

RM 'On the Watch'

The RM Association Reporter

Summer Edition

2014



Daniel Rosenbaum

President's Message

As our firm has developed through the years, we have placed great emphasis on our level of communications with our clients and responsiveness to the needs of our clients. I took a few moments last weekend to try to determine from an objective standard how we are perceived as a law firm generally by the legal and business community. Other than the direct comments that we receive and the questionnaires that are filled out by our clients periodically, I thought this could be helpful. I looked up our firm in Martindale-Hubbell, a long-established and well-recognized law firm and lawyer rating agency, to see how we are rated. The following are Martindale-Hubbell's ratings for our firm:

All Ratings on 5.0 Scale

Legal Knowledge	4.9
Analytical Capabilities	4.9
Judgment	4.9
Communication Ability	5.0
Legal Experience	5.0

The firm received exceptionally high ratings in the categories pertaining to our legal capabilities, but we received the highest ratings possible in the categories of Communication Ability and Legal Experience. We view this as one reliable measure of our community's perception of our firm.

While we are proud of these high ratings and the many awards that our attorneys have received, we view all of these as a critique of our past performance, knowing that tomorrow is another day. We not only have to continue to perform at the same level, we must exceed our clients' expectations. These are not hollow words or idle concepts. These principles are repeatedly discussed and implemented at every level of our firm; attorneys, staff, administration, information technology, accounting and other areas. Our business is about YOU, not just about us.

These days, a lot of people say these things, but we believe actions speak louder than words, so we continue to perform at higher and more efficient levels.

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ROSENBAUM MOLLENGARDEN PLLC

ATTORNEYS AT LAW

If you go on our website and look at the Home Page, at the bottom you will see the following words: Quality, Resilient, Experienced, Proven, Accessible, Involved, Relentless, Unique and Committed. These words are there because they have meaning to us, and hopefully, to you.

Simply stated, we are committed at all levels to provide you the highest quality legal services that we possibly can.

One of our clients recently described our firm using these words: "You provide large firm quality legal

services but have the flexibilities and feel of a small firm".

This is a good description of who we are and who we strive to be. Thank you for being a part of us in one way or another. We look forward to a long and mutually beneficial relationship.

*Quality, Resilient, Experienced, Proven, Accessible,
Involved, Relentless, Unique, Committed*

RM University - Screening, Approval of Transfers & Fair Housing



Allison Hertz pictured

“Attendees were warned that the disapproval of transfers is not a right, but it is a rather serious matter which must be expressly supported by the community association’s declaration.”

Allison Hertz

On June 16, 2014, I had the pleasure of presenting a course entitled *Screening, Approval of Transfers and Fair Housing Issues* to CAI’s Gold Coast Chapter in our firm’s newly renovated presentation room.

The course was focused on the legalities of transfer restrictions, and the common misconceptions many board members and property managers have concerning the association’s “right” to approve and disapprove proposed transfers.

The attendees were warned that the disapproval of transfers is not a right, but it is a rather serious matter which must be expressly supported by the community association’s declaration. If it is not well supported, it could subject the association to liability in the form of lost profits on a proposed transfer, among other costly claims. The recent epidemic of resident requests for assistance animals in “no pet” communities as reasonable accommodations under the Fair Housing Act was also discussed. The attendees were shocked when I informed them that assistance animals are not required to be trained under the fair housing laws and that such laws do not restrict assistance animals to dogs, although trained dogs are generally only permitted as service animals under the Americans with Disabilities Act (the ADA). The course ended with lively discussion among the attendees concerning requests for assistance animals in communities which are comprised of highly allergic residents, and whose request prevails.

Please feel free to contact me with other questions regarding these matters at ahertz@e-mlaw.com

What is a Writ of Possession and Why Do I Need One?



Mark Keegan

A writ is an order issued by a court commanding the recipient to perform some task. In Colonial times, particularly in the Massachusetts Bay Colony, British courts issued writs of assistance which were general search warrants allowing British government officials to search for contraband anywhere, at any time, without having to obtain a specific search warrant. Some have argued that these writs of assistance and the resulting harassment of otherwise law abiding Colonists played a critical role in escalating tensions between the Colonists and Britain that ultimately led to the Revolutionary War, the establishment of the United States of America, and the adoption of the Fourth Amendment to the United States Constitution. The Fourth Amendment, which is part of the Bill of Rights, prohibits unreasonable searches and seizures and effectively outlawed the use of writs of assistance.

In modern times, however, writs are far less controversial and in certain situations can be an important tool in an association's toolbox. One of these situations involves the common scenario where the association acquires property through a judicial foreclosure sale, only to be faced with a holdover occupant who refuses to voluntarily vacate the property. Because Florida law does not allow a property owner such as the association to physically remove a holdover occupant, when an association is faced with this situation its attorney should file a motion requesting the court to enter an order issuing a writ of possession. A writ of possession is an order commanding the Sheriff, or other local law enforcement official, to deliver possession of the property to the rightful owner. The motion must be sent to all parties in the foreclosure case and the holdover occupants, and will require a court hearing before the writ of possession is issued.

Once the writ of possession is issued, the Sheriff will visit the property and "tag" the door with a notice requiring the occupants to vacate the property within a specified period of time, which is usually no more than 48 hours.

The Sheriff will also notify the occupants that the Sheriff will return to confirm the occupants have vacated the premises or, if

necessary, to physically remove the occupants and their belongings from the property. As you may imagine, the justified fear associated with the Sheriff returning to physically remove a holdover occupant is usually sufficient incentive for most holdover occupants to voluntarily vacate the premises after the Sheriff "tags" the door. However, if the Sheriff returns and the occupants have not vacated the premises, the Sheriff will physically remove the occupants and their belongings from the property, and will then deliver possession of the property to the association.

If you have any questions about writs of possession, Colonial American history, or anything else, please contact me at (561) 653-2900 or mkeegan@r-mlaw.com.

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RM News...

ACHIEVEMENTS

RM prides itself in recognizing demonstrated abilities, talents and strengths and believes in providing professional growth opportunities and challenging roles that reward its employees for their dedication and hard work. In keeping with that vision, RM is pleased to announce the following accomplishments:

Dina Rosenbaum

Who is going back to school ?

Dina Rosenbaum has been with our firm since the inception 6 year ago and has been a notable litigation paralegal. Dina will be starting law school at Nova in a few short weeks. Hopefully the 3 years she'll be away will seem like just a few "short weeks" and it won't be long before she's back. We will miss her and can't wait for her to rejoin us as an Attorney!

Laurel Wiley, Tatiana Yaques and Mark Keegan

In May the firm had the pleasure of promoting Laurel Wiley, Tatiana Yaques and Mark Keegan to shareholders. All three attorneys have practiced with RM since the inception of the law firm. We are very proud that they have become shareholders and look forward to their continued excellence in the rendition of legal services to the firm's clients.

Liz B. Herman, Esq.

Liz Herman has been re-appointed Chair of the Law Related Education Committee of the Palm Beach County Bar Association for 2014-15. Liz has



also been appointed as the statewide Chair of the Informed Voters Project Committee of the Florida Association of Women Lawyers. Both committees focus on education citizens about government and the courts. The Informed Voters Project, led by Florida Supreme Court Justice Barbara Pariente, focuses on increasing the knowledge of citizens regarding the importance of a fair and impartial judiciary. We welcome an opportunity to present to your community about these important topics.

Allison Hertz has practiced in the Association Department since the inception of RM. Allison is dedicated to her practice and the firm's clients, and the firm is pleased to have promoted her to senior associate.

Nicholas Henson has been promoted to legal assistant in our Collections and Foreclosure Department, based on his knowledge and skills and the strong foundation he quickly developed while in his role as receptionist/administrative support. Nicholas is also responsible for adding and updating information on our firm's website. Nicholas joined the firm almost two years ago.

Carolina Perales started with RM as a legal assistant/paralegal in our Association Department and has been promoted to litigation paralegal supporting our Litigation division. Carolina just celebrated her first year with RM.

NEW TEAM MEMBERS

We have recently expanded and have been quite fortunate to find professional and talented employees to join the ranks of an already amazing team!

Crystal Carswell

We want to welcome Crystal Carswell who recently relocated from a North Carolina practice. Crystal was born and grew up in South Florida and she wanted to move back down to rejoin her family and friends, along with her newlywed husband Chris. Crystal is a litigation associate attorney.

Victoria Henson

Victoria Henson recently joined our firm as an administrative assistant performing a variety of duties including valued support to the assistants, paralegals and attorneys in our Litigation, Association, and Collections/Foreclosure Departments.

Gayna Meslien

Gayna is a legal assistant supporting partner, Peter Mollengarden and senior associate, Allison Hertz.

Gayna Meslien has been with our firm just a couple of months and in that short time she has

proven to be a very valuable and knowledgeable member of our Association Department.

Cristina McNamara

Cristina McNamara also has been with our firm just a couple of months. Cristina is a legal assistant in our Collections and Foreclosure

Department and although she had not had prior law firm experience and no knowledge of collection and foreclosure practices, she has quickly learned and mastered the responsibilities of her position and additionally assists our Association attorneys and paralegal, Rhonda Ugowski with our firm's extensive marketing efforts.

Hi, I'm Rhonda

You may have already met me or, at least seen me schlepping all the booth setup materials to and from the trade shows, or, setting up for one of our attorney's CEU Classes for a local building manager group, community association agency, management company or group of board members, or, maybe you've received one of my e-mails inviting you to attend an upcoming event.

Either way, I LOVE sharing the great things **ROSENBAUM MOLLENGARDEN PLLC** has to offer.

We are a full-service law firm with a primary focus on all aspects of Community Association representation.

I personally am a collection/foreclosure/real estate paralegal. So that's why I'm always telling everyone about our very unique delinquent account collection process where we pass the fees and costs incurred, in almost all situations, on to the delinquent unit owner.



At every step of the process, **including foreclosure, we advance all attorneys' fees, postage, recording costs, filing fees, service of process costs and publications costs on behalf of the association.**

And, we are very good at what we do!

We also offer **FREE** CEU Courses for property managers and Board Members, including the Board Member Certification Class. If you have a group of 10 or more, we can arrange a private class just for you! And, I'm in charge of scheduling those! So please, go to our website for a list of current courses we offer and check out our calendar for upcoming events.

Just remember, *I'm Rhonda*, and you can always call me for any and all of your managers or associations' needs.

We are proud to have such a strong group of new team players!

For upcoming events visit events calendar: http://www.r-mlaw.com/events_calendar.cfm

For Legislative updates visit: http://www.r-mlaw.com/rm_news.cfm

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RM Law - Connecting the people and principles that make the difference

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