



**CYPRESS CHASE**  
CONDOMINIUM D

## **ITS GOING TO BE A WILD RIDE...YOUR CONDO!**

### **\*\*\* Breaking News From The President \*\*\***

#### **TERMINATION: NOW YOU SHOULD BE SCARED TO DEATH OF IT**

By Eric Glazer, Esq.

Wow! How quickly things change. We've spoken about on the Condo Craze and HOAs show about a recent Miami case involving the Biscayne 21 Condominium, where its' declaration of condominium stated that the condominium can only be terminated with a 100% vote of the owners. However, the declaration could be amended by a vote of 80%. The developer obtained 80% of the units and then changed the declaration to now allow termination with a vote of only 80% of the owners instead of 100%.

The owners took the case to court and won. The trial court holding that the provision requiring a 100% vote of the owners in order to amend means just that, 100% and that language would be meaningless if it could be amended down to 80%. That decision was upheld by the 3rd District Court of Appeals.

No sooner than we learned about that decision in Miami, a new decision comes out in Palm Beach County that says completely the opposite. In the Palm Beach County case, the court ruled that regardless of the fact that the governing documents require a 100% vote in order to terminate the condominium, the developer was within its rights to change that number to 80% by amending the declaration of condominium. Here, 100% did not mean 100%.

**It gets worse ..... the decision was upheld on appeal by Florida's 4111 District Court of Appeals without a written opinion. This decision also applies In Broward County as Broward is within the jurisdiction of the 4th DCA.**

Well, where are we now? Until a decision is reached by Florida's Supreme Court, it is apparent that we have a conflict between Florida's 3<sup>rd</sup> and 4<sup>th</sup> District Courts of Appeal. So .... that is usually grounds to get this issue before The Florida Supreme Court, if the litigants choose to appeal there.

**So what does that mean for you? It means that if your documents only allow termination with a 100% vote of the owners and you thought you were going to hold out until the end, you may want to think again. It means that developers, now more than ever, will be hunting for prey, no longer being afraid to purchase condominium units in condominiums where the docs require termination with a 100% vote, at least in Palm Beach and Broward Counties. In Dade and Monroe, you may be safe for now because you're located in the 3rd DCA. We need a final answer from The Florida Supreme Court. Until then, buckle up. It's going to be a wild ride.**



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