

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

CASE NO.: 502007CA014132XXXXMB AD

GIKEN AMERICA CORPORATION,

Plaintiff,

v.

MOORE CONSTRUCTION CO.;
WAVE RIVERWALK PLACE, LLC;
DRAWDY BROTHERS
CONSTRUCTION II, INC.; SIM CRANE
& EQUIPMENT; HABANA
EXCAVATING, INC.; MANGROVE
PROPERTY OWNER'S ASSOCIATION,
INC.; COMPLETE DEWATERING
PUMPS & WELLPOINTS, INC.

Defendants.

FILED
2007 NOV 15 PM 3:53
SHARON HENRY CLERK
PALM BEACH COUNTY
CIRCUIT CIVIL

ANSWER OF DEFENDANT, DRAWDY BROTHERS CONSTRUCTION II, INC.

One of the Defendants, DRAWDY BROTHERS CONSTRUCTION II, INC., files and serves the following Answer to the Complaint filed by the Plaintiff, GIKEN AMERICA CORPORATION:

1. It admits the allegations contained in paragraphs 1, 3, 5, 12, and 20.
2. It denies the allegations contained in paragraph 13.
3. It denies the allegations contained in the ad damnum (WHEREFORE) paragraph, subsection d. that its lien is inferior to that of the Plaintiff's and would state that in the event the Plaintiff's lien is adjudicated to be a valid lien, the "relation back" doctrine would apply so that all valid liens recorded within the one year period in which the Notice of Commencement was

valid would relate back to the date of the recordation of the Notice of Commencement and, therefore, would be of equal dignity.

4. It does not respond to the allegations contained in Count II as that Count does not seek redress against this Defendant.

5. It has no knowledge of any of the other allegations contained in the Complaint.

6. This Defendant has previously brought a lien foreclosure action in Palm Beach County Circuit Court Case No. 502006CA011487XXXX AJ; styled Moore Construction Co. and Drawdy Brothers Construction II, Inc. v. Wave Riverwalk Place, LLC.

WHEREFORE, Defendant, DRAWDY BROTHERS CONSTRUCTION II, INC., requests that this Court determine the priority of its lien claim as it relates to this Plaintiff and the other named Defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished via U.S. Mail to Damien Hunter Prosser, Esq., Baker & Hostetler, LLP, 2300 SunTrust Center, 200 South Orange Avenue (32801), P.O. Box 112, Orlando, Florida 32802 this 15th day of November, 2007.



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