

MIRZA BASULTO & ROBBINS, LLP

COMMUNITY ASSOCIATION LAWYERS

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Overall Association Representation

Associations are often forced to resolve disagreements with unit owners, contractors, management companies, and even local governments. Whenever these disputes arise, your Association should have an experienced and well-qualified law firm to represent its interests.

The services we typically provide our Community Association clients include:

- Collecting delinquent assessments from initial demand through foreclosure;
- Enforcing covenants, restrictions, rules and regulations from initial violation notice through arbitration or injunction;
- Advising the Association as to its legal rights and possible exposure to liability relative to contemplated actions;
- Providing legal opinions which may include the interpretation of the Association's governing documents and relevant Florida law;
- Answering questions regarding day-to-day operational issues facing the Association;
- Reviewing; negotiating and drafting proposed contractual agreements between the Association and third parties;
- Assisting the Association in amending its governing documents;
- Instituting legal action on behalf of the Association;
- Addressing issues surrounding the development of adjacent Community Associations as well as commercial property including related land and zoning issues;
- Negotiating bulk cable or satellite television contracts;
- Defending the Association with respect to lawsuits brought against the Association;
- Counseling developer controlled Associations prior to turnover to unit owner control;
- Facilitating the re-classification of Association property from a designated flood zone;

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- Preserving or reinstating the Associations restrictive covenants due to possible expiration as a consequence of the Marketable Record Title Act (MRTA);
- Reviewing insurance policies;
- Assisting in the turnover process including settlement negotiation and, if necessary, the commencement of litigation surrounding turnover issues;
- Attending, upon request, meetings of the membership or Board of Directors including annual and special meetings as well as elections;
- Counseling the Association on any legal matter facing same and taking action to protect and promote the legal rights of the Association.

An Association has to be ready to face any legal issues that come its way. If a unit owner challenges an amendment or provision of the Declaration of Condominium/Restrictions, the Association and its attorney must be ready to face that challenge.

With respect to the collection of past due assessments and the enforcement of covenants, restrictions, rules and regulations, the process we utilize passes the fees and costs incurred, in almost all situations, onto the delinquent or non-complying unit owner. ***Throughout the violation process, we can defer billing of attorneys' fees and advance all costs including postage, recording, and collection costs on behalf of our Community Association clients.*** Detailed Account Status Reports are provided on a monthly basis so that our Community Association clients are always kept updated and informed.

We are always available and accessible to our Community Association clients as well as their authorized agents. The Firm takes great pride in providing personalized legal services for each of our clients, irrespective of size. Our goal is to exceed client expectations and provide cost effective and innovative legal services to our Community Association clients.

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Assessment Collection for Community Associations

Community Association Retainer Program

This Annual Retainer Program, is an essential package of services for basic legal guidance to help Boards manage their associations.

Services Summarized:

- Unlimited Telephone Consultations – Take a few minutes to call your attorney about how to solve an Association matter. You will not be charged the typical \$250.00 an hour for attorney calls. However, consultations should not exceed ten (10) minutes per call.
- Annual Meeting – One (1) hour meeting with the Board of Directors per retainer year at the community or such other location that the Board shall designate.
- Reduced Hourly Rates (subject to change):
 - **Retainer Clients** – About 10% savings on hourly rates at \$250.00 per hour.
 - **Non-Retainer Clients (Fee-for-Services)** – Billed at our regular hourly rates and are charged for services ordered at \$275.00 per hour.
- No-Cost Collections – Retainer clients are eligible to participate in the No-Cost Collections Services Program. Legal fees and collection costs are billed directly to and paid by the homeowner when overdue assessments are collected. A full description of the No-Cost Collection Services Program can be viewed in the retainer agreement.

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Collections Programs:

Two separate collections programs are in place to give better service to our Community Associations:

1. No-Cost Collections Programs connected to the Annual Retainer Program.
2. Fee-for-Service Collection Program.

No-Cost Collection Program:

Ideal for Community Associations who are spending \$750.00 or more a year on collection services or those with ongoing collection problems. You must be on the Retainer Program to use the No-Cost Collections Program. No-Cost gives the firm the authority to make the majority of collection decisions and collect legal fees directly from the owner. Under this program, the Association does not receive bills for legal fees. The Association will not receive a bill for the past legal services if our office determines a file no longer qualifies for the No-Cost Program (i.e., in the event of the owner filing bankruptcy). At this point, the Association has the option of proceeding on a Fee-for-Service basis or may ask to close the file.

Fee-for-Service Collection Program:

This program puts the Association in the drivers seat when choosing the collection steps necessary and the Association is ultimately responsible for payment of legal fees. After performance of the requested collection service (i.e., prepare a lien or send a letter, etc.), we bill the Association for services rendered. The Association is responsible for adding the legal charges to the owners' accounts and the Association is reimbursed when the money is collected from the owner in arrears.

Why turn to Mirza Basulto & Robbins, LLP for legal advice and Community Association representation?

The nature of legal services needed by Associations is as varied and individual as the Associations themselves. Legal services for Associations involve a combination of more conventional specialty areas including real property, corporations, litigation, contracts and insurance. Community Association attorneys must be educators, problem preventers and solvers, corporate advisors, decision facilitators, and advocates. At Mirza Basulto & Robbins we strive to provide a level of representation, which exceeds the expectations of our clients. We believe that we possess the practical experience Associations need without having to reinvent the wheel. Mirza Basulto & Robbins has handled the day-to-day general counsel work as well as litigation matters for not-for-

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profit Community Associations. We have compiled a team of litigators, well equipped for the battles, along with a team of even-tempered transactional Association attorneys who focus on resolving disputes internally, interpreting and updating governing documents, reviewing insurance policies, drafting contracts, collecting assessments, enforcing covenant violations and assisting with transition to owner control and dealing with the questions that arise in the operation of an Association's business.

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