

Lawsuit alleges that Poinciana HOA has no legal standing

In December 2015 a group of Poinciana Homeowners, (Friends of Poinciana Villages, 'FOPV'), filed a civil lawsuit against the Poinciana Homeowners Association, the Poinciana Developer Avatar and Poinciana Village 1.

During the past year the defendants have done everything legally possible to keep the case from going to trial. The homeowners have jumped through the legal hoops and hopefully the case is on its way to trial. A couple of the most recent legal documents are attached including the amended complaint just filed by the homeowners against their HOA.

The Count VIII of the amended complaint is newsworthy.

Count VIII asks for a Preliminary Injunction against the Defendants. It asks that the HOA be restrained until the lawsuit is decided.

The issue alleged in item 94 of the Amended Complaint is that the Poinciana HOA did not renew the Poinciana deed restrictions as required by Florida law. If the deed restrictions were not properly renewed, then the HOA no longer has legal authority over the Poinciana homeowners to collect HOA fees and enforce deed restrictions. If true, the HOA has not had that authority for many years and has conducted business illegally during those years.

The reason for the injunction request is that the Poinciana HOA is accused of very severe abuse of HOA powers granted to it by the State of Florida. These abuses have continued while the lawyers for the defendants have dragged this lawsuit out trying to keep it from court. Unless the injunction is granted these abuses will continue until the case is resolved.

An example of such abuse is the fact that a complaint has been filed with the Florida Department of Financial regulation that has resulted in questions whether the debt collection company (First100 based in Nevada) hired by the Poinciana HOA to collect HOA delinquent debts was properly licensed by the State of Florida and behaved according to Florida Law. Subpoenas issued by the Florida Department of Financial regulation have been ignored by the debt collection

company. The Poinciana HOA has a fiduciary responsibility to the homeowners to make certain that any debt collection actions taken on their behalf are done by companies allowed to operate in Florida. It appears this was never done. There has been a questionable relationship between First Service Residential, the Poinciana HOA management company and the debt collection company. These questions have yet to be answered. Meanwhile thousands of Poinciana homeowners are facing foreclosure liens because of this questionable debt collection activity. There are many other examples of questionable actions taken by the Poinciana HOA.

These types of homeowner abuse must be stopped until the court has a chance to decide the issues brought forward in the complaint.

If you would like more information on these issues, the legal actions or the entire Poinciana HOA situation please do not hesitate to contact myself and I will be most happy to provide you with more details?