



The Law Spot

Notice of Delinquent Assessment

Under section 718.116(1)(a), F.S., a unit owner, regardless of how his or her title has been acquired, including by purchase at a foreclosure sale or by deed in lieu of foreclosure, is liable for all assessments which come due while he or she is the unit owner.

A unit owner is **jointly and severally liable** with the previous owner for all unpaid assessments that came due up to the time of transfer of title. New language added to the statute in 2014 states, "the term 'previous owner' does not include an association that acquires title to a delinquent property through foreclosure or by deed in lieu of foreclosure. A present unit owner's liability for unpaid assessments is limited to any unpaid assessments that accrued before the association acquired title to the delinquent property through foreclosure or by deed in lieu of foreclosure."

Another 2014 amendment to Section 718.116, F.S. is found at (6)(b) and adds new language to the section. The association may still foreclose, and a foreclosure judgment may not be entered until at least 30 days after the association gives written notice to the unit owner of its intention to foreclose. The new language includes a form notice contained within the statute and entitled "Delinquent Assessment."

The Delinquent Assessment Notice should state –

DELINQUENT ASSESSMENT

This letter is to inform you a Claim of Lien has been filed against your property because you have not paid the (add type of assessment) assessment to (name of association). The association intends to foreclose the lien and collect the unpaid amount within 30 days of this letter being provided to you.

You owe the interest accruing from (month/year) to the present. As of the date of this letter, the total amount due with interest is \$_____. All costs of any action and interest from this day forward will also be charged to your account.

Any questions concerning this matter should be directed to (insert name, addresses, and telephone numbers of association representative).

If this notice is not given at least 30 days before the foreclosure action is filed, and if the unpaid assessments, including those coming due after the claim of lien is recorded, are paid before the entry of a final judgment of foreclosure, the association shall not recover attorney's fees or costs.

The notice must be given by delivery of a copy of it to the unit owner or by certified or registered mail, return receipt requested, addressed to the unit owner at his or her last known address; and, upon such mailing, the notice shall be deemed to have been given, and the court shall proceed with the foreclosure action and may award attorney's fees and costs as permitted by law.

The notice requirements of this subsection are satisfied if the unit owner records a notice of contest of lien.