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### Lawsuit: if other side prevails, young girl could lose home

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LARGO – An attorney for a woman who is being sued for allegedly violating the restrictions of a 55 and older neighborhood has filed a countersuit against the homeowner's association, saying the suit's charges are without merit and could ultimately harm a young girl.

The suit asks the court to dismiss part of the original lawsuit against the grandparents.

The issue started when the Lakes Homeowners Association in March sued Judie and Jimmy Stottler for keeping Kimberly Broffman, 3, in their home on what the association says is a permanent basis, according to court documents. The Stottlers live off of Great Lakes Drive, close to U.S. 19 and 49th Street.

The papers in the original lawsuit say that the association signed an agreement with the Stottlers in which they agreed to relocate the girl by October 2006. The law firm cites a paragraph in the agreement that says "No children under the age of eighteen years shall be permitted to reside in the development other than as temporary visitors," according to court records filed by Brudny and Rabin, an Oldsmar-based law firm.

The lawsuit also says that per the Fair Housing Amendments Act of 1988, "... At least one person fifty-five years of age or older must be a permanent occupant of each unit ... Persons under age of fifty-five and over age of eighteen may occupy and reside in a unit as long as one of the occupants is fifty-five or older."

As somebody who is under 18, Kimberly, the lawsuit says, can stay there on a temporary basis, but not beyond 60 days.

The attorney's office did not return a call seeking comment.

The association has also sued two other families, the *St. Petersburg Times* has reported, for similar reasons.

Attached to the court file is a copy of a letter from Judie Stottler who says that she has tried to sell her house, but have not gotten any bites.

"We have lowered the price by \$10,000 in hopes it would sell faster," Stottler wrote.

She only makes about \$18,000 a year to support three people and can't move anyplace else without the money from the sale of the house. Her husband is 100 percent disabled and doesn't get any disability, she says.

The Stottlers, who are being represented for free by Palm Harbor attorney Robert Eckard say in a countersuit that Kimberly's mother is unable to care for her.

"Due to drug use, rehabilitation, and or counseling, the biological mother is not able to care for the minor child," the countersuit reads.

The agreement between the homeowners association and the Stottlers, according to Eckard, was written with the understanding that Kimberly would live with her mother. If the agreement were enforced to the liking of the Lakes Homeowners Association, the suit says, the Stottlers' grandchild would suffer irreparable harm and could be forced out on the street.

"They have not plead a sustainable case," said Eckard.

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