

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

In re:

CASE NO. CACE 24-005243

HERON POND CONDOMINIUM
ASSOCIATION, INC.

Petitioner.

v.

HERON POND CONDOMINIUM
ASSOCIATION, INC.,

Defendant/Respondent

**RECEIVER'S MOTION FOR APPROVAL OF EMPLOYMENT OF B.B.S. BUILDERS,
INC. AS GENERAL BUILDING CONTRACTORS TO THE RECEIVER**

Daniel J. Stermer, not individually, but solely in his capacity as Court-appointed Receiver (the "Receiver") for Heron Pond Condominium Association, Inc. (the "Association"), pursuant to the Court's *Order Granting Verified Petition for Appointment of Receiver*, entered on April 26, 2024, respectfully moves for entry of the proposed order attached as **Exhibit "A,"** approving the employment of B.B.S. Builders, Inc. ("BBS") as general building contractors to the Receiver for the property in Pembroke Pines, Florida (the "Property"). In support of this Motion, the Receiver states:

1. On April 16, 2024, the Plaintiff, Heron Pond Condominium Association, Inc. (the "Plaintiff"), commenced this action by the filing of a *Verified Petition For Appointment of a Receiver* against the Association.

2. On April 16, 2024, the Association filed an *Ex Parte Verified Emergency Motion For Appointment of a Receiver Court* seeking the appointment of Daniel J. Stermer as Receiver of all the assets belonging to the Association, including all tangible assets, real estate, receivables,

and financial accounts; and appointing the Receiver as the sole Board member for the Association with full power to act for the Association until this Court relieves the Receiver.”

3. Heron Pond is an “Association” as defined in Chapter 718, Florida Statutes, located within Broward County and is governed by the Declaration of Condominium Establishing Heron Pond Condominium (the “Declaration”), recorded on June 14, 2006 in Official Records Book 42216, Page 910, in the Public Records of Broward County, Florida. The Association is comprised of 304 individual units contained in 19 separate buildings (the “Buildings”). As of September 12, 2023, six out of the nineteen buildings located within the Association were declared unsafe structures by the City of Pembroke Pines and rendered uninhabitable. An additional 26 units in the remaining buildings have also been rendered uninhabitable.

4. On April 26, 2024, the Court entered an *Order Granting Verified Petition for Appointment of Receiver* (the “Order Appointing Receiver”), thereby appointing Daniel J. Stermer., as Receiver for the Association.

5. Paragraph 24(j) of the Order Appointing Receiver provides that the Receiver is authorized to employ “accountants, financial advisors and day to day managers, brokers, developers and other professionals, upon application and approval by the Court, to furnish advice and services to the Receiver, all for such purposes as may be reasonable and necessary during the period of the receivership.”

6. On May 20, 2024, the Court authorized the employment of Specialty Engineering Consultants, Inc. (“SPEC”) as engineering consultants to the Receiver. As a part of SPEC’s representation, SPEC is inspecting each of the Buildings and providing structural assessment reports (the “SAR’s”) for each Building on a rolling basis. The SAR’s will provide the Receiver with an independent and updated analysis of the current condition of the Property. SPEC will also

work with the Receiver's construction professionals to assist in the scope and feasibility of the repairs and refurbishment needed for each Building.

7. The Receiver seeks Court approval to retain BBS as general building contractors to the Receiver in this case. As a part of BBS's representation, BBS, in conjunction with SPEC's inspection of the Buildings, will remove specific areas of the exterior or interior of the Buildings on the Property to allow SPEC to identify and analyze any and all damage to the Buildings and thereafter fabricate the necessary repairs to the area(s) removed by BBS at the direction of the SPEC. The cost of BBS' work has not yet been ascertained because of the variability of the work BBS will need to perform at the direction of SPEC as each area of each building may require a more extensive area of sheathing and lath be removed to allow SPEC to properly inspect and analyze that particular area. The Receiver requests the Court approve the employment of BBS and authorize the Receiver to pay BBS's reasonable invoices based upon the proposed work to be performed and in consultation with SPEC and BBS. This arrangement should minimize, to the extent possible, the costs involved, understanding the necessary work to be completed for each Building is subject to change based upon SPEC's inspection.

8. The Receiver believes that employing BBS is in the best interests of the estate because BBS has the experience and resources to efficiently and effectively provide general building contracting services to the Receiver in this case and has a working relationship with SPEC's to efficiently work together.

WHEREFORE, Daniel J. Stermer as Receiver, respectfully requests entry of the proposed Order attached as **Exhibit "A"**, (i) approving the employment of B.B.S. Builders, Inc. as general building contractors to the Receiver, and (ii) for such other and additional relief as the Court deems just and proper.

Dated: May 31, 2024

Respectfully submitted,

BERGER SINGERMAN LLP
Proposed Counsel for Receiver
201 East Las Olas Boulevard, Suite 1500
Fort Lauderdale, Florida 33301
Tel. (954) 525-9900
Fax (954) 523-2872

By: /s/ Brian G. Rich

Brian G. Rich
Florida Bar No. 38229
brich@bergersingerman.com
Jeffrey Wertman
Florida Bar No. 0003093
jwertman@bergersingerman.com
Michael J. Niles
Florida Bar No. 107203
mniles@bergersingerman.com
DRT@bergersingerman.com

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on May 31, 2024, the foregoing was filed using the Florida Court's E-Filing Portal, which will, in turn, send notice of electronic filing to all electronic service parties.

BERGER SINGERMAN LLP
Proposed Counsel for Receiver
201 East Las Olas Boulevard, Suite 1500
Fort Lauderdale, Florida 33301
Tel. (954) 525-9900
Fax (954) 523-2872

By: /s/ Brian G. Rich

Brian G. Rich
Florida Bar No. 38229
brich@bergersingerman.com
Jeffrey Wertman
Florida Bar No. 0003093
jwertman@bergersingerman.com
Michael J. Niles
Florida Bar No. 107203
mniles@bergersingerman.com
DRT@bergersingerman.com

EXHIBIT A

Proposed Order

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

In re:

CASE NO.: CACE 24-005243

HERON POND CONDOMINIUM
ASSOCIATION, INC.

Petitioner.

v.

HERON POND CONDOMINIUM
ASSOCIATION, INC.,

Defendant/Respondent

**ORDER GRANTING RECEIVER'S MOTION FOR APPROVAL
OF EMPLOYMENT OF B.B.S. BUILDERS, INC. AS GENERAL
BUILDING CONTRACTORS TO THE RECEIVER**

THIS CAUSE came before the Court for hearing on _____, 2024 at 10:00 a.m., upon the Receiver's Motion for Approval of B.B.S. Builders, Inc. as General Building Contractors to the Receiver (the "Motion") filed by the Court-appointed Receiver, Daniel J. Stermer ("Receiver"). The Motion seeks to retain B.B.S. Builders, Inc. ("BBS") as general building contractors to the Receiver in this case. The Court, having considered the Motion and having reviewed the Court file, including the *Order Granting Verified Petition For Appointment of Receiver* (the "Receivership Order"), and being otherwise fully advised in the premises, it is hereupon,

ORDERED AND ADJUDGED that:

1. The Motion is hereby **GRANTED**.
2. The Receiver is authorized to retain B.B.S. Builders, Inc. as general building contractors to the Receiver in the captioned case.
3. The Receiver is authorized to pay BBS's reasonable invoices pursuant to the

Receiver's business judgment.

4. As an agent of the Receiver, B.B.S. Builders, Inc. shall be entitled to the judicial immunity protections set forth in Paragraph 29 of the Receivership Order.

DONE AND ORDERED in Chambers at Broward County, Florida on

_____.

Honorable Jack Tuter
Circuit Court Judge

cc: All counsel of record