

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-007798-CA-01

SECTION: CA22

JUDGE: Beatrice Butchko

**Ana Danton**

Plaintiff(s)

vs.

**Hammocks Community Association Incorporated**

Defendant(s)

**AGREED ORDER GRANTING RECEIVER'S MOTION TO APPROVE ELECTION  
PROCEDURE**

THIS CAUSE having come before the Court on the Receiver's Motion to Approve Election Procedure (the "Motion"), and the Court having reviewed the motion being informed that this order was agreed to by the parties, and being fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. The Receiver's Motion is **GRANTED**.
2. The Receiver is authorized to notice and supervise an election of a board of directors for the Hammocks Community Association Incorporated (the "Association") in accordance with the procedure set forth in this Order.
3. The Association's election will be for seven (7) board seats including a fixed seat for a Class A member living in a community without a local association (i.e., managed by the Association) and a fixed seat for a Class E Member.
4. The Receiver is authorized within his sole discretion to make reasonable modifications to the Association's election procedure to ensure a fair, proper, and transparent election of the

board of directors of the Association.

5. The following shall be the schedule of election events:

- a. January 27, 2023: Mailing begins to all members of the First Notice of Annual Meeting and Election inviting interested, eligible persons to apply to be a candidate to serve on the board of directors of the Association.
- b. February 14, 2023: Deadline for receipt of board of director candidate applications.
- c. February 24, 2023: Mailing begins to all members of the Second Notice of the Annual Meeting and Election announcing candidates, voting locations, and election procedures.
- d. February 28, 2023: First meet and greet of the candidates for the members that Tuesday at 7:00pm at the Clubhouse.
- e. March 18, 2023: Second meet and greet of the candidates for the members that Saturday at 11:00am at the Clubhouse.
- f. March 25, 2023: Early voting begins Saturday and continues Monday March 27, Tuesday March 28, and Wednesday March 29 at the Clubhouse during Clubhouse hours of operation, except the Clubhouse will be open late on Wednesday March 29 until 9pm.
- g. March 30, 2023: Annual Meeting and Election Day starting at 6pm until conclusion. Meeting end time to be extended as necessary to ensure all proper votes are cast and counted and new board of directors announced.
- h. March 31, 2023: First meeting of the new board of directors (acting in an advisory capacity pending Receiver's discharge), at such meeting the board will take their seats, determine the dates, places, and times of regularly scheduled meetings, and elect officers. This meeting may be rescheduled to occur within ten (10) days of the election

to accommodate the schedules of those involved.

6. Until the termination of the receivership by the Court, the newly elected board of directors would serve only in an advisory capacity (the “Advisory Board of Directors”) and the Receiver will continue to be deemed president, sole director, and CEO of the Association with all the authority and control granted to a board of directors pursuant to the Association’s governing documents.
7. Upon the Advisory Board of Directors taking their seats, the currently constituted Advisory Committee shall be dissolved. The Advisory Board of Directors will advise and assist the Receiver. The Advisory Board of Directors first serving in an advisory capacity will ease the transition of the Association back to the members. The Receiver is empowered to appoint legal counsel for the Advisory Board of Directors.
8. The Advisory Board of Directors shall not have any authority to act for, manage, or otherwise control the business or assets of the Association but must be prepared to assume the customary duties and obligations of the Association’s board of directors upon termination of the receivership or as further ordered by the Court.
9. Notwithstanding the advisory nature of the Advisory Board of Directors, the board would be required to comply with all procedures required by Florida law and the Association’s governing documents including attending regularly scheduled meetings.
10. Consistent with the Appointment Order, the Receiver will work with the Advisory Board of Directors to facilitate an efficient transfer of authority and control of the Association when the receivership is terminated.
11. The Receiver’s election procedure is hereby approved by this Court.
12. The Receiver is empowered by this Court to use his discretion to set dates, deadlines, and schedules as well as revise deadlines, schedules, and the election procedure to address

unanticipated circumstances during the election. The Receiver is empowered to establish appropriate qualifications for candidacy to the Association's board of directors and determine the sufficiency of votes. The Receiver is empowered to use his discretion to ensure a fair, proper, and transparent election of the Association's new board of directors.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 24th day of January, 2023.



2022-007798-CA-01 01-24-2023 8:20 AM

Hon. Beatrice Butchko

**CIRCUIT COURT JUDGE**

Electronically Signed

**No Further Judicial Action Required on THIS MOTION**

**CLERK TO RECLOSE CASE IF POST JUDGMENT**

**Electronically Served:**

Eric R. Thompson, ethompson@gordonrees.com  
Eric R. Thompson, aruff@grsm.com  
Hilton Napoleon II, hnapoleon@rascoklock.com  
Hilton Napoleon II, docketing@rascoklock.com  
Jesmany Jomarron, mlg.eservice@morganlawgroup.net  
Jesmany Jomarron, jjomarron@morganlawgroup.net  
John Paul Arcia, service@arcialaw.com  
Kenneth D. Murena, kmurena@dvllp.com  
Kenneth D. Murena, jserna@dvllp.com  
Kimberly Alfonso, kalfonso@rascoklock.com  
LFD, lfd@dvllp.com  
Melanie Damian, mdamian@dvllp.com  
Melanie Damian, mdamian@dvllp.com  
Melanie Damian, lfd@dvllp.com  
Michael Emery, me@sbk.legal  
Michael S. Kaufman, msklaw@att.net  
Michael S. Kaufman, Esq., msklaw@att.net  
Robert P Kelly, robertpkellyesq@hotmail.com  
Robert P Kelly, rpkelly@rpkellylawoffice.com

Russell Landy, rlandy@dvllp.com  
Russell Landy, jflores@dvllp.com  
Steven B. Katz, sbk@sbk.legal  
Steven B. Katz, me@sbk.legal  
Steven B. Katz, ja@sbk.legal

**Physically Served:**