

TILDEN & PROHIDNEY, P.L.

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October 3, 2023
(via Email)

Board of Directors
Twin Rivers Association, Inc.

Dear Board of Directors:

Thank you for your inquiry into our firm, Tilden & Prohidney, P.L. We are excited about the potential to assist Twin Rivers Association, Inc. in its legal affairs. Our principals have been practicing law in Florida's Gulf Coast for, collectively, over 35 years. We are a full-service firm, offering legal advice to individuals, businesses, and associations in almost every area of the law. A cornerstone of our practice involves the representation of community associations. We currently represent associations located throughout Manatee, Sarasota, and Charlotte Counties. What follows is a brief description of the services we offer to community associations.

GENERAL ASSOCIATION REPRESENTATION

More so than our corporate clients, who tend to operate with a narrow focus, our community association clients face a broad range of legal issues, many of which vary on a monthly – sometimes, even daily – basis. This is one of our favorite aspects of community association law, and we pride ourselves on being able to competently and efficiently handle every legal dilemma our boards confront, including, without limitation:

- Declaration and by-law review and amendments
- Transfers of Proprietary Leases and Mobile Home Titles
- Maintenance and repair issues
- Covenant enforcement matters
- Collection actions and lien foreclosures
- Negotiation of construction, maintenance, repair or management contracts
- Transition of Association control
- Advice on election procedures, special assessments and budgets
- Board recalls
- Capital improvement financing
- Easement and boundary issues and disputes
- Zoning, land use and construction issues
- Development issues
- Code enforcement
- Surface water management issues

We also make ourselves available to attend annual and other meetings of the Board, where we assist with procedural issues and answer legal questions of the Board and community members.

GENERAL LITIGATION, ARBITRATION & MEDIATION

Our principals are adept litigators, with considerable courtroom experience. As such, our firm handles all aspects of Community Association lawsuits and Florida Department of Business and Professional Regulation arbitrations and mediations. We have represented Associations on a myriad of issues such as: Association lien and third party foreclosures; covenant enforcement actions and rule violations; parking violations; unapproved tenants; developer disputes; contract and contractor disputes; construction defects and liens, and more. Our collective experience in all manners of litigation and individual expertise in particular fields allows us to appropriately resource association litigation matters such that our clients get the best possible advice, from the best source, in an efficient and cost effective manner.

COLLECTION ACTIONS

In these difficult but improving economic times, one of the primary reasons our association clients seek our services is for collection of unpaid assessments. To that end, we handle all aspects of the Association assessment collection procedure. Florida law allows a lien to be placed on the resident's property within the Association for non-payment of Association assessments and provides for foreclosure of that lien much like a mortgage foreclosure. The statutes detail the notifications that must be sent and the lien requirements. Typically, two letters are sent, a notice of intent to lien, then a notice of intent to foreclose, and the lien is recorded in the public records. The Firm's fees for collections are outlined below.

Equally beneficial to our association clients, our firm, drawing from broad experience litigating more traditional business actions, is adept at reducing unpaid assessments to judgment and then garnishing bank accounts, pursuing judgment levies on real and personal property, and pursuing other means of collecting amounts owed to the association. In today's real estate market, where an association lien may have little value on real property that is already over-encumbered, such strategies have proven to be an effective way of getting our clients paid what they are owed.

FORECLOSURES

Sadly, bank foreclosures are still a common problem for our association clients. Homes in foreclosure are regularly a source of lost assessment revenue and can be a blight on a community. Tilden & Prohidney offers a full range of Association foreclosure services, including the prosecution and defense of Association interests in the foreclosure process. Our firm represents the Association in accordance with its Declaration and Florida law in a foreclosure lawsuit brought by a mortgage holder against a resident, while independently pursuing the association's lien and judgment options to try to ensure

payment of all unpaid assessments. A more detailed explanation of the foreclosure process is available upon request.

FEES

Collections: Our fees for collection work are currently billed at \$250-\$295 per hour. If litigation is required, collection actions are billed as provided below.

Community Association general services are currently billed at \$295 per hour. Law clerk and paralegal time is charged at \$65-\$100 per hour. We endeavor to utilize the attorney with the most practical experience with the issue faced by the Association, in order to minimize fees and maximize returns for the Association.

Foreclosures, litigation, arbitration and mediation services are currently charged at \$295-\$315 per hour depending on the complexity of the issues and the attorney assigned. Again, law clerks and paralegals are utilized whenever possible and charge \$65-\$100 per hour. Estimated fees for typical foreclosure actions are available on request.

We Welcome Your Business:

We welcome your business and would enjoy meeting with you to further explain our services. If you have any questions or need any additional information, please do not hesitate to contact us.

Very truly yours,



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