



IT FURTHER APPEARING to the Court that the Association's claim in its Counterclaim for a money judgment against Gordon Properties, LLC with respect to the under-assessment of the Street-Front Commercial Unit owned by Gordon Properties, LLC is premature because no corrective assessment has been made by the Board; it is therefore

ORDERED that the Association's Motion for Partial Summary Judgment is Granted and the court hereby construes the Declaration and Bylaws, together with Virginia Code § 55-79.83(D) as granting the Association the authority to assess the Street-Front Commercial Unit owned by Gordon Properties, LLC for common expenses relating to the operation and management of the Association as described in Article VIII of the Bylaws of the Association; and that the street-front commercial unit owned by Gordon Properties, LLC is responsible for 11.32% of those expenses; and that Gordon Properties, LLC's claim in the First Amended Complaint for monetary damages for over assessment of the Street-Front Commercial Unit is dismissed with prejudice; and Gordon Properties' claim in section (a) (iv) of the Prayer for Relief in Count I of the First Amended Complaint, for an injunction against collecting maintenance Assessments from Gordon Properties as owner of a Street Front Commercial Unit, is hereby dismissed with prejudice. That is the only claim for injunctive relief that is dismissed; and it is

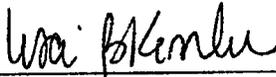
FURTHER ORDERED that Gordon Properties, LLC's Motion for Partial Summary Judgment on the Association's claim for a money judgment against Gordon Properties, LLC with respect to the Street-Front Commercial Unit is granted without prejudice because the Association's claim for a money judgment at law is premature; and it is

FURTHER ORDERED that the Association's request to amend its Counterclaim to allege a cause of action for an accounting with respect to the Street-Front Commercial Unit

owned by Gordon Properties, LLC is granted and the Association's Amended Counterclaim shall  
be filed by the close of business on Thursday, January 15, 2009;

AND THIS MATTER IS CONTINUED.

ENTERED this 30<sup>th</sup> day of January, 2009.

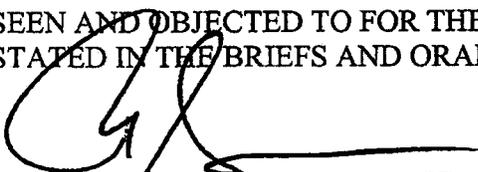
  
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The Honorable Lisa B. Kemler

SEEN AND OBJECTED TO WITH  
RESPECT TO THE COURT'S RULING  
ON GORDON PROPERTIES, LLC'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT:



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SEEN AND OBJECTED TO FOR THE REASONS  
STATED IN THE BRIEFS AND ORAL ARGUMENT:



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