

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.: 15-3778 CA 01 (13)

GENERAL JURISDICTION DIVISION

Plaintiff/Petitioner,

v.

PACIFIC COAST DEVELOPMENT;  
a California corporation; JP MORGAN  
CHASE BANK, N.A., a National Association;  
MORTGAGE CONTRACTING SERVICES,  
LLC, a Delaware limited liability company;  
GLOBAL BUSINESS PARTNERS, INC.,  
a Florida corporation, CARLOS MARROQUIN;  
DORA MARROQUIN, and PORTOLA  
INVESTMENTS 8324, INC., a Florida corporation,

Defendants/Respondents.

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**RECEIVER'S REPORT FROM MAY 18, 2015 TO  
OCTOBER 31, 2015, MOTION FOR COMPENSATION, AND  
REQUEST FOR COPY OF APPRAISAL**

1. **Appointment of Receiver.** Kolman Kenigsberg, CPA, CA, CFE, Director of Litigation Support and Fiduciary Services, of KW Property Management & Consulting ("Receiver"), whose address is 8200 NW 33rd Street, Suite 300, Miami, FL 33122, was appointed as a limited Receiver, pursuant to the Court's Order Appointing Receiver, dated May 18, 2015 ("Order"), to take effect 15 days thereafter, on June 12, 2015, in order to correct all code violations with respect to the real property, including a partially completed vacant single-family home ("Structure") and swimming pool, located at 5626 Granada Boulevard, Coral Gables, FL 33134-2611, and legally described as:

Lots 9, 10, and 11, less southeasterly 30 feet of Lot 11, Block 136, revised plat of the CORAL GABLES RIVIERA SECTION PART 9, according to the Plat thereof as recorded in Plat Book 28, at Page 29 of the Public Records of Miami-Dade County and having folio number 03-4129-026-0990 ("Property").

2. **Oath and Acceptance** of Receiver. The Receiver filed an Oath and Acceptance of Receiver with the Court, on July 10, 2015, accepting the appointment and agreeing to fully and faithfully discharge his duties as Receiver, as set forth in the Order and other applicable law.

3. Receiver's Bond. The Receiver has posted a \$10,000 bond with the Court.

4. Possession and Control of Property. The Receiver immediately took possession and control of the Property, began managing and maintaining the Property and exercising the powers and duties set forth in the Order. The Receiver assessed access to the Property and engaged a locksmith to change the locks.

5. Reporting. The Receiver has prepared this report as required by the Order and Fla. R. Civ. P. 1.620, under oath, setting forth and reporting all changes in assets in the Receiver's charge or claims against the assets that have occurred during the period covered by the report. There being no material change physically or financially, the Receiver has elected to minimize the filing of reports in order to save the Court's time and reduce the financial burden that excessive fees would add to the Property's carrying costs.

6. Inventory and Account. The Receiver's inventory and account from May 18, 2015 to October 31, 2015, is attached as Exhibit "A."

7. Motion for Compensation of Receiver and Agents. Pursuant to paragraphs 20, 26, and 37 of the Order, the Receiver shall be compensated and has authority to collect funds during the receivership from any party, including Chase, to pay the Receiver's reasonable costs and expenses and may thereby satisfy and release or assign to the payer the Receiver's liens granted by the Court for all monies owed. No party has advanced funds to pay the Receiver's fees. The unpaid Receiver's fees to October 31, 2015 are \$3,165.43 and expenses of \$200.00. Defendant, Pacific Coast Development, through its principal, Ulises Duran, has funded the maintenance. Pursuant to

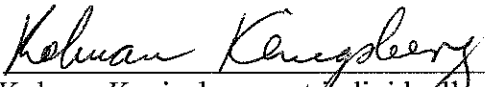
paragraph 20 of the Order, the Receiver hereby moves for an award of compensation. An accounting, for the period covered by this report, of the time incurred for the Receiver's services and the services of other authorized persons and expenses is attached as Exhibit "B".

8. Appraisal. The Receiver, having understood that the parties to the lawsuit and the original lender would not fund all costs and repairs, proceeded to have the costs for completion of the project estimated by responsible contractors and potential investors. To that end, certain investors were introduced to the Property and prepared estimates of the costs. The cost estimates were excessive in comparison to the perceived value of the Property. Therefore certain potential investors indicated that the only sensible approach to funding the repairs and completion of the Structure and swimming pool was to obtain the note at a value certain from JP Morgan Chase Bank, N.A. ("Chase"). The Receiver reached out to counsel for Chase at the firm of Wargo French, in order to have Chase consider the sale of the note to the prospective investors. Chase contracted for an appraisal and the Receiver facilitated access and information for the appraiser to complete his work. As of this report, no information has been received concerning the appraisal. Consequently, the Receiver has yet to determine the actual value of the Property. Therefore, pursuant to paragraph 19 of the Order, the Receiver hereby requests a copy of the appraisal from Chase.

9. Receivership Certificates. A third party has expressed interest in finishing the project. The costs to be advanced are estimated to exceed the \$100,000 limit of certificates outlined in the Order. Once the Receiver has a precise estimate of the cost of completing the Structure and swimming pool, the Receiver will file a motion with the Court seeking approval to issue Receiver's Certificates in the necessary amount

10. Insurance. It has been determined that insurance coverage to protect the estate is commercially unfeasible.

11. Bank Accounts. There is no income to the estate and there are no funds. Therefore a bank account is not maintained for this estate.

  
Kolman Kenigsberg, not individually, but solely  
in the capacity of Receiver

DATED: November 10, 2015

Copies furnished to attached service list

# EXHIBIT A

Partially completed vacant single-family home ("Structure") and swimming pool, located at 5626 Granada Boulevard, Coral Gables, FL 33134-2611, and legally described as:

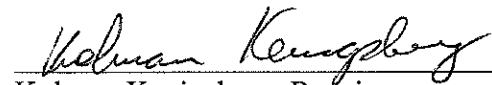
Lots 9, 10, and 11, less southeasterly 30 feet of Lot 11, Block 136, revised plat of the CORAL GABLES RIVIERA SECTION PART 9, according to the Plat thereof as recorded in Plat Book 28, at Page 29 of the Public Records of Miami-Dade County and having folio number 03-4129-026-0990 ("Property/Receivership Estate").

Total Real Estate \$ \_\_\_\_\_ NIL \_\_\_\_\_

Personal Property:

Total Personal Property \$ \_\_\_\_\_ Nil \_\_\_\_\_

Total Real and Personal Property \$ \_\_\_\_\_ Nil \_\_\_\_\_

  
\_\_\_\_\_  
Kolman Kenigsberg, Receiver  
KW Property Management &  
Consulting

# EXHIBIT B

Selection Criteria

Clie.Selection Include: City of Coral Gables vs JPMC,; Kolman Kenigsberg Assignee  
 Slip.Transaction Dat 5/1/2015 - 10/31/2015  
 Slip.Selection Include: 12914; 12915; 12916; 12917; 12968; 12969; 12970; 12971; 12972; 12973; 12974;  
 12975; 12976; 12977; 12978; 12979; 12980  
 -OR-  
 Clie.Selection Include: City of Coral Gables vs JPMC,

Nickname City of Coral Gables vs JPMC, | JPMC, Pacific  
 Full Name Alexander Palenzuela, Esq, PA  
 Address 1200 Brickell Ave.  
 Suite 1230  
 Miami, FL 33131  
 Phone 305-375-9510 Fax  
 Home Other  
 In Ref To Law Offices of Alexander L. Palenzuela, P.A. 1200 Brickell Avenue, Suite 1230 Miami, FL  
 33131-3255 main (305) 375-9510, ext. 303 direct +1 (305) 417-9007 fax (305) 375-9511  
 alp@alp-law.com  
 Fees Arrg. By billing value on each slip  
 Expense Arrg. By billing value on each slip  
 Tax Profile Exempt  
 Last bill  
 Last charge 10/12/2015  
 Last payment Amount \$0.00

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
5/18/2015	Kolman Kenigsberg 12914 Attend Court Hearing	275.00	2.17	595.83	Billable
5/28/2015	Kolman Kenigsberg 12916 Administrative work Phone conversations with various parties. Palenzuela, Martin, Diaz, Portundo.	275.00	0.50	137.50	Billable
6/2/2015	Kolman Kenigsberg 12917 Attorney telephone conference	275.00	0.33	91.67	Billable
7/28/2015	Kolman Kenigsberg 12968 Conference call Discussion with Edward Boza regarding order and priority of receiver certificates and proposal to finish property and address code violations.	275.00	0.50	137.50	Billable
7/30/2015	Kolman Kenigsberg 12915 Site visit Visit to property.	275.00	1.17	320.83	Billable



City of Coral Gables vs JPMC,:Alexander Palenzuela, Esq, PA (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
7/31/2015 12969	Kolman Kenigsberg Administrative work Arrange for property maintenance and site visit.	275.00	1.33	366.67	Billable
8/11/2015 12970	Kolman Kenigsberg Administrative work Provide update to lawyer Palenzuela.	275.00	0.33	91.67	Billable
8/17/2015 12971	Kolman Kenigsberg Administrative work Update attorney Palenzuela on lack of response form Chase. Converse with investor. Correspond with attorney Ferro.	275.00	0.33	91.67	Billable
8/31/2015 12972	Kolman Kenigsberg Administrative work Review intervenor Portola's notice and lis pendens. Correspond with potential investor.	275.00	0.33	91.67	Billable
9/1/2015 12973	Kolman Kenigsberg Administrative work Correspond re Chase contact person.	275.00	0.33	91.67	Billable
9/2/2015 12974	Kolman Kenigsberg Administrative work Arrange contact between city attorney and investor.	275.00	0.17	45.83	Billable
9/15/2015 12975	Kolman Kenigsberg Administrative work Review Court filings. Speak with City attorney.	275.00	0.33	91.67	Billable
9/28/2015 12976	Kolman Kenigsberg Site visit Arrange site access for appraiser. Inform appraiser of property information. Address code enforcement issues.	275.00	0.33	91.67	Billable
10/2/2015 12979	Kolman Kenigsberg Administrative work Meet with Mr. Boza and Mr. Boris Vichot regarding feasibility of finishing the project, obtaining plans and getting price estimate.	275.00	1.17	320.83	Billable
10/5/2015 12980	Kolman Kenigsberg Administrative work Review price estimate received from Mr. Vichot.	325.00	0.33	108.33	Billable
10/7/2015 12977	Kolman Kenigsberg Site visit Site visit and arrange for lawn maintenance.	275.00	1.28	352.92	Billable

City of Coral Gables vs JPMC,:Alexander Palenzuela, Esq, PA (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/12/2015 12978	Kolman Kenigsberg Administrative work Respond to citizen complaint. Arrange for lawn maintenance.	275.00	0.50	137.50	Billable
TOTAL Billable Fees			11.45	\$3,165.43	
Total of billable expense slips					\$0.00

Calculation of Fees and Costs

	Amount	Total
Fees Bill Arrangement: Slips By billing value on each slip.		
Total of billable time slips	\$3,165.43	\$3,165.43
Total of Fees (Time Charges)		\$3,165.43
Total of Costs (Expense Charges)		\$0.00
Total new charges		\$3,165.43
New Balance Current	\$3,165.43	
Total New Balance		\$3,165.43

**BROWN & BROWN OF FLORIDA INC**  
 14900 NW 79th Ct Suite#200  
 Miami Lakes, FL 33016-5869  
 Phone: 305-364-7800 Fax: 305-714-4401

**Kolman Kenigsberg**  
 8200 NW 33rd Street, #300  
 Miami, FL 33122

<b>INVOICE NO. 74946</b>		Page 1
ACCOUNT NO.	CSR	DATE
KOLMA-1	MY	06/17/2015
Bond		
POLICY #	LOAN #	
SEIFSU0639893		
COMPANY		
*International Fidelity Ins Co*		
PRODUCER		
Fausto Alvarez		
EFFECTIVE	EXPIRATION	BALANCE DUE ON
06/17/2015	06/17/2016	06/17/2015

Itm #	Date Trn	Trn Type	Description	Amount
702753	06/17/15	NEC BOND	153778CA0113 \$10K	\$100.00
Invoice Balance:				\$100.00