



TRUSTEE'S COMMUNICATION ON ADMINISTRATOR'S RESIGNATION

June 13, 2022

Esteemed Owners:

As was informed in their communication, ESJ Towers, Inc. (hereinafter ESJ INC.) announced its resignation as Administrator of the Condominium effective May 31, 2022. Following receipt of this communication, a motion was filed with the Court in the case captioned as Ruth Lopez, Ricard J. McElroy vs. ESJ Tower, Inc., Keith St. Clair, Jose Novas Debien, 151 Acquisition LLC, Et Als., Civil Num CA2020CV02328 (403) and in connection to that Motion, the Honorable Judge Ismael Alvarez Burgos entered the Order which is attached as **Exhibit 1** to this communication.

As can be expected, upon the resignation of the Administrator, significant changes are required to assure that the services at the Condominium remain in place until a Board of Owners is constituted. To that effect, the Trustee, on behalf of the ESJ Condominium Homeowners Association (hereinafter "ESJ HOA") has commenced this transition process with the implementation of the following measures.

GENERAL:

Possibly the principal change informed upon the resignation of ESJ Inc., is the suspension of the hospitality services provided to short term owners. Without knowing with specificity which services were provided to these owners, the fact remains that until a Board of Owners is duly appointed and this Board determines the guest services to be retained, the HOA is unable at this time to provide said services. This limitation on services will also apply to those fractional owners commonly known in the Condominium as the "Deeded Time Share owners and Vacation Club Owners". With limited exceptions, ESJ Towers Inc., is also a partial owner on these units and the entity who controls the interval assignments on availability and use. The HOA has no way, means and more important, legal right, to substitute ESJ Towers Inc. on its function as co-owner of these units.

In summary and until further determination by the Board of Owners to be elected, each owner, including ESJ Towers Inc, and all fractional owners, will be responsible for the services to be provided to their guests and units. The HOA will remain responsible for providing services to the owners on account of their ownerships of a unit in the Condominium.

ELECTION OF BOARD OF OWNERS:

Upon resignation of ESJ Towers Inc. and following the Order entered by the Honorable Court the Trustee is in the process of convening an Owners Meeting to vote for the election of a Board of Owners that will manage the affairs of the Condominium. The Board of Owners to be selected will then select a new Administrator. A separate notice on the details of this meeting will be remitted to call this meeting no later than **July 6, 2022**.

ADMINISTRATION:

On the limited time provided by ESJ Towers Inc. for the suspension of critical services to the Condominium these **temporary** changes have been required. Bear in mind that these changes are temporary in nature and may be reviewed or modified by the new Board of Owners to be elected. A temporary HOA administration office has been set up in the mezzanine with service hours from Monday to Friday from 7:30 A.M. to 4:30 P.M.

The HOA has retained the services of **Vanessa Suarez**, to work as service coordinator for the Condominium. While Mrs. Suárez previously worked for ESJ Towers Inc., starting on June 4, 2022, she works exclusively for the HOA and reporting directly to the undersigned Trustee.

The HOA is in the process of hiring at least two additional administrative assistants to work in the day-to-day operations at the Condominium. Since October 2021, the HOA employs five maintenance employees to work at the common areas of the Condominium.

New telephone numbers to contact:

- a. Installed at the Temporary Administration Office located at the Mezzanine Office in the South Side. Contact No. **787-691-9973**.
- b. Security Guard – Gate entrance at security guard post. Contact No. **787-691-9972**

**New mailing address: ESJ Towers Condominium
PO Box 79878
Carolina, PR, 00984-9878**

HOA Dues Collections:

A lockbox has been installed and is located at left side of the Front Desk in the Lobby. For those who leave the checks at the front desk, starting immediately, kindly leave the checks in the lockbox. Please make sure to include the Unit number. Effective Monday **June 6, 2022**, because of the resignation of ESJ Towers Inc., we are unable to process any credit card transaction until further notice. We are in the process of setting up our own system. For now, you have available the following options:

- By Check – payable to **ESJ Towers Condominium**, personally at the lockbox or by mail sent to the new mailing address.
- If you have a Banco Popular de Puerto Rico account – you can do an ACH transaction to the Condominium account. Please send an email to vsuarez@esjcondo.com to request the transfer information.
- Banks other than Banco Popular de Puerto Rico may provide ACH alternatives for a direct transfer to the HOA bank account. Again, please send an email to vsuarez@esjcondo.com to request any information your financial institution may be requiring for completing a transfer.

Any checks may also be left during business hours at the Temporary Administration Office located at the mezzanine.

USPS Service Mail and Packages:

Currently the Trustee and the administration assistants are coordinating with the USPS new instructions for mail and packages delivery. For the time being, all packages and mail will be received at the Front desk. Notice of packages receipts will be remitted through the Manage My Nest platform or by email.

Manage My Nest web platform for daily interaction with owners.

In an effort to improve the overall communication, documents retention and services to the owners the HOA started the integration of the electronic platform of Manage My Nest. By this time, all full owners have assigned access codes to start using this platform in the different functions available for the community. For the time being, this platform will serve as the principal integrated tool for maintaining all communications with the owners as well as for coordinating administration and security tasks at the property. We encourage all owners to review this platform available at <https://ESJTowers.ismynest.com>. You may also contact the HOA office for any questions in operations.

Accounting and Bookkeeping:

As has been previously reported, on the limitations encountered with the accounting system maintained by ESJ Towers Inc., the Trustee, with the assistance of the HOA assistants and the financial consultant have worked on a parallel accounting system to maintain adequate books and records of the HOA following the undersigned appointment. The accounting records for current transactions will remain under the control and supervision of the undersigned Trustee until the Board of Owners to be elected determines the delineation of duties for administration.

TRANSFER OF HOA PROPERTY AND RECORDS:

Turnover of personal property and communal areas:

During this week the undersigned, with the assistance of the HOA employees and contractors, have commenced coordinating the transfer of all property and business records that were in custody of ESJ Towers Inc. By this time, we have received the access and protocol codes for the HOA website. We are still working with Banco Popular de Puerto Rico on the change of electronic banking passwords and access codes. These access codes provided information on the bank transactions, but all disbursements functions remain exclusively with the undersigned.

Regarding personal property, business records and other documents on administration, the HOA staff has commenced coordinating the recovery and storage of said records. Finally, the HOA assistants have commenced a physical inspection of all communal areas conducting a floor-by-floor inspection of the Condominium premises. Within the next 3 days, the undersigned Trustee should be delivering to all owners the details on this inspection.

SECURITY AND CONDOMINIUM ACCESS:

The HOA is in the process of retaining the services of an in-house security manager for the Condominium. A separate notice on this designation will be remitted to owners once completed.

The private security guard services being provided by St James Security will remain in full force and reporting to the HOA security manager to be retained. To the extent ESJ Towers Inc., has failed to pay its agreed share of this cost the services will be provided exclusively for the HOA needs. At least two additional security guards may be required to the security guard company to provide added security to the property at night and during the weekends.

Starting Monday, **June 20, 2022**, all owners will be requested to provide advanced notice of visitors and guests arriving at the Condominium. This registration and notice can be completed through the Manage My Nest platform, by visiting the HOA office or by phone. Advance registration of visitors and guests is the best way to assist the security staff in controlling access to the property. Unregistered visitors may need to be authorized by the owner by phone.

Each owner will be responsible to deliver its access keys, cards or tags for the unit, beach and gym. In the event any owner requires additional keys for gym and beach these can be purchased from the HOA office at a charge that is to be determined and posted in the Condominium portal.

The HOA in conjunction with the security manager is considering setting up a registration post in the Condominium Lobby. In the future, visitors and guests may be required to register at this post to gain access to the communal areas and elevators. Additional security means may be informed to owners in the upcoming days as the transition process continues.

On a final note, owners are also informed that on June 10, 2022, ESJ Towers, Inc., filed a bankruptcy reorganization process with the provisions of Chapter 11 of the U.S. Bankruptcy Court. This case is docketed as case number 22-01676 being filed in the Judicial District of Puerto Rico. In its initial bankruptcy schedules, ESJ Towers, Inc., details within its outstanding debts two amounts due **(\$3,397,771.68 and \$1,202,670.00)** to the ESJ Towers Condominium Association. To keep all owners informed as to the developments of this bankruptcy case, from time-to-time relevant documents and pleadings will be uploaded to the MMN platform.

I look forward to continuing this transition process in the best way for all owners of the ESJ Tower Condominium. Please contact me or the HOA support staff for any doubts or concerns on this process.

Regards,



Wigberto Lugo Mender, Esq. CPA

Exhibit 1 – The Order (Spanish & English)

ESTADO LIBRE ASOCIADO DE PUERTO RICO
TRIBUNAL GENERAL DE JUSTICIA
TRIBUNAL DE PRIMERA INSTANCIA
CENTRO JUDICIAL DE Carolina
SALA SUPERIOR DE Carolina

RUTH LOPEZ Y OTROS
VS
ESJ TOWERS, INC Y OTROS

CASO NÚM. CA2020CV02328 (CIVIL 403)

INJUNCTION (ENTREDICHO PROVISIONAL,
INJUNCTION PRELIMINAR Y PERMANENTE) Y
OTROS

NOTIFICACIÓN

A: CESAR T ALCOVER ACOSTA
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El (La) Secretario(a) que suscribe certifica y notifica a usted que con relación al (a la) MOCIÓN DE ENMENDADA OTRAS MOCIÓN INFORMANDO SOBRE RENUNCIA DEL ADMINISTRADOR Y SOLICITANDO VISTA SOBRE ADMINISTRACIÓN DEL CONDOMINIO [280] este Tribunal emitió una ORDEN el 31 de mayo de 2022.

Se transcribe la determinación a continuación:

ENTERADO DE LA MOCION INFORMANDO LA RENUNCIA DE ESJ TOWERS INC., COMO ADMINISTRADOR DEL DEL CONDOMINIO ESJ TOWERS.

EL NOMBRAMIENTO DEL ADMINISTRADOR ESTA FUERA DE LA JURISDICCION DE ESTE TRIBUNAL.

EL ASUNTO DEBERA SER ATENDIDO COMFORME A LA LEY Y REGLAMENTOS APPLICABLE, POR LO QUE EL TRIBUNAL. DEBIDO A LO ANTERIOR, SE DECLARA NO HA LUGAR, A LA SOLICITUD DE VISTA.

[284]

f/ISMAEL ÁLVAREZ BURGOS

SE LE ADVIERTE que al ser una parte o su representante legal en el caso sujeto a esta ORDEN, usted puede presentar un recurso de apelación, revisión o certiorari de conformidad con el procedimiento y en el término establecido por ley, regla o reglamento.

CERTIFICO que la determinación emitida por el Tribunal fue debidamente registrada y archivada hoy 01 de junio de 2022, y que se envió copia de esta notificación a las personas antes indicadas, a sus direcciones registradas en el caso conforme a la normativa aplicable. En esta misma fecha fue archivada en autos copia de esta notificación.

En Carolina, Puerto Rico, a 01 de junio de 2022.

MARILYN APONTE RODRÍGUEZ

Nombre del (de la)
Secretario(a) Regional

Por: f/LILLIAM ORTIZ NIEVES

Nombre y Firma del (de la)
Secretario(a) Auxiliar del Tribunal

COMMONWEALTH OF PUERTO RICO
GENERAL COURT OF JUSTICE
COURT OF FIRST INSTANCE
CAROLINA JUDICIAL CENTER
CAROLINA SUPERIOR COURTROOM

RUTH LOPEZ AND OTHERS

VS

ESJ TOWERS, INC AND OTHERS

CIVIL CASE NO. CA2020CV02328 (CIVIL 403)

ABOUT: INJUNCTION (TRO, PRELIMINARY AND
PERMANENT INJUNCTION) AND OTHERS

NOTIFICATION

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The undersigned clerk certifies and notifies you that in relation to the AMENDED MOTION INFORMING OF THE ADMINISTRATOR'S RESIGNATION AND REQUESTING A HEARING REGARDING THE ADMINISTRATION OF THE CONDOMINIUM [280] this court issued an ORDER on May 31, 2022.

The Court's determination is the following:

THE COURT TAKES NOTICE OF THE MOTION INFORMING OF THE RESIGNATION OF ESJ TOWERS INC., AS ADMINISTRATOR OF THE ESJ TOWERS CONDOMINIUM.

THE APPOINTMENT OF THE ADMINISTRATOR IS OUTSIDE THE JURISDICTION OF THIS COURT.

THE MATTER SHOULD BE DEALT WITH IN ACCORDANCE WITH THE APPLICABLE LAW AND REGULATIONS. SO, THE COURT, DUE TO THE ABOVE, DENIES THE REQUEST FOR A HEARING.

[284]

s/ISMAEL ALVAREZ BURGOS

YOU ARE HEREBY NOTIFIED that by being a party or their legal representative in the case subject to this ORDER, you may file an appeal, revision, or certiorari in accordance with the procedures and in the terms established by law, rules, or regulations.

IT IS HEREBY CERTIFIED that the determination issued by the Court was duly registered and archived today, June 1, 2022, and that a copy of this notification is sent to the persons listed above, to their addresses registered in the case in accordance with the applicable rules. On this date, a copy of this notification was archived in the file.

In Carolina, Puerto Rico, on June 1, 2022.

MARILYN APONTE RODRIGUEZ

Name of the
Regional Secretary

By: f/LILLIAM ORTIZ NIEVES

Name and Signature of the
Assistant Registrar of the Court

Notice of filing Bankruptcy-
ESJ Towers Inc. Case 22-01676

Information to identify the case:	
Debtor Name	<u>ESJ TOWERS, INC.</u> EIN: 66-0322929
United States Bankruptcy Court District of Puerto Rico	Date case filed for chapter: 11 6/10/22
Case number:	22-01676

**Official Form 309F1 (For Corporations or Partnerships)
Notice of Chapter 11 Bankruptcy Case**

10/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	ESJ TOWERS, INC.	
2. All other names used in the last 8 years		
3. Address	6165 ISLA VERDE AVE. CAROLINA, PR 00979	
4. Debtor's attorney Name and address	CHARLES ALFRED CUPRILL CHARLES A CURPILL, PSC LAW OFFICE 356 CALLE FORTALEZA SECOND FLOOR SAN JUAN, PR 00901	Contact phone 787 977-0515 Email: cacuprill@cuprill.com
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at https://pacer.uscourts.gov .	Jose V Toledo Fed Bldg & US Courthouse 300 Recinto Sur Street, Room 109 San Juan, PR 00901	Hours open: 8:00 AM – 4:00 PM Contact phone (787) 977-6000 Date: 6/13/22
6. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	July 18, 2022 at 11:00 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: Meeting will be by Telephone:, Please Dial: 866-648-6146, Access Code: 5001525

For more information, see page 2 >

Debtor **ESJ TOWERS, INC.**

Case number **22-01676**

<p>7. Proof of claim deadline</p>	<p>Deadline for filing proof of claim:</p> <p>For all creditors (except a governmental unit): 10/17/22</p> <p>For a governmental unit: 12/12/22</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> • your claim is designated as <i>disputed, contingent, or unliquidated</i>; • you file a proof of claim in a different amount; or • you receive another notice. <p>If your claim is not scheduled or if your claim is designated as <i>disputed, contingent, or unliquidated</i>, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at https://pacer.uscourts.gov.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>
<p>8. Exception to discharge deadline The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p>	<p>If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.</p> <p>Deadline for filing the complaint: 9/16/22</p>
<p>9. Creditors with a foreign address</p>	<p>If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p>10. Filing a Chapter 11 bankruptcy case</p>	<p>Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.</p>
<p>11. Discharge of debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.</p>