



GALT MILE NEWS

JANUARY 2010

THE OFFICIAL NEWSLETTER OF THE GMCA



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40-YEAR-OLD CONDOS

REQUIRE RECERTIFICATION INSPECTION

By Marcy L. Kravit, CMCA, AMS, PCAM

Going back to the 1960s, condominium developers were making their mark on the Fort Lauderdale oceanfront. Developers constructed more housing in Fort Lauderdale than any other city in Florida during the 1960s. For the many retirees and snowbirds flocking to South Florida, the City of Fort Lauderdale seemed to be one of the most desirable locations during that time. The Galt Ocean Mile was rapidly growing to be a popular location for high rises that were constructed along the Intra-coastal and oceanfront.

Over time, the buildings have suffered from the salt air exposure resulting in deterioration of their structures and experienced water intrusion. As a result, the concrete spalls and weakens; these conditions have produced exposed steel, wood and electrical wiring issues.

While many had purchased condominiums to avoid the maintenance required with a single-family home, unit owners along the Galt Ocean Mile are discovering that condominium buildings that are reaching their 40-year anniversaries are required to perform inspections and address the much needed repairs and

restoration.

Over the years, several buildings have experienced an abundant quantity of modifications and repairs which may have been performed without permits, were not according to building codes and may at this time pose potential safety hazards and liability. Some condominiums may have just aged and contain hidden risks that may have gone overlooked and ignored.

The 40-year and Older Building Safety Program requires that all buildings, except single-family residences, duplexes and minor structures shall be recertified. The inspection is for the purpose of determining the general structural condition of the building which affects the safety and general condition of the structural integrity and its electrical systems pursuant to the Building Code. The written report is required to include an impressed seal and signature of the Engineer or Architect who has performed the inspection. An engineer is certifying and taking responsibility for the safety and structural integrity of the property.

The 40-year and Older Building Safety Program was created in 2005 and is now in effect throughout Broward County. Modeled after Miami-Dade County's program which has been in effect since the 1970s, Broward's program calls for structural and electrical safety inspections for buildings 40 years old or older, and every ten years thereafter.

The system works as follows: when a building becomes 40 years old the Code Compliance Section of the County or City in which the building is located sends out a "Notice of Required Inspection" to the association. From the date of the notice the association has 90 days during which to complete the required inspection. Based on the result of the inspection, the building will be structurally and electrically recertified for 10 years or there will be improvements required for the recertification.

If improvements are required, the association is given a total of 180 days to complete the required improvements. A follow up report is then submitted by the Engineer stating that these improvements have been made and the building recertified.

For deficiencies that cannot be corrected within the 180 days, the time frame may be extended by a Professional Engineer of Registered Architect and it must be specified and approved by the Building Official. Repairs or modifications of deficient conditions that are incidental and non-life threatening may be completed within a specific time frame as well.

The forms and minimum construction guidelines for a structural inspection include the following:



The Galleon
Condominium

Continued on page 7

Recertification...Continued

I. Masonry walls

- A. General Description
- B. Cracks
- C. Spalling
- D. Rebar corrosion

II. Floor and Roof Systems

III. Steel Framing Systems

IV. Concrete Framing Systems

V. Windows

VI. Wood Framing

VII. Exterior Finishes and noting any Structural Deficiencies regarding stucco, veneer, soffits, ceiling or other

The forms and minimum construction guidelines for an electrical inspection include the following:

I. Electrical Service

II. Meter and Electrical Rooms

III. Switchboards/Meter/Motor Control Centers

IV. Grounding

V. Conductors

VI. Auxiliary Gutters/Wireways/Busways

VII. Electrical Panels

VIII. Disconnects

IX. Branch Circuits

X. Conduit Raceways

XI. Low Voltage Wiring Methods

XII. Building Illumination

XIII. Fire Alarm Systems

XIV. Smoke Detectors

XV. Generator

XVI. Site Wiring

XVII. Swimming Pool/Spa Wiring

XVIII. Wiring to Mechanical Equipment

XIX. General Additional Comments

It important to note that, in many cases, buildings older than 40 years that have not received a Notice of this required rectification... it is incumbent on the association to acquire this initial 40 year recertification whether a notice has been sent or not. Additionally, it is the responsibility of the association to recertify their building every 10 years thereafter. A building that has not been properly recertified can pose a liability to owners in the event of a failure or accident.

The Galleon Condominium Apartments located on the Galt Ocean Mile in Fort Lauderdale, was built in 1967. The 18-story, 214 unit condominium suffered from hurricane Wilma and numerous repairs on the structure were performed to restore the building after the hurricane. The Galleon was in the midst of a structural inspection by their engineer to evaluate additional balcony and building repairs when the condominium received their notice for their 40 year inspection from the City of Fort Lauderdale. The notice was mailed to the law firm Kaye & Bender as they were listed as The Galleon's registered agent. The Board was aware that this was coming and they were proactive in addressing the inspection. According to their engineers from SRI Consultants and Henz Engineering, The Galleon had not suffered to the extent of other associations. The board has always been committed to ensuring the structural integrity of the building and the residents' safety. The engineers have completed their inspections within the required 90 days and the association has 180 days to complete the necessary repairs. Board Members Donna Oppert, President and Charles Steinmetz, Building Committee Chair recently met with their structural and electrical engineers to review the reports. The association has determined that they will require more time to complete the repairs and has requested an extension.

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JUDGES JUMP WHEN BANKS BARK



**On November 30, 2009, association attorney and activist Donna Berger sent an email recounting a November 24th blog she wrote about banking industry in-court maneuvers that have associations frantically trotting a legal hamster wheel. The blog entry speaks to institutionalized tactics promulgated by banks to forestall taking title to foreclosed properties. Among the battery of methodologies deployed by the banking industry are legal motions that are akin to monkey wrenches thrown into the judicial process. Banks are circumventing association arguments and encumbering foreclosure proceedings with court ordered delays by filing ex parte motions. Usually reserved for urgent matters where requiring notice would subject one party to irreparable harm, ex parte motions are requests for emergency rulings on behalf of or involving only one party to a legal matter and in the absence of and usually without notice to the other party. Occasionally concomitant with divorce or separation petitions, they preclude a parent or partner from skipping town with jointly held assets or the kids while the parties await a turn on the docket.*

In addition to creatively reconfiguring these preemptive emergency requests to delay foreclosure actions, they use the more traditional tactics of flooding the court with capricious motions to vacate and thwarting scheduled sales by simply not showing up! Donna intimates that these maneuvers would fail were it not for some degree of collaboration by accommodating judges. While it is possible that judges are oblivious to the part they play in exacerbating the burden on every one of the association's unit owners, the regularity with which courts cooperate with these overtly abusive tactics supports that their complicity is "informed".

Recently, the courts leveled a groin kick to strapped associations. In "U.S. Bank National Association as Trustee for the Benefit of Harborview 2005-10 Trust Fund v. Tadmore, 2009 WL 4281301, 34 FLW D2505 (Fla. 3rd DCA 2009)", the Third District Court of Appeal (Miami-Dade and Monroe Counties included) rejected the idea that equity and fairness are adequate reasons for requiring lenders to pay association fees while a foreclosure case is still pending against the unit owner.

After tolerating a year of bank delays in a foreclosure case, an association filed a motion to compel the bank to move forward within a certain time frame or pay assessments (maintenance fees) on the unit. Judge Scott J. Silverman of the Eleventh Judicial Circuit of Florida for Miami-Dade granted the Association's motion, ordering the bank to diligently proceed within thirty (30) days or start paying the \$939.56 monthly maintenance fee.

Since banks are bound by statute to assume assessment responsibilities only after acquiring title to a property, the appellate Court characterized the obligation to pay assessments as a sanction and zapped the ruling. In a December 2, 2009 Opinion, the court ragged the association for not exhausting more traditional means available to address delay, such as filing for a Show Cause order. Contending that the association was therefore not entitled to extraordinary relief, the appellate Court reversed the Order and sent the association back to the drawing board. In its opinion, the appellate Court made the cynical observation that "in its quest to do equity, a court cannot trammel the legal rights of the parties."

Of course, a legislative resolution would move the playing field out of the courthouse. Unfortunately, the banking industry was able to leverage its standing as the State's most powerful lobby to curtail every relevant bill filed during the last legislative session.

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The City of Fort Lauderdale requires a permit and charges a \$200.00 fee for the reports to be reviewed. The inspection must be dropped off in person. Extensions are granted on a case by case basis.

In 2010, The Broward County Board of Rules and Appeals has indicated that buildings 4,650 square feet or more and dating from 1924 to 1968 are to be reviewed. In 2009, 910 property folio numbers were listed for inspection, but since the number of units and individuals property owners may be in a single building, the number of structures to be inspected County-wide is significantly less than 910. Broward County anticipates less than 900 structures annually that will fall under their program guidelines in future years.

It should be noted that Florida State Statutes 718.113(6) indicates, "As to any condominium building greater than three stories in height, at least every 5 years, and within 5 years if not available for inspection on October 1, 2008, the board shall have the condominium building inspected to provide a report under seal of an architect or engineer authorized to practice in this state attesting to required maintenance, useful life, and replacement costs of the common elements. However, if approved by a majority of the voting interests present at a properly called meeting of the association, an association may waive this requirement. Such meeting and approval must occur prior to the end of the 5-year period and is effective only for that 5-year period."

Whether or not your building is 40 years old and is located in Broward or Miami Dade County, it is required by statute that an inspection be performed. It is important to be proactive in budgeting for such an inspection and to implement a preventative maintenance plan in order to prepare for the necessary repairs as your building matures.

Marcy Krait is General Manager of The Galleon Condominium at 4100 Galt Ocean Drive in Fort Lauderdale. Her professional designations include Certified Manager of Community Associations (CMCA), earned from the National Board of Certification for Community Association Managers (NBC-CAM), Association Management Specialist (AMS) and Professional Community Association Manager (PCAM) — additional accreditations awarded by the Community Association Institute (CAI).

A columnist for the Florida Community Association Journal, contributing writer to other periodicals and local newspapers and former Board member of the Community Association Management Professionals (CAMP), Marcy also serves as Secretary of the Southeast Florida Chapter of the Community Associations Institute, working closely with Board members Lisa Magill, Michael Bender and former L'Hermitage Manager Don Westbrook. Marcy has volunteered to share her singular expertise with Galt Mile neighbors via authoritative contributions to the Galt Mile News and GMCA website.

For Your Edification!

1. While all buildings 40-years or older must comply with this law whether or not a Notice of Required Building Safety Inspection is sent, the compliance time frames are triggered by receipt of Notice. As stated in Section 109.16, Broward County Board of Rules and Appeals Policy #05-05, Building Safety Inspection of buildings/structures and components:

D (1). The owner of a building or a structure subject to Building Safety Inspection shall furnish, or cause to be furnished, within ninety (90) days of Notice of Required Building Safety Inspection, the Broward County Board of Rules and Appeals Building Safety Inspection Certification Form to the Building Official, prepared by a Professional Engineer or Architect registered in the State of Florida, certifying that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

If repairs described in the subsequent report cannot be completed within 180 days, an extension can be requested.

As such, the 90-day period afforded an association to commission and generate a Building Safety Inspection Report doesn't start until the Notice of Required Building Safety Inspection is received. As with all questions concerning an association's legal obligations, this should be reviewed with the association attorney.

2. The Florida Existing Building Code will specify whether the repairs or modification can be made under the code in effect when the building was originally permitted or the code currently in effect.

3. Forty-year Building Safety Inspection Program Yearly Schedule:

- **JANUARY** - Board of Rules and Appeals obtains building data from Property Appraiser's office and forwards it to each city.
- **FEBRUARY** - Building Officials notify property owners whose buildings are subject to the Safety Inspection Program for the current year.
- **MARCH/APRIL/MAY** - 90-Day period for property owners to return structural and electrical check list to the City/County.
- **JUNE - NOVEMBER** - 180-Day period of time for those building requiring structural or electrical repairs to complete the work.

Buildings that are expected to comply in 2010 will probably receive Notice by February or March.

4. In the above article, Marcy quotes Florida Statute 718.113(6), which ominously states, "As to any condominium building greater than three stories in height, at least every 5 years, and within 5 years if not available for inspection on October 1, 2008, the board shall have the condominium building inspected to provide a report under seal of an architect or engineer authorized to practice in this state attesting to required maintenance, useful life, and replacement costs of the common elements. However, if approved by a majority of the voting interests present at a properly called meeting of the association, an association may waive this requirement. Such meeting and approval must occur prior to the end of the 5-year period and is effective only for that 5-year period."

Although this bizarre legislative lemon is unrelated to the Broward ordinance, it might tweak your memory. It is one of the many provisions included in House Bill 995 (HB 995), the 2008 Omnibus Condominium bill sponsored by Representative Julio Robaina that ultimately became Chapter 2008-28, Laws of Florida. This bill originally mandated that, despite an association's documents, Board members could serve maximum terms of one year, disallowing staggered terms.

It also mandated that every association in the state produce fully audited financial statements annually, notwithstanding the association's size or fiscal needs. The 87-page bill contained dozens of other expensive one-size-fits-all regulations that sparked uproar from condo owners across the State.

While being vetted in committee, the sponsors couldn't explain why a small 4-unit association with storm damage, runaway windstorm insurance rates and a \$12,000 budget should pay \$thousands for an audited financial statement every year. They remained similarly mute with respect to many other enigmatic regulations as queried in several House Staff Analyses. Fortunately, Majority Whip Elyn Bogdanoff refused to allow the bill to progress without modifying the incomprehensible and/or damaging provisions. Bogdanoff addressed scores of poorly drafted regulations, insisting that the sponsors either justify each one or amend it accordingly. For example, they amended the one-year term requirement to allow an association's unit owners to vote on whether or not two-year staggered terms were preferable, especially for associations with 9 or 11-member governing boards.

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Judges...Continued

During the 2009 regular legislative session, Tallahassee experienced the staggering influence wielded by the banking lobby. By delaying assumption of title, banks forestall assessment obligations to the association for foreclosed units, forcing the other unit owners to pay the bank's share. Although thousands of associations pleaded for legislative relief from the banking industry's dilatory foreclosure strategy, Florida Statehouse and Senate leaders warned lawmakers that any bill threatening banks with additional costs will suffer desiccation on the calendar. Following the announcement, several fast-moving, popular bills were hung out to dry.

New Port Richey Republican Senator Mike Fasano filed Senate Bill 880 (SB 880), extending lender liability to the lesser of 12 months of past due fees and special assessments or 20 percent of the mortgage amount if payment to the association is made within 30 days of taking title. The cap would vanish after the 30-day deadline. Senator Jeremy Ring, a Parkland Democrat, filed Senate Bill 998 (SB 998), requiring lenders to take title on investor-owned units within 12 months of filing foreclosure, with no penalty for that year of engineered delay. As the session progressed, at least a dozen other bills providing similar relief options were folded into major filings best positioned for passage.

In a monument to contradiction, after first maintaining that he hadn't seen any evidence of bank delays in taking title, general Counsel J. Thomas Cardwell of the Florida Bankers Association enumerated several reasons for delays that he just claimed were "nonexistent". Cardwell said "Lenders are only trying to help keep homeowners in their properties," asserting that the foreclosure foot-dragging is simply the industry's way of actualizing altruistic foreclosure moratoriums. Wagging the dog, he proceeded to blame homeowners for bogging down the court system by

mounting time-consuming defenses.

Contending that the relief bills were squelched to benefit Condominium owners, Cardwell stated "These bills could severely damage the ability to obtain financing on condos, and because of that, would do much more damage to condos and condo associations than they would do good." Mid-way through the session, after the bills had clearly gained sufficient support and momentum for passage, bank lobbyists handed legislative leaders a non-negotiable ultimatum. The industry threatened to hike interest rates on Florida condo loans or stop writing condo mortgages altogether if changes were made to the current law. Overnight – and despite its penalty-free construction – Ring's bill withered. Since lenders refused to risk losses incremental to the collateral devaluation already reddening their books, Fasano's bill was also euthanized.

In essence, after his employers threatened to dismantle the condo market if any expediting legislation were passed, Cardwell had the temerity to plead that lawmakers heed the consequences on behalf of those homebuyers facing a sudden dearth of mortgage financing.

*During the post-session, association advocates have been meeting with legislators in preparation for another run at the banks. Since the banking lobby continues to sit atop Mount Ararat in Tallahassee, legislative relief still faces an obstacle fueled by virtually unlimited resources. Nonetheless, Berger's email considers taking action that could provide a modicum relief in the courts. Outlining how the banks have successfully dodged legal redress, her blog entry is as follows: - [editor]**

What Tactics Do Banks Use To Stall Their Foreclosure Actions?

I haven't talked to a single person (other than my banker) who doesn't want to either (a) make banks pay more back assessments to community associations in which they hold mortgages or (b) make banks expedite their foreclosure actions.

We are obviously at cross purposes with most banks who have absolutely no incentive whatsoever to take back title to these properties. What happens when the bank takes back title especially to a property that has no equity?

1. The bank must first pay the statutorily required back assessments (6 months in a condominium association and 12 months in a homeowners' association);
2. The bank must start paying regular and special assessments on that property like every other owner in the community; and
3. The bank must incur additional liability as a property owner to maintain, insure and repair that property and market it for sale.

What Happens When The Bank Delays Taking Title Back To The Property?

1. The rest of the owners in the community continue to maintain the value of the bank's collateral by paying to maintain and insure the overall community (fixing the roof, maintaining the landscaping, etc.); and

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As initially filed on February 19, 2008, the provision referenced by Marcy originally required every association in the State to undergo an inspection on October 1, 2008 and every five years thereafter. On March 12th and April 9th, reviewing legislative committees responded to corrective testimony by adopting strike-all amendments to the bill, wholly abandoning the text and replacing it with a Committee substitute. A consulting Engineer's subsequent committee testimony brought into focus that the bill failed to identify exactly what should be inspected.

As the session wound down, the final version also neglected to indicate what associations should do with the inspection reports. There was no subsequent requirement to address threats to safety or reconsider the reserve assessments expected to ultimately fund an item's replacement cost. Associations that simply pay tens of thousands of dollars for the investigation and file the report away would have fully complied with this poorly drafted exercise in misdirecting resources. Engineers also questioned the benefit to new buildings that are compliant with State and local building codes, since they are fully inspected prior to receiving a Certificate of Occupancy (CO). As applied to associations that occupy older buildings in Robaina's Miami home district, they were already subject to Miami-Dade's 40 year-old Building Safety Inspection ordinance – which effectively satisfies safety objectives and served as the blueprint for Broward's 2005 ordinance. Again – the nondescript inspection requirement described in the Statute has nothing to do with the Miami-Dade and Broward County 40-year Safety Recertification ordinances addressed in Marcy's article.

Seeking to relieve condo owners of an unjustifiable expense, Bogdanoff successfully pressed for an amendment that implemented the existing opt-out provision, allowing associations to side-step paying for a costly undefined report lacking any mandated purpose. Not surprisingly, Florida associations have overwhelmingly opted out of this obtuse provision since its October 1, 2008 effective date. Since this understandable association response requires a burdensome and expensive full membership vote, the provision is a sterling candidate for inclusion into next year's "Glitch Bill". Glitch bills are legislative vehicles designed to reverse unproductive, unworkable or damaging laws passed in earlier sessions, whether an intentional part of some personal, political or financial agenda, a short-sighted response to emotionally charged issues supported solely by anecdotes or well-meaning work product victimized by poor drafting and/or skewed research. They flourish whenever lawmakers fall asleep at the wheel and the electorate fails to poke them awake!

For additional information and links to Structural and Electrical Forms and other program documentation, go to the Galt Mile Community web site by inserting the following URL address into your browser:

<http://www.galtmile.com/broward.html#40year>

– [editor]*

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 SELECTION OF 2 AND 3 BEDROOM UNITS
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SPACIOUS 1/1.5 WITH GLASS BALCONY
 INCREDIBLE OCEAN VIEWS FROM EVERY ROOM
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 VIEWS. WALKING DISTANCE TO THE BEACH.
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BROWARD MAYOR KEN KEECHL'S DEC NEWSLETTER



** Despite the relative brevity of his tenure on the Broward Board of County Commissioners, District 4 Commissioner Ken Keechl was elected Mayor of Broward County by his Commission peers on November 17, 2009. Actually, he was preordained as the County's top dog last November when Stacy Ritter was elected Mayor and Keechl was named Vice Mayor. In Broward County, the Commission practices a variation of Mayoral musical chairs, allowing every member one year in the largely ceremonial catbird seat after first spending a year as Vice Mayor.*

When Keechl snagged the unanimous nod as Vice Mayor last November, he bypassed members substantially senior to the then second-year District 4 Commissioner. Two factors impacted his meteoric advancement. The formula under which the Commissioners rotate also enables each District to share in the one year advantage enjoyed by their representative. While Keechl seemed to leap-frog certain colleagues with lengthier legacies, it was District 4's turn in the sunshine.

Secondly, Mayor Keechl has forged a squeaky clean reputation. The only mildly critical media spin suffered by Keechl during his 3-year Commission service stemmed from the legal demise of a former law partner who was indicted for fraud and money laundering years before Keechl was elected - pretty thin stuff. Given the intense scrutiny recently afforded Broward politicians by Federal and local investigative authorities, placing Keechl on point will serve to dampen the credibility of questionable accusations leveled at the Broward Board.

*Since winning his Commission seat, Keechl has effectively steered County government in a direction more consistent with his campaign agenda. He never barter his vote on the cheap, requiring environmental concessions and fiscal accountability in exchange for his support. In his first Newsletter as Broward Mayor, he describes the inherent upcoming challenges, including the completion of substantial capital projects at Fort Lauderdale/Hollywood International Airport and Port Everglades, as well as construction of a new Court-house - all during a recession. While the public has only recently fueled a thirst for disemboweling crooked service providers, lobbyists and contractors along with their political and legal facilitators, Keechl has been actively stumping for an enforceable ethics code for years. Despite the imposing scope of his new county-wide responsibilities, the Mayor maintains that District issues will continue to rate a higher priority. Read on - [editor]**

"LOOKING OUT FOR DISTRICT 4 AS BROWARD COUNTY'S MAYOR"

By Broward County Commissioner and Mayor Ken Keechl

I've said it before and I'll say it again: my job is an awesome responsibility! Last year, my colleagues honored me by electing

me to be the Vice Mayor of Broward County. I have enjoyed the position over the last twelve months. On November 17th, they honored me again by electing me to be the Mayor of Broward County for the next twelve months. I look forward to the challenge. And make no mistake: in these economic times, it will be a challenge.

First and foremost, I intend to use my position to continue our shared vision for Broward County. As we have done over the last 3 years, we must continue to lower property taxes and to streamline Broward's vast governmental structure. We have decreased Broward's annual budget by more than \$300,000,000.00 since you elected me, and we have eliminated 1300 positions as we operate Broward County as a more efficient business. But our work is not yet done.

In order to recover from this recession, we must see to fruition our previously approved capital projects: the expansion of our southern runway at Fort Lauderdale/Hollywood International Airport; the expansion of our seaport; the construction of a new downtown courthouse; and the upgrading and "greening" of our infrastructure. These projects will benefit Broward County over the next 50 years. They will create jobs. But they must be funded without property taxes. Each of these projects can be done. I will make it my top priority to keep them on track.

Lastly, I was raised to believe that people are basically honest and want to do the right thing. And I don't exclude elected officials from that view. But you cannot escape the fact that local government currently has an image problem. And as they say, "perception is reality." So, I support the work of the Broward Ethics Commission. As I wrote in a recent article, this Committee was created by the voters in November 2008 and is tasked with bringing forth a Code of Ethics to be presented to the Broward County Commission. If the Commission fails to adopt the proposed code, it will be placed on the November 2010 ballot for acceptance or rejection by Broward's voters. I intend to work very closely with this group to enact substantive ethics reform. It's the right thing to do.

It's going to be an exciting year. I look forward to being Broward's Mayor, but my top priority is being your County Commissioner. That's why you elected me. My best to you and your families.

Broward County Commissioner and Mayor Ken Keechl
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Judges...Continued

2. The property is waiting for them to take back when the market rebounds.

The question then is how are banks managing to stall their foreclosure actions? Some are using the judicial process cleverly by filing ex parte motions. An ex parte motion asks for a court order before the other party (the association) has an opportunity to be heard on the request. An ex parte motion in a child custody hearing where a parent could flee the jurisdiction is one thing but an ex parte motion to set aside the bank's Final Judgment because there is no equity in the unit??

What other tactics are lenders' counsel employing lately? They are moving to vacate the certificate of title, moving to vacate final judgments (discussed above), moving multiple times to reschedule the foreclosure sales or simply not showing up to scheduled sales or canceling the sale date unilaterally by putting these options into their Final Judgments. Of course, there are defenses to these tactics that the association can raise but most don't have the money or energy to fight the banks.

Interestingly, lender's counsel usually must convince the Court that no defendant will be prejudiced by the granting of the ex parte motion being requested. An association not hurt after years of waiting for the bank to foreclose and to have a new owner start paying its fair share of assessments only to be delayed once again by legal maneuvering? It's hard to believe any

trier of fact would easily buy that argument.

Posted by
Donna D. Berger, Esq.
7:53 AM on November 24, 2009

"Berger's concluding statement hits the nail on the head. In cases wherein the motion was granted, either the judge overlooked requiring assurances that the action wouldn't unfairly compromise the association's case or the bank attorney blatantly misrepresented the facts. Seeking a resolution to this anathematic abuse of the legal system, she prefaced her email to members of the Community Advocacy Network Advisory Council (a consulting panel of association activists in which the Galt Mile Community Association participates) by stating "Most judges simply are unaware that the banks' ex parte motions are not, in fact, harmless as they are being told. My question to the Council is how do you suggest getting this information in the hands of our judiciary so they become wise to the issues and start scrutinizing these motions and tactics a little closer?" In wrapping up her preface with "Forwarding the blog to the chief judges around the State is one idea. Any others?" - Berger seemingly answers her own question.

In Florida's State Court structure, the 322 judges in the State's 67 County Courts handle cases involving tort contracts, small claims (up to \$5000), real property (from \$5000 to \$15,000), miscellaneous civil issues, misdemeanors, preliminary hearings, traffic and other violations (except parking, which is handled administratively).

Continued on page 21

EASILY REMOVE AND PLACE ON YOUR FRIDGE



HAVE A GREAT NEW YEAR!

2010

JAN/FEB

SUN	MON	TUE	WED
<p>10</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>11</p>	<p>12</p>	<p>13</p>
<p>17</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>18</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>19</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>20</p> <p>Capital Steps (Through 1/24) Broward Center for the Performing Arts Tix.: www.browardcenter.org</p>
<p>24</p> <p>Household Hazardous Waste Day Collection Event 101 N Andrews Ave 8 a.m. to 3 p.m. Info.: 954-765-4999</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>25</p>	<p>26</p>	<p>27</p>
<p>31</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>1</p> <p>GMCA President's Council Meeting TBA 7:30 to 9 p.m.</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>2</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>3</p>
<p>7</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>8</p> 	<p>9</p>  <p>Clapton</p>	<p>10</p>

FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT WWW.GALTMILE.COM

ONE SOURCE FOR COMMUNITY HAPPENINGS

THU

FRI

SAT

14 BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

15 Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

16 Martin Luther King
Birthday Party
For Kids
African American Research Library
(2650 Sistrunk Blvd)
10:30 a.m. to 12:30 p.m.

2nd on 2nd Thursdays Block Party
200 Block SW 2nd Street
5 to 9 p.m.
Info.: 954-468-1541

Fort Lauderdale Orchid Show
War Memorial
Info.: 954-563-3548

Delray Beach Festival of the Arts
(Through 1/17)
1111 East Atlantic Avenue, Delray
10 a.m. to 5 p.m.
Info.: 954-472-3755

21 BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

22 Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.
Info.: 954-776-5092

23 Canada Fest
Hollywood Beach
10:30 a.m. to 9 p.m.
Info.: 954-924-9705

Int'l Chocolate Festival
(Through 1/24)
Fairchild Tropical Garden
9:30 to 4:30 p.m.
Info.: www.fairchildgarden.org

Fort Lauderdale Gun & Knife Show
(Through 1/24)
War Memorial
Info.: 954-828-5380

28 BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

29 Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

30 Florida Sportsman Fishing
& Boat Show
(Through 1/31)
War Memorial
Info.: 954-828-5380

Ft. Lauderdale National Art Fest
(Through 1/31)
Huizenga Plaza and Las Olas Blvd.
10 a.m. to 5 p.m.
Info.: www.moaflnsu.org

4 BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

5 Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

6

11 BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

12 Ft Lauderdale Greekfest
(Through 2/14)
St. Demetrios Greek Orthodox Church
(815 NE 15th Ave)
Info.: 954-761-3378

13 S. FL Depression Glass Show
(Through 2/14)
Emma Lou Olsen Civic Center
Pompano
Info.: 305-884-0335

2nd on 2nd Thursdays Block Party
200 Block SW 2nd Street
5 to 9 p.m.
Info.: 954-468-1541

Florida Renaissance Festival
(Through 3/14)
Quiet Waters Park
10 a.m. to Sunset
Info.: 954-776-1642



UPCOMING EVENTS IN OUR AREA

February 14
Valentine's Concert with Jon Secada
Fairchild Tropical Botanic Garden
Info & Tix.: 305-663-8058

February 20
Buckler's 19th Annual Craft Fair
South Florida Fairgrounds
Info.: 386-860-0092

February 21
A1A Marathon
Las Olas to A1A/Fort Lauderdale Beach, 6 a.m. to Noon
Info.: 954-241-3801

February 24
Taste of the Beach
El Prado Avenue, LBTS, 6 to 9 p.m.
Info.: 954-776-1000

February 26 - 28
Big Cypress Shootout
Billie Swamp Safari

March 6
MIASF's 33rd Annual Waterway Cleanup
33 Cleanup sites in Fort Lauderdale, 9 a.m. to 1 p.m.
Info.: 954-524-2733

March 6 - 7
Las Olas Art Fair - Part II
Las Olas Blvd between SE 6th Ave and SE 11th Ave
Info.: 954-472-3755

March 6 - 7
Fort Lauderdale Beach Collector Car Auction
War Memorial Auditorium, 10 a.m. to 5 p.m.
Info.: 561-533-7945

March 11
Eric Clapton with Roger Daltry
BankAtlantic Center
Info.: 954-835-7469

GALT OCEAN MILE 2010 FOOD DRIVE

By Eric Berkowitz

"On December 7th, Cooperative Feeding Program (CFP) Executive Director Scott Woodburn and Fort Lauderdale Real Estate proprietor Domenic Faro made their way to Playa del Sol Condominium Association to attend a Presidents Council meeting. Four years ago, Domenic and Scott approached the Galt Mile Community Association with a proposition. Drawing on relationships cultivated as a L'Hermitage resident and local business owner, Domenic had requested space on the Presidents Council meeting agenda. As Vice President of the CFP Board of Directors, Domenic Faro sought to stir interest in sponsoring a food drive. That 2007 Galt Ocean Mile food drive laid the groundwork for their Playa del Sol address.

Scott and Domenic represent Broward County's lead agency for the provision of services to the hungry and homeless. For 25 years, the Cooperative Feeding Program has provided counseling and support to help economically besieged families out of the throes of difficult times. At the December 7th Presidents Council Meeting, they announced that the 4th Annual Galt Ocean Mile Community Association food drive would take place during the month of March, 2010. Scott told attendees that the food drive would follow the annual 5K Hunger Awareness "Walk against Hunger", a traditional kickoff precedent to the month long competition among member associations. Early Sunday morning, February 28, 2010, participants in the 5K Walk will meet at the Winn Dixie prior to and after the event.

The Cooperative Feeding Program helps 700 individuals each and every day. In

keeping with modern delivery systems, they implemented a "Drive Through" to efficiently expand outreach. As the economy increasingly victimizes families, lines at The CFP wind further down the sidewalk, often into the street. They provide about 50-60 showers a day to individuals and families who have lost their homes. They plan to build additional showers in order to reduce long waits of four to five hours for a shower. To save money on paper products and truncate potential shower accidents, they installed environmentally friendly Tornado Body Dryers. More than 400 hot meals are distributed each day, along with another 175 family food boxes.

The program was launched in 1982 when Pastor Luther Anderson of the First Lutheran Church in downtown Fort Lauderdale turned donations from Church members into a small pantry with food for the needy. The neighbors took umbrage when homeless and hungry people pleading for something to eat filled the street. As the service proportionally grew with demand, it had to undergo several relocations and otherwise adapt. Its initial 1987 501(c)(3) certification as a not-for-profit organization was later restructured as a 501(c)(3) Nondenominational, passing both control and outreach from Lutherans to anyone in need - also enabling eligibility for FEMA resources.

From the humble beginnings of distributing a few peanut butter and jelly sandwiches to the homeless, to today's provision of 1.2 million meals a year, the agency's dramatic development has reflected both the growing numbers and the growing needs of the poor in our community. Operating solely on the funds and gifts generated by socially conscious individuals, businesses and organizations like the Galt Mile Community Association, the Cooperative Feeding Program doesn't abide corporate conveniences. A remarkably park-free 8% administrative overhead - audited - means resources are smoothly expedited from donors to hungry families. Rents were paid and move-in costs were provided to help families facing the tragic national disgrace of homelessness. The CFP has entered into formal collaborative service agreements with about 100 agencies, entitling them to present clients for emergency services.

Scott read from a letter he sends to each Galt Mile association several months before the food drive. While requesting participation in the upcoming 2010 food drive, he explained that a special effort should be made to surpass last year's record collections to compensate for the economic downturn's impact on families struggling to survive. To help stir the formulaic competition meant to incentivize increased contributions, Woodburn reminded the assemblage that little Edgewater Arms, the smallest member of the neighborhood association, handily took the trophy in 2008 and 2009, both for total and per unit contributions. Since the Program anticipates serving 7,000 families between the first week in November and the last week in December - functionally draining resources - Woodburn outlined a new objective of 20,000 lbs of food for this year's food drive. Scott's letter is as follows: - [editor]"



Continued on page 22

Although Certified Questions (writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus, etc.) can go to the Appellate Court, decisions made by the County Court's individual judges are appealed to the Circuit Courts. The 599 judges in the State's 20 Circuit Courts hold jury trials (except in appeals) for torts, contracts, real property in excess of \$15,000, miscellaneous civil, mental health, probate/guardianship/estate, civil appeals, domestic relations (family law matters), felonies, criminal appeals and juvenile (dependency and delinquency) cases. Depending on the case, Circuit Court decisions are appealed to the Appellate Court or the State Supreme Court.

62 Judges sit in 3-judge panels on the State's 5 District Courts of Appeal. Headquartered in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach, the Appellate Courts have mandatory jurisdiction in civil, noncapital criminal, administrative agency, juvenile, original proceeding, interlocutory decision cases as well as discretionary jurisdiction for all of these except for administrative agency cases. Decisions can be appealed to the 7 justices that sit "en banc" in the State's Supreme Court. The State's Court of last resort, Florida's Supreme Court case types include mandatory jurisdiction in civil, capital criminal, criminal administrative agency, juvenile, disciplinary, advisory opinion cases and discretionary jurisdiction in civil, noncapital criminal, administrative agency, juvenile, disciplinary, advisory opinion, original proceeding, interlocutory decision cases. Their case load includes Constitutional questions, Bond Validations, Public Utility cases, validity of statutes and decisions affecting a class of constitutional/statutory officers.

Although directly alerting the State's Chief Judges will help edify jurists prospectively misinformed that the bank's ex parte motions are harmless, it will also convey that their decisions are being scrutinized by a sizable audience, not just the usual handful of engaged attorneys. Since this problem is largely national in scope, another possible option would be to contact the Conference of Chief Justices (CCJ) with this information. Among their projects is a Best Practices Institute charged with identifying and promoting practices that enhance the effective administration of justice as part of "a broad strategy to improve court performance and better serve the public." To improve public trust and confidence, the CCJ also initiated a Public Trust and Confidence Forum. To help start the ball rolling, contact information for the Chief Justice of the State's Supreme Court and the Chief Judges for the five District Courts of Appeal are listed below. — [editor]*

Florida Supreme Court — Chief Justice Peggy A. Quince
500 South Duval Street, Tallahassee, Florida 32399-1925
Telephone: (850) 922-5624
<http://www.floridasupremecourt.org/justices/quince.shtml>

First District Court of Appeal — Chief Judge Paul M. Hawkes
301 S. ML King Blvd., Tallahassee, Florida 32399-1850
Telephone: (850) 487-1000
<http://www.1dca.org/judges/hawkes.html>

Second District Court of Appeal — Chief Judge Darryl C. Casanueva
1005 E. Memorial Blvd., Lakeland, FL 33801
Telephone: (863) 499-2290
<http://www.2dca.org/Judges/Bio/casanueva.shtml>

Third District Court of Appeal — Chief Judge Juan Ramirez, Jr.
2001 S.W. 117 Ave., Miami, Florida 33175
Telephone: (305) 229-3200
<http://www.3dca.flcourts.org/Judges/25-Ramirez.shtml>

Fourth District Court of Appeal — Chief Judge Robert M. Gross
1525 Palm Beach Lakes Blvd., West Palm Beach, FL 33401
Telephone: (561) 242-2000
<http://www.4dca.org/judges/gross.shtml>

Fifth District Court of Appeal — Chief Judge David A. Monaco
300 South Beach Street, Daytona Beach, FL 32114
Telephone: (386) 255-8600
http://www.5dca.org/Judges/Monaco/Monaco_page.shtml

Go to <http://www.flcourts.org/courts/circuit/circuit.shtml> for links to all 20 Florida Circuit Courts and <http://www.flcourts.org/courts/county/county.shtml> for links to Florida's County Courts. — [editor]*

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Food Drive...Continued

A REQUEST FOR YOU **B** E AN IMPORTANT PART OF THE 2010 GALT MILE **C** AMPAIGN TO REDUCE HUNGER IN BROWARD...

Hunger continues as a real problem in Broward County. The Cooperative Feeding Program (CFP), a United Way agency dedicated to reducing hunger in Broward County, is constantly organizing annual food drives with local Homeowner and Civic Associations to help provide year-round assistance to the poor, many of whom would not have adequate food without your help.

Following the huge success of our 2009 Galt Food Drive where over 15,000 lbs of food was donated, and the Edgewater Arms was overall Champion again for the second consecutive year. The committee member would again invite the entire Galt Ocean Mile Community Association to join our team and participate in the new and exciting 2010 Galt Ocean Mile Food Drive.

The 2010 GALT Ocean Mile food drive will again feature a special 5K Hunger Awareness "Walk against Hunger" kick-off event, on Sunday, February 28 followed by a March month-long food drive.

Last year we had all Galt Condo Associations participate, We have posters, stuffers and flyers to help you announce the walk and food drive to your residents and provide a description of what types of non-perishable items are needed. We can also advise you on organizing the food drive, promotional consideration, food collection and handling delivery to the Cooperative Feeding Program.

Please take a moment to fill out and fax to us the attached form ASAP. We also would appreciate an opportunity to meet with you and make a presentation at your next association meetings.

Hunger remains a real problem in Broward County as 1 out of 6 goes to bed hungry every night. With your help, fighting it will be as easy as A-B-C!

Sincerely,
Scott A. Woodburn
Cooperative Feeding Program
954-629-7381

Cooperative Feeding Program
1 NW 33 Terrace, Ft. Lauderdale, Florida 33311
954-782-2328, fax: 954-782-9982
www.feedingbroward.org

For additional information and downloadable participation forms, go to the GMCA web site, scroll down to "Galt Mile Preps for 4th Annual Food Drive" and click the headline. Scroll down article and click on the word "Posters", "Flyers" and/or "The Attached Form." •



Galt Milers Start 5K Walk at Winn Dixie Last Year.



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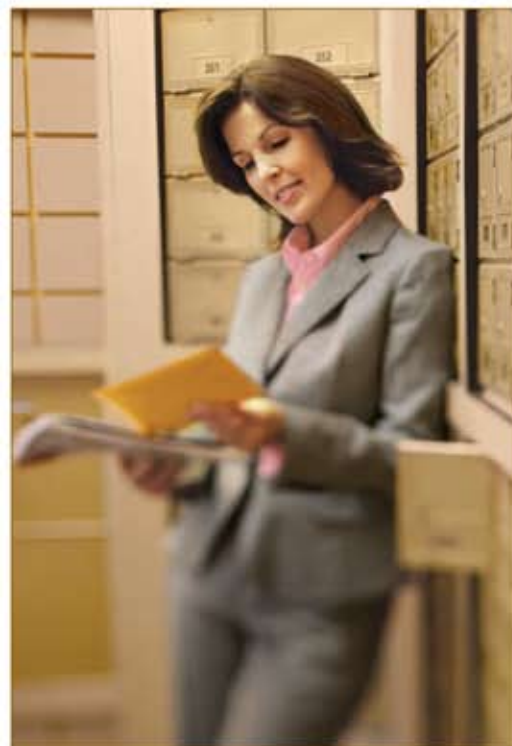
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