

Real Estate Disputes

Through our representation of various lenders, we have gained significant experience analyzing and implementing loan work outs, obtaining receiver appointments, enforcing rent assignments, foreclosing on commercial and residential properties, and representing the interests of lenders and other creditors in bankruptcy.

The firm represents title insurance companies defending title claims, and is experienced in handling disputes relating to land acquisition, survey defects, title, easement rights, real estate contracts, and land partnerships.

We have successfully represented developer entities and principals regarding HUD project investigations.

We have won significant condemnation awards for land owners whose property was taken by the government for development or road construction.

The Firm has considerable experience defending real estate developers against claims or defenses asserted by buyers attempting to avoid enforcement of purchase contracts, particularly such claims and defenses based upon alleged violations of:

- The Interstate Land Sales Full Disclosure Act (ILSA) and the Department of Housing and Urban Development (HUD) regulations interpreting ILSA;
- The Condominium Act;
- The Homeowners Association Act;
- Real Estate Tax Disclosure requirements; and
- Community Development District disclosure requirements.

The Firm also has extensive experience in representing commercial landlords and tenants in various disputes involving lease contract disputes, deposit disputes, and disputes over ownership of furniture, fixtures and equipment upon termination of leases.

Representative Cases

- Prevailed at trial and on appeal on behalf of a real estate developer in a breach of contract suit against famed boxing promoter Don King regarding a parcel of property located in Palm Beach County, in *DK Arena, Inc. v. E.B. Acquisitions I, LLC (2010)*. The decision affirmed the trial court's finding that Mr. King breached obligations in a dispute concerning a \$23-million purchase and sale agreement for real estate. This case also firmly established the precedent that detrimental reliance upon verbal representations in the context of a real estate transaction can, under certain circumstances, overcome the statute of frauds.
- Prevailed on appeal on behalf of a residential land developer where the court held the developer was exempt from the disclosure requirements under the federal Interstate Land Sales Full Disclosure Act (ILSFDA) statute, in *Van Hook v. The Residences at Coconut Point (2010)*.
- Prevailed on behalf of property owner seeking disbursement of loan proceeds in action brought by mortgage broker, seeking to freeze loan proceeds as security in commission dispute, in *Cohen Financial, LP v. KMC/EC II/LLC*, 967 So. 2d 224 (Fla. 3rd DCA 2007).
- *Wigand v. West City Partners, Inc*
Successfully obtained a decision where the Federal District Court for the Southern District of Florida prevented 42 of the 43 plaintiffs who sued the condominium developer from bringing their breach of contract and ILSA claims in one lawsuit.