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Lawsuit accuses attorney of arranging low-ball deal for Boca Raton mausoleum

May 06, 2010 | By Jane Musgrave, The Palm Beach Post

WEST PALM BEACH — An attorney trying to persuade city and county leaders to back his plans for a \$1.5 billion development that would transform the downtown area masterminded a plot to cheat two elderly widows out of tens of millions of dollars, according to a lawsuit filed in Palm Beach County Circuit Court.

In the lawsuit, attorney Michael Masanoff is accused of working both sides of a real estate deal to help steal a problem-plagued mausoleum in Boca Raton from the widows. Further, the widows' attorney claims, Masanoff lied under oath about his misdeeds.

If he can persuade a judge to let him use a confidential memo, attorney Edward Ricci said he will seek criminal charges against Masanoff for perjury. He will also ask the Florida Bar to take action against Masanoff.

The complex lawsuit reaches far beyond Masanoff, who is asking county commissioners to let him use 10 acres of county land to develop a \$500 million slice of his long-discussed Transit Village, a proposed massive complex of condos and offices near the city's Tri-Rail station.

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In the lawsuit, Ricci is also aiming for U.S. Rep. Ron Klein, D-Boca Raton, who oversaw Masanoff's work when Masanoff worked at Klein's former firm, Sax, Sachs & Klein. Klein's former partners Spencer Sax and Peter Sachs are also in Ricci's sights. All of them, he claims, had to know what Masanoff was up to.

The allegations, which Masanoff, Klein, Sachs and Sax vehemently deny, are stunning. But they have been overshadowed by the bizarre twists the case has taken.

"I have to say, in over 30 years of doing this, this is a very unusual and disturbing event," Masanoff attorney Jane Moscovitz said of the latest bombshell.

The basis of the case that has spun out of control is the 2003 sale of an 18-acre, half-finished mausoleum on Military Trail once known as Heritage Manor Memorial Park. Hired to represent Elishka and Kathleen Michael, who inherited the mausoleum when their husbands died, Masanoff began working behind their backs, Ricci claims.

Instead of looking out for the Michaels, he worked with Ed and Art Falcone, brothers who made millions developing residential communities before Masanoff sparked their interest in providing eternal resting places for the dead. Working with an attorney who was then under investigation for securities fraud, Masanoff spurred the widows to sell the mausoleum for \$6.1 million even though he and the Falcones knew it was worth as much as \$40 million, Ricci claims.

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