

A Publication of:

**GLAZER & ASSOCIATES, P.A.**

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## WELCOME ABOARD

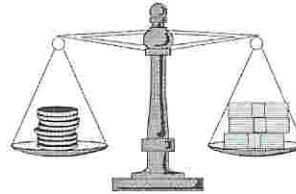


While our firm practices in several areas of the law, such as commercial litigation in both the state and federal courts, bankruptcy, personal injury and toxic mold litigation, the majority of the practice is devoted to the representation of condominium and homeowner associations. In this issue, our firm is proud to announce the following associations to our growing list of clientele: Fountainview IV and Skylake Gardens No. 4 in North Miami Beach, Ashleigh House and Imperial Towers in Hallandale, Bona Vista in Aventura, Ten Tops in Eastern Shores and Leisure Shores in Pompano Beach. If we don't say it enough, we can assure you that we appreciate the business and the confidence placed in our firm.

## MOLD UPDATE

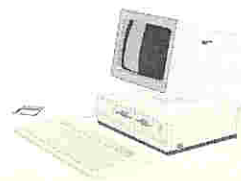
The firm has recently filed suit on behalf of three employees of DCF against the owner of the property where the employees worked. The suit alleges that as a result of prolonged exposure to toxic mold, each suffered permanent injuries, including breathing, chest and lung disorders. A total of approximately 45 out of 60 exposed employees complained of breathing difficulties and/or skin irritations, prompting the television station UNIVISION to air a nationwide report about the case. Florida courts have held that sufficient scientific evidence exists to allow a jury to make a determination as to whether or not exposure to toxic mold causes health problems.

## SOME RECENT SUCCESS



Our firm recently settled a lawsuit against the owner of a combination check cashing store, liquor bar, package store and pool hall on behalf of a plaintiff who suffered a gunshot wound to his right ankle, for the sum of \$100,000.00. Our firm argued that the owner was negligent in failing to provide adequate security at the business location despite its knowledge of repeated crimes and/or occurrences requiring police intervention at the business premises, including the store's manager himself being held up at gun point.

## WE'RE ON THE WEB



Check out our exciting and informative website at: [www.condo-laws.com](http://www.condo-laws.com) where you can learn more about our attorneys and practice areas.

## REAL ESTATE EXPLOSION



In light of the fact that interest rates are the lowest in decades, our firm's real estate practice has been busier than ever before. The firm is an agent for Attorney's Title Insurance Fund and can assist both sellers and buyers in their purchase or sale of either residential or commercial properties.



## **BANKRUPTCY: A FRESH START**



Consumer debt is at an all time high with the average American household owing several thousand dollars in credit card debt. Bankruptcy may be an option for some consumers with mounting debt and little hope of repayment. In Florida, debtors can generally protect their homestead property, retirement savings, annuities, automobiles with little equity, and personal property. The entire process normally takes about three months from start to finish and most debtors feel an overwhelming sense of relief after receiving a "discharge" of all or most of their debts. If you feel bankruptcy is an option you need to explore, give us a call.

## **COLLECTING ASSESSMENTS**



Florida law provides that condominium associations shall collect assessments for common expenses not less than quarterly. Should a unit owner become delinquent in payment of these assessments, the board may accelerate the assessments against the owner to include the amounts due for the remainder of the budget year in which the claim of lien was filed, if authorization for same is found in the Bylaws. In addition, the assessment bears interest at the rate provided for in the Declaration, which shall not exceed the rate allowed by law. If no specific rate is provided, the rate will be 18% per year. If allowed for in the Declaration or Bylaws, the association may also charge a late fee. The late fee may not exceed the greater of \$25 or 5 percent of each installment. Homeowner associations may do all of the above as well. The difference is that the Florida homeowner association statutes do not specifically authorize the above, but instead recognize the homeowner association's abilities to do so if expressly permitted in their governing documents.

## **GOING TOO FAR**

While this firm has always stressed the need for aggressive collection efforts, there is such a thing as going too far. The firm is presently representing two condominium unit owners who received delinquency letters from their association that fraudulently utilized the letterhead of the United States District Court's Clerk's Office and The Florida Department of Law Enforcement in an effort to scare the unit owners into paying quickly. Needless to say, the Complaint alleges that the Association violated both Federal and Florida law by pretending to simulate a law enforcement officer or representative of a governmental agency and by using a communication which simulated legal process and gave the appearance of being authorized, issued and/or approved by a governmental agency.

## **SIGNING CONDO CONTRACTS**

Most Boards are aware of the need to engage in competitive bidding before signing most contracts. However, many associations unfortunately don't bother to have their attorney review the contract prior to signing. Once signed, there is sometimes little or nothing an association attorney can do to protect the association's legal rights under an often one sided contract. Before signing on the dotted line, get a professional opinion as to whether or not the association is protected in the event the contractor or supplier fails to perform as promised.

A Publication for clients, family and friends of:

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**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.**