



MARK FREERKS

Oceania condo owner said he was told his windows were 'state of the art hurricane glass.'

## Chicago attorney battles with Turnberry over Wilma damage

BY PAUL BRINKMANN

A suburban Chicago attorney is wading in to battle against Turnberry Development of Aventura, regarding damages to his 25th-floor Sunny Isles condo from Hurricane Wilma.

The suit by attorney Mark Liss of Deerfield, Ill., states that sections of the window framing in his unit shattered, dislodging the window from its frame and causing "a virtual river of water" to enter the unit. Liss says a saleswoman said the windows were hurricane resistant, but the suit says none of the buildings' units contained "state of the art hurricane glass."

"I was there with a buddy, standing next to the windows thinking we were safe," Liss said. "All of a sudden, one of our sliding glass doors just came unhinged off the frame. We were bailing water to keep the place from flooding."

The suit, which seeks at least \$75,000 in damages, alleges deceptive practices, fraud, breach of contract and breach of warranty. Mario Romine, senior VP and general counsel for Turnberry, said the case is without merit and the company expects to be fully vindicated.

The suit also names two entities attached to the project at 16500 Collins Ave. — Tower V Developers Ltd. and Tower V Developers LLC.

### HURRICANE SHUTTERS NOT ALLOWED

Liss claims an agent of the developers, Roberta Lee, met him and his wife Lynne Liss at a sales office in 2001 and convinced them to buy at the Tower V location by emphasizing Turnberry's participation in the project.

"Ms. Lee enthusiastically and repeatedly represented that the building was being constructed with 'state of the art' hurricane glass and hurricane protection," the suit states.

The suit says Lee went on to tell the buyers that hurricane shutters would not be allowed

on the building.

The suit says Turnberry became directly involved in the 28-story Oceania Tower V after a previous developer apparently lacked funding. Building codes changed to require more hurricane-resistant features in 1994, following the aftermath of Hurricane Andrew. Liss alleges the building didn't meet the proper building codes and delivered a unit that was unsafe because it contained tempered glass.

The suit also alleges that construction stopped for more than 180 days and that updated building permits should have been obtained to ensure the latest building codes were followed.

The suit does not seek class action status, but Liss makes reference in his allegations to other buyers having similar problems. In an interview, he declined to identify any other damaged parties. He also declined to reveal whether his condo was insured or not.

Turnberry declined to comment on any of the suit's details.

Liss has an uphill battle to fight against Turnberry, a developer with a national presence, according to contract litigation attorney Kenneth Zeilberger, partner with Katzman & Korr in Fort Lauderdale.

For example, almost all developers state in writing, as provided by state law, that spoken information by salespeople cannot be relied on.

"There's always a fine line about whether you were fraudulently induced to enter into the contract," Zeilberger said.

But an attorney suing on his own behalf against a big developer distinguishes the case somewhat, he said. "I haven't seen very many cases of this nature. It's difficult to prove fraud of this type."