

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

OCEAN POINTE AT PALM BEACH SHORES CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation; and MARRIOTT RESORTS HOSPITALITY CORPORATION, a South Carolina corporation,

CASE NO. 50-2022-CA-011879 (AG)

COMPLAINT

Plaintiffs,

vs.

DOROTHY JACKS, as Property Appraiser of Palm Beach County, Florida; ANNE M. GANNON, as Tax Collector of Palm Beach County, Florida; and JIM ZINGALE, as Executive Director of the State of Florida Department of Revenue,

Defendants.

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Plaintiffs, Ocean Pointe at Palm Beach Shores Condominium Association, Inc., and Marriott Resorts Hospitality Corporation, sue Defendants, Dorothy Jacks, as Property Appraiser of Palm Beach County, Florida ("Property Appraiser"), Anne M. Gannon, as Tax Collector of Palm Beach County, Florida ("Tax Collector"), and Jim Zingale, as Executive Director of the State of Florida Department of Revenue ("Department") (collectively, "Defendants") and say:

1. This is an action for statutory relief. This Court has jurisdiction pursuant to *Florida Statutes §§194.036 and 194.171* and venue is proper in this Court since the subject real property, as described below, and the Property Appraiser are located in Palm Beach County, Florida.
2. Ocean Pointe at Palm Beach Shores Condominium Association, Inc. ("Association") is a Florida not-for-profit corporation conducting business in Palm Beach County, Florida.

3. The Ocean Pointe Condominium (the "Timeshare") is a phased timeshare property located in Palm Beach County, Florida established pursuant to the Florida Vacation Plan and Time Sharing Act.

4. Pursuant to *Florida Statutes §§192.037(1); 194.181 and 721.13*, Association and Plaintiff, Marriott Resorts Hospitality Corporation (collectively with Association, the "Taxpayer"), are co-managing entities of the Timeshare, and are agents of the Timeshare period titleholders and are authorized to file this action.

5. Property Appraiser lawfully holds the office of Property Appraiser of Palm Beach County, Florida. Property Appraiser is charged with the responsibility of discharging the duties of said office.

6. Tax Collector is the duly elected and acting Tax Collector for Palm Beach County, Florida, and is obligated to discharge the duties of said office.

7. Department is named as a defendant to this action as mandated by *Florida Statutes §194.181(5)*, because the tax assessment is also being contested on the grounds that it is contrary to the laws and Constitution of the State of Florida.

8. For the tax year 2022, Property Appraiser has certified the market and assessed values of the Timeshare phases as follows:

<u>Parcel Control Number</u>	<u>Market Value</u>	<u>Assessed Value</u>
54-43-42-26-13-001-0000	\$31,318,790	\$28,533,506
54-43-42-26-13-002-0000	\$32,182,318	\$29,316,310
54-43-42-26-13-003-0000	\$31,318,790	\$28,533,506
54-43-42-26-13-004-0000	\$32,182,318	\$29,316,310
54-43-42-26-13-005-0000	\$35,134,985	\$30,996,818

9. Property Appraiser's assessments of the Timeshare units are in excess of the just value of the Timeshare, in violation of *Florida Statutes*, including §§ 193.011 and 192.037, and in violation of Article VII, Section 4 of the Florida Constitution.

10. Property Appraiser's assessments of the Timeshare units are arbitrarily based on appraisal practices which are not professionally accepted appraisal practices nor acceptable mass appraisal standards within Palm Beach County, Florida.

11. Taxpayer paid the taxes under protest as required under *Florida Statutes* §194.171. Evidence of said payment is attached hereto and incorporated by reference as Composite Exhibit "A".

12. Taxpayer will be irreparably damaged if Defendants are permitted to keep the collection of tax based on the assessments identified in paragraph 8 above.

13. Property Appraiser's failure to properly consider the factors set forth in *Florida Statutes* §193.011 and all other Florida statutes related thereto renders the tax assessments inaccurate, illegal, arbitrary and violative of established requirements of law in determining just valuation of real property for ad valorem taxation purposes.

14. All conditions precedent to filing this action, including Taxpayer's compliance with *Florida Statutes* §194.171(2), has occurred, been performed, waived or excused.

WHEREFORE, Taxpayer demands entry of a final judgment in its favor and against the Defendants as follows:

(i) Establishing the just value of the Timeshare and directing such adjustments between the parties as may be necessary in connection therewith, or directing the Property Appraiser to reassess the Timeshare for the 2022 tax year in compliance with Florida law;

- (ii) Recalculating the taxes that should have been paid based on an assessment equal to the Timeshare's just value, and ordering a refund to the Taxpayer of the excess amounts paid;
- (iii) Awarding costs in favor of Taxpayer pursuant to *Florida Statutes §194.192*; and
- (iv) Granting such other and further relief as this Court deems just and proper.

**DESIGNATION OF SERVICE E-MAIL ADDRESS**

Pursuant to *Fla. R. Civ. P. 1.080* and *Fla. R. Jud. Admin. 2.516*, undersigned counsel's designation of his primary and secondary e-mail addresses for service of all papers and pleadings filed in this action is as follows:

Primary: servicetax@rvmrlaw.com

Respectfully Submitted,

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