

IN RE:  
VERABELLA FALLS CONDOMINIUM  
ASSOCIATION, INC.,

Petitioner,  
\_\_\_\_\_ /

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 09-33161 CA 15

**ORDER APPOINTING RECEIVER**

THIS CAUSE having come on to be heard before this Court on May 5<sup>TH</sup>, 2009 on VERABELLA FALLS CONDOMINIUM ASSOCIATION, INC.'S (the "ASSOCIATION") EMERGENCY PETITION FOR APPOINTMENT OF RECEIVER, and the Court having heard argument of counsel and having conducted an evidentiary hearing and having otherwise been fully advised of the premises, it is hereby:

ORDERED AND ADJUDGED that:

1. The ASSOCIATION'S CORRECTED EMERGENCY PETITION FOR APPOINTMENT OF RECEIVER is hereby granted.
2. That SETH R. HELLER whose address is Seth R. Heller, Receiver, P.O. Box 331928, Miami, FL 33233, is hereby appointed as RECEIVER for all units within VERABELLA FALLS CONDOMINIUM which are occupied by a Tenants or Unit Owners while said Unit is the subject of an action by the ASSOCIATION to foreclose its lien for past due assessments on said unit.
3. Tenants shall mean those persons who are occupying a unit within the Condominium whether or not said occupancy is pursuant to a lease which requires payment of rents, revenues, income, profits and/or other sums to the unit owner or the unit owner's designee and which unit is also the subject matter of a foreclosure action filed by the ASSOCIATION against the unit owner for past due Assessments (as defined in the Declaration) due.

4. The RECEIVER shall collect all rents and monies from the Tenants due to unit owners within the ASSOCIATION and whose unit owner is also the subject of a foreclosure action for the failure to pay past due Assessments due to the ASSOCIATION for said unit occupied by Tenant.

5. The RECEIVER shall be able to hire the property management company to manage and re-lease or re-rent the units, during the period said unit is the subject of a foreclosure action for failure to pay past due Assessments due to the ASSOCIATION for said unoccupied unit.

6. The RECEIVER shall, from the monies collected, first pay the cost and fees of RECEIVER then disburse all remaining monies in accordance with Florida Statutes, Section 718.116(3), with the remaining balance, if any, to be paid to the unit owner of record or the unit owner's designee until further order of this Court.

7. Any aggrieved unit owner whose rents and monies from a Tenant have been collected by the RECEIVER as permitted herein may file for relief in the division of this Court wherein the foreclosure action is pending if good cause is shown for the relief requested.

8. The unit owner, its agents or employees, the Tenant and all other persons are restrained from interfering with the RECEIVER or with the collection of any rents and monies delivered to RECEIVER.

9. RECEIVER is authorized to employ agents, servants or employees for the purpose of collecting rents and monies from Tenants and carrying out the terms of the Receivership and the orders of this Court.

10. Prior to the collection of rents and monies, RECEIVER shall mail or hand deliver a copy of a certified copy of this order to the Tenant at the property address of the unit in

foreclosure and by certified mail to the unit owner at the last known address of the unit owner whose property is the subject of the foreclosure.

11. Within five (5) days of the date of this Order, RECEIVER shall file with this Court an Oath and Acceptance of RECEIVER accepting the appointment and agreeing to faithfully discharge his duties.

12. The RECEIVER shall maintain a separate accounting for each unit for which rents and monies are collected under this Order. Said accounting shall include but not be limited to the active case number of the applicable foreclosure complaint, identifying information of the unit and unit owners, the amounts collected and the application of each payment. RECEIVER shall prepare a separate final accounting for each unit when there is a final disposition of the underlying foreclosure action. Said final accounting shall include a copy of all receipts and disbursements. The final accounting shall be furnished to the ASSOCIATION within ten (10) business days after it is due. An additional copy of all periodic accountings, if any, and the final accounting shall be furnished to the unit owner within ten (10) business days after written request by the unit owner to RECEIVER.

13. RECEIVER shall file a good and sufficient bond in the sum of \$\_\_\_\_\_ to secure the faithful performance of its duties.

14. It is the intent of this Order to appoint one receiver who shall be responsible for collecting rents and monies from Tenants and to manage and re-lease or re-rent units, during the period the unit is in foreclosure by the ASSOCIATION. It is anticipated that multiple units will come within the jurisdiction of this Order on different dates and times. The appointment of the RECEIVER herein will only apply to an individual unit during the term of the underlying

foreclosure but the appointment of the RECEIVER for the benefit of the ASSOCIATION shall be continuous and the RECEIVER shall serve until further order of this Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 5<sup>th</sup> day of May, 2009.

Signed and Dated

MAY 07 2009

~~Judge Israel Reyes~~  
ISRAEL REYES  
Circuit Court Judge

CC: All Unit Owners of  
VERABELLA FALLS CONDOMINIUM ASSOCIATION, INC.