

IN THE CIRCUIT COURT FOR THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 50-2019-CA-001617-XXXX-MB

VILLAGE OF WELLINGTON, FLORIDA,
a Florida municipal corporation,

Plaintiff,
vs.

PALM BEACH POLO, INC.,
a Florida corporation,

Defendant.

AMENDED ORDER ON DEFENDANT'S MOTION TO TRANSFER LIEN AND
JUDGMENT TO CASH BOND AND FOR STAY

THIS MATTER came before the Court via Zoom on April 26, 2023, upon Defendant's Motion to Transfer Lien and Judgment to Cash Bond and for Stay. After considering the argument of the parties, and being fully advised in the premises, the Court does hereby **ORDER AND ADJUDGE** that:

1. Defendant's Motion to Transfer Lien and Judgment to Cash Bond and for Stay is Granted in Part and Denied in Part.

2. Defendant's Motion to stay pending review of the Final Judgment of Foreclosure entered April 3, 2023 ("Final Judgment") is GRANTED upon Defendant posting a cash bond in the amount of \$8,354,010.00 on or before May 3, 2023 (the "Bond"). The stay shall remain in effect during the pendency of all review proceedings in Florida courts of the Final Judgment until a mandate issues, or unless otherwise modified or vacated.

3. The Bond shall be deposited with Anthony Barbuto, Esq. of Barbuto Law Firm, PA ("Escrow Agent") who shall deposit the funds in an interest-bearing account with a financial institution in Palm Beach County, Florida with assets of at least \$500 billion. Escrow Agent shall be paid a fee of Five Thousand dollars and Zero cents (\$5000.00), for his services as escrow agent, which fee shall be paid by Defendant. To the extent Defendant intends on funding the Bond with the \$1,254,010.46 it deposited into an escrow account established by attorney Ronald Witkowski, Esq. ("Witkowski") and the \$7,105,676.11 it deposited into an escrow account established by attorney Craig Galle, Esq. ("Galle"), Witkowski and Galle are directed to transfer those funds to Escrow Agent forthwith, and no later than May 3, 2023. The Court shall retain jurisdiction to determine the actual sufficiency of the Bond.

4. Upon notice filed with the Court that the Bond has been deposited with Escrow Agent, the Order Imposing Penalty/Lien that was recorded on January 9, 2018 in Official Records Book 29578, page 0819, of the Public Records of Palm Beach County, Florida (hereinafter, the "Lien") and the Final Judgment of Foreclosure that was recorded on April 10, 2023 in Office

Records Book 34226, Page 644, of the Public Records of Palm Beach County, Florida shall no longer constitute liens against the land on which the violation exists and upon any other real or personal property owned by Defendant, and the Village Council is directed to execute and record the appropriate satisfactions and releases in the public records of Palm Beach County, Florida.

5. The Bond shall be immediately released to Plaintiff, the Village of Wellington, Florida (the "Village") in satisfaction of the Final Judgment in full, including costs, interest, fees, if the review is dismissed or the Final Judgment affirmed. Any interest that accrues on the funds comprising the Bond deposited into the interest-bearing account referenced in paragraph 3 above shall first be paid to Plaintiff in satisfaction of the Final Judgment in full, including costs, interest, fees, and attorneys' fees, as set forth in the Final Judgment and pursuant to Florida law.

Upon satisfaction of the Final Judgment any amount of the funds representing the Bond remaining with Escrow Agent shall be disbursed to Defendant. Under no other circumstances is Escrow Agent to release the Bond without an order of this Court.

6. Defendant's *ore tenus* Motion to Stay pending the conclusion of all litigation between the Village and Defendant is DENIED without prejudice. The Court retains jurisdiction to hear further argument of Polo with respect to the issues raised at the hearing.

7. Failure of Defendant to post the Bond on or before May 3, 2023 renders this Order moot and of no further force and effect.

DONE AND ORDERED in Chambers in Palm Beach County, Florida.

50-2019-CA-001617-XXXX-MB 05/23/2023
G. Joseph Curley, Jr. Circuit Judge

50-2019-CA-001617-XXXX-MB 05/23/2023
G. Joseph Curley, Jr.
Circuit Judge

Copies furnished to:

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Alexander L. Domb, P.A., alec@aldlaw.org; gaby@aldlaw.org

Prepared By, Record and Return to:
Chevelle D. Addie, MMC
Wellington Code Compliance
12300 Forest Hill Boulevard
Wellington, FL 33414

BEFORE THE VILLAGE OF WELLINGTON SPECIAL MAGISTRATE

Village of Wellington,
Petitioner,

CASE NO. NOH-14-3630

vs.

PALM BEACH POLO INC
Respondent(s)

RELEASE OF LIENS

The Village of Wellington Planning, Zoning and Building Department, 12300 Forest Hill Boulevard, Wellington, Florida 33414, filed for record in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida, Orders imposing Penalties/Liens, entered in Case No. NOH-14-3630, Village of Wellington Special Magistrate which were duly recorded as follows:

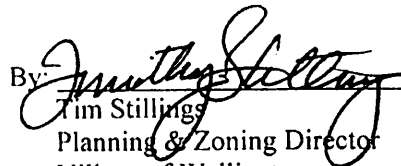
OR/ BK/ PG	28275/ 0207
OR/ BK/ PG	29578/ 0819

In such Orders imposing Penalties/Liens, the lien holder claimed its lien for costs of fines and costs incurred in prosecution and/or abatement on the following described property:

Legal Description: 15-44-41, TH PT OF S ½ K/A BIG BLUE FOREST
Property Control Number: 73-41-44-15-00-000-504-0
Located at: 12140 POLO CLUB RD, Wellington, FL.

The Respondent, Palm Beach Polo, Inc., having posted the requisite cash bond pursuant to the Amended Order on Defendant's Motion to Transfer Lien and Judgment to Cash Bond and for Stay entered in Case No. 50-2019-CA-001617-XXXX-MB, pending in the 15th Judicial Circuit, in and for Palm Beach County, the Village of Wellington hereby releases the above liens filed against said property and consents that the same be discharged of record.

Dated: June 1, 2023

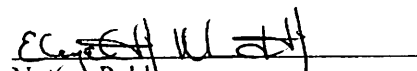
By: 
Tim Stillings
Planning & Zoning Director
Village of Wellington

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, on June 1, 2023 by Tim Stillings, Planning & Zoning Director, Village of Wellington Planning, Zoning and Building Department, Wellington, Florida, who is personally known to me.

CERTIFIED COPY
CHEVELLE D. ADDIE, MMC
VILLAGE OF WELLINGTON
WELLINGTON, FLORIDA


VILLAGE CLERK


Notary Public

