

## Shutts' Client, Pulte Group, Succeeds in Statute of Repose Appellate Court Ruling

6.28.23

In a recent opinion by Florida's Second District Court of Appeal, Shutts & Bowen partners successfully secured the affirmance of the lower court's ruling in favor of their client, PulteGroup, holding that the ten-year statute of repose barred claims brought by the Westpark Preserve Homeowners Association, Inc. relating to the construction of 196 townhome units.

In a milestone victory for their client, Shutts attorneys argued that Florida's ten-year statute of repose in Florida Statute section 95.11(3)(c) began to run when certificates of occupancy were issued for townhomes developed by PulteGroup. The trial court agreed that Florida's ten-year statute of repose barred Westpark's lawsuit and entered final summary judgment in favor of PulteGroup.

This appeal, which upheld the trial court's ruling, agreed with PulteGroup's interpretation of section 95.11(3)(c) and rejected Westpark's argument that the ten-year statute of repose did not begin to run until the last townhome unit was sold by PulteGroup. The appellate court noted that its ruling was consistent with the Florida legislature's intent in creating the statute of repose, and the opinion will provide guidance to trial courts throughout Florida when faced with any future efforts to erode statutory protections intended for clients like PulteGroup. The case was handled by [John Dannecker](#) and [James Terpening](#), who were assisted in their representation at the appellate level by Tampa partner [Garrett Tozier](#).

### About PulteGroup

Since its founding in 1950, PulteGroup has delivered almost 750,000 homes throughout the United States. What began as a single home built by the hands and entrepreneurial spirit of our founder Bill Pulte, is today the nation's third largest homebuilder with operations in over 40 major cities. Marketing under some of the industry's best known brands: Pulte, Centex, Del Webb, DiVosta, American West, and John Wieland Homes and Neighborhoods, we can meet the needs of first-time, move-up and active-adult homebuyers. For more information about PulteGroup, visit [www.pultegroupinc.com](http://www.pultegroupinc.com).



## Shutts' Client, Pulte Group, Succeeds in Statute of Repose Appellate Court Ruling

---

### About Shutts & Bowen LLP

Shutts & Bowen, established in 1910, is a full-service business law firm with approximately 300 lawyers in offices in Ft. Lauderdale, Jacksonville, Miami, Orlando, Sarasota, Tallahassee, Tampa, and West Palm Beach. Learn more about Shutts & Bowen at [www.shutts.com](http://www.shutts.com).

#### Professionals

John H. Dannecker

James P. Terpening III

Garrett A. Tozier

#### Practice Areas

Appellate

Construction

#### Industries

Construction

#### Offices

Orlando

Tampa