UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

DANIEL J. STERMER AS RECEIVER OF THE HERON POND CONDOMINIUM ASSOCIATION, INC., Plaintiff, v. HERON POND CONDOMINIUM ASSOCIATION, INC., AND ALL UNIT OWNERS LISTED ON EXHIBIT "D" AND OTHER INTERESTED PARTIES LISTED ON EXHIBIT "E" TO THE COMPLAINT, Defendants.	Case No.: 0:25-cv-61909-RS

OBJECTION TO RECEIVER'S NOTICE OF IDENTIFICATION OF PURCHASER

Defendants Federal National Mortgage Association ("Fannie Mae") and Federal Home Loan Mortgage Corporation ("Freddie Mac" and together with Fannie Mae, the "Enterprises") respectfully object to Plaintiff Daniel J. Stermer's ("Receiver") Notice of Identification of Integra Real Estate, LLC as Purchaser, ECF No. 13 ("Notice").

The Notice claims to not seek "approval of a sale at this time" but was being submitted "for noticing and designation purposes only." ECF No. 13 at 1 n.1. The Receiver further states that he submitted the Notice to comply with a state court order granting the Receiver's motion to approve bidding and sale procedures ("Bid Procedures Order") entered in the now-removed state-court action, *In re Heron Pond Condominium Association, Inc.*, Case No. CACE-24-00524. *See id.*

This Court has already restrained the Receiver from "proceed[ing] with any plan of termination or other sale, transfer, or conveyance" pending resolution of the Enterprises' motion for a preliminary injunction. Order Granting Emergency Motion for Temporary Restraining Order, ECF No. 8 at 3. Thus, under this Court's Order, any notice and designation requirement under the state court order is inoperative. As such, there is no need to make such a "noticing and

designation" filing with this Court or any other court, and the Notice should be disregarded by the Court.[1]

As explained in the Enterprises' emergency motion for injunctive relief, ECF No. 4, federal law precludes the sale referenced in, and purportedly authorized by, the Bid Procedures Order, *see id.* at 7-13. Indeed, the Housing and Economic Recovery Act of 2008 ("HERA") precludes any court (including the state court and this Court) from entering or enforcing any order that—like the Bid Procedures Order—would authorize any foreclosure, sale or other transaction that would affect Enterprise property without the consent of the Enterprises' Conservator, the Federal Housing Finance Agency.

The Enterprises are fully prepared to explain in their briefing and at the hearing on the pending motion for a preliminary injunction that under HERA, the Bid Procedures Order and the Notice purportedly issued under it are void and of no legal effect.

Finally, the Enterprises and FHFA as their Conservator remain ready, willing, and able to discuss with the Receiver potential resolution that is consistent with HERA.

DATED this 1st day of October, 2025.

ARNOLD & PORTER KAYE SCHOLER LLP

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[1] Counsel for the Enterprises requested that the Receiver withdraw the Notice, but the Receiver declined.

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, I electronically filed the foregoing **OBJECTION TO RECEIVER'S NOTICE OF IDENTIFICATION OF PURCHASER** using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties of record.

/s/ Jason A. Ross
ARNOLD & PORTER KAYE SCHOLER LLP