

RESOLUTION OF THE BOARD OF DIRECTORS OF

**REGARDING PROPOSED LEGISLATION TO ADDRESS
THE FORECLOSURE CRISIS**

THIS RESOLUTION is adopted this _____ day of _____, 2008 by the Board of Directors of _____ (the "Association"), a condominium association made up of _____ units.

WHEREAS, the Association is an entity operating pursuant to Chapter 718, Florida Statutes; and

WHEREAS, the Association operates the Condominium known as _____ in _____ County, Florida; and

WHEREAS, the Association is empowered to collect assessments for the payment of common expenses pursuant to Section 718.116, Florida Statutes, and pursuant to the Declaration of Condominium of _____;

WHEREAS, Section 718.116, Florida Statutes, states that the liability of a first mortgagee acquiring title to a unit by foreclosure for unpaid assessments which came due prior to the acquisition of title shall be the lesser of the unit's unpaid common expenses and regular periodic assessments which accrued or came due during the six months immediately preceding the acquisition of title or one percent of the original mortgage debt (hereafter referred to as the "Statutory Cap");

WHEREAS, the rising number of foreclosures filed by first mortgagees within the Association is having a dramatic negative impact on the Association's financial stability;

WHEREAS, the negative impact on the Association's financial stability is being exacerbated by the excessively slow pace by which the foreclosure lawsuits filed by the first mortgagees are proceeding to judgment and foreclosure sale; and

WHEREAS, the Statutory Cap limits the lender's liability and is causing the Association to lose substantial revenue which then becomes the burden of the remaining owners.

NOW, THEREFORE, the Board of Directors of the Association resolves as follows:

1. The Statutory Cap must be amended to provide for additional necessary protections for condominium associations throughout Florida.
2. The elected officials to State office, both Representatives and Senators, must act during the upcoming 2009 Legislative Session to address the inequities present in the Statutory Cap contained within Section 718.116, Florida Statutes.

3. The Proposed Bill, attached hereto as Exhibit "A," addresses the inequities present in the Statutory Cap contained within Section 718.116, Florida Statutes by providing the foreclosing first mortgagee with no liability for delinquent assessments accrued during the six months immediately preceding acquisition of title, but will provide for joint and several liability for all other delinquent assessments for foreclosing first mortgagees.
4. The Association strongly encourages the elected officials to State office, both Representatives and Senators, to support and vote in favor of the Proposed Bill, attached hereto as Exhibit "A."
5. This resolution will be mailed to all unit owners.
6. This Resolution will be attached to the minutes of the meeting at which this Resolution is adopted.
7. This Resolution will be faxed to Commissioner Jerry Libbin at (305) 673-7096 so that he can carry it with him to Tallahassee.

APPROVED AND RESOLVED this _____ day of _____, 2008.

By: _____
President

Attest: _____
Secretary