

REAL ESTATE

When to take it to court



There's nothing like buying a brand-new condo and discovering that the floors are buckling, it leaks like a sieve, and the developer moved on to the next building without finishing the lobby/gym/roof deck in yours.

But should you take your developer to court? Co-op and condo attorney Robert Braverman, of Braverman Greenspun in Manhattan, says it may be worth it, if:

1. The developer refuses to negotiate or is being unreasonable, and your attempts to find a mediated solution have failed.
2. The amount of money you can reasonably expect to



Asbestos falling from the ceiling could be a reason to sue.

recover exceeds the cost of going to court.

Costs can run well into six figures in expert and legal fees alone, and these are not recoverable even if you win at trial, Braverman says. So if an engineer says it will cost \$100,000 to fix the problems, your building will be better off leveling an assessment than

spending two to three years in litigation.

3. Your building's problems are more objective than subjective.

Leaky windows and missing playrooms are easier to prove than the quality of common-area finishes or the adequacy of the air-conditioning system.

BRICK UNDERGROUND

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