

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

VERANDA AT DORAL CONDO #4
ASSOCIATION, INC.,

CASE NO.: 2022-014153-CA-01

Plaintiff,

v.

TOWER HILL PRIME INSURANCE
COMPANY,

Defendant.

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiff/Appellant, VERANDA AT DORAL CONDO #4 ASSOCIATION, INC., appeals to the Third District Court of Appeal, the Final Judgment for the Defendant rendered on July 12, 2024. The nature of the final order is a Final Summary Judgment in favor of the Defendant/Appellee, TOWER HILL PRIME INSURANCE COMPANY. A true and correct copy of the Final Judgment for the Defendant/Appellee is attached hereto as Exhibit "A" and is reviewable by this Court pursuant to Fla. R. App. P. 9.030(c)(1)(A).

[Certificate of service on the following page.]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via E-Service and the Florida E-Filing Portal to Counsel of Record for the Defendant on this 12th day of August 2024.

Your Insurance Attorney, PLLC.
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By: /s/ Maximo A. Santiago
Maximo A. Santiago, Esq.
Florida Bar No. 669733
Jonathan J. Manoy, Esq.
Florida Bar No. 1024808

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE 8-13 AD 2024

JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County

Deputy Clerk

[Handwritten signature]
12662



**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-014153-CA-01

SECTION: CA09

JUDGE: Pedro P Echarte Jr.

VERANDA AT DORAL CONDO #4 ASSOCIATION INC

Plaintiff(s)

vs.

TOWER HILL PRIME INSURANCE COMPANY

Defendant(s)

_____ /

FINAL JUDGMENT FOR DEFENDANT

This cause came to be heard on July 12, 2024 on Defendant, TOWER HILL PRIME INSURANCE COMPANY's Motion for Final Summary Judgment filed May 23, 2024, and the Court, having read the motion and the opposition, heard the argument of counsel and otherwise being fully informed in its premises, finds that the motion is due to be, and is, GRANTED, as follows:

1. Veranda at Doral Condominium No. 4 Association, Inc. ("Veranda") was insured by Tower Hill Prime Insurance Company ("Prime") under an insurance policy that was in force when Hurricane Irma affected Florida.

2. In June 2020, Veranda first reported a claim for Hurricane Irma damage to Prime.

3. When Veranda filed its lawsuit, Prime raised lack of prompt notice under the terms of the insurance policy as an affirmative defense.

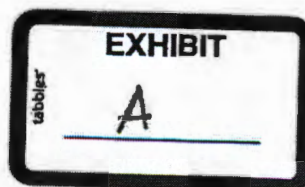
4. Based on the evidence presented, including the evidence presented by Prime and the affidavit of Joaquin Alvarez, Veranda's notice of claim to Prime was not prompt as a matter of law.

5. Because Veranda's notice of claim was not prompt, Prime is entitled to a presumption of prejudice, which Veranda has the opportunity to rebut.

6. The Court considered the affidavits of Joaquin Alvarez and Eduard Badiu, including the attachments and determines, as a matter of law, that these affidavits are insufficient to rebut the presumption of prejudice to Prime.

7. Prime also raised an affirmative defense of lack of cooperation under the terms of the policy for failure to provide for a timely inspection and failure to provide requested documents.

8. The Court considered the evidence relating to Veranda's cooperation under the insurance policy's



terms and conditions with respect to the inspection and documents request, including the evidence presented by Prime and the affidavits and attachments filed by Veranda.

9. The Court finds as a matter of law that Veranda failed to substantially comply with the insurance policy's duty to cooperate, which constitutes a material breach of the policy and that Prime was prejudiced by this breach.

10. For these reasons, Prime's Motion for Final Summary Judgment is granted, and it is entitled to judgment in its favor.

WHEREFORE, IT IS ADJUDGED that plaintiff VERANDA AT DORAL CONDO #4 ASSOCIATION, INC., 1500 NW 89 Court Suite 202 Doral, FL 33172, take nothing by this action and that defendant, TOWER HILL PRIME INSURANCE COMPANY 7201 NW 11th Place Gainesville, FL 32605, shall go hence without day and recover costs from plaintiff in an amount to be determined by the Court or agreed to by the parties, that shall bear interest at the applicable rate under Fla. Stat. 55.03, for which let execution issue. The Court reserves jurisdiction to determine the amount of costs as well as entitlement to and amount of attorney fees.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 12th day of July, 2024.

~~2022-014153-CA-01 07-12-2024 3:08 PM~~

2022-014153-CA-01 07-12-2024 3:08 PM

Hon. Pedro P Echarte Jr.

CIRCUIT COURT JUDGE

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Electronically Served:

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