

A publication of:
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WELCOME ABOARD



As our readers know, this firm's practice is devoted to the representation of condominium and homeowner associations. We are proud to announce the addition of the following associations to our list of clientele: Sunset Lakes Master Association in Miramar, Belmont North Condominium in Pompano, Townhouse Village Condominium in Weston, Unit Owners at Flamingo South Condominium and SoBe Bay Condominium in Miami Beach, Palm Bay Yacht Club Condominium in Miami, Preserve at Avery Lakes Condominium in Sunrise and Kings Point Imperial Condominium in Sunny Isles Beach. We can assure you that we appreciate the business and confidence placed in our firm.

HOLLYWOOD HERE WE COME



After a dozen years in Hallandale, the firm has moved its main office to 3113 Stirling Road, Hollywood, Florida 33312. We look forward to serving our clients at our new location and invite all of you to stop by and take a look at our new state of the art facilities.

CHANGES IN THE LAW



Remember that effective October 1st, 2008 Florida condominium law will undergo significant new changes to the way elections are handled, the liability of directors, community association management, association records, financial reporting, board meetings, budgets, religious displays and more. Make sure to visit our website at www.condo-laws.com and click on the **2008 Legislative Update** for more detailed information.

CONDOS AND PETS



Where the declaration is silent on the issue, the Board may pass a rule that allows unit owners to have pets in their units but prevents tenants from having the same rights.

COLLECTING ASSESSMENTS



This firm has always counseled its clients that a condominium association must take any payment received from a unit owner, even if the payment does not bring the account current. In June, the Florida Third District Court of Appeals agreed. In *Ocean Two Condominium Association v. Kliger*, the court held that refusal of the condominium and its management company of tendered payments by the unit owner was improper and therefore denied the condominium's attempt to foreclose on the unit. The court pointed out that Florida Statute 718.116 specifically allows the association to accept partial payment and the association does not waive its lien rights even if the payment has a restrictive endorsement such as "paid in full." Moreover, the court emphasized that acceptance of a partial payment reduces the interest that continues to accrue and increases the likelihood of a settlement.

FLYING FLAGS IN HOA'S



Effective July 1st, 2008 any homeowner may display in a respectful manner a portable removable U.S. flag or official flag of the State of Florida and one flag not larger than 4 ½ feet by 6 feet, which represents the US Army, Navy, Air Force, Marine Corps, Coast Guard or POW-MIA. The additional flag must be equal in size to or smaller than the United States flag. Also, the homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of their property, regardless of any restrictions in the HOA documents.

BANKS BEWARE! (Kristy Phillips, Esq.)



According to the Florida Bar, the number of foreclosures has risen by an estimated 358% over the last three years. With the current foreclosure crisis in Florida, many banks have become deliberately sluggish in the litigation of their foreclosure actions, to the detriment of Florida community associations. Banks do not want to take title back to the property at foreclosure sale because they immediately become liable for the monthly association assessments and in some cases, the past due assessments or a portion thereof. In addition, they are responsible for taxes and utilities

These bank delays create a hardship for a condominium or homeowner association, due to the lack of assessments received during the foreclosure proceedings. With no end to the current foreclosure crisis in sight, associations often ask if there is a way to avoid such delays. Our office has taken an aggressive approach and we routinely file a Motion for Status Conference with the court. This document tells the association's story and provides the court with information as to the financial state of the association and the financial harm being inflicted by the bank. Frequently, an Order is issued requiring the bank to complete the foreclosure within a 30 day deadline. Failure to do so can result in the bank being sanctioned by the court, which may provide the association with attorney's fees, costs and added assessments. **Banks beware...**association's have taken notice and are taking the steps to protect themselves from the unreasonable delays in mortgage foreclosures.

IN THE NEWS



The firm is routinely asked by both local and national media for its opinions on Florida association law and Florida real estate. Within the past year or so our attorneys have been interviewed, quoted in and appeared in the following newspapers, magazines and television stations: Business Week Magazine, U.S.A. Today, The New York Times, The Wall Street Journal, Kiplinger's Personal Finance, The Sun-Sentinel, The South Florida Daily Business Review, CBS News, The Miami Sun Post, The St. Petersburg Times, The Providence Journal and The Denver Post. These articles and interviews are all on our website located at www.condo-laws.com. In addition to the information that can be found in the articles, make sure to use our "search our site" tool to research specific association law topics.

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The firm is devoted to representation of condominium and homeowner associations in the South Florida area. The firm has represented hundreds of associations since its inception in 1994, regarding all facets of association law. In addition, the firm routinely litigates, mediates and arbitrates association cases in state and federal courts and before the Division of Florida Land Sales, Condominiums and Mobile Homes, Arbitration Section.

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.