

**September 2011 Newsletter**

This month we focus on giving you the insider scoop on popular legal issues.

**Condo Owner Associations and Changes to the Law**

The changes which went into effect on July 1 to [Statute 718](#) of Florida law will give [condo owners associations](#) (COAs) more options when dealing with owners whose accounts are delinquent on dues.

In the past, associations' options were limited to simply filing for foreclosure, however with today's high foreclosure rate and the strained economy, the changes will benefit associations by allowing them more leeway to attempt to collect on these debts before having to resort to the extreme situation of [foreclosure](#).



COAs will now be able to make collection attempts on monetary delinquencies directly from unit tenants, withhold access to community privileges and amenities - such as a communal pool, tennis courts, or exercise facilities - and file suit against the unit owner, if necessary.

[Disputes](#) can arise between unit owners and COAs, and our practice group provides services for those looking to resolve these, as well as assist COAs and unit owners with issues of vendor and insurance contracts.

**The Coye Law Firm's "Daily Two" video now available YouTube!**



In our [August newsletter](#) we announced that production had begun on two exciting informational videos that Mr. Wade Coye filmed with Autumn Alexander from WFTV Channel 9 news.

Although the segments are not scheduled to air on the "Daily Two" for a few more weeks, the first of the videos has been made available on our YouTube channel as a sneak preview! [Watch Wade Coye](#) discuss what you should do before leaving the scene of a car accident, and how important it is to speak with a lawyer before making a recorded statement or signing paperwork.

Stayed tuned, next month we expect to bring you a video of Wade Coye speaking on Social Security Disability! You can also subscribe to our YouTube channels to catch each informative new video as it is released.



Mr Coye and Ms Alexander discuss what victims of car accidents should do and how a lawyer might help.

**What You Want to Know About Probate and Elective Shares**

One of the most important and frequently discussed topics in probate has to do with second marriages, family property, and elective shares. Many people may not be aware, but the elective share provision might upset a person's wishes for what is done with their assets after they pass away.

[Florida Constitutional law](#) establishes spouses as primary benefactors in the event of death. Spouses who suffer the death of their significant other can claim life estate in property such as a home or land. They can also file for an elective share of communal property, ask for a family allowance of the estate, and are generally considered first over children and other family members during the process of distributing assets.

Therefore, even if a person has a [Last Will and Testament](#) stating they want a specific distribution of assets, such as leaving a family homestead to a child or business investments to a business partner, the Constitution may override the Will and the spouse may remain the recipient of the asset. It can be very important to consider a [prenuptial agreement](#) before a second marriage.

Many people feel that they don't need to worry about establishing or protecting an "estate" until they have amassed a certain amount of assets, but it's never too early to find out about the laws and the paperwork necessary to protect yourself and your family in a time of loss and tragedy.

**Things You and Your College Student Should Talk About Before They Leave for College With Your Car**

September means a back-to-school scramble, including college students returning to campuses. For parents, that can sometimes mean providing a car you own for your child's use while they are off at school. If you are letting your college student take a family car to use, you may want to have a serious conversation about some of the responsibilities and legalities which accompany driving someone else's car in another city or state.

**Safety first!** Remind your student of [seatbelt laws](#) and make sure they are aware of the fact that if they are not wearing their seatbelt and are in an accident any damages and injuries may not be compensated (or the reimbursement amount may be lowered) by the insurance company. Remind them of the [basics of safe driving](#), such as avoiding having too many passengers and other distractions, avoiding texting and driving, and that it is never acceptable to drive your vehicle while under the influence of alcohol.

Make sure your child has the contact information for your insurance agent and understands the basic process of filing an insurance claim if the need arises. Do they know what to do and who to call? Talk to your college student about how [documenting the accident using their cell phone](#) can be invaluable evidence, and remind them of the importance of filing a police report, exchanging information with the other driver, and seeking medical attention. Educate the student about specific coverages of your policy, such as whether or not your insurance covers the cost of towing the vehicle, and whether or not you have a roadside assistance package in case of a mechanical emergency. Remind them of the importance of locking the vehicle doors, never leaving valuables in plain sight in the car, and that if a theft does occur they need to file a police report and contact you and the insurance company immediately.

Florida holds car owners responsible in [accidents](#), even if they were not driving. If your student is involved in an accident - whether or not it was their fault - you as the owner will become involved in the process of the insurance claim and need to know what your insurance company expects of you. If your adult child is moving to another state, make sure your insurance is in line with that state's [PIP](#) coverage requirements, and find out whether that state has [no-fault](#) insurance policies. You may want to speak with your insurance agent about these issues for specific details.

We wish a safe and happy back-to-school to all students and parents.



**Congratulations to intern, Ivy, on the birth of a healthy baby girl!**

Ivy Quinones, intern staff member of our [worker's compensation](#) department for 2 years, welcomes a new addition to her family! Ivy's daughter Genesis Selena was born on Aug 31, 2011, a healthy 6 lbs 15 oz. Both mother and daughter are doing wonderfully.

Ivy will be on maternity leave for approximately 8 weeks, but overall she doesn't plan to be slowed down. Still on track to complete her BS in [legal studies](#), with a minor in criminal justice and a certificate in crime scene investigation, from UCF in spring 2012, she has decided to take a year off to spend with Genesis before applying to law schools.

Congratulations Ivy and best wishes!



The Coye Law Firm continues to represent consumers and employees in their claims for [personal injury](#), [workers compensation](#), and [Social Security disability](#) benefits. Call our offices today at [800-648-4941](#) to speak with someone who can evaluate your situation and determine if we can help you with your claim.

To learn more about our firm & practice areas, visit [coylaw.com](#) or [coylawdisabilitycenter.com](#)

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