kings Gate, beginning June 9, 2021 through the present, and paid Club Fees under the Kings Gate community's Master Declaration. Together, these groups are the Class.

In the lawsuit, Plaintiffs and Class Counsel are asking for a determination that Victoria Estates must stop charging mandatory club fees under the Master Declaration and for the club fees (including sales tax) that they collected to be refunded plus interest.

The Court named Plaintiffs, as representatives of the whole class, and their attorneys, J. Daniel Clark of Clark & Martino, P.A.; John Marc Tamayo of Campbell Trohn Tamayo & Aranda; and Scott K. Petersen of The Law Office of Scott K. Petersen, PLL, as counsel for the class (also called "Class Counsel").

This ruling by the Court does not mean that any money or benefits will be obtained. These are still contested issues that have not been decided. Rather, the ruling means that the final outcome of this lawsuit—whether favorable to Plaintiff or Defendants—will apply to every class member, except for those who choose to exclude themselves from the Class (see below).

ELECTION BY CLASS MEMBERS

If you fit the above description of a class member, you have a choice whether to remain a class member in this lawsuit or opt out of the damages class. Either choice will have consequences, which you should fully understand before making your decision.

Option 1: REMAIN A MEMBER OF THE CLASS

If you want to stay in the damages class, you do not have to do anything at this time. You should NOT submit a "Request to Opt Out." If you remain a damages class member, you will not be able to sue the Defendants on your own for the claims in this lawsuit. If you do nothing before the opt-out deadline, **Month 00, 2026**, you will remain a class member and you will be legally bound by the Court orders in this lawsuit. If money or benefits are obtained, you will be notified.

Option 2: OPT OUT OF THE CLASS

If you do not want to stay in the damages class and want to keep your right to sue the Defendants about the claims in this lawsuit, then you must take steps to remove yourself from the class. This is called excluding yourself, or "opting out" of the class. If you exclude yourself, you cannot get any payment from future settlements or judgments in this lawsuit, but you will not be legally bound by the Court orders in this lawsuit, although you may be bound by any declaratory or injunctive relief ordered. You can exclude yourself from the damages class by sending a written "Request to Opt Out" to XXXXXXXXX Class Action, EXCLUSIONS, c/o A.B. Data, Ltd., P.O. Box 173001, Milwaukee, WI 53217 by mail, postmarked no later than **Month 00, 2026**. Your written request must include:

- Your name, address of your property or properties (if different than your mailing address), telephone number;

- A statement that you want to opt out of the lawsuit;

- The case name and number: *Spradlin vs. Victoria Estates*, No. 25000728CA;

- A statement that you currently own or previously owned a home in Kings Gate, anytime since June 9, 2021, and must pay or paid club fees under the King's Gate community's Master Declaration; and

- Your signature.

If you have any questions, please contact or write to the Class Action Administrator in the "Additional Information" section below. Do not contact the Court.

CLASS MEMBERS' RIGHTS AND OBLIGATIONS

If you remain a class member:

1. Plaintiffs will act as your class representatives when the Class Counsel presents the claims against Defendants and Defendants present their defenses to the Court. Class Counsel will act as your legal counsel in this lawsuit, and you will not be charged for these lawyers. If you desire, you may also appear yourself, or with your own attorney, at your own expense. You may also tell the Court if at any time you think you are not being fairly or adequately represented by Plaintiffs or Class Counsel in this lawsuit.

2. You will be bound by any judgment entered by the Court, whether favorable or unfavorable. If Plaintiffs obtain any money or benefits as a result this lawsuit, you will be notified about your options and how to get them. If they do not, you will still be bound by that result.

3. You will receive a notice if the Court changes the size or definition of the class. You will also get a notice and an opportunity to be heard if there is any proposed settlement or voluntary dismissal of the class claims. For this reason, and if you want to participate in any recovery, please contact the Class Action Administrator (see below under "Additional Information") to correct or change your name and/or address.

FURTHER PROCEEDINGS

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial. During the trial, a jury and/or judge will hear evidence and decide whether the Plaintiffs or Defendants are right about the claims in the lawsuit. Because of the pre-trial proceedings that must be completed, the trial in this lawsuit may not occur until the XXX 202X.

If you have evidence you believe would be helpful to establish the class claims, you may contact Class Counsel. You may be asked by any of the parties to provide information relevant to the case.

ADDITIONAL INFORMATION

If you have any questions about the information in the Notice or if you want to correct or change your name and/or address, please contact the Claims Administrator:

XXXXXXXX CLASS ACTION
C/O A.B. DATA, LTD.
P.O. BOX 173XXX
MILWAUKEE, WI 53217

Website: XXXXXXX
Email: XXXXX
Toll-Free Telephone: XXXXX

If you decide to remain a class member and want to contact Class Counsel as your attorneys in this lawsuit, you may contact lead Class Counsel as follows:

J. Daniel Clark, Esq.
Clark, P.A.
3407 W. Kennedy Blvd.
Tampa, FL 33609
(813) 879-0700

You may hire your own attorney to represent you if you desire, at your own expense.

Pleadings and other records in this lawsuit may be examined and copied at any time during regular business hours at the Office of the Clerk: Charlotte County Clerk of Circuit Court, 350 E. Marion Avenue, Punta Gorda, Florida 33950. **Please do not contact the Court or the Circuit Clerk's Office about the information in this Notice**.

DEADLINE REMINDER

If you want to stay in the class in this lawsuit, you do not need to do anything.

If you want to be excluded from the damages class in this lawsuit, mail your "Request to Opt Out" to:

XXXXXX Class Action, EXCLUSIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

The "Request to Opt Out" must be postmarked on or before **Month 00, 2026**.

Dated: Month 00, 2026