

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AN FOR BROWARD COUNTY, FLORIDA**

CASE NO.: 16-4720 (25)

PALM-AIRE COUNTRY CLUB
CONDOMINIUM ASSOCIATION
NO. 2, INC.,

Plaintiff,

vs.

M&M PROPERTY MANAGEMENT, LLC,

Defendant.

**ORDER ON RENEWED EMERGENCY MOTION TO REQUIRE M&M TO CEASE
AND DESIST AND/OR APPOINT A RECEIVER TO OPERATE THE ASSOCIATION**

THIS CAUSE came on to be heard on PALM-AIRE COUNTRY CLUB CONDOMINIUM's Renewed Emergency Motion to Require M&M to Cease and Desist and/or Appoint a Receiver to Operate the Association. An evidentiary hearing was held on January 20, 2017. The Court having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is:

ORDERED AND ADJUDGED:

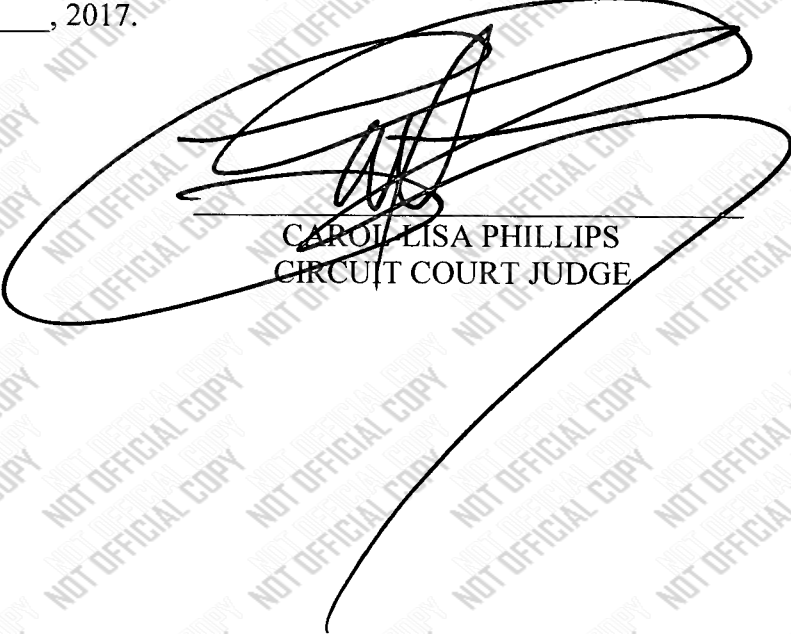
The Fourth District Court of appeal (4D16 – 1448) determined that Plaintiff failed to demonstrate that it had a substantial likelihood of success to postpone the election and reversed the injunction entered against Defendant, allowing it to continue to operate in service of the newly elected board. Thereafter, Judge Haury vacated the injunction, further stating that said Order was of no further force and effect and allowed Defendant to continue to operate in service of the Board elected on March 2, 2016.

The cause of action before this Court is against M&M Management for Breach of Contract and refusal to recognize and work with the Board. The Court finds no cause of action to invalidate the Board of March 2, 2016. Therefore, said Motion is denied as to the cease and desist request.

Regarding, the appointment of a receiver. It is the understanding of this Court that at this time the outstanding bills are current and no exigency is required. The Court is also aware that the 2017 elections are to occur in early March, 2017, and that a long arm third party from the State of Florida will be overseeing the election process. If this is true and correct then no receiver will be appointed. However, if a third party neutral is not in place to oversee the election, this Court would require same. If the Parties are unable to agree on a neutral person, each side shall submit two or three persons to the court without telling the court who each side requests and the Court will choose one.

DONE AND ORDERED in Chambers, at Fort Lauderdale, Broward County, Florida, this

January 20, 2017.



CAROL LISA PHILLIPS
CIRCUIT COURT JUDGE

Copies furnished to:
Lawrence A. Shendell, Esq.
Gerard S. Collins, Esq.
Bartosz A. Ostrzenski, Esq.