

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Lawonda Breedlove, et al. v. David M. Gersten, etc.

No. 3D25-0543 (Fla. 3d DCA Jan. 7, 2026) · No. 3D25-0543 · Decided January 7, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed an order denying seven rental tenants’ motion to intervene in a receiver’s partition action involving a condominium complex destroyed by fire. The court held that the tenants were bound by a stipulated stay order limiting recovery against the condominium association to available insurance proceeds and barring recovery from association assets. It also held that the tenants lacked a direct and immediate interest in the property or partition action because any potential recovery was contingent on future judgments and distributions.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Gooden, J.; Scales, C.J.; Fernandez, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	January 7, 2026
DOCKET	3D25-0543
DISPOSITION	affirmed
PROCEDURAL POSTURE	Seven rental tenants appealed an order denying their motion to intervene in a receiver's partition action involving condominium property.
STANDARD OF REVIEW	Abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Lawonda Breedlove, Catresa Montgomery, Lovester Montgomery, Fuquan Thomas, Shekita Whitfield, Grecia Bozeman, Joanna Manzi v. David M. Gersten, as receiver

TOPICS

- intervention
- civil procedure
- appellate procedure
- standard of review
- real estate

PRACTICE AREAS

- civil procedure
- appellate procedure
- real estate

QUESTIONS PRESENTED

1. Whether the tenants' motion to intervene was barred or limited by the prior stipulated stay order.
2. Whether the tenants possessed a sufficient direct and immediate interest in the partition action or property to support intervention under Florida Rule of Civil Procedure 1.230.
3. Whether the trial court abused its discretion by denying intervention.

HOLDINGS

1. The stipulated stay order barred the tenants from intervening to object to the sale of the condominium property or from asserting claims beyond the insurance-related relief permitted by that order.
2. The tenants lacked the direct and immediate interest required to intervene in the receiver's partition action.
3. The order denying intervention was affirmable even if the tenants' interpretation of the stay order were correct because the record independently established that they lacked a sufficient interest to intervene.

KEY QUOTATIONS

“the interest . . . must be in the matter in litigation, and of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment.” (8)

“A showing of indirect, inconsequential or contingent interest is wholly inadequate.” (8)

“This type of interest is “wholly inadequate.”” (10)

FACTUAL BACKGROUND

The New World Condominium Apartments condominium complex was destroyed by fire and rendered unsafe and uninhabitable. The condominium association was placed into receivership after the trial court found that its neglect and inaction contributed to the destruction, and the association had minimal funds but substantial unpaid assessments. Seven rental tenants pursued claims relating to their lost property and housing and obtained a stipulated order limiting recovery against the association to insurance coverage. After the receiver filed a partition action to sell the remaining vacant land and distribute proceeds, the tenants sought to intervene because they believed the sale could impair their potential recovery.

PROCEDURAL HISTORY

After a condominium complex was destroyed by fire, the trial court placed the condominium association's property into receivership, appointed David M. Gersten as receiver, and entered a stay barring litigation against or execution on association assets without court approval. The tenants obtained a stipulated partial lifting of the stay permitting claims against the association limited to available insurance coverage. After the receiver filed a partition and declaratory-judgment action concerning the remaining land, the tenants moved to intervene; the trial court denied the motion based on the stay order. The Third District Court of Appeal affirmed, also holding that the tenants lacked a sufficient direct and immediate interest to intervene.

DISPOSITION

affirmed

CASES CITED

- Accident911 Help Med. Ctr. Corp. v. Direct Gen. Ins. Co., 387 So. 3d 360, 361 n.1 (Fla. 3d DCA 2023)
- De Sousa v. JP Morgan Chase, N.A., 170 So. 3d 928, 929 (Fla. 4th DCA 2015)
- Gunn Plumbing, Inc. v. Dania Bank, 252 So. 2d 1, 4 (Fla. 1971)
- Sullivan v. Sapp, 866 So. 2d 28, 33 (Fla. 2004)
- Union Cent. Life Ins. Co. v. Carlisle, 593 So. 2d 505, 507-08 (Fla. 1992)
- Morgareidge v. Howey, 78 So. 14, 15 (Fla. 1918)
- Stefanos v. Rivera-Berrios, 673 So. 2d 12, 13 (Fla. 1996)
- Dade Cnty. Sch. Bd. v. Radio Station WQBA, 731 So. 2d 638, 644 (Fla. 1999)
- Applegate v. Barnett Bank, 377 So. 2d 1150, 1152 (Fla. 1979)

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