



LAW OFFICES OF JOHN L. DI MASÌ, P.A.

John L. Di Masi, Esquire
Patrick J. Burton, Esquire
Brandon Gregory Marcus, Esquire
Toby Snively, Esquire
Christopher Bertels, Esquire
Alicia S. Perez, Esquire
Brian S. Hess, Esquire
The Right Relationship is Everything!

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Orlando, Florida 32801-1014
PH: 407-839-3383 • FX: 407-839-3384

June 1st, 2021

PRIVILEGED/CONFIDENTIAL

New Independence Townhome Owners Association, Inc
Specialty Management Company
1000 Pine Hollow Pt.
Altamonte Springs, FL 32714

Re: Engagement Letter – New Independence Townhome Owners Association, Inc

Dear Board Members:

The purpose of this letter is to provide you with information about our Firm and generally set forth our understanding of the legal services to be performed, including our fee structure and standard procedures. We are more than happy to meet with you, at no charge to the Association, and discuss our representation and the benefits we can provide your community.

By way of background, we represent over 602 homeowners and condominium associations throughout the State of Florida, including Orange, Osceola, Seminole, Lake, Polk, Marion, Hillsborough, Brevard, Pinellas and other Central Florida counties. We have been practicing Community Association Law since 1995. Our Community Association team of knowledgeable attorneys includes John L. Di Masi, Patrick J. Burton, Toby Snively, Christopher Bertels, Alicia Perez and Brian Hess, along with an experienced staff of paralegals. Our attorneys specialize in every aspect of association law which gives us a well-rounded, informed approach to achieve our clients' goals.

SCOPE OF WORK: Our representation includes matters that the Association gives to us from time-to-time. This may include:

- Collection efforts
- Assessment lien foreclosures
- Compliance issues and disputes
- Covenant enforcement, including mediation and litigation
- Association procedures
- Preparation of Association documents and document interpretation
- Document amendments and modifications
- Vendor disputes
- Board governance issues

FEES:

- General Representation. Our fee for services, other than flat fee matters and collection/covenant matters, is \$245.00 per hour.
- Collection/Covenant Matters. In all instances, we will look to the homeowner for reimbursement of our fees and costs. In the event a lawsuit is required, and the Board approves of such action, the Association is only responsible for a one-time earned, flat fee payment of \$800.00, which shall include all fees and costs.¹ In the event that no lawsuit is filed, either because the matter has been resolved, or the Board has not given us authorization to proceed, there is a flat fee payment of \$50.00 due when we close our file if our attorneys fees have not been paid by the homeowner.
- Flat Fee Services. See attached Schedule.

REPRESENTATION: We agree to represent your Association regarding the various legal issues that you present to us. We ask that you designate the person or person(s) to whom we are to communicate with on behalf of the Association. If the Association ends our representation, it agrees to reimburse our Firm for any fees and costs outstanding or incurred during the process of closing the files and matters we are working on for your Association, unless such fees and costs were incurred on a collection or covenant enforcement matter that originated at our Firm. In the event the Association does not prevail in any litigation filed by our Firm and the Association is ordered to pay prevailing party fees, our Firm is not responsible for the payment of such amounts. In the event either party is required to enforce the terms of this Agreement, the prevailing party shall be entitled to collect from the non-prevailing party its reasonable attorney's fees and costs, whether suit be filed or not.

We look forward to working with you.

Sincerely,

/s/ John L. Di Masi

John L. Di Masi

The Association accepts and agrees to the terms of this Agreement and the attachments there to.

AGREED TO AND ACCEPTED this 11 day of July, 2021.

NEW INDEPENDENCE TOWNHOME OWNERS ASSOCIATION, INC

Megan Willbur

By: Megan Willbur

(Print Name) As its: President

¹ The Firm retains the right to receive any governing document authorized, statutory, and prevailing party attorneys fees and costs from the homeowner. Should anyone other than the Association be required to pay the Firm's attorneys fees, the hourly rate for such fees shall be \$245.00 per hour or whatever amount is awarded by a court of law whichever is higher. Any payments received from any party shall first be applied to the Firm's outstanding fee with the balance remitted to the Association. The Firm reserves the right to modify the fee and cost schedules contained herein upon 30 days prior written notice to the Association, specifying the modification and the effective date of such modification.

New Independence Townhome Owners Association, Inc
June 1st, 2021

Bankruptcies*

Chapter 7 Bankruptcy Monitoring Flat Fee - \$300.00

Perform review of bankruptcy petition; monitor case until conclusion.

Chapter 13 Bankruptcy Monitoring Flat Fee - \$600.00

Perform review of bankruptcy petition; monitor case until conclusion.

Mortgage Foreclosures*

Answer and Affirmative Defenses Flat Fee - \$150.00

Review mortgage foreclosure complaint; draft appropriate Answer and Affirmative Defenses on behalf of the Association.

Monitoring Mortgage Foreclosure Action Flat Fee - \$250.00

Monitor the mortgage foreclosure action to its conclusion and advise association of the cases progress.

* All attorney court appearances or attorney drafted filings including a proof of claim (if necessary) are billed at our standard rate of \$245.00 an hour pursuant to the association's engagement letter.

** All attorney court appearances or attorney drafted filings beyond the answer and affirmative defenses are billed at our standard rate of \$245.00 per hour pursuant to the association's engagement letter.

Simple Solution

FREQUENTLY ASKED QUESTIONS

How is this different from how a collection company handles an association's matters?

More control and higher recoveries. Collection companies want control and decision-making over Association files and retain all interest, late fees and their high costs of collections. With us, the Association retains total control and decision-making of all files and retains all amounts collected from the homeowner, less our fees and costs which are sought directly from the homeowner.

Are there penalties if an association transfers an account away from the Law Offices of John L. Di Masi, P.A.?

Absolutely not. There are no penalties for an Association removing an account from our office for either collections or covenant enforcement.

Are there any monthly fees or limits on the number of matters an association can send to the Law Offices of John L. Di Masi?

No monthly fees, no limits. We have no minimum requirement . . . you send us whatever matters you want us to assist you with.

Will your firm charge inflated rates to homeowners?

No. Our goal is to solve delinquencies and violations, not to push anyone into foreclosure or needless litigation. Our rates remain reasonable and competitive for the market.

What if the Association already has an attorney?

No problem. You can continue to use your existing attorney for all general work and allow us to assist you with collections and covenant enforcement matters.

Simple Solution

HOW DOES SIMPLE SOLUTION COLLECTIONS COMPARE TO COLLECTION COMPANIES?

Due to the increasing costs of attorneys performing collections actions for associations, many have turned to collection companies due to the perceived decrease in cost. Below is a comparison of the Law Offices of John L. Di Masi, P.A.'s Simple Solution to collections and the structure of most collection companies.

	Simple Solution	Collection Companies
Association retains all collected interest?	<input checked="" type="checkbox"/>	NO
Association retains all collected late fees?	<input checked="" type="checkbox"/>	NO
Association maintains total control over the file?	<input checked="" type="checkbox"/>	NO
Association can take back a file with no penalties?	<input checked="" type="checkbox"/>	NO
Online status reports available 24/7?	<input checked="" type="checkbox"/>	NO
Attorneys available at any time to discuss file strategy?	<input checked="" type="checkbox"/>	NO
Association remains able to negotiate with homeowners on amounts due?	<input checked="" type="checkbox"/>	NO

BOARD OF DIRECTORS

Director

(Print Name)

Address: _____

PHONE: _____

Fax: _____

Email: _____

Director

(Print Name)

Address: _____

PHONE: _____

Fax: _____

Email: _____

Director

(Print Name)

Address: _____

PHONE: _____

Fax: _____

Email: _____

Director

(Print Name)

Address: _____

PHONE: _____

Fax: _____

Email: _____

Director

(Print Name)

Address: _____

PHONE: _____

Fax: _____

Email: _____

New Independence Townhome Owners Association, Inc
June 1st, 2021

CONTACT INFORMATION

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