

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 2005 CA 2702 AH

THE DORCHESTER OF PALM BEACH
CONDOMINIUM ASSOCIATION, INC.,
Plaintiff,

VS.

TRADE-WINDS ENVIRONMENTAL
RESTORATION INC.,
Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This action came before the Court on Plaintiff's Motion for Summary Judgment. The motion is granted, the Court having considered all matters of record and the applicable law and argument of respective counsel.

Contracts entered into by unlicensed contractors are unenforceable in law and equity. Defendant's counterclaim is brought pursuant to the contract in question and

the claim of Plaintiff is brought pursuant to the contract in question. Since the contract contains a combination of work for which the Court has determined that a substantial portion of the work required a licensed drywall contractor and general contractor and that it is undisputed that Defendant is neither, the contract is as a matter of law unenforceable in law and equity. Therefore Plaintiff is entitled to a summary judgment on its claim for return of funds paid to Defendant pursuant to this contract. Defendant's counterclaim is not enforceable in law or equity because it also is based on this contract. Plaintiff's Motion for Summary Judgment is granted, except as to damages. Remaining is the question of liquidating the amount due to Plaintiff.

ORDERED AND ADJUDGED at West Palm Beach, Florida, this 31 day of

October, 2008.

EDWARD FINE

Circuit Judge

