

Question regarding Ironwood Dues allocation and potential change 6/27/24

Here is the question I posed to the attorney Cheryl Hastings yesterday and her opinion.

Question:

Hi Cheryl, Dave Tate here. The association is Ironwood. The declaration, etc. is on our web site at Ironwoodnaplesfl.com. If it helps all our docs are on this site. Probably most concerning is page 41 of the Declaration. 21.3 talks about changing the docs and a 2/3 vote. 21.5 is Proviso that states about changing the way the percentage of expenses are calculated. We have already been told that just amending this particular section is not possible (it requires a 100% yes vote of all owners + mortgage companies). We would like to know if we could change this by doing an entire rewrite of the docs. Appreciate your time. THANKS. Dave Tate

Her answer:

Thanks Dave. Florida Statute 718.110(4) states that unless otherwise allowed in the original declaration of condominium, the record owners of all units and all record owners of liens on the units must approve any change to the assessment allocation. As such, I am of the belief that unless the original Declaration contained an affirmative provision allowing changing the assessment allocation (which yours does not) that you default to 100% of owners and lien holders because it is not otherwise provided.

Looks like we are stuck with the current allocation of our quarterly dues until the State of Florida changes the law.