

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-015089-CA-01

SECTION: CA43

JUDGE: Michael Hanzman

Manuel Drezner

Plaintiff(s)

vs.

Champlain Towers South Condominium Association Inc

Defendant(s)

**RECEIVER'S MOTION FOR AMENDED ORDER AUTHORIZING RECEIVER TO
REFUND SPECIAL ASSESSMENT PAYMENTS RECEIVED FROM UNIT OWNERS
FOR COMMON AREA AND 4-YEAR CERTIFICATION PROCESS**

Receiver, Michael I. Goldberg (the “**Receiver**”), on behalf of the Champlain Towers South Condominium Association, Inc. (the “**Association**”), pursuant to Rule 4 of the Complex Business Litigation Rules, seeks entry of an Order amending the Court’s July 14, 2021, *Order Authorizing Receiver to Refund Special Assessment Payments Received From Unit Owners for Common Area and 40-Year Certification Process* [Filing # 130682518] (the “**Initial Order**”), authorizing the Receiver to (i) refund the 2021 Special Assessment Unit Owner Payments¹ **less** \$115,470.00 reflected in the “Checks” portion of Exhibit B to the Initial Motion because the Receiver has discovered that the owner(s) of Unit 709 reversed payment of a check tendered to pay such Unit owner’s share of the Special Assessment; and (ii) use excess funds remaining from a 2019 special assessment to fund a shortfall of \$51,451.26 in an account holding certain of the 2021 Special

¹ All capitalized terms not defined herein shall have the meanings ascribed to them in the *Receiver’s Motion for Authorization to Refund Special Assessment Payments* [Filing # 1303006870] (the “**Initial Motion**”).

Assessment Unit Owner Payments due to payments to third parties made from that account, and in support thereof states:

1. Paragraph 4 of the Initial Motion stated that the Association held \$2,416,395.22 in 2021 Special Assessment funds. Based upon the information the Receiver has received since the filing of the initial Motion, that statement was incorrect for two (2) reasons: *First*, as set forth above, the \$2,416,395.22 figure included \$115,470.00 for a check received from the owner(s) of Unit 709 for which payment had been reversed such that the total amount received by the Association was actually \$2,300,925.22 (\$2,416,395.22 - \$115,470.00). *Second*, the \$2,416,395.22 figure did not take into account certain expenditures from one of two special assessment accounts at Valley National Bank ending in 2685, principally legal fees for Becker & Poliakoff, pre- Receivership counsel to the Association (\$26,859.56) and consulting fees paid to Morabito Consultants (\$24,369.92), that has resulted in a shortfall \$51,451.26. Due to monies transferred into a second account at Valley Bank containing other of the 2021 Special Assessment funds (ending in 2707), the total net shortfall is \$49,511.26 (the “**Shortfall**”).

2. Accordingly, the Receiver requests that the Court enter an amended Order authorizing him to (i) return the 2021 Special Assessment Unit Owner Payments to the unit owners in the amounts reflected on **Exhibit B** to the Initial Motion *with the exception of \$115,470 to the owner(s) of Unit 709*; and in order to do so (ii) use \$49,511.26 from an Account at Valley Bank ending in 6161 (the “**6161 Account**”) containing funds left over from a prior special assessment to fund the Shortfall. Using the \$49,511.26 from the 6161 Account will allow the Receiver to refund 100% of the 2021 Special Assessments the Association received which, for reasons that need no explaining, are no longer needed to fund repair work to the Property.

3. The Receiver submits that good cause exists for the Court to enter the amended Order requested herein.

WHEREFORE, the Receiver respectfully requests that the Court enter an amended Order authorizing him to (i) return the 2021 Special Assessment Unit Owner Payments to the unit owners in the amounts reflected on **Exhibit B** to the Initial Motion *with the exception of \$115,470 to the owner(s) of Unit 709*; and (ii) use \$49,511.26 from the 6161 Account to fund the Shortfall, and grant such other, further and related relief as may be appropriate under the circumstances.

Dated: July 15, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 15, 2021, a copy of the foregoing was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and furnished a copy of same to all counsel of record through the Florida Court's E-Filing Portal.

By: *s/ Paul Steven Singerman*
Paul Steven Singerman