

Welcome!



Welcome to the premiere edition of *Manager's Minute*! I have been a licensed community

association manager in Florida since 1987, and spent twenty (20) years as a community association manager before becoming an attorney in the field. I hold the AMS® and PCAM® designations awarded by the Community Associations Institute (CAI®). My mother and father were community association managers also!

One of my biggest problems as a manager was finding time to sift through all the information out there to determine what I really needed to know. Now as a Shareholder at Becker & Poliakoff, I want to try to address that problem for managers.

The purpose of this newsletter is to give you, the association manager, quick hitting insights to help you manage more effectively and keep you up to date on legal issues in the industry. We hope you can read through this newsletter and glean what you need in a minute!

If you have any topics you would like me to include, please send an email to me at hperl@bplegal.com. Stay tuned!



Do I Have To File A Sworn Proof Of Loss In An Insurance Claim?

The Florida 4th District Court of Appeal recently issued an important ruling in regard to insurance claims. The case is *Judy Rodrigo v. State Farm Insurance Company*, No. 4d12-3410, August 20, 2014. The case involves a condominium owner's claim for damages to the condominium and personal property due to bodily fluids that leaked from the decomposing body of a next door neighbor. The holding is that the failure to file a sworn proof of loss, as required by the policy, within 60 days of the event, precludes recovery under the policy. No prejudice need be shown. The court also found that even though the insured sent bills for damage to the insurer and the insurer made some payment, this did not waive the requirement to comply with the policy. The Court agreed with the trial court that the insurer did not waive the sworn proof of loss requirement by tendering payment because "investigating any loss or claim under policy or engaging in negotiations looking towards a possible settlement of any such loss or claim does not constitute a waiver of a "sworn proof of loss" requirement."

Are Restrictive Endorsements On Assessment Checks Valid?

Last month, the Second District Court of Appeal issued a decision likely to alter many Florida community association practitioners' treatment of a payment accompanied by a restrictive endorsement. In *St. Croix Lane Trust & M.L. Shapiro, Trustee v. St. Croix at Pelican Marsh Cd'm. Ass'n., Inc.*, Case No. 2D13-3636 (Fla. 2nd DCA, Aug. 8, 2014), the appellate court addressed the Condominium Act "allocation of payment" statute, §718.116(3), and applied instead the general concept of accord and satisfaction in §673.3111. In our opinion this case was wrongly decided as it is in direct conflict with *Ocean Two C'dm Ass'n v. Kliger*, 983 So.2d 739 (Fla. 3rd DCA 2008) which held that an Association must accept partial payments. If you receive a partial payment accompanied by a restrictive endorsement (e.g. "This represents payment in full."), contact the Association's attorney before depositing the check. Failure to properly handle partial payments may result in unpleasant surprises.

GET THE FREE APP!



We would like to introduce you to the new Becker & Poliakoff App to help make running your association a little bit smoother. This FREE App provides you with a wealth of knowledge from the Firm's community association practice group, including a Frequently Asked Questions section where you can view Ken Direktor's responses to common association questions, searchable Florida statutes, and a handy tool which allows you to easily create meeting minutes.

Download the New
Becker & Poliakoff
Mobile App!



This Month's Tip...

As we enter the peak of hurricane season, make sure your emergency generators are topped off with fuel, you have reviewed your hurricane plan, you have contact information and cell phone numbers at your fingertips for your attorney, engineer, vendors and Board members and that you have a 1-800 number on standby for members to call in for updates after a storm.

Don't forget license renewal is due by September 30th! Make sure you have all your required credits and have renewed your community association manager license.

Upcoming Classes and Events

We have classes that take place around the State. Class times vary. Seating is limited so registration is required. Register now online by clicking the tiles below:

Board Member Certification for HOAs ONLY

West Palm Beach, September 27, 2014

Ask Your Lawyer - You have questions? We've Got Answers!

Ft. Lauderdale, September 29, 2014

Understanding Collections & Foreclosures

West Palm Beach, September 30, 2014

2015 Legal Update

Miramar, October 2, 2014

Board Member Certification for HOAs ONLY

Ft. Walton Beach, October 3, 2014

2015 Legal Update

Ft. Lauderdale, October 6, 2014

Information and registration for the above as well as all of our over 25 FREE courses can be found at <http://www.bplegal.com/events>.

**ALL COURSES ARE FREE. LIGHT REFRESHMENTS ARE SERVED.
MOST COURSES QUALIFY FOR MANAGER CEUs.**