

AFFIDAVIT OF TIERRA DEL MAR CONDOMINIUM ASSOCIATION, INC.

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, this day personally appeared, Maria Verduce, a duly authorized agent of Tierra Del Mar Condominium Association, Inc., who after first being duly sworn, deposes and says as follows:

1. I, Maria Verduce, am a duly authorized representative of Tierra Del Mar Condominium Association, Inc., and I have personal knowledge as to all facts and matters set forth within this Affidavit.

1. Sergey Peklun and Viktoria Peklun presently own Unit 319 located within the Tierra Del Mar Condominiums. Tierra Del Mar Condominium Association, Inc. is a not-for-profit corporation operating as a condominium association since 1975, and consists of 118 residential units contained within two (2) tower structures. The mailing address for Sergey Peklun and Viktoria Peklun's Unit 319 is 1111 S. Ocean Blvd., #319, Boca Raton, FL 33432.

2. At present, section 16.2 of the governing Declaration of Condominium for Tierra Del Mar Condominium Association, Inc. states: "16.2 Pets. **Under no circumstances may any ambulatory pets be kept in any apartment, permanently or temporarily, nor any of the general or limited common elements;** provided however, that notwithstanding the foregoing, any pets in residence at the time of adoption of this section as Amendment to the Declaration of Condominium may be permitted, but in no event may any such pet be replaced in the event such pet dies or otherwise ceases to be a resident, whether temporarily or permanent, of the said Condominium."

3. The foregoing provision was made part of the Declaration of Condominium for Tierra Del Mar Condominium Association, Inc. in 1985 via a duly approved, executed, and recorded Amendment to the governing Declaration of Condominium.

4. At present, Sergey Peklun and Viktoria Peklun own a canine ("Julia") and keep this canine within Unit 319. They do so without the approval of Tierra Del Mar Condominium Association, Inc.

5. Notwithstanding Section 16.2 of the Declaration of Condominium for Tierra Del Mar, Tierra Del Condominium Association, Inc., has always complied with the Federal and Florida Fair Housing Act.

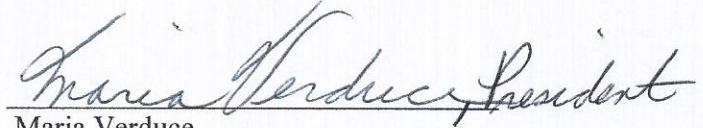
6. While Sergey Peklun and Viktoria Peklun previously sought approval from Tierra Del Mar Condominium Association, Inc. to keep a canine within Unit 319, Tierra Del Mar Condominium Association, Inc. possesses **no records** indicating the Sergey Peklun and Viktoria Peklun's request was ever approved during any duly called meeting of the Board of Directors for Tierra Del Mar Condominium Association, Inc. Furthermore, Tierra Del Mar Condominium Association, Inc. possesses **no records** which indicate that Tierra Del

Mar Condominium Association, Inc. has approved any request(s) for any manner of accommodation made by Sergey Peklun and Viktoria Peklun relating to their canine.

7. In July of 2011, Tierra Del Mar Condominium Association, Inc. became aware that Sergey Peklun and Viktoria Peklun had a dog in their Unit (319) despite the longstanding "No Pet" Policy contained within the Declaration of Condominium for Tierra Del Mar Condominium Association, Inc. Shortly thereafter the Association transmitted a Notice of Violation to Sergey Peklun and Viktoria Peklun. In response, Sergey Peklun and Viktoria Peklun first requested that they be granted a reasonable accommodation claiming the need for the canine.
8. On November 27, 2012, Tierra Del Mar Condominium Association, Inc. again sent a Notice of Violation to Sergey Peklun and Viktoria Peklun addressing violation of 16.2 of the Declaration. In response, Sergey Peklun and Viktoria Peklun again claimed that they required an reasonable accommodation to allow their canine to remain within Unit 319.
9. In response, and despite the fact that Sergey Peklun and Viktoria Peklun had continued to maintain an animal within Unit 319 in violation of section 16.2 of the subject Declaration of Condominium for more than one (1) year since the prior Notice of Violation was served, Tierra Del Mar Condominium Association, Inc. sent Sergey Peklun and Viktoria Peklun an Application to Request Reasonable Accommodation.
10. After receiving the aforementioned incomplete application from Sergey Peklun, on May 1, 2013, Tierra Del Mar Condominium Association, Inc. transmitted another Notice of Violation to Sergey Peklun for failing to comply with Paragraph 16.2 of the Declaration of Condominium.
11. In response, Tierra Del Mar Condominium Association, Inc. sent an e-mail to Sergey Peklun's legal counsel, Peter Wallis, Esq., requesting that the subject missing information be provided in order to allow Tierra Del Mar Condominium Association, Inc. to properly consider Sergey Peklun's request for a reasonable accommodation. On May 15, 2013, Tierra Del Mar Condominium Association, Inc. again confirmed that it still had not received the missing information, that Sergey Peklun's application remained incomplete, and that the Board of Directors for Tierra Del Mar Condominium Association, Inc. was not yet in a position to review the request at a formal Board meeting as required by the governing documents. It was not until May 21, 2013, that Tierra Del Mar Condominium Association, Inc. again received incomplete documentation/information.
12. On May 22, 2013, Tierra Del Mar Condominium Association, Inc. again requested additional documentation. Failing to receive a response from Sergey Peklun or Peter Wallis, Esq., Tierra Del Mar Condominium Association, Inc. transmitted a letter on May 31, 2013, to Sergey Peklun's counsel, Peter Wallis, Esq., advising that Sergey Peklun's request for reasonable accommodation had been denied, and demanding that Sergey Peklun immediately remove the subject dog (i.e., "Julia") from Unit 319.
13. Sergey Peklun and Viktoria Peklun failed to comply with the demand made on May 31, 2013, and to date continue to keep "Julia" within Unit 319 without the approval of Tierra Del Mar Condominium Association, Inc.

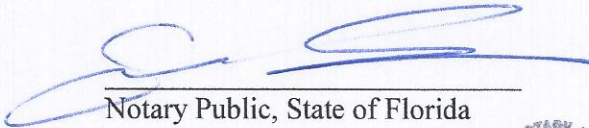
Further Affiant Sayeth Not Sworn.

Dated: January 21, 2014.



Maria Verduce

SWORN TO AND SUBSCRIBED before me this ___ day of January, 2014, by Maria Verduce, who is personally known to me () / who has produced a valid Driver's License for purposes of identification ().



Notary Public, State of Florida

(print or type name of notary)

