

## Green Light for Miami Developer

DEVELOPMENT | REAL ESTATE | REAL PROPERTY LITIGATION | TITLE INSURANCE | AUGUST 15, 2018



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Carlton Fields defended real estate developer Apeiron Miami, LLC in litigation brought to prevent our client from maintaining, operating, and developing its own property. Apeiron purchased the 14 acre property, in the Miami-area Jockey Club condominium complex, in 2014, with plans to develop it. In 2016, two existing Jockey Club condominium associations sought to block development, filing two lawsuits against Apeiron in Florida state court. Plaintiffs argued that development would violate agreements they made with the complex's original owner in 1977 and 1995.

Following a five-day bench trial, the court ruled that these agreements had either been extinguished by Florida's Marketable Record Title Act or did not preclude future development or Apeiron's assumption of maintenance. Although this ruling eliminated obstacles, it also required our client to secure the associations' approval for its development and was unclear as to whether Apeiron could develop on the land where tennis courts that the associations had come to think of as theirs were located. To resolve these issues, we filed a motion for rehearing, which the court then granted amending its final judgment to indicate that Apeiron did not need the residents' approval for its development and clarifying that Apeiron could build where the tennis courts were located. As a result, Apeiron was able to proceed with its planned, innovative development project, which includes 240 luxurious residential condominiums, a 90-room boutique hotel, and a 51-slip yacht marina.

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