

Tampa Bay Times



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Judge ends long legal battle; 8-year-old can stay in Clearwater adults-only community



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CLEARWATER — An 8-year-old girl threatened with eviction from her grandparents' age-restricted neighborhood can stay, a judge has ruled, ending a five-year court case that once topped the national news.

Kimberly Broffman was 6 months old when she moved in with Judie and Jimmy Stottler, who took custody of Kimberly because her single mother abused drugs.

But the Lakes Homeowners Association sued the family in 2007, saying the 55-and-over community's bylaws allowed children to live there only 60 days a year.

Red-haired, freckle-faced Kimberly became an unlikely champion against unbending neighborhood rules. She made appearances on the *Today* show and CNN Headline News.

But the case crawled on for years, with the association fiercely defending its right to enforce its rules. Unable to sell their Great Lakes Drive home during the housing meltdown, the Stottlers braced for a long court battle.

In a judgment last week, Pinellas-Pasco Circuit Judge George Jirotnka wrote that the state Department of Children and Families' prior order to keep Kimberly in the Stottlers' care "takes precedence over" the association's rule.

He stopped short of creating precedent, writing that the order overriding deed restrictions counted in "this case only." That's at least a partial victory for the association, which called protecting its rules for other homeowners a cornerstone of its case.

Told of the judgment Monday afternoon, Judie Stottler, 64, began to cry. "It's been a long, long battle," she said. "I can sleep at night now."

Kimberly, a third-grader at Pinellas Central Elementary, was more subdued. "She just kind of looked at me and said, 'Okay,'" Judie Stottler said. "Like, 'I'm done with this now, momma, so it's okay.'"

The Stottlers' lawyer, Robert Eckard, called the resolution "fantastic news" and "a happy ending" that took months of negotiation.

A commercial attorney who deals most often with white-collar crime, Eckard took on the case for free after seeing a 2007 story in the *Times*. He estimates his expenses would have totaled about \$200,000.

"I can only imagine what that must have been like, with the shadow of death hanging over their head," Eckard said. "Like, are they going to send in sheriff's deputies to enforce a court order (to evict Kimberly) if we lose?"

Messages left for the homeowner association's attorney, Monique Parker, were not returned Monday evening.

Eckard said he has fielded calls from families in similar situations, including homeowners in the Stottlers' neighborhood, though he doubts the ruling could help their case.

Judie Stottler, though, said she is interested in elevating the case to a policy level, crafting a "Kimberly's Law" that could keep young children in family homes and out of foster care.

"I don't think it's fair to put families through this," she said, "when they're trying to do the right thing."

Kimberly — never Kim — is in Girl Scouts now and a Wii sports star who also loves coloring. Judie Stottler retired in January from Freedom Inn, an assisted-living facility, where she worked in dining and housekeeping. A former commercial fisherman, Jimmy Stottler, 56, is disabled.

With the case behind them, Judie Stottler said she is "finally going to start fixing up the house, slowly but surely." She had put off remodeling for years, worried her family could be forced out.

For one of her first projects, she plans to paint Kimberly's white bedroom in the girl's favorite color, purple, to match the Hello Kitty and Bobby Jack sheets for her bunk bed.

"She deserves it. She's been through so much," Stottler said. "She's a survivor. I think she survived this better than I did. She'd say, 'Mom, it's going to be okay.' "

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