

**IN THE COUNTY COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

BOYNTON TRAIL SHOPPING CENTRE, LLC,

Plaintiff,

vs.

CASE NO.: 50-2020-CC-004842-XXXX-SB

SHOKO IMPORT-EXPORT, LLC,

Defendant.

_____ /

MOTION TO LIFT STAY

COMES NOW the Plaintiff, BOYNTON TRAIL SHOPPING CENTRE, LLC ("Commercial Landlord"), by and through its undersigned counsel, and moves this Court for an Order lifting the stay effected on these proceedings by the Order to Stay entered on June 19, 2020, and as grounds therefore would state:

1. On or about June 2, 2020, Commercial Landlord filed its Complaint for Possession of Commercial Real Property against Defendant, SHOKO IMPORT-EXPORT, LLC ("Commercial Tenant").

2. In the Complaint for Possession of Commercial Real Property, Commercial Landlord brings an action against Commercial Tenant for commercial eviction under Florida Chapter 83, Part I.

3. On June 19, 2020, this Court entered the Order to Stay *sua sponte*, staying the proceedings in this matter. A copy of the Order to Stay is attached hereto as Exhibit "A."

4. Pursuant to Administrative Order No.: 12.512 of the Fifteenth Judicial Circuit, restrictions have been placed on **residential** evictions only. A copy of Administrative Order No.: 12.512 is attached hereto as Exhibit "B."

5. However, there is no administrative order of the Fifteenth Judicial Circuit placing restrictions on **commercial** evictions.

6. Accordingly, there are no administrative restrictions on this matter.

7. Therefore, the stay effected on these proceedings by the June 19th Order to Stay must be lifted.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order lifting the stay effected on these proceedings by the Order to Stay entered on June 19, 2020.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by E-Mail and US Mail this 23rd day of June, 2020 to: Savas Arslan, 5438 Verona Dr. Unit L, Boynton Beach, FL 33437, savasarslan34@gmail.com.

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

COUNTY CIVIL DIVISION RD
CASE NO. 50-2020-CC-004842-XXXX-SB

BOYNTON TRAIL SHOPPING CENTRE LLC,
Plaintiff/Petitioner

vs.

SHOKO IMPORT-EXPORT LLC,
Defendant/Respondent.

ORDER TO STAY

THIS CAUSE came before the Court *sua sponte* for review of the case file. After having reviewed the pleadings, the court file and otherwise being fully advised in the premises, it is

ORDERED and ADJUDGED that the Court shall take no action on any pleadings and said motions filed by the parties and this matter shall be stayed until further notice from the Court.

DONE AND ORDERED, in Delray Beach, Palm Beach County, Florida this 19th day of June, 2020.


50-2020-CC-004842-XXXX-SB 06/19/2020
Reginald R. Corlew Judge

50-2020-CC-004842-XXXX-SB 06/19/2020
Reginald R. Corlew
Judge

COPIES TO:

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SHOKO IMPORT-EXPORT LLC	9804 S. MILITARY TRAIL SUITE E-8 BOYNTON BEACH, FL 33436	No E-mail Address Available

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

ADMINISTRATIVE ORDER NO.: 12.512 -05/2020

IN RE: CARES ACT INFORMATION SHEET FOR RESIDENTIAL EVICTION CASES

Section 4024 of the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), Public Law No. 116-136, temporarily prohibits landlords from initiating a legal action to evict a tenant from a residential dwelling covered under the CARES Act for nonpayment of rent. Such filings are prohibited from March 27, 2020 through July 25, 2020. Further, the CARES Act prohibits landlords from requiring tenants occupying a residential dwelling covered under the CARES Act to vacate the premises without first providing 30 days' notice. The CARES Act prevents landlords from providing such notice until after July 25, 2020. Ensuring compliance with the CARES Act's restrictions on residential evictions requires litigants to provide information about the nature of the subject premises to the Court.

NOW THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215 it is **ORDERED** as follows:

1. In order to provide the Court with adequate information regarding the applicability of the CARES Act, any party who, on or after March 27, 2020, files a complaint to evict a residential tenant for failure to pay rent may complete, file, and serve the attached Landlord CARES Act Information Sheet.
2. In the event a party who filed its complaint to evict a residential tenant for failure to pay rent on or after March 27, 2020 moves for final judgment or default final judgment without first filing a completed Landlord CARES Act Information Sheet, the presiding judge, in his or her discretion, may order the party to submit the completed Landlord CARES Act Information Sheet before ruling on the motion.
3. The Clerk is instructed to provide all parties who filed a complaint to evict a residential tenant for failure to pay rent between March 27, 2020 and the date this Administrative Order is signed with a copy of the Landlord CARES Act Information Sheet. The Clerk shall also make the Landlord CARES Act Information Sheet available to parties on its website and in its eviction packets.

EXHIBIT B

4. This Administrative Order will expire on August 25, 2020.

DONE AND ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida this
__13th__ day of May, 2020.

A handwritten signature in black ink, appearing to read "Krista Marx". The signature is fluid and cursive, with a large, stylized "K" and "M".

Krista Marx, Chief Judge

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

CASE NUMBER _____
DIVISION _____

PLAINTIFF

v.

DEFENDANT

LANDLORD CARES ACT INFORMATION SHEET

I _____ (your name), state the following:

- 1) I am the Plaintiff in the above titled action.
- 2) I have filed an action to evict a tenant from real property located at _____ (street address of the property including, if applicable, unit number)
- 3) The real property listed above participates in the following programs (mark all that apply)
 - ☐ Public housing (42 U.S.C. § 1437d)
 - ☐ Section 8 Housing Choice Voucher program (42 U.S.C. § 1437f)
 - ☐ Section 8 project-based housing (42 U.S.C. § 1437f)
 - ☐ Section 202 supportive housing for the elderly (12 U.S.C. § 1701q)
 - ☐ Section 811 supportive housing for people with disabilities (42 U.S.C. § 8013)
 - ☐ Section 236 multifamily rental housing (12 U.S.C. § 1715z-1)
 - ☐ Section 221(d)(3) Below Market Interest Rate (BMIR) housing (12 U.S.C. § 1715l(d))
 - ☐ HOME Investment Partnerships (42 U.S.C. § 12741 et seq.)

- ☐ Housing Opportunities for Persons with AIDS (HOWPA) (42 U.S.C. § 12901 et seq.)
- ☐ McKinney-Vento Act homelessness programs (42 U.S.C. § 11360 et seq.)
- ☐ Section 515 rural rental housing (42 U.S.C. § 1485)
- ☐ Sections 514 and 516 farm labor housing (42 U.S.C. §§ 1484, 1486)
- ☐ Section 533 housing preservation grants (42 U.S.C. § 1490m)
- ☐ Section 538 multifamily rental housing (42 U.S.C. § 1490p-2)
- ☐ Low Income Housing Tax Credit (LIHTC) (26 U.S.C. § 42)
- ☐ Rural housing voucher program under section 542 of the Housing Act of 1949 (42 USC § 1490r)
- ☐ None of the above

4) The real property listed above has a federally backed mortgage loan or federally backed multifamily mortgage loan, which includes, but is not limited to, any loan made, insured, guaranteed, supplemented in any way by:

- The Federal Housing Administration (FHA)
- The Department of housing and Urban Development (HUD)
- Department of Veteran Affairs (VA)
- Department of Agriculture/Rural Housing Services (RHS)
- Fannie Mae or Freddie Mac

☐ Yes ☐ No

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Landlord CARES Act Information Sheet and that the facts stated in it are true.

Signature

CERTIFICATE OF SERVICE

I CERTIFY that I _____ mailed, _____ faxed and mailed, or _____ hand delivered a copy of this
Landlord CARES Act Information Sheet to the Defendant at

(insert address at which Tenant was served and fax
number if sent by fax).

(Signature)

(Name)

(Street Address)

(City, State, Zip Code)

(Phone Number)