



# TALK OF THE TOWERS

Volume 3 Issue 12

May 2011

**Tower 41  
Condominium Association**  
4101 Pine Tree Drive  
Miami Beach, Florida 33140

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### OFFICE HOURS

**Mon. - Fri.**..... 8:00 am - 4:30 pm

### Restaurant

41 On The Bay Restaurant  
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## Hallways and Decorating

The redecorating of the hallways is underway. Sorry for the inconvenience as we replace the old with new carpeting, wallpaper and lighting in our public halls.

## Forty-first Street Exit

Please be reminded that the gate to Forty-first Street is for Emergency use only and is not to be used as an entrance to Forty-first Street.

## FOB

Please cooperate with the use of the FOB for entrance to our building. The FOB is a security measure for entrance to the building. Security will not buzz anyone in to the building without signing in and going through the security procedures.

## East Fire Stairs

Please do not jam the lock or place anything under the doors leading to the outside which will prevent these doors from locking. When jammed or left open these doors can be used by outsiders to gain access to our building endangering our safety and security.

## Hurricane Season

The hurricane season is fast approaching. If you are leaving your apartment for the summer please remove ALL property from your balcony. If you are in your apartment and hear hurricane warnings please remove all property from your balcony. Most of the hurricane damage to the building was caused by property blown off the balcony into sliding glass doors.



## Tower 41 Newsletter

If you have anything special you would like to share with the residents of the Tower 41 Condominium, please let the manager know by the last day of each month so we can include it in the following month's newsletter.











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The family is like a garden with joy for all to share,  
 With tender, growing blossoms that thrive on love and care,  
 And when the flowers are gathered for a very special day,

They make a bright and beautiful happiness bouquet.

~Mary Loberg

“Who is getting more pleasure from this rocking, the baby or me? -Nancy Thayer

“Of all the rights of women, the greatest is to be a mother.”  
 -Lin Yutang

“The most important thing a father can do for his children is to love their mother.” -Author Unknown

“My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual and physical education I received from her.” -George Washington

“Nobody knows of the work it makes to keep the home together. Nobody knows of the steps it takes, Nobody knows-but Mother.” -Anonymous

### Internet Tidbit

Want to learn a new language but think you don't have the time? Try learning one word at a time. Visit [www.transparent.com](http://www.transparent.com) and click on “Word of the Day.” You can choose from Spanish, French, German, Italian, Brazilian Portuguese, or English for Spanish speakers. Bookmark the site and plan to visit each day or elect to receive one email a day with your new word and translation. Before you know it you will be on your way to speaking a second language.



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**ASK DONNA**

**Q:** How can an association collect monthly assessments from a bank-owned property?

**Donna:** You collect them the same way you would collect dues from any other delinquent owner. If a bank does not voluntarily start paying assessments for property it owns in your community, you must send them a demand letter that complies with the applicable Statute(s) and then proceed with a lien and a foreclosure lawsuit if your demand for assessments goes unheeded. My firm has commenced foreclosure actions against several banks on behalf of our association clients. It's really a sad sign of the times when you have to start foreclosing on banks!

**Q:** Can condominiums allow access for certain types of service deliveries deemed essential and restrict others deemed non-essential, such as pizza or newspaper delivery?

**Donna:** Any board action must be reasonable and applied uniformly. Making a subjective determination as to which servicemen are essential and which are not can be problematic. I would suggest the way to allow convenience for the owners while still protecting the association is to have an indemnification and hold harmless agreement on file for each owner requesting to have delivery servicemen enter the community. Not allowing a pizza delivery seems

overly harsh, might result in membership backlash and would probably not withstand a challenge in Florida courts.

*Donna DiMaggio Berger is Executive Director of the Community Advocacy Network (www.CANFL.com) and Managing Partner of the community association law firm of Katzman Garfinkel & Berger (www.KGBLawFirm.com). E-mail your questions to Donna today at AskDonna@kgblawfirm.com.*

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**Remember Wilma, Frances & Jeanne? Be Prepared ...**

The 2011 tropical storm season in Florida kicks off June 1st ... and it's never too early to prepare your community for the worst-case scenario of a direct hit by a major storm.

Unfortunately, many condominium and homeowners' associations don't realize that most standard hurricane preparedness materials are not geared towards community association boards whose decision-making authority in preparing for and recovering from storm damage must be exercised in accordance with applicable Florida Statutes and the community's own governing documents.

That includes having all insurance documentation in order before a storm, date stamping video and photography of the community and insisting on proper filing of any claim to ensure your community can recover all insurance monies owed to you. It is possible to avoid what happened to associations like the Monaco Beach Club in Naples after Hurricane Wilma in 2005 where owners were each burdened with \$100,000-plus in special assessments for repairs their insurer should have covered. The members of that community have since filed a class action lawsuit against their board for an insurance claim gone horribly wrong.

That's why the Law Firm of Katzman Garfinkel & Berger and its Community Advocacy Network have once again released the "Hurricane Preparedness Guide for Community Associations" as part of their Law and Learning Center Guidebook Series, available at no cost as a public service to your association.

Download a free copy of the "Hurricane Preparedness Guide for Community Associations" from our website or call us toll free to learn more about how Katzman Garfinkel & Berger can help your community in its hurricane preparation and damage recovery efforts.



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