

IN THE THIRD DISTRICT COURT OF APPEAL OF FLORIDA

CASE NO.: 3D2023-1656

LT CASE NO.: 18-37356 CA 01

YANIV NAKASH, AS TRUSTEE OF THE NAKASH FAMILY LAND TRUST
and

MICHAEL HERSKOWITZ

APPELLANTS,

V.

COVENANT PALMS ULGM, LLC

APPELLEE

APPELLEE'S MOTION FOR ATTORNEY'S FEES AND COSTS

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MOTION FOR APPELLATE ATTORNEY'S FEES AND COSTS

Covenant Palms ULGM, LLC (hereinafter "Covenant Palms"), Appellee, files this Motion for Appellate Attorney's Fees and Costs and in support thereof states as follows:

1. The underlying judgement for this appeal finds that Yaniv Nakash, as Trustee of the Nakash Family Land Trust (hereinafter "Nakash") breached a contract in which the Nakash Family Land Trust was to purchase the mixed-use complex from Covenant Palms ULGM, LLC.

2. The purchase and sale agreement, which Nakash breached, provides as follows:

In any claim or controversy arising out of or relating to this Contract, the prevailing party, which for purposes of this provision will include Buyer, Seller and Broker, will be awarded reasonable attorney's fees and costs.

3. Covenant Palms asks that this court award attorney's fees and costs for reasonable attorney's fees and costs incurred in the defense of the trial court's judgment in its favor.

WHEREFORE, the contract, itself, provides for the prevailing party to recover attorney's fees and costs, Covenant Palms asks that this court enter an Order confirming Covenant Palms's entitlement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT in accordance with Fla. R. Jud. Admin., 2.516, a copy of this notice was served by email and U.S. mail on December 27, 2023, to counsel for Appellant, Kevin Klagge, Esq., Assouline & Berlowe, P.A., Miami Tower, 100 S.E. 2nd Street, #3105, Miami, FL 33130.

/s/ Marva L. Wiley, Esq.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT this computer-generated petition is in compliance with the font requirements of Rule 9.210(a)(2), Fla. R. App. P. as submitted in Times New Roman 14-point.

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