



FOPV Press Release

Nov 29,2017

On November 22, 2017 the 10th District Court in Bartow issued an order and judgement that Martin Negron's motion to intervene in the Motion to Set Aside the Declaratory Judgment was Denied. Negron's attorneys had requested that the July 24 judgement allowing Avatar to cast maximum density votes for underwater lots in APV elections be overturned. The court ruled that because Negron's motion was filed after the court judgement was issued it was untimely under the law and could not be considered.

The history of the case is that Negron filed an election complaint for the Feb 27, APV election that was upheld by the Florida DBPR calling for a new election and new rules for allocating votes to Avatar. Avatar filed a lawsuit claiming they had a legal contract with APV to be allowed votes different from the DBPR order. APV agreed they had a valid contract and the court ruled Avatar could cast the votes. Neither Negron who had filed the complaint nor DBPR who issued the order were told of the Avatar court action until after a decision was made. As such the court denied them the right to intervene.

This ruling appears to set a legal precedent for Florida HOA law. Anytime a developer controlled HOA receives an order from the state that the developer does not like, then all they must do to circumvent that order is obtain a separate court order without telling anybody what they are doing. Once the court order is issued then the state order that the developer does not like can be overridden by the circuit court.

This is truly an unfortunate precedent for Florida HOA law. According to the FOPV attorney this ruling will be appealed.