

**IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: 2021-015089-CA-01

Section: CA 43

JUDGE: Michael Hanzman

In Re:

Champlain Towers South Collapse Litigation

**PLAINTIFF'S NOTICE OF FILING
OBJECTIONS TO ALLOCATION SETTLEMENT AGREEMENT**

Plaintiff ZYR LLC gives notice of filing the attached March 19, 2022, Objections to the Allocation Settlement Agreement.

Dated: March 23, 2022

Respectfully submitted,

HEISE SUAREZ MELVILLE, P.A.

1600 Ponce De Leon Boulevard

Suite 1205

Coral Gables, Florida 33134

Telephone: (305)-800-4476

/s/ Luis E. Suarez

Luis E. Suarez

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 23, 2022, 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/ Luis E. Suarez
Luis E. Suarez
Florida Bar No. 390021

March 19, 2022

Clerk of the Circuit Court
Miami-Dade County Courthouse
73 West Flagler Street, Room 133
Miami, Florida 33130

**THE ORIGINAL
FILED ON:
MAR 22 2022
IN THE OFFICE OF
CIRCUIT COURT MIAMI-DADE CO., FL**

In Re: Champlain Towers South Collapse Litigation
In the circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida
Case no: 2021-015089-CA-01

Dear Clerk of the Circuit Court:

We are owners of unit 1209 (PH-9) in Champlain Towers South in Surfside, Florida. We were not there on the day of the collapse but one of our daughters, her husband and 2 of our small grandchildren were staying there for their summer vacation and had to experience that horrific devastation. After the first sign of the pool deck collapse, our son -in-law who is a City of Miami Fire Rescue assessed the situation and they quickly gathered the children who were asleep. As they exited the condo into the hallway, they experienced the unimaginable...The horrific noise, the darkness, the suffocating dust and the swaying of the floors and walls as part of the building collapsed into a pile of dust and rubble all along fearing they were going down. They threw themselves over the children and PRAYED...!!! When the noise became silence, by the GRACE OF GOD they were able to escape by the only standing stairway. They made it to a section of the underground garage 12 stories down, climbing over debris of cement, metal, standing water and crushed cars where they managed to see a small opening which they crawled through to make it out onto the street. It was 1:32 AM when we received the terrifying hysterical call..." WE ARE OK, THE KIDS ARE OK, BUT PLEASE COME AND GET US, THE BUILDING FELL DOWN!!!! Although with time we have tried to help them in replacing some of their personal items and their car which was destroyed, to this day we certainly have not been able to erase the trauma they experienced on that horrible day and specially erase it from the innocent minds of a 9 and 10 year old. Even 9 months later it is a nightmare you do not wake up from!!!

Unfortunately, our other daughter lost her mother-in-law who was an owner and staying there that evening. She was a very loved member of the family, a dedicated and loving mother and grandmother and an important part of her large family. After many PRAYERS and tearful overwhelming sad long days and restless nights, she was found and given a Faith-filled beautiful Mass and was laid to rest.

We wanted to share two different scenarios that our family experienced, both life-altering and not easily forgotten! For us, we are THANKFUL that we can still HUG our daughter, her husband and our grandbabies but our heart aches for the loss of the other HUG the family lost and for the loss of a community of friends.

We are sending this letter pursuant to the Receivers instruction and the court to express our objection if any, to the allocation Settlement Agreement. For months we have been dealing with the legalities of this nightmare and all of it leaves us feeling empty. The 'economic loss group' as we are called are made to feel guilty as if it is our fault this happened and guilty that we are alive and this agreement that was submitted only confirms why we feel the need to express our objection.

First, there was only one appraisal submitted to the court. On October 8, 2021, we sent an email to the receiver telling him our unit 1209 was appraised below Fair Market value. We understand that a tier adjustment was (or is) being made to the "09" tier but we further understand it may be meaningless because of the way the distribution may be calculated under the ownership shared method. Suggestions were made that more than one appraisal should be allowed and be submitted for consideration. To this day it has not materialized and yet an agreement based on a very low \$96 million unexplainably has been reduced to \$83 million dollars with no explanation and/or transparency...this is not right! Also, it was mentioned there is a possibility of further reduction because of any homeowner's insurance we may have had and that is unfair when the content of our condo is not even being considered or added in the appraisal. Finally on this point, the amount of any settlement should not be reduced further by set offs or any attorneys' fees.

We have been encouraged by the mediator and the lawyers selected to accept this settlement of possibly \$83 million or we may lose any compensation for the loss of our property because of Fl. Statue 718.119 (2) which has not yet been vetted by the court. This settlement of \$83 million or anything below that amount will be impossible for surviving owners to purchase anything similar to what they owned. The \$83 million settlement would give us approximately 50 cents on the dollar.

Second, for months comments have been expressed that our building was in disarray. That is incorrect and somewhat insulting. Why then just a few months before the collapse would anyone choose to buy a condo for over \$2.7 million dollars even after knowing the building was going to commence a refurbishment? Why then were there other purchases made right before the collapse? We are aware our building needed ~~expensive~~ cosmetic updates but as soon as you entered, it was a lovely place to live or stay for a while. It was filled with families, young couples, older couples, retirees, singles and children. For many it was their "HOME" and in just a few seconds they were abruptly uprooted to no fault of their own and are still unsettled and waiting for what they will receive to be able to replace and find a new place to call HOME with the HOPE of beginning the HEALING process. But one thing is clear and undeniable...NEVER DID EITHER OF US HAVE ANY knowledge or the assumption or information FROM THE PROFESSIONAL EXPERTS or ANYONE that OUR BUILDING WAS UNSAFE, or NO ONE WOULD HAVE STAYED OR LIVED THERE!

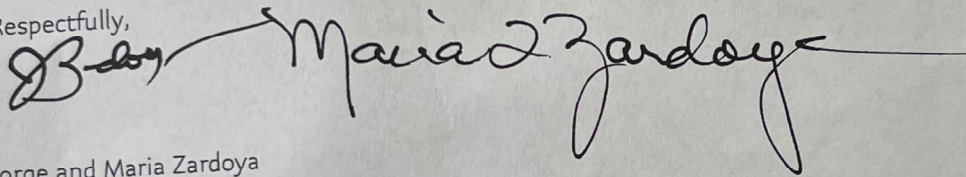
Lastly, We are reminded that we are "lucky" to be survivors...YES...BLESSED we are, but emotionally and physically sad, traumatized and exhausted for what we experienced on that day. We understand that the wrongful death group lost part of their family. Throughout these hearings they have been strongly protected by the court, laws and lawyers, memorialized, supported and heard as they should be. Whatever the final amount is that will be decided by the court, the heirs of the unit owners will

receive a share of this settlement too after it is divided amongst all 136 owners. Also, they will be able to continue to receive excess monies on future settlements and will also collect on the sale of the land which has yet to be determined and being that it is in a "prime oceanfront location", it should bring a significantly higher amount than the \$120 million Stalking horse bid. Meanwhile, as per this Agreement, the surviving owners will not receive any further compensation assuming they did not lose anyone in their condo. We will only receive the appraised amount for our units which as it stands now, is very low.

The surviving owners need to be supported by a fair and solid market value price to be able to replace their lost HOMES and the contents and also the reduction needs to be fully explained.

We ask the court to please consider the above reasons for our objection to this Allocation Settlement Agreement. We are not in this mess because we chose to be but unfortunately "here we are". All we can do at this time is to try to recover a fair market value amount for our unit which is all that is left for us of CTS and to be heard, acknowledged and HOPEFULLY BE UNDERSTOOD.

Respectfully,

A handwritten signature in black ink, appearing to read "Jorge and Maria Zardoya", with a long horizontal flourish extending to the right.

Jorge and Maria Zardoya
Unit 1209 (PH9)
For ZYR LLC