

**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 MOTION FOR ENTRY OF AN ORDER APPROVING PROTOCOL (i)
FOR PROCESSING
AND RETURNING CERTAIN PERSONAL PROPERTY ITEMS TO VICTIMS, AND (ii)
RELATED TO CASH FOUND AT THE PROPERTY**

Michael I. Goldberg (the “Receiver”), pursuant to Rule 4 of the Complex Business Litigation Rules, files this Motion For Entry of an Order Approving Protocol (i) for Processing and Returning Certain Personal Property Items to Victims, and (ii) Related to Cash Found at the Property (the “Motion”). In support of this Motion, the Receiver states as follows:

Background

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 the Association. Following the hearing, the Court entered an order formally appointing Mr. Goldberg as Receiver.

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”).

3. Following the collapse of the Champlain Tower South, first responders recovered numerous items of personal property and approximately \$750,000 in cash at the Property. All

personal property must be decontaminated in accordance with EPA guidelines prior to being returned to the victims or their family members, probate estates or heirs.¹ This decontamination process is necessary because all of the items recovered are caked in toxic materials or were otherwise exposed to hazardous materials. The decontamination process of the “hard” personal property is estimated to take approximately 6-8 weeks. The timeframe for the United States Treasury to exchange the cash is less certain.

4. At the September 10, 2021 status conference before this Court, several victims inquired about the return of personal items recovered by Miami-Dade County (the “County”) from the Property in the weeks following the collapse of Champlain Towers South. In short, some victims expressed concern regarding the process for the return of personal property. Accordingly, the Court instructed the Receiver to contact the County to explore whether a more efficient process to return personal property to the victims could be implemented.

5. Immediately after the status conference, the Receiver contacted representatives of the County regarding the concerns expressed by the victims and the Court. This Motion sets forth the processes the Receiver and the County recommend as a result of those discussions. Both the Receiver and the County believe the procedures set forth herein are fair, reasonable and will result in personal property being returned to the victims as efficiently and as expeditiously as possible.

Recommended Protocol

¹ "Soft" items, which include clothing and other porous items, will not be decontaminated as most were completely destroyed, and it is estimated to cost millions of dollars to decontaminate them. Therefore, only hard items are being decontaminated. The County has agreed to decontaminate the hard items at its own cost.

6. To the extent the owner of personal property or U.S. currency is easily identifiable², such property or cash will be returned to the rightful owner thereof as soon as the decontamination and/or exchange process (discussed below) is concluded.³

7. The rightful owner of most of the personal property is not readily identifiable as many of these items were mixed throughout the rubble and not easily connected to any specific unit or person. With respect to such unidentifiable property, once the property is decontaminated, the Receiver will number each piece of property and photograph each of them. Thereafter, the Receiver will upload the photographs onto the Receiver's website (www.CTSReceivership.com) in a limited access area of the website.

8. Next, the Receiver will provide notice to the victims and/or their Personal Representatives and a password to be able to view the photographs of the items.

9. The photographs will be accessible for 30 days. During the 30-day period, victims and/or their Personal Representatives will be able to submit claims to the Receiver for personal property items. Such claims can be submitted through a claim form prepared by the Receiver and posted on his website, along with proper identification, on the Receiver's website.

10. At the expiration of the 30-day period, with respect to all personal property items for which only one party has made a claim, the Receiver will file a motion seeking the Court's authorization to release those personal property items to the claimant (provided the claimant presents proper identification and proof of entitlement).

² "Easily identifiable U.S. currency" is defined as paper bills found in a wallet, purse, box, container or other object (each a "Cash Container") that also contains one or more items which identify the owner, such as a driver's license, passport or credit card.

³ In the case where the rightful owner is deceased, the property or U.S. currency will be returned to the validly appointed Personal Representative of the owner's estate or such other person who is legally entitled thereto.

11. At the expiration of the 30-day period, with respect to all personal property items for which more than one party has made a claim, the Receiver will notify the competing claimants. Each party making a claim to such items will be requested to provide the Receiver with evidence establishing proof of his/her entitlement to the respective personal property item(s). If the Receiver is unable to resolve a disputed claim, the Receiver will request that the Court hold a hearing to determine the proper claimant and authorize the Receiver to release the personal property items.

12. With respect to U.S. currency that was recovered at the site, all paper bills, whether identifiable to a particular owner or not, will be turned over to the United States Treasury to be destroyed in accordance with applicable law.⁴ Thereafter, the United States Treasury will issue a check to the Receiver for the amount turned over.⁵ Once the United States Treasury issues the Receiver a check, any cash that was identifiable to a particular owner will be immediately turned over to the owner or their Personal Representative.⁶

⁴ The Receiver has been advised that the U.S. currency turned over to the United States Treasury must be transported to Washington, D.C. by armored car. If the Court grants the relief requested by this Motion, the Receiver will advance the cost of the armored car transportation and reimburse the receivership estate from the recovered funds when it receives the funds from the United States Treasury.

⁵ The Receiver and the County have been informed that this exchange process may take several months to conclude. The Receiver and the County are attempting to discuss expediting the process with the United States Treasury.

⁶ In many cases, “easily identifiable U.S. Currency” has significantly deteriorated and cannot be extracted from the Cash Container without further damaging the currency. The United States Treasury has indicated that it has special processes to salvage deteriorated currency from Cash Containers. However, to do this, the Cash Container in its entirety must be sent to the United States Treasury so that the currency may be extracted. Unfortunately, due to issues with contaminants, the Cash Container and other items in the Cash Container cannot be returned to the Miami-Dade Police Department and/or the Receiver. Therefore, although the extracted currency will be replaced by the United States Treasury and sent to the Receiver so that the Receiver may issue a check in the amount of the easily identifiable currency to the identified owners or their Personal Representative, the Cash Container and other items therein will not be returned.

13. With respect to cash where a particular owner is not able to be identified, the Receiver will hold the funds received from the United States Treasury with respect to such unidentifiable cash to be distributed to the victims of the collapse in accordance with future Court orders.

14. The County has recovered 17 safes which are in varying conditions. The County will decontaminate the exteriors of the safes. Thereafter, the Receiver, along with a locksmith and in the presence of County officials, will access the contents of each of the safes and take a detailed inventory of their contents. The Receiver and the County believe that the identity of the owners of most, if not all, of the safes will be ascertainable by reviewing the safes' contents. To the extent the owner of a safe is identifiable from reviewing its contents, the Receiver will turn over the contents to the owner or the owner's Personal Representative, as the case may be. To the extent the owner of a safe cannot be identified from the contents, the Receiver will attempt to determine the owner of the safe by the facts of each situation. The victims or family members will have an opportunity to provide the Receiver with a description of the contents of a claimed safe. If the description is accurate, as determined by the Receiver in his discretion, the Receiver will file a motion with the Court prior to turning over the contents. If the contents remain unclaimed or no one can provide the Receiver and Court with an acceptable description of the contents of the safe or such other reliable evidence demonstrating ownership, the Receiver will secure and retain the contents pending further order of the Court.

15. Neither the Receiver nor the County warrants the safety of the personal property items and/or that they are free of all toxins despite the County's completion of the decontamination process. Accordingly, it is requested that the Court's order approving the foregoing procedures for the return of personal property provide that an individual's acceptance of the property shall

constitute a waiver of any and all claims against the County and the Receiver with respect to the personal property, including but not limited to, any claims or damages relating to toxins or other hazardous materials remaining on the personal property.

16. The County and the Receiver also request that the Court's order approving the foregoing procedures provide that the Receiver and the County shall not be held responsible for the turnover of personal property or currency inadvertently to the wrong person so long as they follow the procedures set forth herein or in the Order approving this Motion, as the case may be.

WHEREFORE, the Receiver respectfully requests that the Court enter an Order approving the protocol set forth herein for processing and returning certain personal property to victims and related to cash found at the Property and grant such other and further and related relief as may be appropriate under the circumstances.

Dated: September 23, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on September 23, 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