

# Condos, Orkin Can't Work out Bugs in Suit

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WILDWOOD -- Apparently, condominium owners and an exterminating company have not been able to work the bugs out of a lawsuit that contended that improper inspection and treatment left residents' homes ravaged by termites.

Orkin has filed a federal lawsuit to resolve the matter, after the two sides announced a settlement in Sumter County court in late September that called for the exterminating company to take care of alleged damage to the 100-unit complex inflicted by the pests at the Sandalwood Condominiums in Wildwood.

Condo representatives say Orkin was to repair the structure as well as pay another \$815,000 to the condo association to settle claims that had been filed in the case.

Orkin representatives say the settlement only called for one or the other contending it does not owe the \$815,000. They want the federal court to take jurisdiction over the case and decide.

"Now they (condo representatives) want to have their cake and eat it too by attempting to accept both offers -- the cash and the repairs, which is ridiculous and clearly not in the spirit of the negotiations," said Martha C. Craft, assistant vice president of Orkin's public relations & corporate communications.

Sandwood filed a motion in federal court earlier this month to have Orkin's lawsuit dismissed.

At heart of the decade-old argument is exactly how much termite damage has been inflicted on the structure and how much of the damage under a signed exterminating contract is Orkin responsible for.

According to the initial lawsuit, filed by the condo association in the Sumter County courthouse, Orkin signed a contract with the condominium association in 1984 to conduct an initial treatment of the 14-building structure, just off State Road 468, as well as follow-up treatments to control and prevent subterranean termites.

The lawsuit claimed it was a guarantee.

Attorney Pete Cardillo, who specializes in termite-related law, said in an earlier interview that it wasn't clear exactly how much of the initial

treatment was done -- or not done --properly. But even with follow-up spot pesticide treatments, building officials began discovering termite-riddled structures in 1998.

According to the initial lawsuit, the pest-control company had several issues with the association's complaint. Those questions surrounded the role of water leakage, whether the termite damage occurred within the guarantee period and repairs not made under their control.

The complex was built in the early 1970s.

Craft said in an initial attempt to resolve the condo lawsuit, Orkin initially offered on a repeated basis in writing to repair all termite damage at Sandalwood, but that offer was rejected.

She said she then offered a second, monetary settlement option for \$815,000.

She said somehow, Sandalwood thought they could accept both.

According to Orkin's federal lawsuit filed in Ocala, Sandalwood faxed both proposals to Orkin in an hour within each other on Sept. 26, saying they would accept both.

The lawsuit, filed in Ocala, adds that because Orkin's principal place of business in Atlanta, Ga., it wishes to take the case to federal court.

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