

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

Case No.: 42-2010-CA-001960-A

In Re: CITY OF DUNNELLO, FLORIDA,
RAINBOW RIVER RANCH, LLC, and
CONSERVATION LAND GROUP, LLC,
as Joint Petitioners.

MOTION FOR SUMMARY JUDGMENT

Petitioners RAINBOW RIVER RANCH, LLC and CONSERVATION LAND GROUP, LLC (collectively, "RRR"), by and through undersigned counsel, under rule 1.510, Florida Rules of Civil Procedure, move for entry of summary judgment in their favor on their joint petition with the City of Dunnellon, originally filed in case number 42-2010-CA-001960. In support thereof, Petitioners state:

1. The sole pleading in this case is the joint petition of RRR, named above, and the City of Dunnellon (the City).
2. The subject matter of the petition is the validity of a certain written settlement agreement among RRR and the City. The affidavit filed with this motion verifies the authenticity of that settlement agreement and describes the circumstances of its execution.
3. The approval of the joint petition is consistent with the Court's authority under Section 70.001, F.S., and the authority of the City under that statute to settle pending claims.
4. As stated in RRR's prior memorandum of law, the intervenors have not alleged any legally sufficient basis to preclude entry of the settlement agreement in RRR's favor. Furthermore, as stated in that prior memorandum of law, the intervenors are bound by the pleadings in this action.

5. There is no disputed issue of material fact, and the joint petitioners are entitled to judgment in their favor as a matter of law.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by U.S. Mail this 8th day of April 2011 to:

Marsha Segal-George
Fowler & O'Quinn, P.A.
28 W. Central Boulevard
Suite 400
Orlando, Florida 32801

Matthew G. Davis
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Ralf Brookes
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Attorney for Plaintiffs

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

In Re: CITY OF DUNNELLON, FLORIDA,

Case No.: 42-2010-CA-001960-A

RAINBOW RIVER RANCH, LLC, and
CONSERVATION LAND GROUP, LLC,
as Joint Petitioners.

NOTICE OF FILING

Petitioners Rainbow River Ranch, LLC, and Conservation Land Group, LLC, through undersigned counsel, give notice that they have filed the attached affidavit of Gerald S. Dodd (with exhibit) in support of their motion for summary judgment, filed contemporaneously herewith.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, together with the attached affidavit and exhibit, have been furnished by U.S. Mail this 8th day of April 2011, to:

Marsha Segal-George
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Attorney for Plaintiffs

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

Case No.: 42-2010-CA-001960-B

In Re: CITY OF DUNNELLON, FLORIDA,
RAINBOW RIVER RANCH, LLC, and
CONSERVATION LAND GROUP, LLC,
as Joint Petitioners.

AFFIDAVIT OF GERALD S. DODD

CAME BEFORE ME the undersigned authority Gerald S. Dodd, who, first being duly sworn, stated the following facts are true and correct and within his personal knowledge:

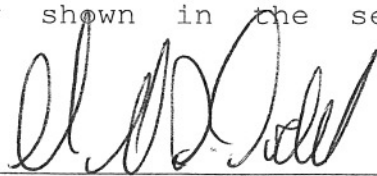
1. My name is Gerald S. Dodd, and I am a managing general member of Rainbow River Ranch, LLC, and Conservation Land Group, LLC. I participated in the settlement agreement described in this affidavit, and I have personal knowledge of all facts stated herein.

2. Rainbow River Ranch, LLC, and Conservation Land Group, LLC, have filed civil actions against the City of Dunnellon (the City) pertaining to certain real property located within the City. Those civil actions include claims under section 70.001, Florida Statutes, commonly known as the Bert Harris Act. In addition, Rainbow River Ranch, LLC, and Conservation Land Group, LLC have provided the City with several related written claims under the Bert Harris Act.

3. Over an extended period of time, Rainbow River Ranch, LLC, and Conservation Land Group, LLC have attempted in good faith to reach a settlement with the City to resolve the pending civil actions, as well as the written claims under the Bert Harris Act. Counsel for the City has extensively participated in those negotiations and in the preparation of the resulting settlement agreement described below.

4. Rainbow River Ranch, LLC, Conservation Land Group, LLC, and the City have entered into a written settlement agreement, a true and correct copy of which is attached as Exhibit A. The City of Dunnellon approved the written settlement agreement on March 19, 2010, and the City Manager signed the settlement agreement on that date. On March 17, 2010, I also signed the settlement agreement on behalf of Rainbow River Ranch, LLC, and Conservation Land Group, LLC. At the time of the March 19 meeting and at the time the parties signed the agreement, counsel for the City was present. Counsel for each of the parties agreed with the form of the document, and signed the document on behalf of the respective parties.

5. The execution, nature, purpose, and effect of the settlement agreement is accurately shown in the settlement agreement itself.



GERALD S. DODD