

Carlton Fields Clients Win Complex Title Dispute Over Sea Bonay Beach Resort in Hillsboro Beach

August 13, 2019

Carlton Fields is pleased to announce that a dispute involving title to the Sea Bonay Beach Resort property in Hillsboro Beach, Florida (Broward County), has been conclusively resolved in favor of firm clients BNH IV HM TRI LLC (BNH) and 1159 Hillsboro Mile LLC (1159).

BNH and 1159 are professional real estate developers who purchased the property in 2017 for \$13.5 million in arm's length transaction from an entity called Oceanside Mile, LLC (Oceanside). The deed was signed by Sharona Yehuda, who at the time of the sale was listed in Florida department of state's records as the sole manager of Oceanside since 2016. Shortly after the closing, a third party, Arturo Rubinstein and his company Fab Rock Investments LLC, filed a lawsuit claiming that, notwithstanding the Florida department of state's records, Yehuda lacked authority to convey the property and seeking to rescind the transaction and quiet title to the property. Plaintiffs alleged a long-standing dispute between Yehuda and Rubinstein (that was never disclosed to BNH and 1159) and asserted a host of fraud claims directed against Yehuda, her husband, and the other minority members of Oceanside.

BNH and 1159, whose transaction was being challenged, raised defenses and brought a counterclaim against the Plaintiffs for failing to disclose their alleged interest and a counterclaim and cross-claim to quiet title to the property in their name.

After a seven-day jury trial on the Plaintiffs' case in chief, U.S. District Judge Kathleen Williams of the Southern District of Florida granted BNH and 1159's motion for directed verdict, ruling that the Plaintiffs failed to prove their claims for rescission and quiet title. BNH and 1159 then negotiated a settlement of their counter and cross claims with Plaintiffs and other Defendants to secure a final

judgment quieting title to the hotel property in their name and a waiver of the Plaintiffs' right to appeal.

BNH and 1159 were represented by Carlton Fields Shareholders Chris Smart, Scott D. Feather, and Christine R. Davis. Smart leads the firm's Real Property Litigation and Title Insurance practices.

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