LEGISLATIVE PETITION

Due to the length of time most lenders are taking to complete their own foreclosure lawsuits, many of these cases linger in the court system for two to three years, or longer, without any relief to the community association. As a direct result of these delays, many community associations have elected to pursue their own foreclosure actions in an effort to address the removal of the non-paying owner, who often times, is also violating other provisions of the governing documents. However, under current Florida Statutes, the community association may be penalized for taking such action, which should be considered inequitable.

We propose to have language added in Section 718.116(1)(a) and in Section 720.3085(2)(a) of the Florida Statutes which, if adopted, would clarify that when an association takes title to a unit or parcel by way of its own foreclosure, the association is not "jointly and severally" responsible with a subsequent owner for all unpaid assessments, and that when the lender or another 3rd party takes title from the association by way of the lender foreclosure, the unpaid assessments which have come due on the unit, as well as the late fees, interest, and any costs and reasonable attorney's fees incurred by the association to take title to the unit, remain owing for that unit or parcel by the new owner (unless the "safe harbor" applies to limit the lender liability).

We do not want, nor do we believe it was ever intended that our Association be treated as the 'previous owner', as that term is currently used in Section 718.116(1)(a) and in Section 720.3085(2)(a) of the Florida Statutes, when it has taken title to a unit or parcel by way of its own foreclosure action.

The undersigned support the addition of the above-referenced language in Section 718.116(1)(a) and Section 720.3085(2)(a) of the Florida Statutes as explained above:

NAME	**ASSOCIATION**	**POSITION** (e.g.,Board Member, Unit owner)	**DATE**