

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

CITY OF CORAL GABLES,  
a Florida municipal corporation,

CASE NO.: 19-20287 CA 01 (24)

GENERAL JURISDICTION DIVISION

Plaintiff/Petitioner,

vs.

1013 CASTILE LLC, a Florida  
limited liability company,

Defendant/Respondent.

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**VERIFIED MOTION TO APPOINT RECEIVER AND FOR SANCTIONS**

Plaintiff, the City of Coral Gables (“CITY”), a Florida municipal corporation, hereby moves, pursuant to Fla. R. Civ. P. 1.620 and this Court’s Corrected Agreed Order Granting City of Coral Gables’s Emergency Motion for Temporary Injunction (“Order”), for the appointment of a receiver and for sanctions, including, but not limited to, contempt, costs, and attorneys’ fees, against 1013 Castile, LLC (“OWNER” or “RESPONSIBLE PARTY”), and in support thereof states:

1. On July 26, 2019, the Court entered its Order (retroactive to July 24, 2019) that requires the RESPONSIBLE PARTY to correct all CITY Code violations on real property that is the subject of this cause.

2. In paragraph 19 of the Order, the Court retained jurisdiction to dissolve, modify, or enforce the Order granting a temporary injunction, and, specifically, to award the City its costs and attorneys’ fees as provided in Section 34-205(b) of the CITY Code.

3. Paragraph 4 of the Order specifically ordered the RESPONSIBLE PARTY to correct any remaining violations of Article VII of Chapter 34 of the CITY code (the “Abandoned Real Property Ordinance”) as well as the following sections of the CITY Code on the property

located at 1013 Castile Avenue, Coral Gables, Florida 33134-4531 (“Property”) and to avoid repeat violations of:

- a) Section 34-55 (formerly § 34-21) of the CITY Code, to wit: failure to consistently maintain the Property, including but not limited to, by allowing overgrown and dead vegetation and debris;
- b) Sections 34-203 and 204 (formerly § 34-174) of the CITY Code, to wit: failure to register and maintain the Property, which is vacant property and was in default of a mortgage;
- c) Section 105-26 (formerly § 105-23) of the CITY Code and Section 105.4.1.1 of the Florida Building Code, to wit: allowing the building permit for renovation of Structure (permit # BL-15-07-4826, which was issued on 08-31-16) to expire;
- d) Section 105-250 (formerly § 105-279) of the CITY Minimum Housing Code, to wit: the Structure is not maintained in a manner that it will be weather and watertight;
- e) Section 105-254 (formerly § 105-283) of the CITY Minimum Housing Code, to wit: the windows, doors, and other opening to outdoor space in the exterior of the Structure are missing screens and fail to effectively protect against the entrance of insects;
- f) Section 105-255 (formerly § 105-284) of the CITY Minimum Housing Code; to wit: failure to maintain the exterior of the Structure with reasonable attractiveness so as not to cause a substantial depreciation in property values in the immediate neighborhood;
- g) Section 105-278 (formerly § 105-289) of the CITY Minimum Housing Code; to wit: failure to maintain the floors, walls, ceilings and roofs of the Structure in a structurally sound and clean and sanitary condition;
- h) Sections 3-207(D) of the City Zoning Code; to wit: failure to fully complete building in substantial compliance with plans and specifications upon which a building permit was within one (1) year after the commencement of erection of any building, addition, or renovation; including, but not limited to, by failing to make active progress on permit BL-16-12-7121 and all subpermits for the Structure, which was issued on 03-07-17, and which expired on 11-13-17 and
- i) Section 3-1108 of the CITY Zoning Code; to wit: demolition by neglect of an historic structure; including, but not limited to: a) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors; b) Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering; c) Failure to properly secure the Structure, which is accessible to the general public; and d) Faults and defects in the Structure that render it structurally unsafe and not properly watertight (the foregoing ten violations are collectively referred to the “Violations”).

4. Paragraph 6 of the Order required the RESPONSIBLE PARTY, to register the Property by July 26, 2019 and to resume work and make substantial progress on master permit

BL-16-12-7121 and all subpermits required to complete the single-family home (“Permits”) within 10 days of the date of date of the Order (i.e. by August 5, 2019).

5. Paragraph 15 of the Order provides that, in the event of a breach of the Order by the RESPONSIBLE PARTY, the Court may enforce the Order including, but not limited to, by appointing a receiver pursuant to Fla. R. Civ. P. 1.620, and imposing sanctions, including but not limited to, contempt, if the RESPONSIBLE PARTY does not promptly comply; and to award the CITY its additional costs, including attorney’s fees as provided in Section 34-205(b) of the CITY Code.

6. In contumacious disregard for the Court’s authority, the RESPONSIBLE PARTY has taken no action whatsoever to correct the violations.

7. As set forth in the Certificate of Service below, the City is serving copy of this Motion on the mortgagees of record, even though they are not parties to this action, because the Receiver will issue Receivership Certificates, that will be superior to the Mortgage.

WHEREFORE, the CITY respectfully requests that this Court enter an order 1) appointing a receiver; 2) finding the RESPONSIBLE PARTY in contempt; 3) awarding the CITY its costs and attorneys’ fees; and any other relief the Court deems proper.

**VERIFICATION**

Pursuant to § 92.525, Fla. Stat., under penalty of perjury, I declare that I have read the foregoing motion, and that the facts alleged therein are true to the best of my knowledge and belief.

s/ Adolfo Garcia  
Adolfo Garcia  
Code Enforcement Field Supervisor  
City of Coral Gables

Dated this 19th day of August, 2019

Respectfully submitted,

Law Offices of Alexander L. Palenzuela, P.A.  
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*The City of Coral Gables*  
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By: s/ Alexander L. Palenzuela  
Alexander L. Palenzuela  
Florida Bar No.: 946095

#### **CERTIFICATE OF SERVICE**

I hereby certify that the forgoing document has been furnished to 1013 Castile, LLC, *Pro se Defendant*, c/o Tito Fernando Figueroa, Registered Agent and Sole Member, 1502 El Rado Street, Coral Gables, FL 33134-2280, primary email: [fernando@romanagroupusa.com](mailto:fernando@romanagroupusa.com); by email on this 19th day of August, and to Sydney Enterprises Ltd., a BVI company, c/o Yellowstone International Group, Inc., a BVI corporation, 16407 Collins Avenue, Apartment 2303, Sunny Isles Beach, FL 33160 and to A & M American Developments, LLC, c/o Alvaro Atias, Registered Agent, 157 East Bayridge Drive, Weston, FL 33326-3530, by first class mail, on August 20, 2019.

s/ Alexander L. Palenzuela  
Alexander L. Palenzuela