

## **Judge: PB Opera can buy property**

**By JAN SJOSTROM**  
*Daily News Arts Editor*

Palm Beach Opera has achieved a legal victory in its quest to acquire additional land for its proposed opera complex.

Palm Beach County Circuit Court Judge John Wessel ruled on Jan. 31 that the opera has the right to buy Palm Beach resident Richard Limehouse's property at 415-421 Iris St. in West Palm Beach.

"Clearly, this decision is a very good result for the opera," said Jim Beasley Jr., the opera's attorney.

The opera has 10 days to buy the property, Beasley said. "We fully intend to do that," he said.

Ronald Gache, Limehouse's attorney, said his client will apply for a stay to block the opera's acquisition while he appeals Wessel's ruling. Limehouse has 30 days to appeal the ruling.

If Limehouse is unable to get an appeals court to overturn the ruling, the opera will acquire the half-acre property, which contains two vacant buildings and a parking lot, for about \$1 million.

"They can appeal all day long and twice on Sunday," said Robert Montgomery, opera board chairman. "We're going to take possession of that property and we're also going to get them for attorneys' fees. If he wants to incur additional fees and costs, be my guest."

Beasley estimated that attorneys' fees could total up to \$200,000.

Limehouse said he would be happy to sell the property to the opera.

"I want to sell it, but they are imposing their price on me," he said. "I offered the property to the opera, but they don't want to pay what it's worth. They want to pay about half what it's worth."

If Limehouse wins on appeal, his other choice would be to sell the contested land to a builder, along with other land around it he owns, he said. "The property would be worth more to a builder if it were kept intact," he said. The land is just north of the opera's 3.13-acre site for its proposed complex at Quadrille and Okeechobee boulevards.

The opera shelved its campaign to build the \$100 million complex in September because of the souring economy. Opera leaders said the legal delay contributed to the project's deferral. The opera wanted the land because it needed more room for parking.

The opera has no immediate plans to build, but the board has agreed to spend about \$300,000 to fix up the property so that it can be used for offices and rehearsals, Montgomery said.

The opera badly needs the rehearsal space because it has none of its own, said R. Joseph Barnett, interim general director.

The opera and J. Finnegan & Assoc. filed suit against Limehouse in August 2000 when Limehouse refused to sell the property to his tenant Jim Finnegan. Limehouse claimed that Finnegan failed to properly exercise his option to buy the property.

In addition, "We feel the opera had no right to sue us because it never had a contract with us," Gache said. "They had a contract with Finnegan."

According to the ruling, real estate developer John Bills had an agreement with Finnegan to buy the property, and the opera had a deal to buy it from Bills.

According to the ruling, Finnegan agreed to sell the property to Bills for \$1 million on June 22, 2000.

That same day, Finnegan notified Limehouse that he was exercising his right to buy the property and that he was re-selling it. Finnegan gave Limehouse a month to exercise his right of first refusal to meet Bills' offer, but Limehouse failed to do so, the ruling said.

Bills transferred his right to buy the property to the opera on July 24, 2000, according to the ruling.

Limehouse failed to show up for a July 24, 2000, closing with Finnegan and spurned Finnegan's subsequent attempts to close on the property, the document said.

When Finnegan's efforts failed, the opera and Finnegan took Limehouse to court. Finnegan was forced into bankruptcy because of Limehouse's refusal to sell the property, the ruling said.

Finnegan will make \$425,000 on the sale.

The judge ruled that Limehouse will get \$476,601, the purchase price for which he had agreed to sell it to Finnegan, less Finnegan's \$10,000 option fee and \$88,398 the opera paid Limehouse in rent on the property from July 2000 to November 2001. The opera has never occupied the property, Barnett said.

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