

ORIGINAL

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September 22, 1999

Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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RECORDS AND
REPORTING

In re: Docket No. 990975-SU

Dear Ms. Bayo:

Pursuant to the request of Attorney Tyler Van Leuven, I am submitting copies of the following documents:

- a) Order on Defendant's Motion for Protective Order and Motion for Continuance;
- b) Joint Stipulation (regarding billing of BCCU customers for July and August, 1999).

The Order of the Circuit Court referenced above resulted from the hearing to address the Second Amended Emergency Motion for Supplementary Relief, Motion for Writ of Possession and Motion for Preliminary Injunction filed by RealNor Hallandale, Inc. on August 4, 1999. The Defendant, Bonita Country Club Utilities, Inc. raised its Motion for Continuance at the same hearing, and the Order adopts the style of the Defendant's motion while covering the substance of both parties' motions.

Because RealNor Hallandale, Inc. was provided the documents referenced in the Order, the parties never returned for a continuation of the motion hearing as contemplated in the transcript of the motion hearing.

AFA	_____
APP	_____
CAF	_____
CMU	_____
CTR	_____
EAG	_____
LEG	_____
MAS	_____
OPC	_____
PAI	_____
SEC	_____
WAW	_____
OTH	_____

Johnson

Please let me know if you need other documents.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Erwin". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

David B. Erwin

DBE:jm

cc: Keith Wickenden
Tyler Van Leuven
Wayde Siedensticker
Michael Miceli

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

NORTHERN TRUST BANK OF FLORIDA, N.A.
a National Banking Association

Plaintiff,

v.

CASE NO.98-6169-CA-WCM

BONITA COUNTRY CLUB UTILITIES, INC.
a Florida Corporation, THOMAS HEIDKAMP,
CHAPTER 7, TRUSTEE, and all persons having
or claiming by, through, under, or against any of
the above parties and all parties having any right,
title or interest in the subject property.

Defendants.

**ORDER ON DEFENDANT'S MOTION FOR PROTECTIVE ORDER
AND MOTION FOR CONTINUANCE**

THIS CAUSE came on to be heard upon the Defendant's Motion for Protective Order and Motion for Continuance, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED THAT:

1. Defendant's Motion for Protective Order is denied.
2. Michael Miceli, Pamela Pass, and Linda Gant shall appear for deposition at Bonita Country Club Utilities, Inc., 10200 Maddox Lane, Bonita Springs, Florida on August 11, 1999, at 10:00 a.m., and bring with them at such time for inspection and copying the following documents which were described in the subpoena duces tecum served on Michael Miceli, Pamela Pass, and Linda Gant:
 - a. Bonita Country Club Utilities' books and records adequate for the purpose of establishing the net book value of the wastewater system.

- b. A copy of the tariff from the Public Service Commission establishing the rate currently being charged and copies of any further orders or correspondence from the Public Service Commission identifying all adjustments made to update the rate.
- c. Bonita Country Club Utilities' current original Certificate of Authorization from the Public Service Commission.
- d. Any and all records reflecting any pre-payments and deposits made by wastewater treatment customers, including bank account records.
- e. A current customer list, showing the status of each account.
- f. Federal income tax returns of Bonita Country Club Utilities from the date of Bonita Country Club Utilities' inception to the present.
- g. Any and all records, including bank account records, that reflect the location of any pre-payments and deposits made by Bonita Country Club Utilities' customers.

Defendant's Motion for Continuance is granted. The hearing on Plaintiff's mended Motion for Supplemental Relief, Motion for Writ of Possession, Motion for ry Injunction is continued until Wednesday, August 11, 1999, at 1:30 p.m.

DONE AND ORDERED in Chambers, in Lee County, ^{Flint Hills} ~~Naples~~, Florida, on this 10 day, 1999, (nunc pro tunc this 16 day of Aug., 1999.)

BY WILLIAM C. McIVER

WILLIAM C. McIVER
CIRCUIT COURT JUDGE

Conformed copies to:

**GRANT, FRIDKIN, PEARSON,
ATHAN & CROWN, P.A.
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**Michael Brundage, Esq.
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Tampa, FL 33601-2231**

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IN AND FOR LEE COUNTY, FLORIDA
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NORTHERN TRUST BANK OF FLORIDA, N.A.
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or claiming by, through, under, or against any of
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Defendants.

FILED LEE CO. FLORIDA
CLERK OF COURTS
1999 SEP 16 PM 4:28
BY _____ D.C.

JOINT STIPULATION

Northern Trust Bank of Florida, N.A., for the benefit of Realnor Hallandale, Inc. ("Realnor Hallandale"), and Bonita Country Club Utilities ("BCCU"), jointly stipulate to the entry of an Order stating the following:

1. That BCCU shall send out sewer treatment bills for July and August with a letter executed by Northern Trust and counsel.
2. That all monies taken in by BCCU, whether they are for wastewater service payments, impact fees, or otherwise, shall be deposited by BCCU, except as noted in paragraph 3 below, in order to maintain the status quo of the billing of the BCCU accounts. At the end of this two month period, the parties may agree as to how those monies are disbursed, or failing an agreement, may make application to the Court for such a decision.

3. That BCCU shall be compensated for this service which may be deducted from monies received from the July and August billings in the following manner:
- a. \$350.00 a week for the salary of Pamela Pass for the months of July and August;
 - b. \$120.00 a week for the salary of Kathy Johnson for the months of July and August;
 - c. \$500.00 a month for office rental payments for the months of July and August; and,
 - d. \$ 1,141.49 for the rental payments to Platinum Coast Financial Corporation for the percolation ponds. (inclusive of Tax)
4. That BCCU employee, Pamela Pass, shall be the only one allowed to make any disbursements. Before any disbursements are made, including those referenced in paragraph 3, Pass shall send a statement or some other indication of what the disbursement is to attorney D. Keith Wickenden, via facsimile at (941) 514-0377. Wickenden will have 48 hours to review and authorize the proposed disbursement.

GRANT, FRIDKIN & PEARSON, P.A.

SEIDENSTICKER & SAN FILIPPO, LLP

BY:



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 Florida Bar No. 0490245
 D. Keith Wickenden
 Florida Bar No. 0897280
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 Attorneys for Northern Trust Bank of Florida

BY:



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 Attorneys for Bonita Country Club Utilities