

**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

In re:

Champlain Towers South Collapse Litigation.

**RECEIVER'S OMNIBUS MOTION FOR ENTRY OF ORDER AUTHORIZING
RECEIVER TO RELEASE INSURANCE FUNDS PROVIDED BY UNIVERSAL
PROPERTY & CASUALTY INSURANCE COMPANY**

Michael I. Goldberg (the “**Receiver**”), pursuant to Rule 4 of the Complex Business Litigation Rules, seeks entry of an Order authorizing him to disburse to Personal Representatives of 11 insureds (collectively, the “**Insureds**”) listed on the schedule (the “**Schedule**”) attached hereto as **Exhibit A** (also appended to the Amended Order, as defined below), the total sum of \$1,263,400.00 (the “**Coverage Proceeds**”), being held for the benefit of the Insureds’ beneficiaries by the Receiver pursuant to the Court’s July 21, 2021 *Order Granting Intervenor Universal Property & Casualty Insurance Company* (the “**Initial Order**”), as amended by that certain *Amended Order Granting Intervenor Universal Property & Casualty Insurance Company’s Motion to Intervene and Interplead Funds (Amended Only as to Exhibit A)* dated August 5, 2021 (the “**Amended Order**,” with the Initial Order, collectively, the “**Orders**”) subject in all respects to the terms hereof, and in support thereof states:

1. At a hearing conducted on July 2, 2021 (the “**Commencement Date**”), in the captioned cases, the Court ordered the appointment of Michael I. Goldberg as Receiver for Association. Following the hearing, the Court entered an order so appointing Mr. Goldberg.

2. This receivership is the result of multiple lawsuits that were filed after the tragic collapse of a portion of the real property with a physical address of 8777 Collins Avenue, Surfside, Florida 33154 (the “**Property**”).

A. Introduction

3. Pursuant to the Orders, which granted the *Motion to Intervene and Interplead Funds Into Court Registry* filed by Intervenor, Universal Property & Casualty Insurance Company (“**Universal**”), the Court allowed Universal to intervene in this action for the limited purpose of interpleading its Coverage A (building/structure) policy limits and Coverage C (contents) policy limits for the Insureds. As reflected in the Schedule, the total amount of Coverage Proceeds provided by Universal is \$1,263,400.00. As further reflected in the Schedule, the Coverage Proceeds are comprised of Side A and Side C Coverage insurance under the Insureds’ respective insurance policies, the numbers of which are identified.

4. Specifically, the Initial Order and Amended Order provide, in part, that

Universal shall deliver the Coverage A and C policy limits in the amount of \$1,263,400.00 (the “Coverage Proceeds”] for the eleven (11) units directly to a segregated account established by the Receiver, Michael I. Goldberg, within five days of the date of this Order. The Receiver shall maintain the Coverage Proceeds pending the identification of the proper payees and further Order of this Court. Universal shall provide the Receiver with certified copies of the HO-6 Unit-Owners insurance policies and shall identify a contact person at Universal to assist with the administration of claims, as needed.

Initial Order at 1-2; Amended Order at 1-2.

B. The Insurance Policies/Unit Information

5. The Receiver has been provided and reviewed copies of insurance policies in effect for each of the Insureds. The review conducted by the Receiver revealed that of the 11 insurance

policies, 7 are attributable to Units owned by individuals,¹ 3 are attributable to Units held in three separate trusts,² and 1 is attributable to a Unit owned by a corporate entity.³ The review conducted by the Receiver further revealed that every insurance policy is in the name of an individual Insured regardless of how ownership of the Units is held.

i) Units 211 and 901

6. The review conducted by the Receiver further revealed that 2 of the 11 insurance policies name mortgagees as additional interest holders.⁴ Subject to the terms and conditions set forth below, checks to be issued by the Receiver in connection with Units 211 and 901 with respect to Coverage A insurance will be issued jointly in the names of each Insured's probate estate (or personal representative (or the equivalent), as the case may be; the "Estate") and the respective mortgagee consistent with the mortgage clause of the subject insurance policies as requested in *Intervenor Universal Property & Casualty Insurance Company's Motion to Intervene and Interplead Funds Into Court Registry* (Filing # 130294226). Checks issued in connection with Coverage C insurance with respect to Units 211 and 901, however, will be issued solely in the names of each Insured's Estate.

¹ Units 401, 501, 702, 901, 1011, 1109 and 1203 (or PH-3).

² Units 211, 602 and 1210 (or PH-10).

³ Unit 802.

⁴ Units 211 (Bank of America, N.A.) and 901 (Charles Schwab Bank). The insurance policy with respect to Unit 1203 does not list a mortgagee as an additional interest holder, however, a recent title review on the Unit conducted by the Receiver has revealed this Unit may be encumbered by two mortgage liens. Nevertheless, because the insurance policy applicable to Unit 1203 does not identify any mortgagees as additional interest holders then no holders of mortgages on Unit 1203, if any, will be identified as co-payees on a check from the Receiver conveying the applicable portion of Coverage Proceeds comprised of Coverage A insurance for Unit 1203. Notwithstanding the foregoing, the two potential mortgagees identified by the Receiver are included in the Service List annexed to this Motion so that they have the opportunity to be heard with respect to the relief requested in this Motion.

ii) Unit 802

7. Unit 802 is owned by a corporate entity, La Comparsita, LLC. Because the subject insurance policy is in the names of the deceased tenants, and according to that policy La Comparsita, LLC's interest in it is limited to cancellation and renewal of the policy, and subject to the terms and conditions set forth below, the check to be issued by the Receiver in connection with Coverage C insurance will be made out solely to the Insureds' Estates. (There is no Coverage A insurance under the deceased tenants' policy.)

iii) Unit 702

8. The Receiver's review indicates that Unit 702 is owned by the three individuals (Nancy Kress a/k/a Nancy Kress Levin ("**Kress**"), Jay Kleiman and Frank Kleiman) and that the subject insurance policy names Nancy Kress as the named insured, with Jay Kleiman and Frank Kleiman as additional Insureds. The Receiver understands that all 3 individuals perished in the tragic collapse. Subject to the terms and conditions set forth below, a check to be issued by the Receiver in connection with (i) Coverage A insurance will be provided jointly in the names of the three decedents' Estates, and (ii) Coverage C insurance will be provided in the name of the Kress Estate alone.

iv) Units 401, 501, 602, 1011, 1109, 1203 (or PH-3) and 1210 (or PH-10)

9. Unit 401, 501, 602, 1011, 1109, 1203 (or PH-3) and 1210 (or PH-10) are owned by individuals or trusts. The Receiver's review indicates that none of the policies relating to the foregoing Units includes mortgagees or additional insureds. Subject to the terms and conditions set forth below, checks to be issued by the Receiver in connection with Coverage A and Coverage C insurance will be provided in the names of the each of the decedents' Estates.

C. Terms and Conditions of Release of Coverage Proceeds

10. With respect to each of the Insureds under all 11 insurance policies, regardless of whether the Units are owned by individuals, trusts or corporate entities, the Receiver requests, consistent with the respective insurance policies, authorization from this Court to distribute the Coverage Proceeds to the Insureds' Estates. Specifically, the Receiver will require that the Personal Representative of each of the Estates of each of the Insureds provide to the Receiver a certified copy of an order entered by a Probate Court appointing such Personal Representative to verify such Personal Representative's authorization to act on behalf of their Insureds, that is, receive checks comprising their respective portions of the Coverage Proceeds to be issued by the Receiver.

D. Request for Relief

11. Given the tragic collapse and the loss of the Insureds' homes, and, to the Receiver's knowledge, the tragic deaths of each of the Insureds, the Insureds' beneficiaries likely need their respective shares of the Coverage Proceeds as soon as practicable.

12. The Receiver respectfully requests that Personal Representatives of the Insureds send to the Receiver at his law offices located at 201 East Las Olas Boulevard, Suite 1800, Ft. Lauderdale, FL 33301 (via electronic mail [Michael.goldberg@akerman.com and Kimberly.Smiley@akerman.com], regular U.S. Mail, postage prepaid, or overnight delivery), proper identification (copies of either a valid Florida Driver's License or passport) and the foregoing documentation (to the extent not previously provided to the Receiver).

13. The Receiver submits that good cause exists for the Court to authorize him to turn over the Coverage Proceeds to the foregoing representatives or beneficiaries subject to and in accordance with the terms set forth above.

14. Universal consents to the relief requested in this Motion.

WHEREFORE, the Receiver respectfully requests that the Court enter an Order authorizing him to turn over the respective shares of the Coverage Proceeds to the Insureds' Personal Representatives based on the terms and conditions set forth above, with checks to be issued by the Receiver via Federal Express overnight delivery upon satisfaction of such terms and conditions, and grant such other, further and related relief as may be appropriate under the circumstances

Dated: September 9, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on September 9, 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. I further certify that a true and correct copy of the foregoing was served on September 9, 2021, by first class, U.S. Mail (and Electronic Mail, where available), upon all parties on the attached Service List.

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

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EXHIBIT “A”

Revised Exhibit A
Universal Property & Casualty Insurance Company
Surfside Condo Claims Summary - Interpleader

Policy No.	Claim No.	Insured	Unit #	Inception Date	Coverage A	Coverage C	Total	Draft 1	Draft 2
1503-1803-2347	FL21-0122960	Raymond and Mercedes Urgelles	211	8/27/18	\$ 125,000	\$ 75,000	\$ 200,000	5900733	5900732
592-360-135	FL21-0122976	Marina Azen	401	5/14/07	\$ 65,000	\$ 54,000	\$ 119,000	5900739	5900738
592-450-935	FL21-0122959	Gino Cattarossi	501	11/8/07	\$ 65,000	\$ 54,000	\$ 119,000	5900743	5900742
592-853-049	FL21-0124737-R821	Joseph Noreiga and Hilda Noriega	602	2/24/10	\$ 100,000	\$ 25,000	\$ 125,000	5900746	5900745
592-585-724	FL21-0122919	Nancy Kress	702	8/21/08	\$ 81,900	\$ 30,000	\$ 111,900	5900748	5900747
1502-1801-9338	FL21-0124733	Guara and Rodriguez	802	11/1/18	\$ -	\$ 20,000	\$ 20,000		5900727
592-313-125	FL21-0124738-R821	David Epstein	901	3/5/07	\$ 180,000	\$ 20,000	\$ 200,000	5900731	5900730
1503-1701-9827	FL21-0124735-R821	Juan A. and Ana C. Mora	1011	6/6/17	\$ 60,000	\$ 30,000	\$ 90,000	5900735	5900734
592-587-572	FL21-0122917	Nancy Kress	1109	8/14/08	\$ 100,000	\$ 6,000	\$ 106,000	5900750	5900749
592-786-724	FL21-0124736-R821	Simon Segal	1203	9/25/09	\$ 15,000	\$ 20,000	\$ 35,000	5900737	5900736
592-167-071	FL21-0124739-R821	Richard and Carole Augustine	PH10	7/22/06	\$ 97,500	\$ 40,000	\$ 137,500	5900741	5900740

\$ 889,400	\$ 374,000	\$ 1,263,400
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