

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

**MADISON RESERVE, LTD.
(2009-197C)
(PROJECT NAME:
MADISON RESERVE),**

Petitioner,

vs.

**DOAH CASE NO.: _____
FLORIDA HOUSING APPLICATION
NO. 2009-197C**

**FLORIDA HOUSING FINANCE
CORPORATION,**

FCFC Case No.: 2009-06200

Respondent.

_____ /

**PETITION FOR INFORMAL
ADMINISTRATIVE HEARING**

Petitioner, Madison Reserve, Ltd., ("Madison Reserve" or "the Applicant"), by and through its undersigned attorney and pursuant to Sections 120.569 and 120.57(2), Florida Statutes (2009), and Rules 28-106.301 and 67.48.005, Florida Administrative Code ("F.A.C.") hereby files its petition for an informal administrative hearing to review the scoring and proposed funding determination of the Florida Housing Finance Corporation ("Florida Housing" or "Corporation") with respect to the application submitted by Madison Reserve seeking an allocation of funds from the 2009 Universal Application Cycle ("2009 Cycle") funding batch.

1. Petitioner's name, address and telephone number are:

Madison Reserve, Ltd.
2301 Lucian Way, Suite 405
Maitland, FL 32751
407-333-1440

2. The name, address, telephone and facsimile number of Petitioner's representative for service purposes during this proceeding are:

Michael G. Maida
Michael G. Maida, P.A.
1709 Hermitage Blvd., Suite 201
Tallahassee, FL 32308
850/425-8124
850/681-0879

3. The name and address of the affected agency are:

Florida Housing Finance Corporation
227 N. Bronough Street
City Centre Building, Room 5000
Tallahassee, FL 32301-1329

4. Florida Housing is a public corporation organized pursuant to Section 420.504, Fla. Stat., to provide and promote the public welfare by administering the governmental function of financing and refinancing affordable housing and related facilities in Florida. Florida Housing is governed by a Board of Directors (the "Board"), appointed by the Governor with the Secretary of the Department of Community Affairs sitting ex-officio. Florida Housing is an agency as defined in Section 120.52, Fla. Stat., and therefore is subject to the provisions of Chapter 120, Fla. Statutes.

Affordable Housing Programs

5. Florida Housing administers various affordable housing programs including the Multifamily Mortgage Revenue Bonds (MMRB) Program pursuant to Section 420.509, Fla. Stat., and Rule Chapter 67-21, Fla. Admin. Code and the Housing Credit (HC) Program pursuant to Sections 420.507 and 420.5099, Fla. Stat., and Rule Chapter 67-48, Fla. Admin. Code.

6. The 2009 Universal Application Cycle, through which affordable housing developers apply for funding under various affordable housing programs administered by Florida Housing, is adopted as the Universal Application Package or UA1016 (Rev. 5-09) by Rules 67-21.003(1)(a) and 67-48.004(1)(a), Fla. Admin. Code, respectively, and consists of Parts I through V with instructions.

7. Because the demand for an allocation of Housing Credits and MMRB funding exceeds availability under the Housing Credit Program and the MMRB Program, qualified affordable housing developments must compete for this funding. To assess the relative merits of proposed developments, Florida Housing has established a competitive application process known as the Universal Cycle pursuant to Rule Chapters 67-21 and 67-48, Fla. Admin. Code, respectively. Specifically, Florida Housing's application process for the 2009 Universal Cycle is set forth in Rules 67-21.002-.0035 and 67-48.001-.005, F.A.C.

8. As discussed in more detail below, Florida Housing scores and competitively ranks the applications to determine which applications will be allocated MMRB funds or an allocation of Housing Credits.

9. The Corporation's scoring and evaluation process for applications is set forth in Rules 67-21.003 and 67-48.004, F.A.C. Under these Rules, the applications are preliminarily scored based upon factors contained in the application package and the Florida Housing rules. After the initial scoring, Florida Housing issues preliminary scores to all applicants.

10. Following release of the preliminary scores, competitors can alert Florida Housing of an alleged scoring error concerning another application by filing a written Notice of Possible Scoring Error ("NOPSE") within a specified time frame. After the Corporation considers issues raised in a timely filed NOPSE, it notifies the affected applicant of its decision.

11. Applicants have an opportunity to submit "additional documentation, revised pages and such other information as the Applicant deems appropriate ('cures') to address the issues" raised by preliminary or NOPSE scoring. See Rules 67-21.003 and 67-48.004(6), F.A.C. In other words, applicants can cure errors or omissions in their applications pointed out during preliminary scoring or raised by a competitor during the NOPSE process.

12. After affected applicants submit their "cure" documentation, competitors can file a Notice of Alleged Deficiencies ("NOAD") challenging the quality or validity of a cure. Following the Corporation's consideration of the cure materials submitted by the affected applicants and its review of the issues raised in the NOADs, Florida Housing publishes final scores for all the submitted applications.

13. Rules 67-21.0035 and 67-48.005, Fla. Admin. Code, establish a procedure through which an applicant can challenge the final scoring of its application. The Final Scores and Notice of Rights advise adversely affected applicants of their right to appeal Florida Housing's decision.

14. This Petition seeks review pursuant to Section 120.57(2), Florida Statutes, of the final scoring determinations made by the Florida Housing Finance Corporation with respect to the allocation of housing credits from the 2009 Universal Cycle. There are no disputed issues of material fact.

The 2009 Florida Housing Final Scores Regarding Madison Reserve

15. On August 20, 2009, Madison Reserve and many other entities submitted applications seeking an allocation of Housing Credits from the 2009 Universal Cycle. Madison Reserve's application was assigned Application No. 2009-197C.

16. In the Final Scores and Notice of Rights dated December 3, 2009, (and received via overnight mail on December 4, 2009) Florida Housing released its 2009 Universal Scoring Summary reflecting its decision regarding any "Cure" and NOAD final scoring determinations for the applications in the 2009 Cycle (the "Scoring Summary").

17. According to the Scoring Summary, Madison Reserve's Application failed to meet threshold with respect to zoning and was scored five out of a possible six points for Ability to Proceed Tie-Breaker Points. Madison Reserve was awarded maximum points in all other areas of its Application. As a result of erroneous information contained in another application, Madison Reserve was also deemed to be a Priority II application.

18. Madison Reserve would be entitled to an allocation of Housing Credits from the 2009 Universal Cycle if Florida Housing had followed its adopted rules and scored Madison Reserve correctly and consistently with other applications. Through this Petition, Madison Reserve challenges the conclusion that it is not entitled to an allocation of Housing Credits and seeks a determination that, under the applicable scoring criteria, Madison Reserve's Application is entitled to an allocation of Housing Credits. Thus, Madison Reserve's substantial interests are subject to a determination in this proceeding.

19. The December 3, 2009 Final Scores and Notice of Rights ("Notice") advised applicants of their right to contest Florida Housing's scoring determinations regarding their application by filing a petition within twenty-one days from the date an affected applicant received the Notice. Under Rule 67-48.005, F.A.C., an applicant may petition for an informal hearing if the appeal does not involve disputed issues of material fact. This Petition is timely filed.

Zoning and Land Use Regulations

20. In order to obtain an allocation of Housing Credits, an application must satisfy certain threshold requirements. One of the threshold requirements for all applicants in the 2009 Cycle was to demonstrate that the Development is consistent with Zoning and Land Use Regulation.

21. The Universal Application Package Instructions at Part III.C.4 entitled "Evidence of Appropriate Zoning (Threshold)" require that applicants verify zoning for a proposed development. In order to achieve threshold, the Applicant must demonstrate that "the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming." (See page 33 of the Application Instructions.)

22. The Applicant included within its Application a Local Government Verification That Development is Consistent with Zoning and Land Use Regulations ("Zoning Form"). (A copy of the Zoning Form is attached hereto as Exhibit "A.") In the Zoning Form, for Development Type, the Applicant entered "Planned Development Project-Multi-Family", a term defining a project like Madison Reserve in the Hernando County zoning code ("Zoning Code"). "Garden Apartments" is not mentioned anywhere in the Zoning Code. The Corporation does not define the term "Garden Apartments." Under the Corporation's rules an applicant has the option of selecting "Other" as an appropriate Development Type in the Application. ("Other" is also a not defined in the Application.) As a result, an applicant presumably could identify "Other" as the Development Type in the Zoning Form and expect a zoning official to verify that an "Other" development (that may be further described in any manner by an applicant) is consistent with zoning.

23. In preliminary scoring Florida Housing scored Madison Reserve as failing to meet threshold with respect to zoning and further did not award Ability to Proceed Tie-Breaker Point for zoning. Florida Housing's determination was based on its conclusion that the Development Type identified on the Zoning Form, "Planned Development Project-Multi-Family" was inconsistent with the Development Type, "Garden Apartments" identified in other portions of the Application.

24. Following preliminary scoring the Hernando County Zoning Administrator provided the Applicant with correspondence dated November 3, 2009, explaining that he could not verify consistency with local land use and zoning regulations if the Zoning Form identified "Garden Apartments" as the Development Type. (See attached Exhibit "B.") Madison Reserve correctly presented verification that was undisputedly consistent with the Zoning Code rather than a verification which could have had a Development Type description that was broader than the scope of the Development. Describing the Development Type within the Zoning Form as "Garden Apartments" provides no information within the Hernando County Zoning Code. "Garden Apartments" is not a defined term within the Zoning Code.

Related Applications and Priority I Application Designation

25. Pursuant to the Application Instructions, the Corporation limits the number of applications that may be submitted to allow a given application the greatest opportunity to receive an allocation of Housing Credits. A "'Related Application' means an Application submitted in the same Funding Cycle that shares one or more Principals or Affiliates of an Applicant or Developer common to any or all of the Principals or Affiliates of an Applicant or Developer in another Application in the same Funding Cycle." Rule 67-48.002(100) F.A.C. A "'Pool of Related Applications' means a group of Related Applications comprised of all Related

Applications submitted in the same Funding Cycle that share among such Related Applications one or more Principals or Affiliates of an Applicant or Developer common to any or all such Related Applications. Rule 67-48.002(100) F.A.C. With limited exception, no more than three Related Applications may be submitted in order for the Pool of Related Applications to be considered for Priority I Designation. Essentially, only those applications that have a Priority I Designation are entitled to an allocation of Housing Credits.

26. As part of its original Application, Madison Reserve included a “Declaration of Priority I Related Applications Form” at Exhibit 1.B to its Application. (See attached Exhibit “C.”) As reflected in the attached Exhibit C, Madison Reserve identified Madison Terrace and Madison Heights as its Related Applications. As such, Madison Reserve was entitled to a Priority I Designation.

27. Apparently, as a result of information originally provided in Exhibit 9 of Madison Springs Application, the Corporation made a preliminary determination that Madison Reserve and Madison Springs were Related Applications and therefore Madison Reserve should be considered a Priority II Application. (See Original Exhibit 9 of Madison Springs Application attached hereto as Exhibit “D.”)

28. As stated by the Corporation in the Madison Reserve Final Scoring Summary: “Per page 3, No. 3 of the 2009 Universal Cycle Instructions, ‘no more than three (3) Applications may be Non-Joint Venture Applications.’ Further, page 4, paragraph 9 states that ‘all Applications designated as Priority I Applications within a Pool of Related Applications will be deemed by the Corporation to be Priority II Applications if ... (ii) it is determined that the number of Applications designated as Priority I Applications within the Pool of Related Applications exceed the limitations outlined in paragraph B.3 above.’”

29. Madison Springs and Madison Reserve are not Related Applications. The Exhibit 9 information originally included in Madison Springs' application is erroneous in several respects. The Madison Springs Exhibit 9 identifies the Applicant entity as Madison Springs, LLC with the Managing Member as Madison Springs Apartments, LLC. The Members of Madison Springs Apartments, LLC are identified as 50% TLB Madison Springs, LLC and 50% PEL Madison Springs, LLC. However the entities "TLB Madison Springs, LLC" and "PEL Madison Springs, LLC" do not exist and were never incorporated. Although Todd L. Borek and Patrick E. Law are also listed as Managers of Madison Springs Apartments, LLC, both individuals were removed as managers prior to the Application Deadline¹. (See Articles of Amendment to Articles of Organization of Madison Springs Apartments, LLC attached as Exhibit "E.") In addition, during the cure phase, Madison Reserve provided information from the Secretary of State's office showing that Todd L. Borek withdrew as Managing Member from Madison Springs, LLC prior to the Application deadline. (See Articles of Amendment to Articles of Organization of Madison Springs, LLC attached as Exhibit "F.") The records from the Division of Corporations conclusively demonstrate that there is no relationship between the Madison Reserve Application and the Madison Springs Application.

30. Madison Reserve as part of its cure also submitted the "cure" Exhibit 9 that was included as part of the Madison Springs cure material². (See attached Exhibit "G.") The information provided in the Exhibit 9 cure material shows that Madison Reserve and Madison Springs are not Related Applications.

¹ Although Mr. Borek and Mr. Law previously had an interest in the Madison Springs Development, they severed their interest when the Corporation imposed restrictions on the number of applications that could be submitted.

² The Madison Springs cure material misstated the application number as 2009-194C on the cure forms and brief explanation. The correct application number is 2009-195C. The Exhibit 9 cure properly identifies the Applicant Entity as "Madison Springs, LLC." (See Exhibit G.)

31. Madison Reserve asserts that the Madison Springs Application cannot be considered as part of the Madison Reserve Pool of related Applications and therefore Madison Reserve should be considered a Priority I Application. Madison Reserve cannot be responsible for erroneous information provided by a third party applicant.

32. The Final Scoring Summary shows the Madison Reserve Application as failing to meet threshold and not receiving a tie-breaker point with respect to zoning. Further, Madison Reserve is scored as a Priority II Application.

33. If Florida Housing had properly evaluated and scored Madison Reserve's application, Madison Reserve would be entitled to an allocation of Housing Credits.

Specific Facts Warranting Reversal

34. Specific facts warranting reversal or modification of Florida Housing's proposed action are those alleged in this Petition, and include but are not limited to the following:

a. Florida Housing's rules set forth in the Universal Application Package Instructions as Part III.C.4 entitled "Evidence of Appropriate Zoning" require verification that the Development is consistent with Zoning and Land Use Regulation.

h. The Universal Application Package Instructions at Part III.C.4 require that the zoning verification form be provided in the Application as "Exhibit 32" to the Application.

c. Madison Reserve included within its Application a Local Government Verification that Development is Consistent with Zoning and Land Use Regulations ("Zoning Form"). (Exhibit "A.") The information contained within the Zoning Form conclusively demonstrated appropriate zoning to construct the Madison Reserve Development.

d. The Zoning Form identifies "Development Type" as "Planned Development Project-Multi-Family." In scoring the Application, Florida Housing rejected this

response on the grounds that the Zoning Administrator should have identified the Development Type as “Garden Apartments,” which is what the Applicant listed in all other portions of its Application.

e. The Corporation scored the Form as failing to meet threshold and failed to award one tie-breaker measurement point for ability to proceed.

f. Following preliminary scoring, the Hernando County Zoning Administrator provided the Applicant with correspondence explaining he would not have executed the Zoning Form if “Garden Apartments” was identified as the Development Type. (See Exhibit “B.”) As reflected in the attached correspondence, “Garden Apartments” is not a defined term within the Hernando County Zoning Code and is not descriptive of any zoning designation. The Zoning Administrator “could not verify consistency with local land use regulations and zoning regulations, if ‘Garden Apartments’ were noted as the Development Type.”

g. The Corporation scored Madison Reserve’s Application as having failed to meet threshold with respect to zoning.

h. The Corporation scored Madison Reserve’s Application as not being entitled to receive Ability to Proceed Tie-Breaker Measurement Point with respect to appropriate zoning.

i. The ultimate purpose of the Zoning Form is to determine whether the Development site has appropriate zoning. There is no question but that the appropriate zoning exists with respect to location. The Application should not be rejected when the information being challenged by the Corporation bears no relationship to the purpose of the Zoning Form.

j. When scoring other forms executed by local governments, the Corporation has waived minor irregularities when local government officials are unable to provide information in strict accordance with the Corporation's rules. It is arbitrary and capricious for the Corporation to waive minor inconsistencies in some forms and not in others. Accordingly, the Applicant's Zoning Form should be scored as having satisfied the threshold requirements of the Application.

k. The Zoning Form and "cure" material submitted by Madison Reserve properly disclose that the Development is appropriately zoned.

l. The information provided in Madison Reserve's Application properly disclosed all Related Applications.

m. The information provided in Exhibit 9 to Madison Springs application contains erroneous information, including information about Madison Springs, LLC; Madison Springs Apartments, LLC. Information from the Secretary of State's office further shows that Todd Borck and Patrick Law no longer had any relationship with these entities prior to the Application Deadline. The original Exhibit 9 also misidentifies the Developer as ARD MT, LLC. Madison Springs as part of its original Application submitted a developer certification which identifies "CAS Orlando Development, Inc." as the Developer. (See attached Exhibit "H.") "CAS Orlando Development, Inc." is also listed as the Developer at Part II. B. of the Application.

n. Madison Reserve would have been entitled to receive an allocation of Housing Credits had the Corporation scored Madison Reserve's Application as having met threshold with respect to appropriate zoning, awarded a tie-breaker point with respect to zoning, and scored Madison Reserve's Application as a Priority I Application.

35. Madison Reserve reserves its right to demand a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes (2009) in the event that any issues of material fact are raised by its petition.

Conclusion

36. The original and Cure documents submitted by Madison Reserve demonstrate that it met threshold and is entitled to receive a tie-breaker point with respect to zoning. Further, Madison Reserve is entitled to be considered a Priority I Applicant.

37. Florida Housing erred in its evaluation and scoring of Madison Reserve's Application.

38. Madison Reserve was excluded from the funding range in the 2009 Universal Cycle as a result of Florida Housing's erroneous scoring of its Application.

39. Properly evaluating and scoring Madison Reserve's Application results in Madison Reserve being ranked in the funding range for an allocation of Housing Credits.

40. Madison Reserve's December 3, 2009 Scoring Summary Report is based upon incorrect scoring of Madison Reserve's Application.

ULTIMATE FACT AND LAW

41. As a matter of ultimate fact and law, Madison Reserve states that its Application met threshold, is entitled to a one-point Ability to Proceed Tie-Breaker Point, is entitled to be designated as a Priority I Application and is entitled to an allocation of Housing Credits from the 2009 cycle.

STATUTES AND RULES AT ISSUE IN THIS PROCEEDING

42. The statutes and rules at issue in this proceeding include, but are not limited to,

Sections 420.507, 420.509 and 420.5099, Florida Stat. (2009); Rule 28.106.201, Rule 67-21.0035, Rule 67-48.004, and Rule 67-48.005, F.A.C.

WHEREFORE, Petitioner, Madison Reserve, Ltd., respectfully requests that:

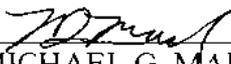
A. Florida Housing Finance Corporation refer this Petition to be heard before a hearing officer approved by Florida Housing;

B. An informal administrative hearing be conducted pursuant to Section 120.57(2), Florida Stat. (2007), to review Florida Housing's scoring determination regarding Madison Reserve's Application;

C. Recommended and final orders be issued determining that Madison Reserve is entitled to an allocation of funds based upon a correct scoring of Madison Reserve's Application; and

D. Such further relief as may be deemed appropriate be granted.

RESPECTFULLY SUBMITTED this 28th day of December, 2009.


MICHAEL G. MAIDA
FL BAR No.: 0435945
Michael G. Maida, P.A.
1709 Hermitage Blvd., Suite 201
Tallahassee, FL 32308
850/425-8124

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing have been filed with Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, on this 28th day of December, 2009.


MICHAEL G. MAIDA

2009 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Madras Reserve
Quality Drive, East of Mariner Blvd., Spring Hill, Florida 34604
Development Location:
(As a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city.)
Development Type: Planned Development Project-Subsidiary Family
(Part III.A.4. of 2009 Universal Cycle Application)
Total Number of Units in Development: 90
(Part III.A.5. of 2009 Universal Cycle Application)

The undersigned Local Government official confirms that on or before 08/20/2009
Date (mm/dd/yyyy)

- (1) The number of units (not buildings) allowed for this development site (if restricted) is: 90 and/or if a PUD, the number of units (not buildings) allowed per development site is: or if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is: and
(2) The zoning designation for the referenced Development site is FDP-MF; and
(3) The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

* Data must be "on or before" the Application Deadline.

CERTIFICATION

I certify that the City/County of HERNANDO has vested in me the authority to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature: [Handwritten Signature]

Print or Type Name: Gary L. Fisher
Print or Type Title: Zoning Administrator

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.



Board of County Commissioners



Hernando County Development Services
49 Providence Boulevard
Brooksville, Florida 34601

Visit Us on the Internet:
www.co.hernando.fl.us

- | | | | |
|---|--------------|------|--------------|
| <input type="checkbox"/> Permitting / Zoning | 352-754-4050 | Fax: | 352-754-4416 |
| <input type="checkbox"/> Commercial Dev. | 352-754-4096 | Fax: | 352-754-4151 |
| <input type="checkbox"/> Contractor Licensing | 352-754-4109 | Fax: | 352-754-4159 |

November 3, 2009

Todd L. Borck
2301 Lucien Way Drive Suite 405
Maitland, FL 32751

Re: Development: Madison Reserve
Location: Quality Drive, East of Mariner Boulevard, Spring Hill, Florida

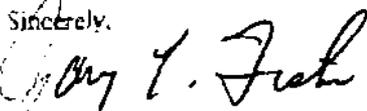
Dear Mr. Borck:

I am writing this letter explaining my response to the "Development Type" request contained in the 2009 Universal Cycle - Local Government Verification That Development is Consistent with Zoning and Land Use Regulations form, which I executed as Zoning Administrator for Hernando County.

As you are aware, we identified the "Development Type" as a "Planned Development Project - Multi-Family" (PDP Multi-Family) development instead of Garden Apartments. It is my understanding that there is a question as to why "Garden Apartments" was not listed. Please be advised that "Garden Apartments" is not a defined term and is not even mentioned in the Hernando County Zoning Code. Accordingly, it is not descriptive of any zoning designation. I could not verify consistency with local land use regulations and the zoning regulations, if "Garden Apartments" were noted as the development type.

Under Article 8, Section 5 of the Hernando County Zoning Appendix, PDP Multi-Family includes all permitted uses in the R-3 zoning district. Under Article 4, Section 2 of the Zoning Appendix, R-3 includes multi-family dwellings. Although the notion of garden apartments may be intended to be encompassed within the development type of "Planned Development Project - Multi-Family," the Hernando County Zoning Code does not recognize this development type by this specific name.

Sincerely,


Mary L. Fisher
Zoning Administrator



2009 Universal Cycle – Declaration of Priority I Related Applications

The following is a listing of the Development Name and County for All of the Related Applications within the Pool of Related Applications designated as Priority I Applications.

Development Name for Each Related Application Designated as a Priority I Application	County (where Development will be located)
Madison Terrace	Palm Beach
Madison Reserve	Hernando
Madison Heights	Hillsborough

If this declaration form contains corrections or 'white-out' or if it is scanned, imaged, altered or retyped, the Application will be deemed to be a Priority II Application. This form may be photocopied.



EXHIBIT 9
LIST OF GENERAL & LIMITED PARTNERS FOR THE APPLICANT ENTITY
AND DEVELOPER ENTITY
INCLUDES OFFICERS, MEMBERS, DIRECTORS AND SHAREHOLDERS

		Ownership Interest
Applicant Entity	Madison Springs, LLC	
Managing Member	Madison Springs Apartments, LLC	01%
Initial Limited Partner	Todd L. Borck	99.99
Managing Member	Madison Springs Apartments, LLC	
Members:		
	50% - TLB Madison Springs, LLC	
	Members: Todd Borck (50%) and Nancy Borck (50%)	
	50% - PEL Madison Springs, LLC	
	Member: Patrick E. Law (100%)	
Managers:		
	Todd L. Borck Manager	
	Patrick E. Law Manager	
Developer:	ARD MT, LLC	
Members :		
	50% - TLB MT, LLC	
	Members: Todd Borck (50%) and Nancy Borck (50%)	
	50% - PEL MT, LLC	
	Member: Patrick E. Law (100%)	
Managers:		
	Todd L. Borck Manager	
	Patrick E. Law Manager	



**ARTICLES OF AMENDMENT
TO
ARTICLES OF ORGANIZATION
OF**

MADISON SPRINGS APARTMENTS, LLC

(Name of the Limited Liability Company as it now appears on our records.)
(A Florida Limited Liability Company)

The Articles of Organization for this Limited Liability Company were filed on February 20, 2008 and assigned Florida document number LD8000018454.

This amendment is submitted to amend the following:

A. If amending name, enter the new name of the limited liability company here:

The new name must be distinguishable and end with the words "Limited Liability Company," the designation "LLC" or the abbreviation "L.L.C."

Enter new principal offices address, if applicable:

(Principal office address MUST BE A STREET ADDRESS)

Enter new mailing address, if applicable:

(Mailing address MAY BE A POST OFFICE BOX)

B. If amending the registered agent and/or registered office address on our records, enter the name of the new registered agent and/or the new registered office address here:

Name of New Registered Agent:

New Registered Office Address:

(Enter Florida street address)
_____, Florida
(City)

New Registered Agent's Signature, if changing Registered Agent:

I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S. Or, if this document is being filed to merely reflect a change in the registered office address, I hereby confirm that the limited liability company has been notified in writing of this change.

(If Changing Registered Agent, Signature of New Registered Agent)



FILED
09 APR 18 AM 8:07
SECRETARY OF STATE
TALLAHASSEE FLORIDA

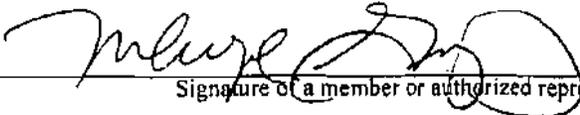
If amending the Managers or Managing Members on our records, enter the title, name, and address of each Manager or Managing Member being added or removed from our records:

MGR = Manager
MGRM = Managing Member

<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Type of Action</u>
MGR	Patrick E. Law	1218 Chessington Circle Heathrow, FL 32746	<input type="checkbox"/> Add <input checked="" type="checkbox"/> Remove
MGR	Todd L. Borck	2430 Via Sienna Winter Park, FL 32789	<input type="checkbox"/> Add <input checked="" type="checkbox"/> Remove
MGR	Shane Acevedo	615 Crescent Executive Court Suite 120 Lake Mary, FL 32746	<input checked="" type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove

D. If amending any other information, enter change(s) here: *(Attach additional sheets, if necessary.)*

Dated April 9, 2009


Signature of a member or authorized representative of a member
N. Dwayne Gray, Jr.
Typed or printed name of signer

Page 2 of 2
Filing Fee: \$25.00

09 APR 13 AM 8:07
FILED
SECRETARY OF STATE
TALLAHASSEE FLORIDA

**ARTICLES OF AMENDMENT
TO
ARTICLES OF ORGANIZATION
OF**

MADISON SPRINGS, LLC

(Name of the Limited Liability Company as it now appears on our records.)
(A Florida Limited Liability Company)

The Articles of Organization for this Limited Liability Company were filed on February 21, 2008 and assigned Florida document number L08000018806.

This amendment is submitted to amend the following:

A. If amending name, enter the new name of the limited liability company here:

The new name must be distinguishable and end with the words "Limited Liability Company," the designation "LLC" or the abbreviation "L.L.C."

Enter new principal offices address, if applicable: _____

(Principal office address MUST BE A STREET ADDRESS)

Enter new mailing address, if applicable: _____

(Mailing address MAY BE A POST OFFICE BOX)

B. If amending the registered agent and/or registered office address on our records, enter the name of the new registered agent and/or the new registered office address here:

Name of New Registered Agent: _____

New Registered Office Address: _____

(Enter Florida street address)

_____, Florida

(City)

SECRETARY OF STATE
TALLAHASSEE, FLORIDA
09 APR 13 AM 8:29

FILED

New Registered Agent's Signature, if changing Registered Agent:

I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S. Or, if this document is being filed to merely reflect a change in the registered office address, I hereby confirm that the limited liability company has been notified in writing of this change.

(If Changing Registered Agent, Signature of New Registered Agent)



If amending the Managers or Managing Members on our records, enter the title, name, and address of each Manager or Managing Member being added or removed from our records:

MGR = Manager
MGRM = Managing Member

<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Type of Action</u>
MGR <i>M</i>	Todd L. Borck	615 Crescent Executive Court, Suite 120 Lake Mary, FL 32746	<input checked="" type="checkbox"/> Add <input checked="" type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove
			<input type="checkbox"/> Add <input type="checkbox"/> Remove

D. If amending any other information, enter change(s) here: *(Attach additional sheets, if necessary.)*

Dated April 9, 2009

N. Dwayne Gray, Jr.
Signature of a member or authorized representative of a member

N. Dwayne Gray, Jr.
Typed or printed name of signee

SECRETARY OF STATE
TALLAHASSEE FLORIDA

09 APR 13 AM 8:29

FILED

EXHIBIT 9
LIST OF GENERAL & LIMITED PARTNERS FOR THE APPLICANT ENTITY
AND DEVELOPER ENTITY
INCLUDES OFFICERS, MEMBERS, DIRECTORS AND SHAREHOLDERS

		Ownership Interest
Applicant Entity	Madison Springs, LLC.	
Managing Partner	Madison Springs Apartments, LLC	.01%
Initial Limited Partner	Shane L. Acevedo	99.99
Managing Member	Madison Springs Apartments, LLC	
Members:		
100% - Shane L. Acevedo		
Managers:		
Shane L. Acevedo - Manager		
Developer:	CAS Orlando Development, Inc.	
Owners:		
100% - Shane L. Acevedo		



**2009 UNIVERSAL CYCLE - DEVELOPER OR PRINCIPAL OF
DEVELOPER CERTIFICATION**

Name of Development: Madison Springs

Name of Developer: CAS Orlando Development, Inc.

Name of Principal of Developer, if applicable: Shane L. Acevedo

Address of Developer: 471 Shepherd Avenue
(street address, city, state)

Winter Park, Florida 32789

Telephone No. of Developer: 321-303-5359

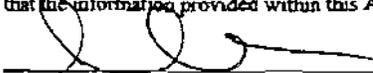
Fax No. of Developer: 407-679-1633

E-Mail Address (if available): shaneacevedo@aol.com

Principal

Relationship to Applicant: _____

As the Developer or Principal of the Developer of the referenced Development, I certify that I have the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application. I further certify that the design, plans, and specifications for the proposed Development will comply with all federal, state and local requirements and the requirements of the Federal Fair Housing Act as implemented by 24 CFR 100, Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, incorporating the most recent amendments and other legislation, regulations, rules, and other related requirements which apply or could apply to the proposed Development. I have developed and completed, i.e., the certificate of occupancy has been issued for at least one building, at least two affordable rental housing developments, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience claim provided in this Application. I understand I am the Developer or Principal of the Developer of record for this Development and that, if funded by the Corporation, I will remain in this capacity until the Development has been completed. I certify that neither the Developer, Applicant, any Principal or Financial Beneficiary has any existing Developments participating in Corporation programs that remain in non-compliance with the IRC, applicable rule chapter, or applicable loan documents and for which any applicable cure period granted for correcting such non-compliance has ended. I further certify that the information provided within this Application is true and correct.



Signature of Developer or Principal of Developer

Shane L. Acevedo

Print or Type Name of Signatory

APPLICANT'S CERTIFICATION

I certify that the Developer identified above will serve as the Developer of the proposed Development.



Applicant's Signature

Shane L. Acevedo

Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

