

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

**EMERGENCY EX PARTE MOTION TO ENFORCE NOTICE OF UNSAFE
STRUCTURES ISSUED BY CITY OF PEMBROKE PINES AND REQUIRE ALL
RESIDENTS TO VACATE THE PREMISES ON OR BEFORE AUGUST 29, 2024**

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 files this *Emergency Ex Parte Motion to Enforce Notice of Unsafe Structures Issued by the City of Pembroke Pines and Require all Residents to Vacate the Premises On Or Before August 29, 2024* (the “Emergency Motion”). 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 residential buildings (the “Buildings”) located in the City of Pembroke Pines (the “Property”). 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 (the “City”) 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. On July 3, 2024, the City issued Unsafe Structure Notices to Building 9 and the 16 Units that comprise Building 9 and required all residents of Building 9 to vacate their Units on or before July 15, 2024.

6. On July 23, 2024, the City declared the remaining 12 Buildings comprising the Association unsafe structures and required all residents to vacate their Units by no later than August 29, 2024. As of August 29, 2024, all Buildings comprising the Association will have been issued “Unsafe Safe Structure Notices” and the Property will be completely shuttered. Details regarding these issues are set forth in the *Receiver’s Fourth Monthly Report* filed on August 22,

2024, and the *Receiver's Notice of Filing ACG Engineering, Services, Inc. Engineering Report* dated July 24, 2024, which are incorporated herein by reference.

7. Since July 23, 2024, the City and the Receiver have provided information to all Unit Owners and residents regarding the closure of Heron Pond and have assisted residents in pursuing alternative living arrangements, including the attached "*Important Information Regarding the Evacuation of All Heron Pond Units*" and the forwarding of the *Family Success Administration Division Emergency Assistance Information Sheet* to Unit Owners and residents.

8. It is vital to the health and safety of all residences that the City's Unsafe Structure Notices are complied with, and all residents and guests vacate the premises on or before August 29, 2024.

9. The City and the Receiver are coordinating efforts to protect the Property and reduce costs of the Association and to further prevent the potential for Unit Owners and/or Residents who will not vacate their Units on or before August 29, 2024 and are thus squatting in their Unit and/or unwelcome trespassers on the Property who do not have permission or authority to be on the Property. The City has advised it will be turning off utilities (electricity and water) to the Property as soon as possible. Water will not be turned off to the entire Property to ensure availability of water in the event of an emergency and use by the Pembroke Pines Fire Department.

10. The Receiver seeks the authority to cause or direct all current residents, guests, and invitees of the Property to vacate the Property by no later than August 29, 2024, pursuant to the City's Unsafe Structure Notice and not return until further notice, so that the Receiver may institute sufficient safety and security protocols to prevent unauthorized access to the Property. Such measures will include the installation of a gate or barrier blocking the entrance of the Property and installing proper signs notifying all potential visitors not to enter or trespass on to the Property.

The Receiver will continue to have private security personnel on Property during the overnight hours. The Receiver further requests the Court direct the Broward Sheriff's Office to use any and all of the power of the County, as necessary, to assist the Receiver in the discharge of the relief granted in the Order.

11. In addition to requesting the Court to direct the Broward Sheriff's Office to use any and all of the power of the County to carry out this Order, the Receiver requests that this Court direct any and all law enforcement agencies to continue to enforce this Order on an ongoing basis, whether with or without the Broward Sheriff's Office.

12. For the safety of all residents and Unit Owners, and to protect the Buildings and remaining personal property, the Receiver requests the Court determine that all guests, Unit Owners, or Residents be prohibited from returning to the Property until further notice of the Court and that all individuals entering the Property without the express written permission of the Receiver shall be a trespasser and subject to law enforcement action, including arrest and removal. All persons entering the Property thereafter shall be considered trespassers on the Property and the Receiver and the Association shall be immune from any liability for injury as provided in §768.075 Fla. Stat. (2023) and all other applicable statutes.

WHEREFORE, Daniel J. Stermer as Receiver, respectfully requests entry of the proposed Order attached as **Exhibit "A"**, (i) granting the Receiver's *Emergency Ex Parte Motion to Enforce Notice of Unsafe Structures Issued by the City of Pembroke Pines and Require all Residents to Vacate the Premises On Or Before August 29, 2024* (ii) directing the Broward Sheriff's Office to use any and all of the powers of the County to assist the Receiver in the discharge of this relief including by gaining access to the condominium property and the individual condominium units, if necessary, by reasonable use of force, including, but not limited, unlocking any doors, or

breaking any locks to gain access; (iii) authorizing the Receiver to install a gate or barrier at all entrances to the Property and erect or install no trespassing signs throughout the Property and declaring all persons entering the Property thereafter be considered trespassers on the Property and the Receiver and the Association shall be immune from any liability for injury as provided in §768.075 Fla. Stat. (2023) and all other applicable statutes and (iv) for such other and additional relief as the Court deems just and proper.

Dated: August 27, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 27, 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.

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EXHIBIT "A"

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**ORDER GRANTING RECEIVER, DANIEL J. STERMER'S, EMERGENCY EX PARTE
MOTION TO ENFORCE NOTICE OF UNSAFE STRUCTURES ISSUED BY CITY OF
PEMBROKE PINES AND REQUIRE ALL RESIDENTS TO VACATE THE PREMISES
ON OR BEFORE AUGUST 29, 2024**

THIS CAUSE came before the Court on the *Receiver, Daniel J. Stermer's, Emergency Ex Parte Motion to Enforce Notice of Unsafe Structures Issued by the City of Pembroke Pines and Require all Residents to Vacate the Premises On Or Before August 29, 2024* (the "Motion"). The Court, having reviewed the Motion and considered the Motion¹, the Court record, including documents filed of record by the Receiver, and having otherwise been fully advised in the premises, does hereby **ORDER AND ADJUDGE** as follows:

1. The Receiver's Motion is **GRANTED**.
2. Given the City's issuance of the Unsafe Structure Notices on all Buildings comprising the Property, the Receiver is justifiably concerned about the potential risk of bodily or

¹ Capitalized terms used herein shall have the same definition set forth in the Motion.

property damage to the residents of the Property. Accordingly, all residents and guests of any Unit located at Heron Pond Condominium Association, Inc., are hereby ordered to vacate the Property by no later than 11:59 p.m. on August 29, 2024. No person shall be permitted to enter the Property without prior written authorization of the Receiver or this Court.

3. The Court directs the Broward Sheriff's Office to use any and all of the powers of the County to assist the Receiver in the discharge of this relief.

4. The Broward Sheriff's Office and those persons acting under its supervision are authorized to gain access to the condominium property and the individual condominium units, if necessary, by reasonable use of force, including, but not limited, unlocking any doors, or breaking any locks to gain access.

5. The Court further directs any and all law enforcement agencies to continue to enforce this Order on an ongoing basis, whether with or without the Broward Sheriff's Office

6. The Receiver is authorized to install a gate or barrier at all entrances to the Property and erect or install no trespassing signs throughout the Property. All persons entering the Property thereafter shall be considered trespassers on the Property and the Receiver and the Association shall be immune from any liability for injury as provided in §768.075 Fla. Stat. (2023) and all other applicable statutes.

7. Each Unit owner is enjoined from leasing his or her Unit pending further order of the Court.

8. The Receiver shall immediately provide notice of this Order by serving the Order via email to the notice list he has on file and on the Receiver's Website and by posting this Order on the to be installed front gates of the Association.

DONE and ORDERED in chambers at Broward County, Florida this ____ day of _____, 2024.

Honorable Jack Tuter
Circuit Court Judge

cc: All counsel of record