

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

In Re:

HERON POND CONDOMINIUM
ASSOCIATION, INC.,

CASE NO. CACE24-005243

Petitioner,

v.

HERON POND CONDOMINIUM
ASSOCIATION, INC.,

Defendant/Respondent.

_____ /

NOTICE OF FILING

COMES NOW the undersigned as counsel for the City of Pembroke Pines, a non-party to the instant action, and files the attached correspondence dated August 9, 2024, addressed to the Honorable Chief Judge Jack B. Tuter, Jr., and states as follows:

1. The attached correspondence has been drafted by Vice Mayor Thomas Good, Jr., in his individual capacity as Commissioner for District 1 in the City of Pembroke Pines, FL., and is hereby submitted on his behalf pursuant to the conversation between the Court, the Court-appointed Receiver for the Heron Pond property, and several tenants and property owners of Heron Pond that attended the July 25, 2024 Emergency Hearing wherein Chief Judge Tuter advised individuals attending the hearing to submit any remaining comments or concerns regarding the status of the Heron Pond property to this Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Filing has been filed and served via the Statewide E-Filing Portal to all recipients listed in the Portal's service list this 9th day of August 2024.

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August 8, 2024

Honorable Jack B. Tuter, Jr.
Broward County Courthouse
201 SE 6th Street
Courtroom WW17150
Fort Lauderdale, FL 33301

Re: Heron Pond Condominium Association, Inc. (Petitioner) vs. Heron
Pond Association, Inc. (Respondent)
Case No.: CACE 24-005243 (07)

Dear Judge Tuter,

I write this letter to Your Honor in my individual capacity as the District commissioner for District 1 in the City of Pembroke Pines Florida. I also write this letter for and on behalf of the citizens, residents and condominium property owners who live in the Heron Pond community who are currently facing serious consequences in their lives, given the Order of the City's Fire Marshal and the Chief Building Official ("CBO") to vacate all remaining buildings at the Heron Pond development effective as of 8/29/2024. Your Honor is aware of this matter given the hearing you conducted on 7/25/2024.

Please know that there are approximately 25 unit owners who are homesteaders and who occupy their units. I am deeply concerned about those residents at Heron Pond who are owners and occupants with mortgages and other ancillary obligations. They will be compelled to leave Heron Pond based on the serious health and safety issues determined by an independent engineer and jointly by the City's professional analysis of the CBO and Fire Marshal. Furthermore, there are reservations that the property can be restored to original conditions leaving several resident owners without their home.

1. I am uncertain if any resident owner will be able to make an insurance claim for this loss, which would help to cover ongoing mortgage payments after being officially displaced by no-fault of the homeowner. To the extent that there may be no legal basis to pursue a claim against their insurance companies, the only other option would be for such resident homeowners to seek their own legal counsel which they more likely cannot afford to compensate let alone pay the continuing obligations of a potential second rental apartment or a home for themselves and their families;

2. I respectfully ask that this Court to intervene and provide relief, if it all possible, directing the Receiver to expend and pay for from available future proceeds, and/or a future sale of the property, to provide for housing expenses for the sustainability of the buildings, to the homesteaded property owners who are now suffering to such homesteaders in the form of staying the payment of their existing mortgage obligations and until a formal and final resolution can be determined by this Honorable Court as to the disposition of Heron Pond;

3. There are a very limited number of homestead owners at Heron Pond. There has never been a chance for them to be a part of the condo board of directors. Recognizing that the Board of Directors failed to perform their obligation to provide sufficient maintenance for the sustainability of the buildings, the homesteaded property owners are now suffering significantly more harshly than those who were investors. In the current climate of property increasing values (not including land), affecting the homesteaded owners, they are now all suffering from a loss of a real asset value. Further, such homesteaded owners are also losing more than just an investment. Their right to maintain their homestead within Broward County and in the City of Pembroke Pines is in jeopardy;

4. In the absence of any governing documents of the condo association which would outline rational procedures in these troubling circumstances, I respectfully ask this Court to create a class of condo owners at Heron Pond that could be treated preferentially and differently than investment owners so as to protect such homesteaded property owners in the future, upon the sale of the property by the Receiver and as may be directed by this Honorable Court. Perhaps then, upon a future sale, an allocation could be made to preferentially protect such homesteaded owners now, and in the future in advance of payment to investors and other non-resident owners;

5. I attended the Zoom homeowners' meeting on Tuesday, 7/30/2024 conducted by Receiver Stermer that Your Honor ordered to occur. At that meeting, Receiver Stermer indicated that there would be forbearance for the owners to pay their special assessments due in August and December. However, it was also discussed that these assessments were not being waived or forgiven, but just deferred. I further respectfully ask that you consider and characterize all special assessment payments to be forgiven for those limited number of homesteaders as I otherwise describe them in this letter.

6. Further, I respectfully also ask the Court to consider providing extended periods of time for homestead tax portability, so that such homesteaded owners can transfer their portability rights in their properties to another property now or in the extended future, in the event that such homeowners can acquire a new home for themselves and their families.

I have great respect for how this Court strives to achieve equity and fairness in its rulings. The different levels of harm in terms of financial loss, displacement and compensation to the Heron Pond homeowners gives reason to consider differentiation between investor-owned and homestead-owned

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properties to ensure fair treatment in the context of factual circumstances. I humbly ask this Court to consider all options described above to protect, not just the health, safety and welfare of those individuals who must leave the property as ordered by the City's Fire Marshall and CBO, but also to help these families, some who are on fixed incomes, in the near and midterm to financially protect them and their future well-being in whatever ways may be legally possible via this Court's jurisdiction in this important matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'T. Good', with a stylized flourish extending to the left.

Thomas Good, Jr.
Vice Mayor

cc: Mayor Angelo Castillo
Members of the City Commission
Charles F. Dodge, City Manager
Samuel S. Goren, City Attorney
Michael Stamm, Jr., Assistant City Manager/Director of Planning and Economic Development
Daniel J. Stermer, Receiver/Managing Director, Development Specialists, Inc.