

ESTADO LIBRE ASOCIADO DE PUERTO RICO
TRIBUNAL DE PRIMERA INSTANCIA
SALA SUPERIOR DE BAYAMÓN

PATRICK A.P. DE MAN; MIKA DE
MAN (t/c/c MIKA KAWAJIRI-DE MAN
O MIKA KAWAJIRI); y la SOCIEDAD
LEGAL DE BIENES GANANCIALES
COMPUESTA POR AMBOS

Demandantes,

v.

ADAM C. SINN; RAIDEN
COMMODITIES, L.P. (t/c/c ASPIRE
POWER VENTURES, LP); RAIDEN
COMMODITIES 1, LLC; ASPIRE
COMMODITIES, L.P.; ASPIRE
COMMODITIES 1, LLC; SINN LIVING
TRUST y/o GONEMARON LIVING
TRUST; ASPIRE COMMODITIES,
LLC; ASPIRE COMMODITIES
HOLDING COMPANY, LLC; ASPIRE
COMMODITIES HOLDINGS, LLC;
ASPIRE CAPITAL MANAGEMENT,
LLC; COMPAÑÍAS ABC y DEF,

Demandados.

CIVIL NÚM.: D AC2016-2144 (701)

SOBRE:

INCUMPLIMIENTO DE DEBER DE
FIDUCIA; INCUMPLIMIENTO DE
CONTRATO; DAÑOS Y PERJUICIOS;
MALA FE Y DOLO; MALA FE EN LA
CONTRATACIÓN;
ENRIQUECIMIENTO INJUSTO;
FRAUDE DE ACREEDORES; VELO
CORPORATIVO

**SEÑALAMIENTO DE BIENES Y/O SOLICITUD
DE ANOTACIÓN DE EMBARGO**

AL HONORABLE TRIBUNAL:

Comparecen los demandantes, Patrick A.P. De Man ("De Man"), Mika De Man (t/c/c Mika Kawajiri o Mika Kawajiri De Man) y la Sociedad Legal de Bienes Gananciales compuesta por ambos, a través de la representación legal que suscribe, y muy respetuosamente exponen, alegan y solicitan:

1. Mediante orden emitida el 17 de junio de 2019, el Tribunal autorizó el embargo de bienes de la parte demandada hasta la cuantía de \$794,474.05 para asegurar el pago de la sentencia parcial emitida el 27 de diciembre de 2018.

2. Se solicita del Tribunal que se sirva ordenar la anotación de embargo sobre la siguiente propiedad inmueble:

URBANA: *Condohotel Property: Unit for residential or lodging purposes with an irregular front, identified with the number nineteen (19), located on the third level of tower three (3) of the Regime Building of the Regime known as the Beachfront*

Residences at Dorado Beach Resort II, which is part of the project known as Residences at Dorado Beach Resort, which, in turn, is one of the phases of the master project known as Dorado Beach Resort, located in the Higuillar Ward of the Municipality of Dorado, Puerto Rico, which unit has the following area, boundaries, rooms, entry and exit ways, and appurtenances: with boundaries: on the NORTH, is sixty three feet and eleven inches (63'-11"), with common property; on the SOUTH, in sixty three feet and three inches (63'-3") with common property; on the EAST, in eighty five feet and eight inches (85'-8"), with the common wall adjacent to unit number wighteen (18) and common property; and on the WEST, in eighty five feet and five inches (85'-5") with common property. The interior living space of this unit consists of an entrance area ("gallery"), dining-living room, kitchen, laundry room, owner's closet, one-half bathroom ("powder room"), one bedroom with walk-in closet and full bathroom, one master bedroom with walk-in closet and master bathroom and one lock-off bedroom with lock-off foyer, west bar, walk-in closet, and full bathroom, a media room. The following also correspond to this unit for its private, exclusive and particular use: a covered terrace area, and acovered shower patio are, attached to the NORTH, side of this unit; a covered terrace area attached to the West side of this unit which is accessed through the lock off bedroom; a covered shower patio area attached to the SOUTH side of this unit which is accessed through the bathroom of the lock-off bedroom; and two (2) golf cart parking area identified with the numbers seventeen (17) and eighteen (18); all as illustrated in the plot plan of this unit and the plans of this regime. The unit has its entrance and exit door on its SOUTH side, which gives access to the main corridor leading to the stairs and elevator providing access to the Regime Building. The lock-off bedroom has an independent entrance and exit door on its EAST side, which gives access to the main corridor leading to the stairs and elevator providing access to the Regime Building. Vertical conduits that are part of the common potable water, potable hot water, pool water, air conditioning refrigerant distribution, electrical, telecommunications, and pretreated fresh air distribution systems, run through the interior of this unit, within chases serving the Regime Building as common property all as illustrated in the plot plan of this unit and the plans of this regime. The electric power system of this unit has independent utility grade meters for metering purposes of the unit and its air conditioning equipment. The potable water system of this unit has an isolation valve for maintenance and repair purposes. The surface area of the interior living space of this unit is three thousand fifty five and seven thousand three hundred sixty six ten thousandths (3,055.7366) square feet, equivalent to two hundred eighty three and eight thousand eight hundred seventy two ten thousandths (283.8872) square meters. The surface area of the above mentioned covered terraces and the covered shower patio areas is eight hundred seventy six and three thousand two hundred eighty four ten thousandths (876.3284) square feet, equivalent to eighty one and four thousand one hundred thirty six ten-thousandths (81.4136) square meters. The total surface area of the above mentioned Golf Cart Parking Areas is one hundred fifty one and six thousand one hundred forty eight ten thousandths (151.6148) square feet, equivalent to fourteen and zero eight hundred fifty five ten thousandths (14.0855) square meters. The total surface area of this unit including its interior living area, the Golf Cart Parking Areas, and all other private areas described above which are

appurtenant thereto, is four thousand eighty three and six thousand seven hundred ninety eight ten thousandths (4083.6798) square feet, equivalent to three hundred seventy nine and three thousand eight hundred sixty three ten-thousandths (379.3863) square meters. The total surface area of this unit which is used to compute its undivided percentage interest in the common property of the Regime, includes its interior living area, the area of its covered terraces, and its covered shower patio areas, and two (2) Golf Cart parking areas for a total aggregate area to be used for such computation of four thousand eighty three and six thousand seven hundred ninety eight ten thousandths (4083.6798) square feet, equivalent to three hundred seventy nine and three thousand eight hundred sixty three ten thousandths (379.3863) square meters. Based upon the surface area of the interior living space of this unit, the area of its covered terraces, the covered shower patio areas, and the Golf Cart Parking Areas, as specified above, this unit has an undivided percentage interest in the common property of the Regime of six point eight three nine six percent (6.8396%).

3. Dicha propiedad está presentada para inscripción en el Asiento 301 del Diario 290 de Dorado, Registro de la Propiedad de Puerto Rico, Sección IV de Bayamón, como segregación de la finca 1,115 inscrita al folio 35 del tomo 30 de Dorado. (Véase el **Anejo 1** de esta moción). Se solicita del Tribunal que se sirva a emitir una anotación de embargo sobre la misma.

4. Para conveniencia del Tribunal, se acompaña el correspondiente proyecto de orden.

POR TODO LO CUAL, la parte demandante respetuosamente solicita de este Tribunal que ordene la anotación de embargo a la propiedad inmueble descrita en esta moción.

RESPETUOSAMENTE SOMETIDA.

CERTIFICO: Haber notificado copia fiel y exacta del presente escrito al Lcdo. Eric Pérez-Ochoa (epo@amgprlaw.com), Lcdo. Edwin J. Seda-Fernández (seda@amgprlaw.com), Lcdo. Alejandro A. Santiago-Martínez (asantiago@amgprlaw.com) y a la Lcda. Mirelis Valle-Cancel (mvalle@amgprlaw.com), ADSUAR MUÑIZ GOYCO SEDA & PÉREZ-OCHOA, PSC, PO Box 70294, San Juan, Puerto Rico 00936-8294.

En San Juan, Puerto Rico, a 19 de junio de 2019.

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CLIENTE : ONE TIME CUSTOMER 428,584

RE : DORADO BEACH/ PATRICK DE MAN/
PERSONAL/ LEGAL/

FINCA : Presentada y pendiente de despacho al Asiento 301 del Diario 290 de Dorado.
Registro de la Propiedad de Puerto Rico, Sección IV de Bayamón.

DESCRIPCION:

URBANA: Condohotel Property: Unit for residential or lodging purposes with an irregular front, identified with the number nineteen (19), located on the third level of tower three (3) of the Regime Building of the Regime known as the Beachfront Residences at Dorado Beach Resort II, which is part of the project known as residences at Dorado Beach Resort, which, in turn, is one of the phases of the master project known as Dorado Beach Resort, located in the Higuillar Ward of the Municipality of Dorado, Puerto Rico, which unit has the following area, boundaries, rooms, entry and exit ways, and appurtenances: with boundaries: on the **NORTH**, is sixty three feet and eleven inches (63'-11"), with common property; on the **SOUTH**, in sixty three feet and three inches (63'-3") with common property; on the **EAST**, in eighty five feet and eight inches (85'-8"), with the common wall adjacent to unit number eighteen (18) and common property; and on the **WEST**, in eighty five feet and eight inches (85'-5") with common property. The interior living space of this unit consists of an entrance area ("gallery"), dining-living room, kitchen, laundry room, owner's closet, one-half bathroom ("powder room") one bedroom with walk-in closet and full bathroom, one master bedroom with walk-in closet and master bathroom and one lock-off bedroom with lock-off foyer, west bar, walk-in-closet, and full bathroom, and a media room. The following also correspond to this unit for its private, exclusive and particular use: a covered terrace area, and a covered shower patio area, attached to the **NORTH**, side of this unit; a covered terrace area attached to the West side of this unit which is accessed through the lock off bedroom; a covered shower patio area attached to the **SOUTH** side of this unit which is accessed through the bathroom of the lock-off bedroom; and two (2) golf cart parking area identified with the numbers seventeen (17) and eighteen (18); all as illustrated in the plot plan of this unit and the plans of this regime. The unit has its entrance and exit door on its **SOUTH** side, which gives access to the main corridor leading to the stairs and elevator providing access to the Regime Building. The lock-off bedroom has an independent entrance and exit door on its **EAST** side, which gives access to the main corridor leading to the stairs and elevator providing access to the Regime Building. Vertical conduits that are part of the common potable water, potable hot water, pool water, air conditioning refrigerant distribution, electrical, telecommunications, and pretreated fresh air distribution systems, run through the interior of this unit, within chases serving the Regime Building as common property all as illustrated in the plot plan of this unit and the plans of this regime. The electric power system of this unit has independent utility grade meters for metering purposes of the unit and its air conditioning equipment. The potable water system of this unit has an isolation valve for maintenance and repair purposes. The surface area of the interior living space of this unit is three thousand fifty five and seven thousand three hundred sixty six ten thousandths (3,055.7366) square feet, equivalent to two hundred eighty three and eight thousand eight hundred seventy two ten thousandths (283.8872) square meters. The surface area of the above mentioned covered terraces and the covered shower patio areas is eight hundred seventy six and three thousand two hundred eighty four ten thousandths (876.3284) square feet, equivalent to eighty one and four thousand one hundred thirty six ten-thousandths (81.4136) square meters. The total surface area of the above mentioned Golf Cart Parking Areas is one hundred fifty one and six thousand one hundred forty eight ten thousandths (151.6148) square feet, equivalent to fourteen and zero eight hundred fifty five ten thousandths (14.0855) square meters.

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ORIGEN REGISTRAL:

Se segrega de la finca número 1,115, inscrita al folio 35 del tomo 30 de Dorado.

PLENO DOMINIO:

Presentada y pendiente de inscripción a favor de **Aspire Capital Management, LLC**, cuya entidad lo adquirió por compraventa de DBR Dorado of Parcel Two, LLC, por precio de \$2,995,000.00, mediante la escritura número 333, otorgada en Dorado, Puerto Rico, el día 26 de noviembre de 2014, ante la notario Vianice Cruz De Choudens, el día 12 de diciembre de 2014 al Asiento 301 del Diario 290.

GRAVAMENES:

i. Por su procedencia estará afecta a:

- a. Servidumbres.
- b. Condiciones restrictivas.

ii. Por sí estará:

LIBRE DE CARGAS.

LOS SIGUIENTES DOCUMENTOS SE ENCUENTRAN PRESENTADOS Y PENDIENTES DE DESPACHO:

1. AL ASIEN TO 302 DEL DIARIO 290, se presentó el día 12 de diciembre de 2014, la escritura número 334, otorgada en San Juan, Puerto Rico, el día 26 de noviembre de 2014, ante la notario Vianice Cruz de Choudens, mediante la cual comparece Firstbank Puerto Rico a liberar este solar de las hipotecas por las sumas de \$11,311,035.00; \$22,138,965.00 ampliada por \$12,000,000.00; para un total de \$34,138,965.00: \$7,500,000.00; \$12,705,000.00 y \$21,300,000.00, con valor de \$1.00.
2. AL ASIEN TO 303 DEL DIARIO 290, se presentó el día 12 de diciembre de 2014, sobre Declaración de Financiamiento, comparece Firstbank Puerto Rico.

REVISADOS:

Registro de Embargos del ELA, incluyendo los de la Ley número 12 del día 20 de enero de 2010; Contribuciones Federales; Sentencias; Bitácora Ágora, Electrónica; Sistema Karibe.

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Continuación...

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Capital Title Services, Inc.

POR: Ramón F. Gómez Marcos

14 de enero de 2018

YA/ic/f

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