

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: The Bath Club Condominium and The Lofts at Abbott Condominium in **Miami Beach**, Mystic Pointe Tower 500 and Ensenada Condominiums in **Aventura**, Fountain Court Condominium in **Hollywood**, The Diplomat Golf and Racquet Club and Meadowbrook Towers H Condominiums in **Hallandale**, Palm Lake Villas Condominium in **West Palm Beach**, Sea Mark Condominium in **North Palm Beach**, Coconut Key Condominium in **Coral Gables** and Brittany House Condominium in **Hialeah**. We can assure you that we appreciate the business and confidence placed in our firm.

HAPPY HOLIDAYS!

(By: Eric M. Glazer, Esquire)



Our entire staff wishes all of our clients, families, friends and readers a happy and healthy holiday season and a wonderful new year. Our firm looks

forward to continuing its representation of community associations throughout South Florida and expanding our clientele and staff throughout 2007. To those of you who are already clients of the firm, thank you for giving us the opportunity and pleasure of representing your association in 2006.

2007: PROBLEMS STILL UNSOLVED

(By: Eric M. Glazer, Esquire)



Even though Florida escaped the wrath of a hurricane in 2006, the problems facing associations have only escalated due to skyrocketing insurance rates coupled with tremendous increases in property taxes. It is no secret that foreclosures are at an all time high. Nearly every single client of this firm had to pass huge special assessments to cover the cost of hurricane repairs not covered by insurance and to cover new shocking insurance premiums. Simultaneously, associations have had to drastically increase their annual budgets in order to have the necessary funds to pay the insurance bill when it comes due next year. Many or even most of the associations we represent resorted to borrowing from banks or the Small Business Administration in order to pay for repairs or other unpaid bills and now are forced to carry debt for perhaps years to come. Reserve funds, once containing high balances and yielding interest, are now depleted. There are no easy solutions to this dilemma and without legislative help there are no quick answers either. Many clients assume that these problems are unique to them. Let me assure you, they are not. Now more than ever our elected legislative officials need to act to solve this crisis that is crippling the ability to maintain association property and in many instances, forcing people to lose their homes or simply leave the state. Associations, especially condominium associations, need to be vocal and in no uncertain terms insist on nothing short of a complete solution to this crisis from Tallahassee and/or the Federal Government. For the time being, I hope we will be as lucky with hurricanes in 2007 as we were in 2006, because one more Wilma-like storm could produce even greater long lasting economic repercussions.

COME AND LEARN



Due to popular demand, the firm will be hosting a short seminar at a date and location to be announced, depending upon the number of responses received.

Topics will include collections, access to records, holding meetings, preparing budgets, the arbitration and litigation process, a question and answer session and other legal issues. Admission would be free and open to any Board member or Officer of a Florida Condominium or Homeowner Association. It would most likely be held on a Saturday. If your association would like to attend, please either call our office or send an e-mail with the name of your association and the number of persons who will attend to our Office Manager, Brian Fogelson at brian@condo-laws.com

DEFINING A MEETING

(By: Eric M. Glazer, Esquire)

Interestingly enough, the Florida condominium statute states that "meetings" of the board at which a quorum of the members is present shall be open to all unit owners. Thus, a strict interpretation of the condo statute forbids a quorum of board members from gathering socially even if association business is not to be discussed. On the other hand, the HOA statute states that a "meeting" of the board of directors occurs only when a quorum of the board gathers *to conduct association business*. The HOA statute apparently allows such social gatherings by Board members if association business is not being conducted.

DEVELOPER LITIGATION

(By: Andrew C. Demos, Esquire)



Following turnover of control of condominium associations to unit owners, new members of the Board of Directors sometimes send their own list of construction defects to the developer demanding repair. However, a recent amendment to the Florida statutes specifically requires that no lawsuit may be filed against a developer unless such defect is examined and certified by an appropriately licensed Florida engineer, design professional, contractor, or otherwise licensed Florida individual or entity. While this requirement may be costly, it provides the association's attorneys with the necessary ammunition to pursue construction defects in a court of law.

PRESTIGIOUS APPOINTMENT



Congratulations goes out to the firm's managing attorney, Andrew Demos, as he was recently appointed by The Florida Bar to serve on the Grievance Committee within Miami-Dade County. Andrew's responsibilities include investigation of complaints against fellow members of The Florida Bar

to determine whether probable cause exists for a finding of attorney misconduct.

FUNDING RESERVES



As a reminder, just because your condominium has recently undergone numerous repairs, doesn't mean that the reserve accounts no longer need to be funded. Indeed,

notwithstanding the fact that the roof and balconies may have been completely replaced and/or restored, the Board must present the unit owners with a budget that includes the funding of reserves and the unit owners must fund the reserve accounts unless a majority of unit owners, present in person or by proxy at a meeting where a quorum of unit owners are present, vote in favor of waiving the reserve requirement.

Eric M. Glazer: born August, 1967, Brooklyn, New York. B.A., New York University, 1989. J.D., University of Miami School of Law, 1992. U.S. District Court, Southern District of Florida, 1992. U.S. District Court, Middle District of Florida, 2004. U.S. District Court, Northern District of Florida, 2004. U.S. Circuit Court of Appeals for the Eleventh Circuit, 1996. U.S. Supreme Court, 1996.

Andrew C. Demos: born August, 1969, Miami, Florida. B.B.A., Florida International University, 1994. J.D., St. Thomas University School of Law, 1999. U.S. District Court, Southern District of Florida, 2000. U.S. District Court, Middle District of Florida, 2004. U.S. District Court, Northern District of Florida, 2004. U.S. Circuit Court of Appeals for the Eleventh Circuit, 2004. U.S. Supreme Court, 2005. Member of The Florida Bar Grievance Committee, Miami-Dade County.

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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.