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Florida Condo Owners Score Legal Victory in Fight Over \$35,000 Special Assessment

BY KIRI BLAKELEY

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Realtor.com

A group of condo unit owners in Florida just won a legal victory against their own board in a fight over a whopping special assessment, after a judge ordered the association leadership to hand over all records and control to a new board.

The owners and condo board at 1060 Brickell Condos, a two-tower, 45-story luxury high-rise in Miami, have been embroiled in a vitriolic legal contretemps for about a year.

The Financial District neighborhood around Brickell Avenue, with plenty of upscale shopping, draws high-profile residents, including singer Marc Anthony and power couple **David and Victoria Beckham**.




<

\$340,000

1 Bed 1 Bath 720 Sqft
6001 SW 70th St Apt 127
South Miami, FL 33143


View



\$380,000

1 Bed 1 Bath 720 Sqft
6001 SW 70th St Apt 623
South Miami, FL 33143

View



>

\$3,600,000

4 Bed 4.5 Bath
6021 SW 76th St
South Miami, FL 33143

View

The condo controversy started with the passage of a staggering \$21 million special assessment. Board association president **Jacob Kassel** insisted he was only doing his duty to keep the building well-maintained.

The assessment was for \$7.7 million for facade restoration, \$3.5 million for repair and restoration of the parking garage and basement, \$2.5 million for general conditions, and \$1.7 million for repairs and restoration of the rotunda, among other expenses, according to The Real Deal.

Owners were aghast at the amount of money, which would come directly out of their pocketbooks to the tune of about \$35,000 per owner. They argued that repairs weren't needed, given that the building was only 17 years old.

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1060 Brickell Condos has been embroiled in lawsuits. REALTOR.COM



Unit owners complained that board members would show up to meetings only through Zoom, then refuse to answer questions. X/1060 BRICKELL CONDOMINIUM OWNERS

The owners' allegations also included a lack of transparency about the repairs, an engineering representative who wasn't licensed, a hasty deadline to pay the assessment, and a board that refused to answer questions.

"Owners are basically forced to watch [Kassel] bleed them dry financially while acting snarky, arrogant, entitled, and careless," an account called 1060 Brickell Condominium Owners alleged on X.

Condo owners got together to oust the three-person board (including vice president **David Treiger** and treasurer **Paolo Lignarolo**) and elected a new one in November 2024. However, the current board then disqualified the three new candidates, and managed to keep control of the board.

That's when the lawsuits began flying.



Apartment 3601, a two-bedroom unit in the controversial towers, is listed for \$830,000 with \$1,368 in monthly fees. REALTOR.COM

The board sued unit owner **James Dudley**, who led a successful recall effort (certified by the Florida Department of Business and Professional Regulation) for the Kassel-led board.

Unit owners **Dorinda Spahr**, **Jermaine Jones**, and **Javier Noriega** were appointed to the board by a judge in July, and they too subsequently filed their own lawsuit.

Haber Law attorney **Ariella Gutman**, who represented the trio, told Realtor.com®: "Condominium owners now have a new board who will take over the operations of

the Association in all aspects and run the next election. The new board is in place until the next election [in November].

"This was a hard-fought win over various cases both in arbitration and in court. We are happy for the owners to take control and have the people who they voted for running their Association. Nonetheless, these cases and the fact that it took almost a full year to get resolution expose the various nuances and obstacles that the law regarding condominium imposes on owners who want to make changes or challenge actions of the Board of Directors in their community. "

Realtor.com also reached out to attorney **Marc Halpern**, of Halpern-Rodriguez in Coral Gables, representing the condo association.

Additionally, unit owners **Jessica Bergman** and **Antonio Sevillano**, a married couple, filed a class-action complaint, alleging that the board's passage of the special assessment violated Florida law by failing to provide a description of the special assessment and by failing to allow unit owners to vote on it.



Apartment 2620, a two-bedroom unit at 1050 Brickell, the second tower, is listed for \$780,000. REALTOR.COM

Bergman and Sevillano alleged that the board's 2-1 vote on the assessment also violated the property's condo declaration, according to TRD.

Kassel, a former real estate agent, had told TRD that he believed the large assessment was perfectly justified.

"When you live in a condominium, you have the responsibility of everything being maintained 100%, versus when you live in a house and the roof caves in, you have that decision whether or not you want to maintain the roof or other [elements]," he told the outlet.

"We're not going to allow another Champlain Towers collapse to happen in a building I live in or that I'm responsible for," he said referring to the condo collapse in Surfside that killed 98 due to structural damage that wasn't repaired.

But many owners disagreed.

"Jacob Kassel took a catastrophic event and created an opportunity," one told TRD.

The 1060 Brickell Condominium Owners group has been especially active on X, often posting vitriolic videos and posts calling out Kassel and the board.

"Are you recording me? Hi, hi! I'm recording you, too!" board vice president Treiger said in one video, posted in November 2024. "Let's record all day long, my dear. Spread your lies, call the police, do whatever you want, you little coward ... you contaminated individual."

He then apparently called police on the person recording him.

With Miami-Dade Circuit Court Judge **Joseph Perkins'** latest ruling, the Kassel-led board is finally out at the condo, at least for the time being (there is another election in November) and the owners group rejoiced.

"In a dramatic reversal for fed-up condo owners, a Miami-Dade judge has ordered the immediate removal of 1060 Brickell Condominium Association's incumbent board after it shamelessly clung to power for nearly a year—despite losing a state-mandated recall arbitration and illegally rejecting valid owner ballots that would

have ousted them," it wrote on X, calling the ruling "a hard-won victory for owners who fought relentlessly for nearly 12 months to end this abuse of power."



The open kitchen at Apartment 2620 in the [Brickell Condos](#) REALTOR.COM

Realtor.com reached out to the account on X and WhatsApp.

Unbelievably, it's not 100% certain that the tug-of-war is over.

"We cannot be sure of what the former directors will do, and there are various situations to consider on whether they can challenge this," Gutman said.

"At present, they have not and have turned over the Association to the board that was elected via the recall and under the Court's order."

Neighbor wars

The brouhaha, which has seen neighbor turn on neighbor, illustrates how easily HOA, condo, and co-op owners can go to war not only over living conditions—such as noise or unmowed lawns—but also finances. And just how expensive that can be.

Owners had told TRD that they'd spent a half-million dollars on attorney fees, in addition to funding the association's legal fees via their monthly dues, fighting their own board.

While the owners alleged that the board's passage of the special assessment violated Florida law by failing to allow unit owners to vote on it, whether or not a vote is taken before an assessment varies by association.

"In some cases, a membership vote is mandatory for approval; in others, it isn't," says building management service Associa.

Should you buy?

At 1060 and 1050 Brickell, there are 12 units for sale, ranging in price from from \$390,000 to \$850,000.

The 605 residential units include studios, lofts, and one-, two-, and three-bedroom apartments. They range in size from 570 square feet to 2,500.

"With a magnificent two-story lobby, and equally striking residential units, Avenue on Brickell is a one-of-a-kind luxury home experience," boasts the website.

The building comes with amenities such as a 24/7 front desk attendant, valet service, pool, spa tub, business center, fitness center, yoga room, sauna, lounge room, billiard room, massage room, and wine and cigar locker room.

A two-bedroom unit in the complex is listed for \$525,000 with \$1,368 in monthly fees. Described as "currently the lowest priced 2 bedroom in the entire building," the listing doesn't state if the assessment and legal fees are baked into the relatively high HOA dues.

Another listing, a 613-square-foot studio for \$399,500, comes with an enticing perk: "Special Assessments paid by seller!"

But should buyers invest in a place with this much bad blood?

"I would steer clear of this community at all costs," Coldwell Banker Vanguard Realty agent Cara Ameer, who is licensed in Florida and California, tells Realtor.com.

"The owners will end up paying for the litigation through special assessments, and many people may just opt to no longer pay their dues and feel they are throwing good money after bad and end up simply walking away from their unit. I have seen this kind of thing happen, and it takes years to recover."

As for how to avoid a building with this much controversy, Ameer says it can be worth it to hire an attorney to do a deep dive into all condo documents, looking for red flags.

"The best thing you can do if you plan to buy a condo is to get involved with your board and condo association so you can have input into the decisions being made," Ameer advises.

"Owners don't want to get involved in their condo association, and they think ignorance is bliss until it isn't."

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