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# NOTICE OF FILING

## Nunc pro tunc

April 8, 2004

*WFQ-CWS*

To: State of Florida Dept. of Business & Professional Regulations  
Div. of Administrative Div. of Florida Land Sales, Condominiums  
Hearings Clerk and Mobile Homes

Subj: DOAH Cases #03-3209 and #03-3208, DBPR Docket #20030404 5

Case should be reopened Nunc pro tunc due to the way the lawyer supposed to represent the Condo Association and the State of Florida not bringing forth the evidence in truth to the fact that the board members who were charged, along with the irresponsible acts on the part of the Association, all appeared and still do, for the protection of the developer.

Neither the state nor anyone else gave the condo owners notification to respond to the final decision until some thirty days after the decision. The state says the Association won, yet the Association is the one fined. As a shareholder I challenge this because the Association is the people, not the board.

It appears the Association attorney was protecting the board members, five of whom favor the developer and not the shareholders. It is therefore imperative that this case be heard according to nunc pro tunc and also for attorneys to be responsible according to the fourth paragraph of their oath of office.

The Division of Florida Land had the power to enforce and ensure compliance with Chapter 718. 501(1) (c) and (d) 1, 3 and 4. It is their duty to do so for the Association which just happens to be unit owners and shareholders. See insert nunc pro tunc.

*Curtis Faulk* (407) 884-8166  
Shareholders behalf

Mike Sims

*Sheila Brunken*  
*Dept of Land*

Nunc pro tunc /nʌŋk prɔʊ tʌŋk/. Lat. Now for then. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e. with the same effect as if regularly done. Nunc pro tunc entry is an entry made now of something actually previously done to have effect of former date; office being not to supply omitted action, but to supply omission in record of action really had but omitted through inadvertence or mistake. Seabolt v. State, Okl. Cr., 352 P.2d 1014.

*Angelique Hecker*

cc: Nancy Campiglia  
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Nunc pro tunc merely describes inherent power of court to make its records speak the truth, i.e., to correct record at later date to reflect what actually occurred at trial. Simmons v. Atlantic Coast Line R. Co., D.C.E.C., 235 F.Supp. 325, 330. Nunc pro tunc signifies now for then, or, in other words, a thing is done now, which shall have same legal force and effect as if done at time when it ought to have been done. State v. Hatley, 72 N.M. 177, 384 P.2d 252, 254.

cc: Jos. S. Yarwood, Esq.  
DBR  
Robt A Taylor, Esq.