

A Publication of
The Law Offices of
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WELCOME ABOARD



While the firm practices in several areas of the law, such as commercial litigation, bankruptcy and personal injury, the majority of the practice is devoted to the representation of condominium associations.

The firm is proud to announce the following clients to our growing list of association clientele: Woodside Condominium in North Miami Beach, Crystal Court Condominium in Hollywood and La Mer Condominium in Hallandale. If we don't say it enough, we can assure you that we appreciate the business and the confidence placed in the firm.

**HAPPY
NEW YEAR**

Our staff wishes each of our clients and friends the very happiest and healthiest of a new year and we look forward to working with each of you as we enter the new millennium.

WE'RE ON THE WEB

If you would like to obtain a current profile of the firm, log on to the firm's new web address at: www.lawyers.com/condominiumlaw where you can view a biography of the firm's attorneys, a current list of condominium clients, a list of published articles by the firm's attorneys and more.

YEAR-END-CHECKLIST



Now is the time to ensure that the Association is ready to proceed with their annual elections. Many condominium by-laws require the annual meeting and election to occur in the

first three months of the year. Unfortunately, we find that many condominium associations easily forget this requirement. However, unless the Association has voted to opt-out of the required statutory method, the Board must give notice of the election at least 60 days in advance. Unit owners who want to run for the Board must give notice of their intention to run at least 40 days prior to the election, and the Board must then send out a second notice of election and the ballots with the candidates names listed in alphabetical order. Unit owners cannot vote by proxy for Board members. The actual election is not necessary if there are fewer candidates than there are vacancies on the Board.

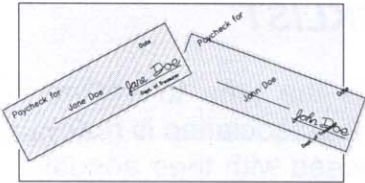
There is no quorum requirement, however at least 20% of all eligible voters must cast a ballot in order to have a valid election. Also, the Board should appoint an election committee composed of non board members and non candidates to count the actual ballots and otherwise oversee the election.

The newly elected Board should hold their organizational meeting immediately following the election, in order to decide who will become the Association's President, Vice President, Secretary, Treasurer, and any other officer as allowed under the association's bylaws.

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SCREENING OF RENTERS



Delinquent Doug is again behind in his maintenance payments at Careless Condominium. The

Declaration of Condominium for Careless Condo allows the Board to screen proposed renters. Delinquent Doug wants to lease his unit to socialite Bill Ionaire who obviously has the financial ability to pay his rent to Delinquent Doug. However, Charlie Cheapskate, the President of Careless Condominium refuses to approve Bill until Delinquent Doug brings his maintenance payments current. Can he do so?

Yes, pursuant to Florida Statute 718.166 (4) if the association is authorized by the declaration or bylaws to approve or disapprove a proposed lease of a unit, the grounds for disapproval may include, but are not limited to, a unit owner being delinquent in the payment of an assessment.

CONDO QUIZ COLUMN

Larry Looser, a unit owner at La Deathtrap Condominium is 3 months behind in paying his monthly maintenance. Lisa Levine, the condo's President orders the condo attorney Lester Leener to file a lien against Larry's unit. After Larry Looser get the lien, he calls Lester Leener and says you're lien is unenforceable because the condo never notified me that I was late in the first place.

Question: Is Larry Looser correct?

NO! There is no requirement under Florida law that the condominium association notify the unit owner that they are delinquent, prior to the filing of the lien. The burden is on the unit owner to make sure that his account is up to date. Under Florida Statute 718.116 the first notice to the unit owner that he is delinquent can be in the form of a lien.

DEVELOPER RESPONSIBILITIES

In general, unit owners can elect a majority of the Board three years after one-half of the units have been sold, three months after 90% of the units have been sold, when some units are sold and no others are being constructed or offered for sale, or seven years after recording the declaration of condominium. When the unit owners are entitled to elect a majority of the Board, the developer must relinquish control and shall deliver to the association at the developer's expense, all condominium records including the declaration, bylaws and articles, minute books, house rules, formal resignations, all financial records of the association from the time the association was created, and an audit of these records by an independent certified public accountant. The developer must also turn over all association funds, the building plans, a list of all contractors and subcontractors who developed the condominium, all the association's insurance policies, all warranties, a roster of unit owners and their addresses and all contracts previously entered into by the Association.

FINANCIAL REPORTS

Remember that each year, unless a majority of the unit owners vote otherwise, the association must mail or furnish by personal delivery to each unit owner financial statements which detail actual receipts and expenditures or a complete set of financial statements prepared in accordance with generally accepted accounting principles.

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.