

**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)

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

THIS CAUSE came before the Court on September 23, 2021 at 9:00 a.m. in Miami, Florida, upon the *Receiver's Omnibus Motion for Entry of Order Authorizing Receiver to Release Insurance Funds Provided by Universal Property & Casualty Insurance Company* (the "**Motion**") filed by Michael I. Goldberg (the "**Receiver**"), seeking entry of an Order authorizing the Receiver to release insurance funds held on behalf of the Insureds^[1] to their respective personal representatives (each a "**Personal Representative**" or collectively, the "**Personal Representatives**") or their equivalents based on, among other things, production of certified copies of Probate Court orders appointing them as Personal Representatives. The Court, having considered the Motion, having heard the argument of counsel, and being otherwise fully advised in the premises, it is thereupon

ORDERS as follows:

1. The Motion is **GRANTED** as set forth herein.
2. After the Insureds' Personal Representatives have provided to the Receiver proof that they

have been appointed as Personal Representatives by a Probate Court in the form of certified copies of Probate Court orders so appointing them, and any other documentation that the Receiver reasonably requires, including the complete physical address where checks are to be sent by or on behalf of the Receiver, the Receiver is authorized to release to such Personal Representatives (or their equivalent) their Insureds' respective portions of the Coverage Proceeds as set forth in the Schedule attached to the Amended Order.

3. Notwithstanding anything in decretal paragraph 1 to the contrary, with respect to Insureds whose insurance policies identify mortgagees (that is, the Insureds who owned Units 211 and 901), checks representing Coverage A insurance shall be made out jointly to each Insured's Estate and the mortgagee. It shall be the sole and exclusive responsibility of the Personal Representative of these Insureds and their mortgagees to determine how, if at all, the Coverage A insurance proceeds will be allocated between them. The Receiver shall have no involvement in this allocation determination and shall not be responsible, or have any liability, for such determination. Any check(s) issued in connection with Coverage C insurance with respect to Units 211 and 901 will be issued solely in the names of each Insured's Estate.
4. Notwithstanding anything in decretal paragraph 1 to the contrary, with respect to Unit 802, owned by La Comparsita, LLC, the check to be issued by the Receiver in connection with Coverage C insurance shall be issued solely in the name of the Insureds' Estates.^[2]
5. Notwithstanding anything in decretal paragraph 1 to the contrary, with respect to the Insured (Nancy Kress) whose insurance policy identified additional insureds (Frank Kileman and Jay Kileman), the check representing Coverage A insurance shall be made out jointly to these primary and additional Insureds' Estates. It shall be the sole and exclusive responsibility of the Personal Representatives of these Insureds to determine how, if at all, the Coverage A insurance proceeds will be allocated between them. The Receiver shall have no involvement in this allocation determination and shall not be responsible, or have any liability, for such determination. Any check(s) issued in connection with Coverage C

insurance shall be issued solely in the name of the Kress Estate.

6. After each of the Insureds' Personal Representatives (or their equivalents) provide to the Receiver at the Receiver's 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 Florida Driver's License or passport), certified copies of orders entered by Probate Courts appointing them as Personal Representatives, to the extent not already provided, and any other documents the Receiver reasonably requires, the Receiver shall send to the Personal Representatives (or their equivalents) via Federal Express overnight delivery their Insureds' respective shares of the Coverage Proceeds as set forth in the Schedule attached to the Motion.
7. If any Personal Representative (or the equivalent) of any Insured fails to provide the requisite documentation to the Receiver provided for herein, the Receiver shall be under no obligation to release the respective portion of the Coverage Proceeds to such Personal Representative (or the equivalent). In that scenario, the Receiver shall deposit the applicable portion of the Coverage Proceeds attributable to the relevant Insureds in the registry of the Court whose Personal Representative (or the equivalent) shall then be obligated to petition the Court directly for access to such Coverage Proceeds. The Trustee shall have no involvement in this process and no liability for any determination made by the Court.
8. Under no circumstance shall the Receiver have any liability whatsoever in connection with his decision to disburse or not disburse Coverage Proceeds as provided for in the Motion and this Order.
9. This Court shall retain jurisdiction of this matter for all purposes.

[\[1\]](#) Capitalized terms used but not defined herein shall have the meanings ascribed in the Motion.

[2] There is no Coverage A insurance under the insurance policy of the tenants of La Comparcita, LLC.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 23rd day of September, 2021.



2021-015089-CA-01 09-23-2021 8:00 PM

Hon. Michael Hanzman

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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