

IN THE CIRCUIT COURT OF THE  
19TH JUDICIAL CIRCUIT IN AND  
FOR ST. LUCIE COUNTY, FLORIDA

--- AND

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CASE NUMBER:

Plaintiffs,

vs.

SHELBY HOMES AT OSLO, INC.,

Defendant.

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**COMPLAINT**

The Plaintiffs, --- **AND** ---, sue the Defendant, **SHELBY HOMES AT OSLO, INC.**, and allege:

1. This is an action for damages in excess of \$15,000.00, exclusive of interest, costs, and attorney=s fees.

**COUNT I**  
**BREACH OF CONTRACT**

2. The Plaintiffs have complied with all conditions precedent to the maintenance of this action.

3. On or about ---, the parties entered into a contract in which the Plaintiffs purchase a residence to be constructed by the Defendant in St. Lucie County. A copy of the Contract is attached hereto as Exhibit "1".

4. As a part of the purchase price, Plaintiffs paid a \$15,000 premium for a lakefront lot.

5. In 2006, the Defendant, through its closing agent, Regions Title, scheduled the closing for the property on several occasions, the last time being December 27, 2006.

6. In October, 2006, Defendant incorrectly wrote to Plaintiff's were in breach of

the contract for not closing.

7. At all times when the Defendant demanded that the Plaintiff close on the residence, there was no lake abutting Plaintiffs' property.

8. The lake front property was a material consideration for the Plaintiffs' entering into the contract as end \_\_\_\_\_ by the lot premium.

9. Plaintiff demanded return of all monies paid as a down payment and for extras plus interest on account of the alleged material breach of contract; however, Defendant refused to return the money (approximately \$30,000) and rather offered to reduce the purchase price by the lot premium which was unacceptable to Plaintiff.

WHEREFORE Plaintiffs request that the court find the Defendant to be in breach of contract and demand judgment against Defendant for compensatory damages, together with interest, costs and attorney's fees if provided for by contract or statute.

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