

**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**

Plaintiff(s)

vs.

N/A

Defendant(s)

\_\_\_\_\_ /

**AGREED SUPPLEMENTAL ORDER APPROVING MODIFICATION TO ALLOCATION  
SETTLEMENT AGREEMENT**

~~THIS MATTER~~ **THIS MATTER** before the Court on May 24, 2022, to consider, *inter alia*, the Receiver's Motion to Set Hearing with Respect to Letter Received From Unit Owners in Connection With Allocation Settlement Agreement [Dkt. No. 786] (the "Motion"). On April 6, 2022, the Court entered its *Final Bar Order* <sup>[1]</sup> approving the Allocation Settlement Agreement pursuant to which Participating Unit Owners will share in the \$83 million Common Fund. The Receiver filed the Motion in order to provide the Court with a letter dated May 12, 2022 (the "Unit Owner Letter") signed by multiple Participating Unit Owners requesting that the Court, in the exercise of its discretion, consider increasing the amount of the Common Fund available to the Participating Unit Owners given the extraordinary settlements that the Receiver and counsel for the WDC have reached with multiple parties which, in the aggregate, will result in over \$1.0 billion dollars in recoveries for the WDC (the "WDC Settlement Proceeds"). In response to the Court's questions, the Receiver advised the Court that in his view the request contained in the Unit Owner Letter was reasonable.

In addition to the Receiver, the Court heard from Lead Class Counsel, counsel for the representatives of the Participating Unit Owners, counsel for certain members of the WDC and

Unit Owners who appeared at the hearing.

Based on the agreement of the parties, and for the reasons announced on the record which are incorporated as though fully set forth herein, the Court

**ORDERS** as follows:

1. The Motion is GRANTED, upon the terms and conditions set forth in this Agreed Order.
2. The Receiver is authorized to increase the amount of the Common Fund available to Participating Unit Owners from \$83 million to \$96 million, subject to the following conditions:
  - a. None of the WDC Settlement Proceeds shall be used to fund any portion of the Common Fund. Instead, the additional funds shall be allocated from proceeds of the sale of the Property or from the proceeds of the Association's property insurance held by the Receiver; and
  - b. The Participating Unit Owners shall fully cooperate with Receiver including, without limitation, by executing any all documents that the Receiver determines are necessary to terminate the Condominium, consummate the sale of the Property and the transactions contemplated by the Allocation Settlement Agreement, including, without limitation, by executing the releases, termination notices, consents and other documents that are necessary to conclude this case forthwith. If a Unit Owner fails to cooperate with the Receiver as set forth herein, the Receiver shall bring such lack of cooperation to the Court's attention and the Court, after notice and a hearing, reserves the right to deny any such non-cooperating Unit Owner the right to share in the additional \$13 million allocated to Unit Owners hereunder.
3. The Court will not consider any further requests to increase the amount of the Common Fund available to Participating Unit Owners.

4. The Court retains jurisdiction to interpret and enforce this Order.

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[1] Capitalized terms used in this *Agreed Supplemental Order Approving Modification to Allocation Settlement Agreement* and not otherwise defined herein shall have the meanings ascribed to such terms in the Final Bar Order.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 13th day of June, 2022.



2021-015089-CA-01 06-13-2022 6:01 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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