

**IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

FLORIDA ROOF SPECIALISTS, INC.,
a Florida corporation,

Plaintiffs,

Case No.: 2024-001865-CO

v.

GLORIA A. ARTHUR, an individual

Defendant.

_____ /

FINAL ORDER GRANTING MOTION TO DISMISS

THIS CAUSE came before the Court for hearing on Thursday, July 18, 2024, on Defendant's Motion to Dismiss Complaint with Prejudice Subject to Reservation to Counter-Sue Plaintiff, and the Court having reviewed the motion and considered the supporting materials and heard the argument of counsel for the Parties and having been otherwise duly advised in the premises, it is hereby ORDERED AND ADJUDGED as follows:

1. The motion to dismiss is GRANTED. The two counts of the Complaint for enforcement of the construction lien (Count I) and breach of contract (Count II) rely on the viability of the Customer/Contractor Agreement Contract attached to it, and the Court finds that this purported contract is unenforceable per the authority of *The Gables 1 Townhouses, Inc. v. Sunmark Restoration, Inc.*, 687 So.2d 6 (Fla. 3d DCA 1996). No price or specific scope of work is listed in the Customer/Contractor Agreement, rendering it illusory.


2. Therefore, this Court hereby dismisses the Complaint, and further orders that Plaintiff's May 12, 2023, Claim of Lien set forth in Count I of the Complaint, on Gloria

Arthur's real property, located on Sun Coast Estates Lot 80, at 3773 15th Avenue Southeast, Largo, Florida, 33771, and recorded as # 2023125418, in Plat Book 22439 and PG 1575, in the Official Public Records of Pinellas County, be HEREBY RELEASED AND DISCHARGED.

3. This Court reserves jurisdiction to determine any fees and costs.

DONE and ORDERED in Chambers at Pinellas County, FL, on

_____, 2024.


~~24-001865-CO 7/31/2024 10:57:45 AM~~
County Judge John Carassas
24-001865-CO 7/31/2024 10:57:45 AM

John Carassas, County Court Judge

Copies Furnished To:
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