

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION

ADAM T. BLACK and
BRITTANY N. BLACK,

Petitioners,

v.

CASE NO. 2024CA001411CAAXWS

STARKEY RANCH MASTER PROPERTY
OWNER'S ASSOCIATION, INC., a Florida
corporation

Respondent.

**AFFIDAVIT OF NEAL JOHNSKY IN SUPPORT OF RESPONDENT'S RESPONSE
IN OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

STATE OF FLORIDA)
)ss
COUNTY OF Pasco)

1. I, Neal Johnsky, am a resident of the Starkey Ranch Community, located in Pasco County, Florida, am over the age of 18, and I have personal knowledge of the facts herein and based upon such knowledge make the following statements.

2. I serve as the President of the Starkey Ranch Master Property Owner's Association, Inc. (the "Association") and have been a member of the Association's Board of Directors since November 2021.

3. As President of the Association, I am familiar with the Association's Governing Documents, including the Declaration of Easements, Covenants, and Restrictions ("Declaration") and the Starkey Ranch Design Guidelines ("Design Guidelines").

1
LAW OFFICES
BECKER & POLIAKOFF
TOWER PLACE • 1511 N. WESTSHORE BLVD., SUITE 1000 • TAMPA, FL 33607
TELEPHONE (813) 527-3900

30154247.v1

4. This affidavit is submitted in response to the Plaintiff's Motion for Summary Judgment, filed on September 4, 2025, concerning the property located at 2563 Murray Pass (the "Property") and the cited violation for an unapproved structure with an insulated roof exceeding allowances set forth in the Design Guidelines.

5. Adam T. Black and Brittany N. Black (the "Homeowners"), claim they acted under a "good faith belief" that Architectural Review Board (ARB) approval was unnecessary because the structure was located behind their home. However, Section 9.3 of the Declaration requires written ARB approval for all site work, excavation, landscaping, construction, or other physical or structural improvements, without exception, based on location on the Lot.

6. The Homeowners had previously submitted applications for a pool and screen enclosure, which were denied on June 5, 2020, and subsequently approved on June 12, 2020. These improvements, also located behind the home, were submitted for ARB review. This prior compliance demonstrates that the Homeowners were aware of the ARB approval process.

7. Contrary to the Homeowners' claim, the current insulated roof structure is visible from the street. Greenacre Community Management photographed the structure from Long Spur.

8. Neither the Board nor the ARC considers a screen enclosure to be part of the Residential Dwelling Unit. A screen enclosure is a separate exterior improvement under the *Declaration* because:

- a. It is not part of the building envelope;
- b. It does not add to the home's square footage or conditioned living area;
- c. It does not require stucco or paint matching the dwelling; and
- d. It remains subject to ARC approval, modification, or removal independently of the dwelling.

9. This interpretation has been consistently applied within Starkey Ranch and explains why homeowners routinely submit ARC applications for pools, spas, and similar improvements within or beneath existing enclosures.

10. At the ARB meeting held on December 8, 2023, the Homeowners admitted that the insulated roof structure was installed without ARB consideration or approval and acknowledged receiving a violation. The Homeowners did not submit an application, photographs, or structural drawings during the meeting. The ARB therefore requested a complete application for review under the Governing Documents.

11. At the ARB meeting held on December 15, 2023, the ARB denied the application for the following reasons:

- a. The application was incomplete, lacking structural drawings, material specifications, a Lot survey with placement and dimensions, and pre-installation photographs.
- b. The homeowner's narrative described a 37-foot-wide structure extending 16 feet from the rear of the home, significantly exceeding Design Guideline limitations.

12. The applicable Design Guidelines (Revised October 28, 2022; adopted November 3, 2022) provide in pertinent part, on page 21 under "Roofs" the following:

"Insulated aluminum panel roofs are allowed if built in conjunction with a larger screen enclosure. These roof systems are limited in width to match the width of the existing porch and in no case should they extend beyond the corner of the home. These roof systems are also limited in depth to extend no more than 6' from the rear of the existing home."

13. The Homeowners attended a Covenant Enforcement Committee (CEC) meeting on March 26, 2024, which resulted in a fine being issued on April 1, 2024. During that meeting, the CEC members raised concerns regarding the structural integrity of the modification and potential

noncompliance with Pasco County building codes. These concerns were shared by the Board of Directors.

14. A search of the Pasco County Permit Portal (<https://aca-prod.accela.com/pasco>) conducted by me, revealed no active permits for the insulated roof structure.

15. The Board conducts its business on a quarterly basis, and upon receipt of the variance request, the Board reviewed the matter through email correspondence. Each Board member responded that there was no basis for approval, and the Board's formal response denying the request was communicated to the Community Association Manager on April 19, 2024. The Community Association Manager confirmed the decision was shared with the Association's attorney on the same day. The variance request was then revisited at the next Board meeting on May 23, 2024, where it was discussed under the Fining section of New Business and the Board unanimously passed a motion to deny the request. Although the decision was made at that meeting, it was not recorded as a separate action item in the minutes.

16. During the enforcement process, the Association identified additional properties with similar structures. The following violation notices were issued, where no approved application existed:

- a. **2481 Murray Pass** – Approved by the developer on 3/29/19; narrative stated only a screen enclosure, not a separate roof. Nonconforming installation discovered later; correction deemed outside the statute of limitations.
- b. **2588 Murray Pass** – Approved by the Developer controlled MPOA ARC in May 2021. The narrative of changes does not state that an insulated roof structure is part of the design. A 33.5 ft by 9 ft insulated roof inside and underneath the screen enclosure was listed on the last page of the application. There's no drawing of the structure or listing of materials and therefore, was likely missed during the review. Also, the structure is also notably smaller than the structure installed by the Plaintiff.

- c. **2684 Murray Pass** – Violated 3/21/25; application denied 5/15/25; violation to be revisited.
- d. **2585 Rail Spur** – Violated 3/21/25; application denied 5/15/25; violation remains open.
- e. **2669 Rail Spur** – Violated 3/21/25; violation remains open.
- f. **3267 Monroe Meadows** – Approved application for a 15 ft by 6 ft insulated roof built in conjunction with a larger screen enclosure matching the existing lanai.

17. Prior to this case, the Association was not aware of any violation issued for an unapproved insulated roof structure. Such structures may be difficult to detect from the street. In this instance, Mrs. Black posted photos of the modification on social media, prompting residents, whose similar requests had been denied, to notify the ARB. Subsequent review by the ARB led to the discovery and citation of additional similar structures.

18. This is not the first instance in which Mrs. Black has misinterpreted the Association's Governing Documents. In August 2025, resident Megan Murphy, posted an inquiry on the community's Resident Facebook page regarding a violation she received. Mrs. Black publicly responded, stating, "After two years with no violation issued, it's deemed to comply." That is not a correct statement.

19. In the same post, Mrs. Black also directed another resident, Gail Hildebrand Pappas, to page 37, Section 9.7 (Violations) of the Governing Documents. However, that section pertains specifically to modifications previously approved by the ARB and does not apply to unapproved modifications or violations of that nature.

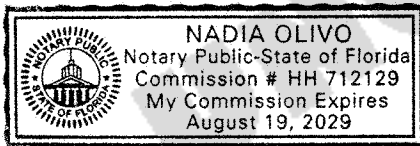
20. Based on my review of the Governing Documents, meeting minutes, and correspondences, I affirm that:

- a. The homeowners installed an unapproved structure that exceeds the dimensional allowances in the Design Guidelines;
- b. The structure was constructed without ARB approval or county permitting;
- c. The ARB and Board decisions denying the modification and variance were consistent with the Governing Documents; and
- d. The Association has enforced violations consistently and uniformly across similar cases.

21. The information contained in this affidavit is true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

BEFORE ME, the undersigned authority, personally appeared Neal Johnsky, Association President, this 21st day of November, 2025, by means of physical presence or online notarization. Affiant is personally known to me or produced FL Drivers license as identification and who, after being duly sworn, acknowledges before me that the statements contained in the following affidavit are within their personal knowledge and are true and correct.



Neal Johnsky

NEAL JOHNSKY, Affiant's Signature

Nadia Olivo

NOTARY PUBLIC, STATE OF FLORIDA

Nadia Olivo
 Printed Name of Notary Public
 My Commission Expires: 08-19-2029