

1001 Brickell Bay Drive
Suite 1812
Miami, Florida 33131
(305) 400-7995
www.tapllc.com



PRESS RELEASE

TA PLLC Real Estate, Litigation Partners Collaborate to Secure Resounding Victory for Miami Developer

Conclusion to multi-year litigation on multiple fronts permits client to get back to business with residential real estate project worth millions

Miami, FL – January 12, 2024 – Attorneys at TA PLLC achieved a big win for their client in a matter involving a South Florida residential real estate project with a projected value in the tens of millions of dollars. The case required the expertise of partners from both the firm’s real estate and litigation departments to overcome several hurdles that lasted nearly two years.

TA PLLC represented Vanfu Holdings LLC, a Miami-based developer, in a dispute brought by minority member and manager, Yanser Robaina. Vanfu is developing a community of single-family homes near Homestead, Florida. In addition to Robaina’s duties as manager of the LLC, Robaina was also brought on to manage the development of the project, and Vanfu and Robaina were to split the profits from the development.

However, more than three years into the development, the project was barely 25% developed. Vanfu's majority member decided to remove Robaina as the manager as a result, which Robaina steadfastly disputed.

Almost as quickly as Robaina was made aware of his removal as manager of the LLC, he filed suit against Vanfu seeking nearly \$2,000,000 for his alleged contributions to the development.

What followed was a period of nearly two years of litigation where the TA PLLC team faced several obstacles.

“Vanfu was essentially playing whack-a-mole in trying to rid itself of liens filed against the project by Robaina and his associates,” said TA PLLC partner Alexander Salinas. “As

soon as Vanfu successfully sought judicial intervention to dissolve a lien, another would spring up out of nowhere.”

Rather than allowing Vanfu to successfully conclude developing the project and distribute the profits, Robaina insisted upon adopting a very aggressive litigation posture in an attempt to force Vanfu to buy him out on his terms.

The project had at least five different liens filed against it by Robaina and his associates in less than two years, essentially paralyzing it. No sales could take place because no buyer would close subject to the Robaina liens, and no underwriter was willing to “insure over” the liens. Many purchasers decided to pull out of their purchase contracts.

After successfully moving to have the first lien dissolved, a lis pendens that was filed less than a month after the removal of Robaina, the TA PLLC team faced another lien only a few weeks later. This lien was filed by SFMBR Holdings, a brokerage affiliated with one of Robaina's long-time business associates, and it involved a contract Robaina purportedly signed on behalf of Vanfu, though he lacked the authority to do so and never obtained approval from the majority member.

TA PLLC advised its client to take the offensive and seek judicial intervention to dissolve the liens filed by SFMBR by initiating a separate, private arbitration with a panel of three arbitrators, pursuant to the AAA Commercial Arbitration Rules. SFMBR made at least four different lien filings, including a filing on the cusp of an order dissolving its liens.

Another significant hurdle faced by the team was the potential foreclosure of the property. While Vanfu was fighting to rid itself of the unauthorized liens, its lender filed a foreclosure action against the project. TA PLLC negotiated hard to keep the lender at bay during the pendency of the foreclosure process.

After multiple legal victories by TA PLLC on behalf of Vanfu, including an order from the panel of arbitrators dissolving all of the liens, Robaina was left with little choice but to “drop arms,” resigning from Vanfu at no cost to Vanfu and foregoing any and all economic interests he had in the project.

“It is extremely rewarding, and we are very pleased to deliver such a great result for the client after a long, hard battle. We were fortunate to have a client who had the appetite to see this to the finish line and allow us to pull out all the stops from a litigation strategy perspective,” said Ari M. Tenzer, the founder of the firm and the real estate partner for the matter.

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ABOUT TA PLLC

TA PLLC is a full-service business law firm offering both domestic and international clients sophisticated legal representation in connection with a wide range of commercial matters,

both transactional and dispute-related, including real estate, hospitality, mergers and acquisitions, general corporate matters, complex commercial litigation, and US and international arbitration.

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