

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

EHLINGER APARTMENTS, LTD.

Petitioner,

vs.

Application No. 2009-146C

2009 Universal Cycle

FHFC Case No.: 2009-074UC

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

**PETITION FOR REVIEW OF 2009 UNIVERSAL CYCLE
FINAL SCORING SUMMARY REPORT FOR
EHLINGER APARTMENTS, LTD.**

Petitioner Ehlinger Apartments, Ltd. ("Ehlinger"), pursuant to sections 120.569 and 120.57(2), Florida Statutes, and rules 28-106.301 and 67-48.005, Florida Administrative Code, files this petition for informal administrative hearing concerning the 2009 Universal Cycle Final Scoring Summary Report for Ehlinger and states:

1. The sole issue raised by this petition is the determination by Florida Housing Finance Corporation ("Florida Housing") during the Universal Cycle scoring process that Ehlinger's development site "is divided by one or more easements and thus meets the definition of Scattered Sites" in rule 67-48.002(106).¹ See Final Scoring Summary Report for Ehlinger at

¹ The rule, which has been in its current form since the 2006 Universal Cycle, provides:

"Scattered Sites" for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous ("non-contiguous parts") or (ii) any part of which is divided by a street or easement ("divided parts") and (iii) it is readily apparent from the proximity of the non-

pp. 2-6 (attached as Exhibit A). The determination that Ehlinger consists of scattered sites resulted in Ehlinger failing threshold requirements and achieving a total score of 46 when final scores were issued on December 3, 2009, and zero ability to proceed tie-breaker points. Had Florida Housing not found that Ehlinger consisted of scattered sites, all threshold requirements would have been met and Ehlinger would have achieved a total score of 70 and six ability to proceed tie-breaker points. *See Exhibit A.*

2. The agency affected in this proceeding is Florida Housing, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The agency's file number is 2009-146C.

3. The petitioner is Ehlinger, 2950 SW 27th Avenue, Suite 200, Miami, Florida 33133. The petitioner's telephone numbers are 305-476-8118 (phone) and 305-476-9674 (facsimile).

4. The petitioner's attorneys are Donna E. Blanton and Toni A. Egan, Radey Thomas Yon & Clark, P.A., 301 S. Bronough Street, Suite 200, Tallahassee, Florida, 32301. The attorneys' telephone numbers are 850-425-6654 (phone) and 850-425-6694 (facsimile).

5. Ehlinger received notice of the Final Scoring Summary Report on December 4, 2009, along with a memorandum to all applicants and a notice of rights from Kevin Tatreau, Florida Housing's Director of Multifamily Development Programs.

6. Ehlinger's substantial interests are affected by the Final Scoring Summary Report because Ehlinger timely filed an application with Florida Housing for Housing Credits in the 2009 Universal Cycle in connection with the development of an apartment complex in Davie, Florida. But for the determination that Ehlinger consists of scattered sites, Ehlinger would have

contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.

met threshold requirements, achieved a perfect score of 70, been awarded six ability to proceed tie-breaker points, and been eligible for funding through the 2009 Universal Cycle. As a result of Florida Housing's scoring decision, Ehlinger is not eligible for funding.

7. Ultimate facts alleged, including those that warrant reversal of the proposed agency action, are as follows:

a. The Application submitted by Ehlinger does not identify a development site consisting of "scattered sites" as defined in rule 67-48.002(106), Florida Administrative Code. The NOPSE submitted by Allan M. Schnier and accepted by Florida Housing alleges that a Florida Power & Light Company ("FPL") utility easement "in essence" divides the site into three parcels. In fact, the FPL easement, which exists to provide the residents of the existing development on the Ehlinger site with electricity, does not "divide" the property. Given that the Ehlinger property is an existing public housing site, and that people lived there until earlier this year, the presence of an FPL easement to serve the population is essential. Such an easement does not make the property "scattered sites."

b. Treating a development site as "scattered sites" solely because of the presence of utility easements is unprecedented prior to the 2009 Universal Cycle and contrary to Florida Housing's long-standing interpretation of rule 67-48.002(106). A comprehensive review of the submissions and scoring decisions from the 2006, 2007 and 2008 Universal Cycles shows that no development site was deemed to be "scattered sites" based on the presence of one or more utility easements extending across the property.² Rather, on several occasions, including at least once

² Notably, Florida Housing has yet to produce any documentation in response to a public records request seeking all prior decisions that Florida Housing relied on as precedent in making its determination that Ehlinger failed threshold requirements and was not entitled to maximum points because the site is divided by one or more easements and thus meets the definition of

in the 2009 Universal Cycle, Florida Housing failed to find that a development site consisted of “scattered sites” even though the application itself or a NOPSE included clear evidence that one or more utility easements crossed the development site. For example:

- Renaissance Preserve Phase II, 2009-151C (“Renaissance”) – In part III.A.2.b. of its application, Renaissance indicated that the development does not consist of scattered sites, yet Exhibit A to Exhibit 27 of Renaissance’s application clearly shows an FPL easement crossing the site. *See Exhibit C*, attached. Despite the existence of the FPL easement, Florida Housing did not consider the development scattered sites and awarded Renaissance a perfect score during preliminary, NOPSE and final scoring.
- Emerald Palms, 2008-112C (“Emerald”) – Two NOPSEs were submitted stating that Emerald’s application should have indicated that the development consisted of scattered sites because two roadways and a utility easement divided the property. *See Composite Exhibit D*, attached, which includes the applicable portions of the submitted NOPSEs.

1. Florida Housing determined that the site consisted of scattered sites, and accordingly reduced Emerald’s score. Emerald cured its application by stating that the development was a scattered site, consisting of three tracts. *See* applicable portions of Emerald’s cure documentation attached as **Exhibit E**.

2. As Surveyor Francisco F. Fajardo explains in an attached Affidavit (**Composite Exhibit F**), the three tracts identified by Emerald in its cure

Scattered Sites. *See Exhibit B* (Letter from Donna E. Blanton to Della Harrell, December 7, 2009).

were created by existence of the two roadways that divided the property. *See* ¶ 6.C. of the Affidavit and accompanying exhibit.

3. In its cure, Emerald did not acknowledge the possibility that a utility easement could divide the site. If Emerald had identified the additional “sites” created by the utility easement, the development would have consisted of seven sites. *See* ¶ 6.B. of the Affidavit (**Composite Exhibit F**) and accompanying exhibit.

4. If Emerald had identified the “sites” created by the roadways and the utility easement, the development would have consisted of 13 sites. *See* ¶ 6.A and accompanying exhibit to the Affidavit (**Composite Exhibit F**), which shows the 13 sites created by the roadways and the utility easement.

5. Florida Housing accepted Emerald’s cure and awarded Emerald full points for its Application, despite Emerald’s failure to identify the additional “sites” allegedly created by the utility easement. The applicant in its cure ignored the utility easements altogether and submitted a cure that only addressed the roads that divided the parcel. By accepting the cure, Florida Housing acknowledged that the site was a scattered site solely because it was divided by roads.

As evidenced by the examples listed above, Florida Housing’s prior determinations involving easements crossing a development site support a decision that Ehlinger does not consist of scattered sites.

Florida Housing cannot simply “ehange its mind” about interpretation of its rules. *See Cleveland Clinic v. Agency for Health Care Administration*, 679 So. 2d 1237, 1241 (Fla. 1st DCA 1996). As the court explained in *Cleveland Clinic*:

Without question, an agency must follow its own rules, . . . but if the rule, as it plainly reads, should prove impractical in operation, the rule can be amended pursuant to established rulemaking procedures. However, ‘absent such amendment, experience cannot be permitted to dictate its terms.’ That is, while an administrative agency ‘is not necessarily bound by its initial construction of a statute evidenced by the adoption of a rule,’ the agency may implement its changed interpretation only by ‘validly adopting subsequent rule changes.’ The statutory framework under which administrative agencies must operate in this state provides adequate mechanisms for the adoption or amendment of rules.

679 So. 2d at 1242 (emphasis supplied), quoting *Boca Raton Artificial Kidney Center v. Department of Health and Rehabilitative Services*, 493 So. 2d 1055, 1057 (Fla. 1st DCA 1986), and *Department of Administration, Division of Retirement v. Albanese*, 445 So. 2d 639, 642 (Fla. 1st DCA 1984); see also *Brookwood-Walton County Convalescent Center v. Agency for Health Care Administration*, 845 So. 2d 223, 229 (Fla. 1st DCA 2003) (“The agency failed to explain why its policy had changed abruptly when applied to Appellants, despite the lack of any intervening change in the applicable provisions. AHCA’s unexplained, inconsistent policies are contrary to established administrative principles and sound public policy.”). Thus, in order to be consistent with prior interpretations of the scattered site rule, Florida Housing should not find here that the presence of a utility easement turns a proposed development site into “scattered sites.”

c. The attached affidavit by Surveyor Francisco F. Fajardo explains that the Ehlinger property currently contains 25 two-story apartment buildings, a one-story office building, and a two-story office building. See **Exhibit G**. He states that the site “is contiguous and is not divided or bisected by any road, barrier, waterway or other visible impediment to the development.” *Id.* Additionally, he states that the easement “is not visible, it does not impede any activity on this property,” and that the developer can apply to have the easement relocated, if necessary, during the redevelopment of the property by Ehlinger. *Id.* Mr. Fajardo also confirms

that public records relating to the development site do not suggest that the property is divided in any manner or that it consists of “scattered sites.” Indeed, the Broward County Property Appraiser’s website identifies the property by one address and lists just one folio number for the property: 514103010150. *See Exhibit H.* Mr. Fajardo’s findings also are confirmed by photographs of the site. *See* pgs. 3-4 of **Exhibit G.**

d. Similarly, David Quigley, Planning and Zoning Manager for the Town of Davie, where the Ehlinger property is located, states that the Davie Town Council approved a conceptual site plan for this project as a single, unified parcel, not as separate lots. *See* Letter from David Quigley to Stephen P. Auger, November 2, 2009 (attached as **Exhibit I**). Mr. Quigley also notes that the Town of Davie is responsible for assigning addresses to properties within the Town boundaries and that the existence of a utility easement has no bearing on the assignment of an address within the Town. *Id.* He states: “The subject parcel of land has in fact been considered as a single address for many years and appears as such in the County Property Appraiser’s database.” *Id.* Mr. Quigley includes attachments to his letter illustrating how the parcel can be located by searching by address on the Broward County Property Appraiser’s website. The property’s address of 7481 NW 33rd Street is associated with tax folio number 514103010150, which includes the entire Ehlinger parcel. *Id.*

e. The original purpose of the scattered site concept in Florida Housing’s rule was to permit developers to pull together disconnected pieces of property in order to propose a development at a rational scale, reducing costs and improving the efficiency of public investment in affordable housing. To protect future residents from being located on one of a number of widely dispersed parcels that did not have access to the overall amenities financed by the project, the Corporation implemented the concept of the scattered site to ensure reasonable proximity and

access to development amenities. Therefore, the primary concern of the rule was to ensure that residents did not need to cross public rights-of-way or other private property to access said amenities. Interpreting the rule to apply to utility access easements would not only be a break with established precedent, but contrary to the original and ongoing intent of the rule and contrary to good public policy.

f. The type of FPL utility easement on the Ehlinger property cannot be what was contemplated by use of the word “easement” in rule 67-48.002(106). The rule provides:

“Scattered sites” for a single Development means a Development consisting of real property in the same county (i) any part of which is **not contiguous** (“non-contiguous parts”) or (ii) any part of which is **divided** by a street or easement (“divided parts”) and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.

(Emphasis supplied). There are many different types of easements. Black’s Law Dictionary (8th ed. 2004) lists more than 50 separate definitions for “easement.” The type of easement most logically contemplated by rule 67-48.002(106) is an “apparent easement.” Black’s defines “apparent easement” as a “visually evident easement, such as a paved trail or a sidewalk.” See also 20 Fla. Jur. 2d *Easements* s. 8 (“An apparent easement is one that is ordinarily understood to be open and visible, such as a pathway or road.”). The use of the word “street” in conjunction with the word “easement” in rule 67-48.002(106) was clearly intended to refine the term “easement” to more specifically refer to an “apparent” easement that would act in practice in the same way a street would act. Accordingly, the term “easement” as used in rule 67-48.002(106) should be interpreted to refer to apparent easements that visibly and actually divide the development site. Because the easement here is not an apparent easement and does not act to undo the contiguous nature of the site, the definition of “scattered sites” does not apply. The easement

on the Ehlinger property is not an apparent easement, but an access easement, which allows FPL to enter upon the land to construct, operate, and maintain utility facilities for the benefit of residents who lived there until very recently. As noted above, a visual inspection of the property does not reveal the existence of an easement. There is no trail, sidewalk or path that would suggest that an easement extends from one boundary line of the development site to another. In addition, there are no above ground facilities, such as wires, poles, or equipment that would suggest that an easement extends over the site from one boundary line to another and in such a manner as to divide the site. Additionally, the easement does not allow access to the public, and it does not cause a resident to cross public rights-of-way or other private property to access current or proposed amenities.

g. The Chief Executive Officer of the Broward County Housing Authority notes that the Ehlinger site has been a single site according to official plat maps since 1910 and that no platted public rights of way or other apparent easements physically divide the site. *See* Letter from Kevin Cregan to Stephen P. Auger, October 30, 2009 (attached as **Exhibit J**). The Broward County Housing Authority has owned, operated, and managed Ehlinger as a single site since 1975 in the Town of Davie. *Id.* The property is a single site per the Town of Davie's conceptual site plan approval and per the Housing Authority's Declaration of Trust with the federal Department of Housing and Urban Development. *Id.*

h. Changing its interpretation of the word "easements" to stretch beyond apparent easements would have dramatic and deleterious public policy consequences. Florida Housing, through its new long-term strategic plan, actively encourages preservation and redevelopment of existing public housing properties, which of necessity will be encumbered by existing utility access easements. *See Fla. Housing Finance Corporation, Strategic Plan*, pp. 13-15 (adopted

Dec. 4, 2009). While combining multiple properties separated by streets or apparent easements can be accomplished through normal business procedures without disrupting the uses of the previously separate parcels, this is not the case when dealing with a utility easement serving established development sites. The procedures available when assembling parcels bisected by streets and apparent easements include purchase agreements, options to purchase, vacation of public rights of way, and purchase of, or vacation of, existing easements. Conversely, in the case of utility access easements, if Applicants sought to have the utility easements vacated before submitting an application to Florida Housing, electricity service would have to be turned off and all electrical equipment would have to be removed from the site. In many cases that would displace current residents, prematurely removing affordable housing from the marketplace before financing is committed for rebuilding. This would not be in keeping with established Corporation goals or good public policy.

i. Procedures exist in Florida law to have utility easements relocated at the appropriate time, when buildings are actually demolished and construction of the new development is ready to begin. See Letter from J.R. Corson, FPL Corporate Real Estate Area Manager, to Liz Wong, October 29, 2009 (attached as **Exhibit K**); see also R. 26-6.0341(2) and (3), Fla. Admin. Code (Florida Public Service Commission rule requiring the granting of easements for relocation of a utility's electric facilities); Sheet 6.040, Section 5.3, FPL Tariff, March 7, 2003 ("When there is a change in the Customer's operations or construction which, in the judgment of the Company, makes relocation of the Company's facilities necessary, or if such relocation is requested by the Customer, the Company will move such facilities at the Customer's expense to a location which is acceptable to the Company.") This Tariff sheet is attached as **Exhibit L**.

j. In essence, utility easements simply permit the utility a right of access to service the utility's equipment. As illustrated by the FPL tariff filed with the Public Service Commission, these easements are in the nature of vendor agreements in that the utility's facilities can be moved at the request of the utility's customer when rehabilitation or other construction commences on the customer's property. Such easements do not turn a development site into "scattered sites" in the normal understanding of the phrase.

8. Rules and statutes that require reversal of the proposed agency action are the Florida Housing Finance Corporation Act (sections 420.501 et. seq., Florida Statutes); sections 120.569 and 120.57(2), Florida Statutes; and rules 67-48.002, 67-48.004, and 67-48.005, Florida Administrative Code. Specifically, Florida Housing's definition of scattered sites in rule 67-48.001(106) was applied in error to Ehlinger, resulting in an erroneous determination that Ehlinger's development site met the definition of scattered sites.

9. Based on the foregoing, Ehlinger respectfully requests that an informal administrative hearing be held and that the Hearing Officer enter a Recommended Order finding that Ehlinger does not consist of scattered sites as defined in rule 67-48.002(106) and that Ehlinger has met all threshold requirements and achieved a total score of 70, as well as six ability to proceed tie-breaker points.

10. At the time of filing this petition, Ehlinger does not believe that any material facts are in dispute. Ehlinger reserves the right to seek a hearing pursuant to sections 120.569 and 120.57(1) at the Division of Administrative Hearings if, during the course of proceedings on this petition, disputed issues of material fact become known to the parties.

Dated: 12/28/09

Respectfully submitted,



Donna E. Blanton

Florida Bar No. 948500

Toni A. Egan

Florida Bar No. 647764

Radey Thomas Yon & Clark, P.A.

301 S. Bronough Street, Suite 200

Tallahassee, Florida 32301

850-425-6654 (phone)

850-425-6694 (facsimile)

Attorneys for Ehlinger Apartments, Ltd.

Scoring Summary Report

File #: 2009-146C Development Name: Ehlinger Apartments

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
12/02/2009	46.00	N	0.00	7.50
Preliminary	70.00	Y	6.00	7.50
NOPSE	46.00	N	0.00	7.50
Final	46.00	N	0.00	7.50
Final-Ranking				

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Construction Features & Amenities									
1S	III	B	2.a	New Construction	9.00	9.00	9.00	9.00	
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00	0.00	
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	1.00	1.00	
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00	0.00	
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00	9.00	
4S	III	B	3	Green Building	5.00	5.00	5.00	5.00	
Set-Aside Commitment									
5S	III	E	1.b.(2)	Special Needs Households	4.00	4.00	0.00	0.00	
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	
7S	III	E	3	Affordability Period	5.00	5.00	5.00	5.00	
Resident Programs									
8S	III	F	1	Programs for Non-Elderly & Non-Homeless	6.00	6.00	6.00	6.00	
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	
8S	III	F	3	Programs for Elderly	6.00	0.00	0.00	0.00	
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00	6.00	
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	0.00	0.00	
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	0.00	0.00	

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded As Result
2S	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The Applicant failed to commit to locate each selected feature and amenity that is not unit-specific on each of the Scattered Sites, or no more than 1/16 mile from the site with the most units, or a combination of both. As a result, points were awarded only for those selected features and amenities that are unit-specific.	NOPSE	
5S	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites. Therefore, the Development Location on the Applicant Notification to Special Needs Household Referral Agency form should reflect all of the Scattered Sites. Because the form is incomplete, the proposed Development is not eligible for Special Needs points.	NOPSE	
10S	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites. Therefore, the Development Location on the Local Government Verification of Contribution – Grant form should reflect all of the Scattered Sites. Because the form is incomplete, the proposed Development is not eligible for any points for Local Government Contributions.	NOPSE	
11S	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites. Therefore, the Development Location on the Local Government Verification of Affordable Housing Incentives forms (Exhibits 47, 48, 49 and 50) should reflect all of the Scattered Sites. Because the forms are incomplete, the proposed Development is not eligible for any points for Local Government Incentives.	NOPSE	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III	A	2.b	Scattered Sites	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The Applicant failed to correctly answer the question at Part III.A.2.b. of the Application.	NOPSE	
2T	III	A	2.b	Scattered Sites	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The Applicant failed to provide the required information for each of the Scattered Sites at Exhibit 20, as required by the 2009 Universal Application Instructions.	NOPSE	
3T	III	C	1	Site Plan Approval / Plat Approval	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The 2009 Universal Application Instructions require that site plan approval be demonstrated for all sites if the proposed Development consists of Scattered Sites. Although site plan approval has been demonstrated for the site located at 7481 NW 33rd Street, it has not been demonstrated for the other site(s).	NOPSE	
4T	III	C	3.a	Availability of Electricity	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The 2009 Universal Application Instructions require that availability of electricity be demonstrated for all sites if the proposed Development consists of Scattered Sites. Although evidence of the availability of electricity has been demonstrated for the site located at 7481 NW 33rd Street, it has not been demonstrated for the other site(s).	NOPSE	

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
5T	III	C	3.b	Availability of Water	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The 2009 Universal Application Instructions require that availability of water be demonstrated for all sites if the proposed Development consists of Scattered Sites. Although evidence of the availability of water has been demonstrated for the site located at 7481 NW 33rd Street, it has not been demonstrated for the other site(s).	NOPSE	
6T	III	C	3.c	Availability of Sewer	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The 2009 Universal Application Instructions require that availability of sewer be demonstrated for all sites if the proposed Development consists of Scattered Sites. Although evidence of the availability of sewer has been demonstrated for the site located at 7481 NW 33rd Street, it has not been demonstrated for the other site(s).	NOPSE	
7T	III	C	3.d	Availability of Roads	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The 2009 Universal Application Instructions require that availability of roads be demonstrated for all sites if the proposed Development consists of Scattered Sites. Although evidence of the availability of roads has been demonstrated for the site located at 7481 NW 33rd Street, it has not been demonstrated for the other site(s).	NOPSE	
8T	III	C	4	Zoning	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). The 2009 Universal Application Instructions require that appropriate zoning be demonstrated for all sites if the proposed Development consists of Scattered Sites. Although evidence of appropriate zoning has been demonstrated for the site located at 7481 NW 33rd Street, it has not been demonstrated for the other site(s).	NOPSE	

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
9T	III	C	5	Environmental Site Assessment	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites (see subsection 67-48.002(106), F.A.C.). Although evidence that a Phase I ESA has been performed for the site located at 7481 NW 33rd Street, no such evidence has been provided for the other site(s).	NOPSE	

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III	C	1	Site Plan/Plat Approval	1.00	1.00	0.00	0.00	
2A	III	C	3.a	Availability of Electricity	1.00	1.00	0.00	0.00	
3A	III	C	3.b	Availability of Water	1.00	1.00	0.00	0.00	
4A	III	C	3.c	Availability of Sewer	1.00	1.00	0.00	0.00	
5A	III	C	3.d	Availability of Roads	1.00	1.00	0.00	0.00	
6A	III	C	4	Appropriately Zoned	1.00	1.00	0.00	0.00	

Reason(s) for Failure to Achieve Selected Ability To Proceed Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
1A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for site plan approval. See Item 3T above.	NOPSE	
2A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for availability of electricity. See Item 4T above.	NOPSE	
3A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for availability of water. See Item 5T above.	NOPSE	
4A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for availability of sewer. See Item 6T above.	NOPSE	
5A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for availability of roads. See Item 7T above.	NOPSE	
6A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for appropriate zoning and land use. See Item 8T above.	NOPSE	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.b.(2) (a)	Grocery Store	1.25	0.00	0.00	0.00	
2P	III	A	10.b.(2) (b)	Public School	1.25	0.00	0.00	0.00	
3P	III	A	10.b.(2) (c)	Medical Facility	1.25	0.00	0.00	0.00	
4P	III	A	10.b.(2) (d)	Pharmacy	1.25	0.00	0.00	0.00	
5P	III	A	10.b.(2) (e)	Public Bus Stop or Metro-Rail Stop	1.25	0.00	0.00	0.00	
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	0.00	0.00	0.00	
7P	III	A	10.a	Involvement of a PHA	7.50	7.50	7.50	7.50	

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	III	A	2.c	Urban In-Fill	Based on information provided by a NOPSE, it appears that the Development site is divided by one or more easements and thus meets the definition of Scattered Sites. Therefore, the Development Location on the Local Government Verification of Qualification as Urban In-Fill Development form should reflect all of the Scattered Sites. Because the form is incomplete, the proposed Development does not qualify as an Urban In-Fill Development.	NOPSE	
2C	IV	A		Local Government Contributions	Because the Local Government grant is not eligible for Local Government Contributions points (see Item 10S above), it could not be considered a source of financing. However, this did not result in any financing shortfalls because the Applicant has sufficient other financing sources.	NOPSE	
3C	III	A	2.b	Scattered Sites	In its cure materials for Items 2S, 5S, 10S, 11S, 1T through 9T, 1A through 6A, 1C and 2C, the Applicant provided an affidavit from a licensed surveyor and various documents in an effort to demonstrate that the existing easements do not make the proposed Development site a Scattered Site. However, documentation and an affidavit from a licensed surveyor provided by a NOAD support the original determination that the site is divided by one or more easements and thus meets the definition of Scattered Sites.	Final	

RADEY | THOMAS | YON | CLARK

Attorneys & Counselors at Law

Post Office Box 10967 (32302)
201 South Bronough Street, Suite 500
Tallahassee, Florida 32301
www.radeylaw.com

850-425-6854 phone
850-425-6604 fax

December 7, 2009

By Hand-Delivery

Ms. Della Harrell
Public Records Coordinator
Florida Housing Finance Corporation
227 North Bronough Street
Suite 5000
Tallahassee, FL 32301

Re: Request Pursuant to Chapter 119, Florida Statutes

Dear Ms. Harrell:

Pursuant to Chapter 119, Florida Statutes, please provide me with copies of the following documents:

- Any scoring decision by Florida Housing Finance Corporation (including in Preliminary, NOPSE, or Final Scores) in any Universal Application Cycle that treats a proposed development as "scattered sites" (currently defined in rule 67-48.002(106), Florida Administrative Code) because of the existence of one or more utility easements;
- Any scoring decision or Final Order entered by Florida Housing Finance Corporation in any Universal Application Cycle that the Corporation believes serves as precedent for applying the definition of "scattered sites" to proposed developments that include utility easements;
- Any scoring decision or Final Order entered by Florida Housing Finance Corporation in any Universal Application Cycle that the Corporation believes serves as precedent for the scoring determinations in the 2009 Universal Application Cycle that proposed developments allegedly "divided" by utility easements constitute "scattered sites" as that phrase is defined in rule 67-48.002(106).

KAREN ASHER-COHEN | DONNA E. BLANTON | SUSAN F. CLARK | BERT L. COMBS | THOMAS A. CRABB | FRONIA A. EGAN

JEFFREY L. FRENK | CHRISTOPHER B. LUNNY | ELIZABETH MCARTHUR | TRAVIS L. MILLER

JOHN RABEY | LISA C. SCOTTS | MARY O. THOMAS | DANIEL A. YON | TERRY BLASOM

RAY | THOMAS | YON | CLARK
100 WEST WASHINGTON STREET
TALLAHASSEE, FL 32301

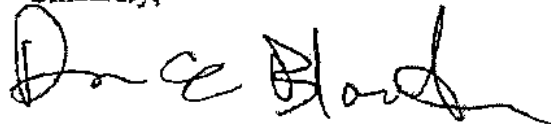
Ms. Della Harrell
December 7, 2009
Page 2

RADEY (THOMAS) YON (CLARK
Attorneys & Counselors at Law

- Any other document of whatever type that Florida Housing Finance Corporation relied on as precedent in determining in its December 3, 2009, scoring decisions that Dr. Kennedy Homes (2009-144C) and Ehlinger Apartments (2009-146C) failed threshold requirements and were not entitled to maximum points because each "Development site is divided by one or more easements and thus meets the definition of Scattered Sites"

Thank you for your prompt attention to this request. If you need clarification or other information from me concerning this request, please let me know. We will, of course, pay any of your customary charges associated with locating any responsive documents. I look forward to hearing from you.

Sincerely,



Donna E. Blanton

cc: Wellington Meffert

RENAISSANCE PRESERVE PHASE II

NORSTAR DEVELOPMENT USA, LP -
HOUSING AUTHORITY OF THE CITY OF FORT MYERS

FLORIDA HOUSING FINANCE CORPORATION

2009 Universal Application

AUGUST 20, 2009

EXHIBIT 27

Fully executed
Long-Term Lease Agreement

EXHIBIT A

Property Description



METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 17, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(PHASE 3)

A TRACT OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE S.88°12'15"W. FOR A DISTANCE OF 301.79 FEET; THENCE S.01°24'35"E. FOR A DISTANCE OF 25.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MICHIGAN AVENUE; THENCE N.88°12'15"E. ALONG THE SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 305.96 FEET; THENCE S.00°45'20"E. LEAVING SAID RIGHT-OF-WAY FOR A DISTANCE OF 790.48 FEET TO THE POINT OF BEGINNING; THENCE N.89°14'40"E. FOR A DISTANCE OF 645.83 FEET; THENCE N.00°45'20"W. FOR A DISTANCE OF 167.07 FEET; THENCE N.89°18'39"E. FOR A DISTANCE OF 124.60 FEET; THENCE N.00°45'20"W. FOR A DISTANCE OF 30.07 FEET; THENCE N.89°14'40"E. FOR A DISTANCE OF 142.83 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.45°45'20"E., A CHORD DISTANCE OF 70.71 FEET, AN ARC DISTANCE OF 78.54 FEET; THENCE N.89°14'40"E. FOR A DISTANCE OF 24.12 FEET; THENCE S.00°46'52"E. FOR A DISTANCE OF 146.56 FEET; THENCE S.89°13'08"W. FOR A DISTANCE OF 68.64 FEET; THENCE S.00°46'52"E. FOR A DISTANCE OF 199.55 FEET; THENCE S.89°13'24"W. FOR A DISTANCE OF 498.83 FEET; THENCE S.00°46'52"E. FOR A DISTANCE OF 375.90 FEET; THENCE S.89°14'40"W. FOR A DISTANCE OF 418.02 FEET; THENCE N.01°02'00"W. FOR A DISTANCE OF 412.50 FEET; THENCE N.00°54'10"W. FOR A DISTANCE OF 162.73 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 9.24 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF MICHIGAN AVENUE AS BEARING N.88°12'15"E.

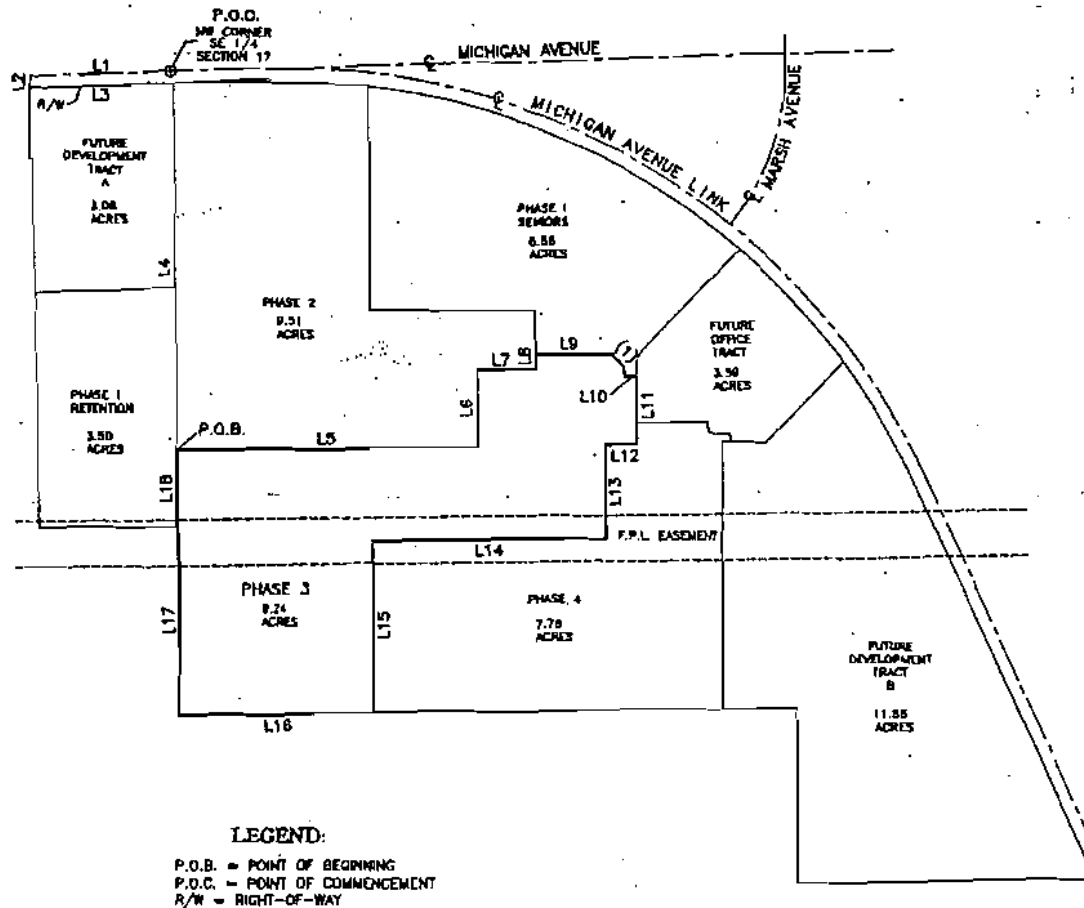
METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071


TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

10150 PH-3.doc

SKETCH TO ACCOMPANY DESCRIPTION



LEGEND:
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 R/W = RIGHT-OF-WAY

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

LINE TABLE

Line	Bearing	Distance
L1	S.88°12'15"W.	301.78'
L2	S.01°24'35"E.	25.00'
L3	N.88°12'15"E.	305.98'
L4	S.00°45'20"E.	790.48'
L5	N.88°14'40"E.	845.83'
L6	N.00°45'20"W.	187.07'
L7	N.88°18'39"E.	124.80'
L8	N.00°45'20"W.	30.07'
L9	N.88°14'40"E.	142.83'
L10	N.88°14'40"E.	24.12'
L11	S.00°48'52"E.	148.50'
L12	S.88°13'08"W.	88.84'
L13	S.00°48'52"E.	189.55'
L14	S.88°13'24"W.	488.63'
L15	S.00°48'52"E.	375.80'
L16	S.88°14'40"W.	418.02'
L17	N.01°02'00"W.	412.50'
L18	N.00°54'10"W.	182.73'



Curve number 1
 Radius= 50.00'
 Delta= 80°00'00"
 Arc= 78.54'
 Tangent= 50.00'
 Chord= 70.71'
 Chord Brg.= S.45°45'20"E.

*** THIS IS NOT A SURVEY ***

BY:
 TIMOTHY LEE MANN
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 159 5838

DATE SIGNED: April 03, 09

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PHASE 3

TITLE: SKETCH OF DESCRIPTION			
METRON SURVEYING & MAPPING LAND SURVEYORS-PLANNERS T.R.# 7071		10970 SOUTH CLEVELAND AVENUE UNIT #505 FORT MYERS, FLORIDA 33907 PHONE: (238) 275-8573 FAX: (238) 275-8437 www.metronfl.com	
		FILE NO:	PROJECT NO:
10150SK-PH3.dwg	10150	SHEET: 2 OF 2	
DATE: 4-02-09	BY: RY	SCALE: 1" = 300'	DATE: 17-44-25

Brief Statement of Explanation regarding Application No. 2008 – 112C

Provide a separate brief statement for each NOPSE

Part III.A.2.b

Part III.A.2.b of the Universal application asks “Will the development consist of scattered sites?” The applicant responded “No”. Upon review of the development’s site address, 2003 West 17th Court, Riviera Beach, Florida, 33404, stated in Part III.A.2.a, and the legal description provided in the Ground Lease Agreement dated March 31, 2008 submitted in Exhibit 27, **it is clear that this site falls under the definition of a scattered site**, as described on page 18 of the Florida Housing Finance Corporation Rule 67-48.002 (98), and further interpreted in Q&A #30 and #38 **because West 17th Court and West 17th Street run through the proposed site.**

Rule Chapter 67-48.002 (98) - “Scattered Sites” for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous (“non-contiguous parts”) or (ii) any part of which is divided by a street or easement (“divided parts”) and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.”

- Q&A 30 - “Q: Under the definition of Scattered Sites, if a proposed Development consists of two parcels that are divided by a roadway would this constitute a Development consisting of Scattered Sites? A: Yes.”
- Q&A 38 - “Q: If an alley runs through the proposed Development site, would this constitute a Scattered Site? A: Yes, if the alley constitutes a street or easement.”

The proposed development site clearly consists of *real property in the same county, parts of which are divided by streets*, **West 17th Court and West 17th Street**. Furthermore, it is readily apparent from the proximity of the divided parts of the real property that the non-contiguous

parts or the divided parts of the real property are part of a common or related scheme of development— as evidenced by Exhibit 1 and the accompanying exhibits.

The Applicant's documentation provided to evidence site control references the "Leased Premises" as that certain real property situated in Palm Beach County and legally described on Exhibit A. The legal description on Exhibit A includes the Property Control Number: 56-43-42-31-01-000-0010. The map on the Palm Beach County appraiser's website reveals that this 17.10 +/- acres parcel includes public right of ways - **West 17th Court** and **West 17th Street**. Further investigation of the Plat of Westside Estates (Riviera Beach Housing Authority) also evidences existing public right of ways dividing the property. Pursuant to the surveyed plat, "The interior streets (West 17th Court and W. 17th St.) as shown, are hereby dedicated to the City of Riviera Beach for the perpetual use of the public for proper purposes."

We have submitted a third party surveyor's affidavit and certification confirming that the proposed development address is located on the legal description, the legal description and property control number referenced and the Plat of Westside Estates are the same site, the measurements detailed in the Plat are correct, the public right of ways shown on the Plat and on the Palm Beach appraiser's map currently exist and were in existence as of the Application Deadline, April 7, 2008 and that the proposed Development is a Scattered Site Development.

In summary, Florida Housing must consider this site a Scattered Site Development. As such, the application fails threshold for the following reasons:

1) As a Scattered Site Development, the applicant should have checked "Yes" in response to Part III.A.2.b. The applicant selected "No."

2) The applicant did not follow the instructions with regard to scattered sites for Exhibit 20.

3) With respect to Exhibits 21, 23, 26, 27, 28, 29, 30, 31, 32, 45, 47, 48, 49 and 50 the Application fails threshold because the Applicant did not follow the directions for Scattered Sites prescribed in Q&A #29: On the verification/certification forms that require the "Development Location", if

the proposed Development will consist of Scattered Sites should the Applicant include a separate verification/certification form for each of the Scattered Sites or include all of the site addresses on each verification/certification form? A: If the Development will be comprised of Scattered Sites the Applicant must demonstrate that the required information is in place for each of the sites. This can be accomplished by (i) listing all of the site addresses on each verification /certification form, or (ii) providing a separate verification/certification form for each of the Scattered Sites, or (iii) attaching a list showing the address of each of the Scattered Sites behind each of the verification/certification forms.

Based on these points, the application fails threshold and should be rejected.

Affidavit and Certification of Kenneth Jackson

Before me, the undersigned authority, personally appeared Kenneth Jackson, who, being duly sworn, states that he personally knows the following facts and that the same are true and accurate.

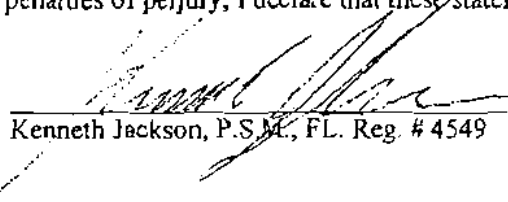
My name is Kenneth C. Jackson. I am licensed by the State of Florida as a Professional Surveyor and Mapper. My license number is LS 4549. I am the Vice President of Sea Diversified. I am submitting this Affidavit and Certification on behalf of Las Palmas I, Ltd. (the "Applicant") and am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

On May 14, 2008, representatives of Sea Diversified, Inc. visited the location described on the legal description attached as Exhibit A and determined that the proposed development site is a Scattered Site as defined on page 18 of the Florida Housing Finance Corporation Rule Chapter 67-48.002 (98).

On May 14, 2008, I Kenneth C. Jackson with Sea Diversified, Inc. went to 2003 West 17th Court, Riviera Beach, Florida, 33404, to determine if the development location address was located on the legal description attached, to confirm the legal description and property control number referenced and the Plat of Westside Estates (Plat Book 31, page 81 of the public records of Palm Beach County, Florida) attached as Exhibit B are the same site, to confirm that the public right of ways shown on the Plat and on the Palm Beach appraiser's map attached as Exhibit C currently exist.

I confirm all of the above. The Plat covers the entire site described in the legal description. The site described in the legal description is divided by West 17th Court and West 17th Street and these streets are dedicated public rights of way.

Under penalties of perjury, I declare that these statements are true and correct.


Kenneth Jackson, P.S.M., FL. Reg. # 4549

5/14/2008
Dated

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to and subscribed before me this 14 day of May, 2008 by Kenneth Jackson, who
is personally known to me or has produced _____ as
identification.

WITNESS my hand and official seal, this 14 day of May 2008.


Notary Public  Terese Martinez
Commission # DD376724
Expires: DEC. 05, 2008
State of _____
My commission expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land in the Northeast one quarter of Section 31, Township 42 South, Range 43 East, City of Riviera Beach, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the North one quarter corner of said Section 31; Thence, run South 2° 32' 43" West, along the North-South one quarter Section line and along the Easterly right of way line of the Central and South Florida Flood Control District Canal No C-17, a distance of 611.98 feet; Thence run South 87° 57' 28" East, parallel with the North line of said Section 31, a distance of 1218.32 feet to the Easterly right of way line of Congress Avenue extension; thence run North 2° 42' 26" East, along the said Easterly right of way line of Congress Avenue extension, a distance of 612.00 feet to the North line of said Section 31; Thence run North 87° 57' 28" West, along the North section line of said Section 31, a distance of 1218.05 feet to the POINT OF BEGINNING.

The above described parcel of land contains 744.865 square feet or 17.10 Acre Parcel.

Property Control Number(s): 58-43-42-31-01-000-0010

EXHIBIT B

PLAT OF WESTSIDE ESTATES

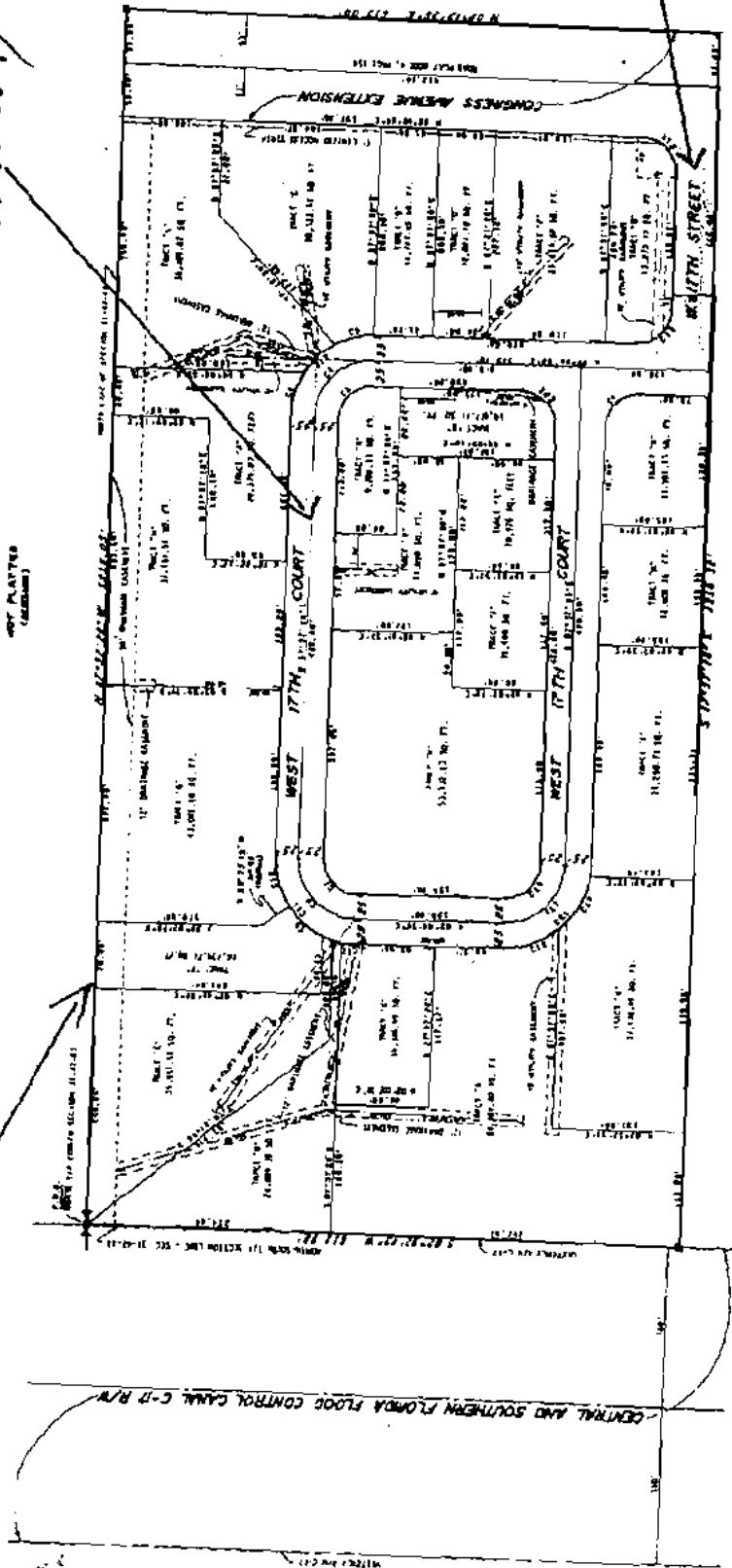
(RIVERA BEACH HOUSING AUTHORITY)

BEING A PARCEL OF LAND IN THE NE 1/4 SECTION 31, TWP 42 SOUTH, RGE 43 EAST
PALM BEACH COUNTY, FLORIDA
CITY OF RIVERA BEACH
FEBRUARY 1975

Proposed Development Site

DEDICATED PUBLIC RIGHT OF WAY

DEDICATED PUBLIC RIGHT OF WAY



CREW DATA TABLE

LOT NO.	AREA (SQ. FT.)	PERCENTAGE	ACRES
1	11,111.11	0.25	0.25
2	11,111.11	0.25	0.25
3	11,111.11	0.25	0.25
4	11,111.11	0.25	0.25
5	11,111.11	0.25	0.25
6	11,111.11	0.25	0.25
7	11,111.11	0.25	0.25
8	11,111.11	0.25	0.25
9	11,111.11	0.25	0.25
10	11,111.11	0.25	0.25
11	11,111.11	0.25	0.25
12	11,111.11	0.25	0.25
13	11,111.11	0.25	0.25
14	11,111.11	0.25	0.25
15	11,111.11	0.25	0.25
16	11,111.11	0.25	0.25
17	11,111.11	0.25	0.25
18	11,111.11	0.25	0.25
19	11,111.11	0.25	0.25
20	11,111.11	0.25	0.25
21	11,111.11	0.25	0.25
22	11,111.11	0.25	0.25
23	11,111.11	0.25	0.25
24	11,111.11	0.25	0.25
25	11,111.11	0.25	0.25
26	11,111.11	0.25	0.25
27	11,111.11	0.25	0.25
28	11,111.11	0.25	0.25
29	11,111.11	0.25	0.25
30	11,111.11	0.25	0.25
31	11,111.11	0.25	0.25
32	11,111.11	0.25	0.25
33	11,111.11	0.25	0.25
34	11,111.11	0.25	0.25
35	11,111.11	0.25	0.25
36	11,111.11	0.25	0.25
37	11,111.11	0.25	0.25
38	11,111.11	0.25	0.25
39	11,111.11	0.25	0.25
40	11,111.11	0.25	0.25
41	11,111.11	0.25	0.25
42	11,111.11	0.25	0.25
43	11,111.11	0.25	0.25
44	11,111.11	0.25	0.25
45	11,111.11	0.25	0.25
46	11,111.11	0.25	0.25
47	11,111.11	0.25	0.25
48	11,111.11	0.25	0.25
49	11,111.11	0.25	0.25
50	11,111.11	0.25	0.25

- SURVEYOR'S NOTES
1. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF RIVERA BEACH BY DEED.
 2. THE LOTS ARE TO BE CONVEYED TO THE CITY OF RIVERA BEACH BY DEED.
 3. THE LOTS ARE TO BE CONVEYED TO THE CITY OF RIVERA BEACH BY DEED.
 4. THE LOTS ARE TO BE CONVEYED TO THE CITY OF RIVERA BEACH BY DEED.
 5. THE LOTS ARE TO BE CONVEYED TO THE CITY OF RIVERA BEACH BY DEED.
 6. THE LOTS ARE TO BE CONVEYED TO THE CITY OF RIVERA BEACH BY DEED.

82

STATE OF FLORIDA
COUNTY OF PALM BEACH

PLAT OF WESTSIDE ESTATES
RIVERA BEACH HOUSING AUTHORITY
FEBRUARY 1975

PREPARED BY: [Name]
DATE: [Date]

WESTSIDE ESTATES

PLAT OF

DATE: [Date]

SCALE: [Scale]

THIS PLAT WAS PREPARED BY [Name], SURVEYOR, AND IS SUBJECT TO THE PROVISIONS OF THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 463, F.S., AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING, CHAPTER 61G, F.A.C.

EXHIBIT C



Property Information

Location Address: 2003 W 17TH CT

Municipality: RIVIERA BEACH

Parcel Control Number: 56-43-42-31-01-000-0010

Subdivision: WESTSIDE ESTATES AS IN

Official Records Book: 20543 Page: 1551 Sale Date: Mar-2006

Legal Description: WESTSIDE ESTATES ALL OF PL LYG W OF CONGRESS AVE (LESS W 17TH ST R/W) & 50 FT ABND W 17TH COURT LYG WITHIN

[View Map](#)

[Calculate Portability](#)

Owner Information

Name: RIVIERA BEACH HOUSING AUTHORITY

Mailing Address: 2014 17TH CT
RIVIERA BEACH FL 33404 5002

[All Owners](#)

Sales Information

Sales Date	Book/Page	Price	Sale Type	Owner
Mar-2006	20543/1551	\$10	WARRANTY DEED	RIVIERA BEACH HOUSING AUTHORITY
Jun-2005	18814/0327	\$10	QUIT CLAIM	RIVIERA BEACH HOUSING AUTHORITY
May-2005	18643/1968	\$10	QUIT CLAIM	RIVIERA BEACH HOUSING AUTHORITY

[All Sales](#)

Exemptions

Full: Municipal Government: \$942,741 Year of Exemption: 2007

Total: \$942,741

Appraisals

Tax Year:	2007	2006	2005
Improvement Value:	\$817,741	\$3,670,119	\$0
Land Value:	\$125,000	\$385,000	\$0
Total Market Value:	\$942,741	\$4,055,119	\$3,500,000

Use Code: 0300 Description: MULTIFAMILY
* in residential properties may indicate living area.

Property Information

Number of Units: 50

*Total Square Feet: 148494

Acres: 15.3689

Assessed and Taxable Values

Tax Year:	2007	2006	2005
Assessed Value:	\$942,741	\$4,055,119	\$3,500,000
Exemption Amount:	\$942,741	\$4,055,119	\$3,500,000
Taxable Value:	\$0	\$0	\$0

[Structure Detail](#)

Tax Values

Tax Year:	2007	2006	2005
Ad Valorem:	\$0	\$0	\$0
Non Ad Valorem:	\$0	\$0	\$0
Total Tax:	\$0	\$0	\$0

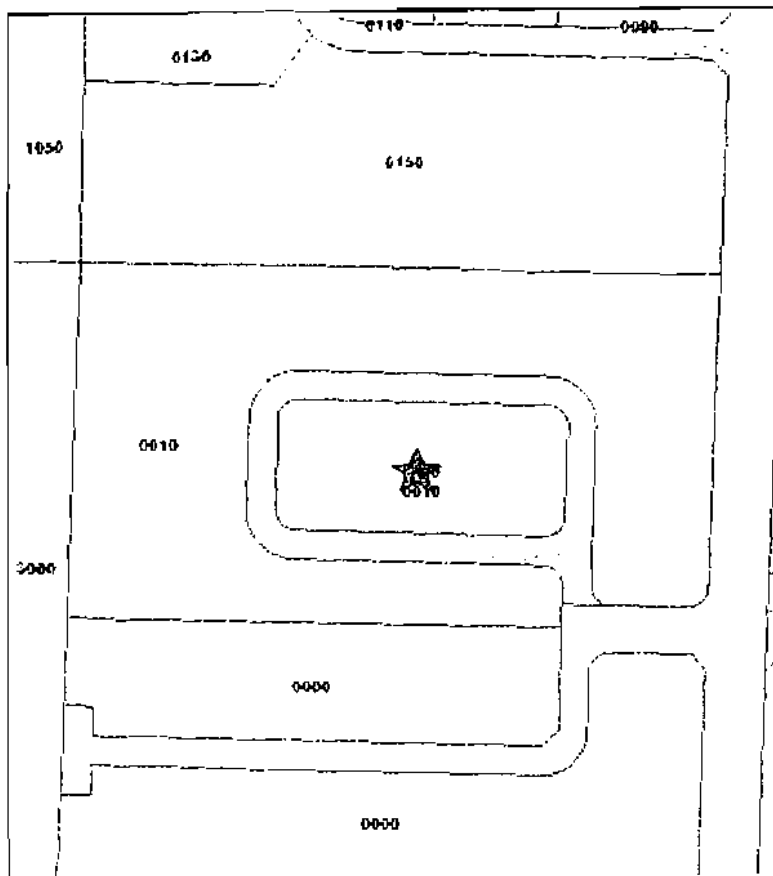
Tax Calculator
Details
Calculate Additional Homestead

Tax Collector WebSite

NOTE: Lower the top and bottom margins to 0.25 on File->Page Setup menu option in the browser to print the detail on one page.



Gary R. Nikolits, CFA
 Palm Beach County Property Appraiser
 Property Mapping System



Search Parcel Details

Owner Information

PCN: 56434231010000010

Return to PAPA

Name: RIVIERA BEACH HOUSING AUTHORITY

Location: 2003 W 17TH CT

Mailing: 2014 17TH CT
 RIVIERA BEACH, FL 33404
 5002

Appraisal Value

Market Value: \$942,741

Assessed Value: \$942,741

Exempt Amnt: \$942,741

Taxable: \$0

Tax Value

Ad Valorem: Not Available

Non ad valorem: \$0.00

Total: Not Available

Sales Information

Sales Date	Price
Mar-2006	\$10
Jun-2005	\$10
May-2005	\$10
May-2005	\$10
Jun-1999	\$100

Legend

Parcel Boundary

0120 Lot number

Palm Beach County Property Map

Map Scale 1:3893

Map produced on 5/14/2008 from PAPA
<http://www.pbcgov.com/papa>

**UNIVERSAL APPLICATION PACKAGE
NOTICE OF POSSIBLE SCORING ERROR (NOPSE)
REQUEST FOR REVIEW FORM**

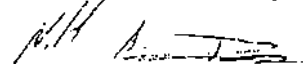
Notice of Possible Scoring Error(s) regarding Application No. 2008- 112C
(one Application number per notice)

Part/Section/Subsection			Number of Issues For Review
<u>III</u>	<u>C</u>	<u>(2)</u>	<u>1</u>
<u>III</u>	<u>A</u>	<u>2(b)</u>	<u>1</u>
<u>IV</u>	<u>A</u>	<u>1.(a)(3)</u> <u>Exhibit 45</u> <u>Exhibit 58</u>	<u>1</u>
Total Number of Issues For Review			<u>3</u>

**TRACKING NO:
115**

Submitted by Authorized Representative for Application Number 2008- 177C

Signature of Authorized Representative for above-designated Application.


Signature: _____

Nick A. Inamdar
Print Name: _____

All notices must be submitted in accordance with subsections 67-48.004(4) and 67-21.003(4), F.A.C., and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and action requested by the submitting Applicant, such as reduction of score or threshold failure. Attach additional pages if necessary. All notices should be submitted in typewritten form.



Nick Damdar
Vice President, Florida Region

May 15, 2008

Debra Dozier Blinderman, Deputy Development Officer
Florida Housing Finance Corporation
227 N. Bronough Street Suite 5000
Tallahassee, FL 32301

RE: Notice of Possible Scoring Error
Applicant: Emerald Palms Redevelopment, LLC
Application Number: 2008-112C
Application Name: Emerald Palms

Dear Ms. Blinderman:

Pursuant to Rule 67-48.004(4), Magnolia Landing Apartments, Ltd. (Application Number 2008-177C) submits the following Notice of Possible Scoring Error and provides the following Brief Statement of Explanation regarding the deficiencies contained in the Application submitted by Emerald Palms Redevelopment, LLC, Application Number 2008-112C:

PART III – PROPOSED DEVELOPMENT
Section C – Ability to Proceed

(2) Evidence of Site Control

Exhibit 9, submitted by the Applicant, states that Emerald Palm Revitalization, Inc. is the co-managing member of the Applicant, Emerald Palms Redevelopment, LLC. Exhibit 9 states that Emerald Palm Revitalization, Inc. has "No Directors or Shareholders" (See attached Exhibit "A").

The Ground Lease, provided by the Applicant as Evidence of Site Control in Exhibit 27, was signed by "Philip O. Goombs", as "Executive Director" of Emerald Palm Revitalization, Inc (See attached Exhibit "B"). However, the Applicant represented that Emerald Palm Revitalization, Inc. has no directors, therefore, the Ground Lease is invalid and the Applicant failed to demonstrate Evidence of Site Control. Based upon the following, the Application must be rejected as a result of failing to achieve threshold.

PART III: Development
Section A: General Development Information
Subsection 2(b): Scattered Sites

Part III of the Application requires the Applicant to disclose whether or not the Development will consist of "Scattered Sites." Pursuant to Section 67-48.002 (98) F.A.C., scattered sites means "a Development consisting of real property in the same county . . . any part of which is divided by a street or easement ('divided parts')."

Within its Application, the Applicant stated that the Development would not consist of scattered sites. However, a review of a Title Search Report shows that the Development is encumbered by an easement which divides the property. (See attached Exhibit "C"). The subject easement is in favor of Florida Power and Light Company and was recorded in O.R. Book 2500, Page 115, of the Public Records of Palm Beach County, Florida. (See attached Exhibit "D"). The twelve-foot wide easement conclusively demonstrates that that the Development site is divided. In light of the foregoing, the Applicant should have disclosed that the Development consisted of Scattered Sites. As a result of its failure to do so, the Application must be rejected as a result of failing to achieve threshold.

PART IV – LOCAL GOVERNMENT SUPPORT

Section A – Contributions – MMRB, SAIL, HC, and HOME Applications

1.(a)(3) Local Government Verification of Contribution – Loan Form Exhibit 45

In Part IV.A. 2.a. The Applicant claims a Loan from Palm Beach County and incorrectly values such Loan in the amount of \$200,000. To demonstrate this Loan, Applicant submitted the same Local Government Verification of Contribution – Loan Form behind Exhibit 45 and Exhibit 58 (See attached Exhibit "E"). Applicant listed it's Local Government Contribution as a \$200,000 loan at 0% for 32 years, which states that it is "forgivable" at the end of the term, although no conditions were stated. Such conditions could vary widely, including it being only forgiven at the sole discretion of the then County Commission if the property is donated to a qualified non-profit. It is clear that no conditions for forgiving this loan were given, and the County retained the right to later specify whatever conditions it desires.

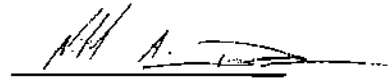
The Application Instructions state "A Loan with a forgiveness provision requiring approval of the Local Government will be treated as a loan, rather than a grant, for scoring purposes. The 'Loan' verification form should be used." Further the Application Instructions state, "All loans and fee deferrals must be present valued to determine the value of these contributions." That NPV calculation would have indicated a Local Government Value of \$173,421 (\$200,000 paid in 32 years at the discount rate).

The proposed Development is in Palm Beach County and the minimum Local Government requirement for the full 5 points is \$200,000. As the actual NPV of the Loan is \$173,421, the maximum of 5 points should not be awarded for this Local Government Contribution.

| Page 3

Based upon the foregoing, the Applicant has failed to demonstrate a Local Government Contribution and the Application should be awarded points on a pro-rata basis.

Attached to this petition is an executed Notice of Possible Scoring Error Request for Review form.



Nick A. Inamdar
Vice President

Part III.2.(b)

EXHIBIT "C"

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

The information contained in this title search is being furnished by Attorneys' Title Insurance Fund, Inc. If this report is to be used by a title insurance agent for evaluation and determination of insurability by the agent prior to the issuance of title insurance, then the agent shall have liability for such work.

Provided For: Greenspoon Marder, PA

Agent's File Reference: Riviera Beach Housing Auth

After an examination of this search the Agent must:

- A. Evaluate all instruments, plats and documents contained in the report.*
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of the surveys, prior title evidence or other relevant information from the transaction.*
- C. Verify the status of corporations and limited partnerships and other business entities with the appropriate governmental agency or other authority.*
- D. Determine whether the property has legal access.*
- E. Determine if any unpaid municipal taxes or assessments exist, which are not recorded in the Official Records Books of the county.*
- F. Determine whether any portion of the property is submerged or artificially filled, if the property borders a body of water, and if riparian or littoral rights exist.*
- G. The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**

Prepared this 15th day of May, 2008.

Attorneys' Title Insurance Fund, Inc.

Prepared by: William C. Snyder
Phone Number: 1-800-515-0155

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

Effective Date of Fund approved base title information: December 19, 1975

Effective Date of Search: April 30, 2008 at 11:00 PM

Apparent Title Vested in:

Riviera Beach Housing Authority, a public body corporate and politic created pursuant to the laws of the State of Florida

Description of real property to be insured/foreclosed situated in Palm Beach County, Florida.

See Exhibit A attached.

Muniments of Title, including bankruptcy, foreclosure, quiet title, probate, guardianship and incompetency proceedings, if any, recorded in the Official Records Books of the county:

1. Warranty Deed from Wiggs and Maale Construction Co., Inc., a Florida corporation as successor in merger with Floyd J. Voight, Inc. to Voight Investment Company, Trustee, recorded December 19, 1975, in O.R. Book 2489, Page 1650, Public Records of Palm Beach County, Florida.
2. Quit Claim Deed from Greta Cromwell, Inc., a Florida corporation to Riviera Beach Housing Authority, recorded June 10, 1999, in O.R. Book 11164, Page 353, Public Records of Palm Beach County, Florida.
3. Quit Claim Deed from Timothy Funk to Riviera Beach Housing Authority, recorded May 26, 2005, in O.R. Book 18643, Page 1860, Public Records of Palm Beach County, Florida.
4. Quit Claim Deed from John P. Little, III to Riviera Beach Housing Authority, recorded May 26, 2005, in O.R. Book 18643, Page 1968, Public Records of Palm Beach County, Florida.
5. Quit Claim Deed from Stephanie R. Williams to Riviera Beach Housing Authority, recorded June 7, 2005, in O.R. Book 18705, Page 114, Public Records of Palm Beach County, Florida.
6. Quit Claim Deed from Voight Investment Company, a dissolved Florida corporation to Riviera Beach Housing Authority, recorded June 27, 2005, in O.R. Book 18814, Page 327, Public Records of Palm Beach County, Florida.
7. Special Warranty Deed from Riviera Beach Housing Corporation, Inc., a Florida not-for-profit corporation to Riviera Beach Housing Authority, recorded June 29, 2006, in O.R. Book 20543, Page 1551, Public Records of Palm Beach County, Florida.
8. Declaration of Trust recorded in O.R. Book 20543, Page 1554, Public Records of Palm Beach County, Florida.

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

Mortgages, Assignments and Modifications:

None

Other Property Liens:

1. Taxes for the year 2008, which are not yet due and payable.

Restrictions/Easements:

1. Subject to rights of tenants under unrecorded leases, if any.
2. Subject to the Ordinance No. 2802 of the City of Riviera Beach, Florida vacating and abandoning the Right-of-Way known as West 17th Court as recorded in O.R. Book 18430, Page 789, Public Records of Palm Beach County, Florida.
3. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of Plat of Westside Estates, as recorded in Plat Book 31, Page(s) 81, Public Records of Palm Beach County, Florida.
4. Permit-Buried Lines to Southern Bell Telephone and Telegraph Company recorded in O.R. Book 2447, Page 1943, Public Records of Palm Beach County, Florida.
5. Right of Way Easement Agreement recorded in O.R. Book 2734, Page 1058, Public Records of Palm Beach County, Florida.
6. Grant of Utility Easement recorded in O.R. Book 4809, Page 212, Public Records of Palm Beach County, Florida.
7. Easement to Florida Power and Light Company recorded in O.R. Book 2500, Page 115, Public Records of Palm Beach County, Florida.
8. Ordinance No. 1101 recorded in O.R. Book 2642, Page 1945, Public Records of Palm Beach County, Florida.
9. Grant of Landscape and Utility Easement recorded in O.R. Book 5425, Page 485, Public Records of Palm Beach County, Florida.
10. Easement to Florida Power and Light Company recorded in O.R. Book 5458, Page 1122, Public Records of Palm Beach County, Florida.
11. Covenants, conditions and restrictions recorded April 30, 1997, in O.R. Book 9768, Page 1618, as affected by Release of Restrictions recorded in O.R. Book 21551, Page 938, Public Records of Palm Beach County, Florida.

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

- 12. Covenants, conditions and restrictions recorded December 18, 2001, in O.R. Book 13210, Page 1839, Public Records of Palm Beach County, Florida.
- 13. Covenants, conditions and restrictions recorded March 24, 2003, in O.R. Book 14962, Page 879, Public Records of Palm Beach County, Florida.
- 14. Lcase Agreement recorded in O.R. Book 2584, Page 29, Public Records of Palm Beach County, Florida. Appears to be terminated by its terms.
- 15. Deed to the City of Riviera Beach recorded in O.R. Book 2396, Page 16, Public Records of Palm Beach County, Florida.
- 16. Resolution of the Riviera Beach Housing Authority recorded in O.R. Book 20543, Page 1533, Public Records of Palm Beach County, Florida.
- 17. Subject to the Right-of-Way of Congress Avenue as now laid out and in use.
- 18. Riparian and littoral rights are not insured.

Other Encumbrances:

None

REAL PROPERTY TAX INFORMATION ATTACHED

Proposed Purchaser/Mortgagor:

N/A

The name of the proposed purchaser/mortgagor was searched for the past twenty years for unsatisfied judgments and tax liens (state, federal and other liens for the recovery of money) and personal names were checked for unrestored incompetency and for guardianship proceedings. The following matters appeared of record and copies are attached for evaluation by the agent:

N/A

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

STANDARD EXCEPTIONS

Unless satisfactory evidence is presented to the agent eliminating the need for standard exceptions, the following should be made a part of any commitment or policy.

1. *Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.*
2. *Rights or claims of parties in possession not shown by the public records.*
3. *Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
4. *Easements or claims of easements not shown by the public records.*
5. *Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
7. *Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:*
 - (a) *Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) *Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)*
8. *Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.*

This report does not cover matters filed in the Federal District Courts of Florida EXCEPT FOR BANKRUPTCY PROCEEDINGS filed prior to October 7, 1984, when the property lies in either DADE, DUVAL, HILLSBOROUGH, LEON OR ORANGE COUNTY.

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

In foreclosure proceedings, title should be examined between the effective date of this report and the recording of the lis pendens to assure that all necessary and proper parties are joined. Consideration should be given to joining as defendants any persons in possession, other than the record owner, and any parties, other than those named herein, known to the plaintiff or the plaintiff's attorney and having or claiming an interest in the property.

Prior to issuance of any policy of title insurance underwritten by the Company, the agent must obtain and evaluate a title search for the period between the effective date of this Title Search Report and the recording date(s) of the instrument(s) on which the policy is based.

If this product is not used for the purpose of issuing a Fund policy, then the maximum liability for incorrect information is \$1,000.

Note: The Fund Agent is responsible for obtaining underwriting approval on any commitment prepared from this product in the amount of \$3,000,000.00 or more.

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

EXHIBIT A

A parcel of land in the Northeast one quarter of Section 31, Township 42 South, Range 43 East, City of Riviera Beach, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the North one quarter corner of said Section 31, thence run South 2 degrees 32' 43" West, along the North-South one quarter Section line and along the Easterly right of way line of the Central and Southern Florida Flood Control District Canal No. C-17, a distance of 611.98 feet; thence, run South 87 degrees 57' 28" East, parallel with the North line of said Section 31, a distance of 1216.32 feet to the Easterly right of way line of Congress Avenue extension; thence run North 2 degrees 42' 26" East, along the said Easterly right of way line of Congress Avenue extension, a distance of 612.00 feet to the North line of said Section 31; thence, run North 87 degrees 57' 28" West, along the North section line of said Section 31, a distance of 1218.05 feet to the Point of Beginning.

Also known as:

All of the Plat Westside Estates, according to the map or plat thereof as recorded in Plat Book 31, Page(s) 81. Public Records of Palm Beach County, Florida

Part III.2.(b)

EXHIBIT "D"

BEST COPY

PREPARED BY:

Mr. J. D. Hardy
Florida Power & Light Company
Drawer "D"
West Palm Beach, Florida 33402

EASEMENT

DATE November 24, 1975

SEC 31 TWP 42S R0E43E

7352

JAN 22 PM 12:28

In consideration of the payment to me/us by Florida Power & Light Company of \$1.00 and other good and valuable consideration which I/we have received, I/we and those holding through me/us, grant and give to Florida Power & Light Company and its successors and assigns an easement for the construction, operation and maintenance of electric utility facilities (including wires, poles, guys, cables, conduits, transformer enclosures and appurtenant equipment) to be installed from time to time with the right to reconstruct, improve, add to, change the size of or remove such facilities or any of them; to permit the attachment of conduits, wires or cables of any other Company or person; also, to cut, trim and keep clear all trees, brush and undergrowth or other obstructions that might endanger or interfere with said facilities, on, over, upon, under, and across my/our property described as follows:

An easement more particularly described as a 12 foot wide strip, centerline of said easement represented by wide broken lines; and a 10' foot wide strip, centerline of said easement represented by thin broken lines drawn on Florida Power & Light Company Exhibit "A" attached hereto and made a part thereof. A parcel of land in the Northeast one quarter of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, shown hereon as Westside Estates, being more particularly described as follows: Beginning at the North one quarter corner of said Section 31, thence run South 2° 32' 45" West, along the North-South one quarter section line and along the Easterly right of way line of the Central and Southern Florida Flood Control District Canal No. C-17, a distance of 611.98 feet; thence, run South 87° 57' 28" East, parallel with the North line of said section 31, a distance of 1716.32 feet to the Easterly right of way line of Congress Avenue Extension; thence, run North 2° 42' 36" East, along the said Easterly right of way line of Congress Avenue Extension, a distance of 612.00 feet to the North line of said Section 31; thence, run North 87° 57' 28" West, along the North Section line of said Section 31, a distance of 1218.05 feet to the Point of Beginning.

In the presence of:

Josephine M. Stivina

(Corporate Seal)

RIVIERA BEACH HOUSING CORPORATION, INC.

BY *Patrick M. Gordon*

ATTEST



STATE OF FLORIDA AND COUNTY OF Palm Beach

I HEREBY CERTIFY that before me, personally appeared PATRICK M. GORDON

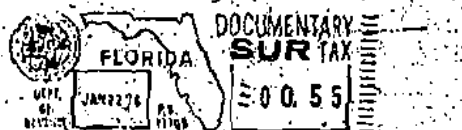
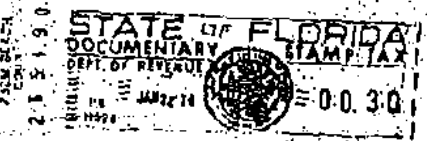
~~XXXXXX~~ President ~~XXXX~~ ~~XXXXXXXXXX~~ Riviera Beach Housing Corporation, Inc.

a Corporation organized under the Laws of the State of Florida, to me known to be the persons described in and who executed the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed as such Officers, for the purposes and to the ends therein mentioned; and that they affixed thereto the official seal of said corporation and that said instrument is a true and correct copy of said Corporation.

My Commission expires this 24th day of November 1975

My Comm. ~~4/18~~ 1976 *Josephine M. Stivina*
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

RWO/~~XXXXXX~~ 768 ER 7450 STRUCT. NO. FORM 1122C REV. 7/73



BEST COPY

_____ DENOTES 6.0' OR 12' EASEMENT
 _____ DENOTES 6.0' OR 10' EASEMENT

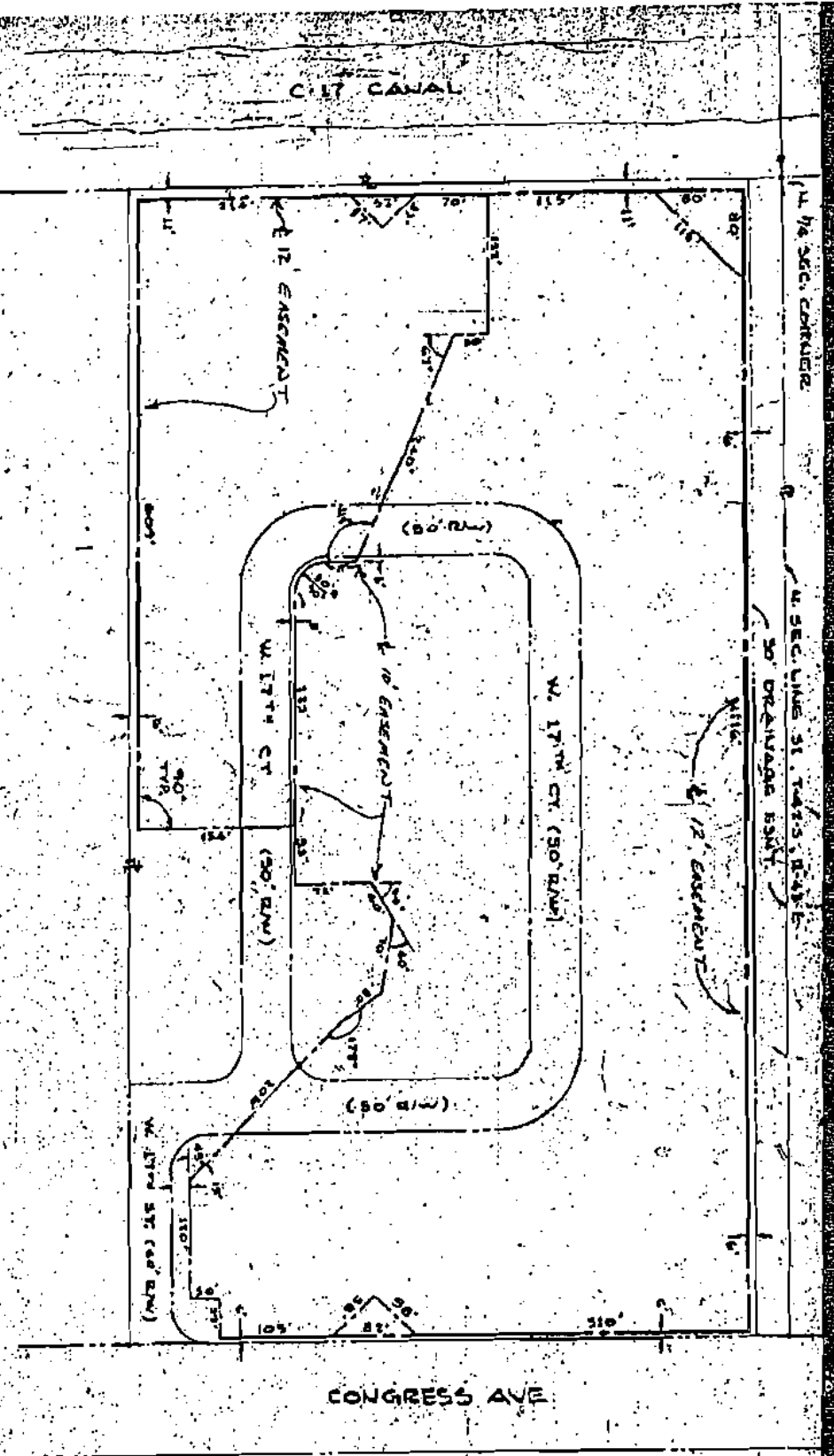


EXHIBIT 'A'
 FOR FILLING IN EASEMENTS
 FOR WESTSIDE ESTATES
 CONGRESS AVE 1900 S/O
 BLUE HORIZON BLVD

Surveyed by G. P. Hall &
 Associates
 P.O. Box 1000
 Jack & Annie
 West Plains, MO

2008 CURE SUMMARY FORM

This Cure Summary Form is submitted with regard to **Application No. 2008- 112C** and pertains to the Application parts, sections, subsections, and exhibits listed below (please list the parts, sections, subsections, and exhibits in the order they appear on the most recent Scoring Summary Report):

Part (I, II, III, IV, or V)	Section (A, B, C, D, etc.)	Subsection (1.1.1, etc. or 1.a., 2.a., etc.)	Exhibit (1, 2, 3, etc.)	Submitted in Response to:				Created by:	
				Reason Score Not Maxed (Provide Item No. from Application Scoring Summary)	Reason Failed Threshold (Provide Item No. from Application Scoring Summary)	Proximity Scoring (Provide Item No. from Application Scoring Summary)	Additional Comment (Provide Item No. from Application Scoring Summary)	Mark this Column if Item No. indicated in "Submitted in Response to" column(s) resulted from Preliminary Scoring	Mark this Column if Item No. indicated in "Submitted in Response to" column(s) resulted from NOPSE Scoring and state NOPSE Tracking No., if known.
<u>III</u>	<u>C</u>	<u>5</u>	<u>33</u>	S	1 T	P	C	X	
<u>III</u>	<u>C</u>	<u>5</u>	<u>34</u>	S	1 T	P	C	X	
<u>III</u>	<u>A</u>	<u>2.b.</u>	<u>20</u>	S	2 T	P	C		X 035,115
<u>III</u>	<u>B</u>	<u>2</u>		S	3 T	P	C		X 035,115
				S	4 T	P	C		X
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		
				S	T	P	C		

TRACKING NO:
 385

2008 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to Application No. 2008- 112 C
and pertains to:

Part III Section A Subsection 2.6 Exhibit No. 20 (if applicable)

The attached information is submitted in response to the 2008 Universal Scoring
Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2008 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Failed Threshold	Item No. <u>2</u> T	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____ P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____ C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).

Brief Statement of Explanation regarding Cure for
Application No. 2008 – 112C

Provide a separate brief statement for each Cure

In Scoring Item 2T, FHFC has determined that the development is a “scattered site”, and that Applicant failed to correctly answer the question at Part III.A.2.b. and failed to provide the requested information for each site in Exhibit 20.

Attached is a revised excerpt to the application indicating the correct answer (“Yes”) to Part III.A.2.b. Also enclosed is Exhibit 20 containing the information required for “scattered sites”.

b. Provide the Service Provider's or principal of Service Provider's Prior Experience Chart behind a tab labeled "Exhibit 18".

8. Guarantor(s) Information (MMRB Applicants only):

Provide the Guarantor Information Chart behind a tab labeled "Exhibit 19".

Part III. Proposed Development

A. General Development Information

1. Name of Development:

Emerald Palms

2. Location of Development Site:

a. Address of Development Site:

Street: see addendum

City: Riviera Beach

State: FL

Zip Code: 33404

b. Will the Development consist of Scattered Sites?

Yes No

If "Yes", for each of the sites, provide the Address, total number of units, and a latitude and longitude coordinate behind a tab labeled "Exhibit 20".

c. Does the location of the proposed Development qualify as an Urban In-Fill Development, as defined in Rule Chapters 67-21 and 67-48, F.A.C.?

Yes No

If "Yes", to qualify as an Urban In-Fill Development for purposes of this Application, provide a property completed and executed Local Government Verification of Qualification as Urban In-Fill Development form behind a tab labeled "Exhibit 21".

d. Is the proposed Development being revitalized utilizing HOPE VI funding?

Yes No

If "Yes", to qualify as a Hope VI Development for purposes of this Application, provide the required documentation behind a tab labeled "Exhibit 21".

e. County:

Palm Beach - Large (E)

All Applicants must answer "Yes" or "No" to question (1) below. All HOME Applicants must also answer question (2) below.

(1) Is proposed Development located in the Florida Keys Area?
 Yes No

(2) HOME Applications Only -

Will the proposed HOME Development be located in either Alachua County or Leon County?

Yes No

If "Yes", complete either (a) or (b) below, as applicable:

(a) Alachua County Developments - Is the Development located within Alachua County, but outside the boundaries of incorporated Gainesville?

Yes No

If "Yes", provide the required letter from Alachua County behind a tab labeled "Exhibit 22".

(b) Leon County Developments - Is the Development located within Leon County but outside the boundaries of incorporated Tallahassee?

Yes No

Exhibit 20
Scattered Site Address of the Development Site
Emerald Palms

Tract 1: West of W. 17th Street, west of the intersection of W. 17th Street and Congress Avenue, Riviera Beach, Florida 33404

80 units

Latitude N26°46'41.8"

Longitude W80°05'25.0"

(tie breaker measurement point)

Tract 2: On West 17th Street, west of the intersection of W. 17th Street and Congress Avenue, Riviera Beach, Florida 33404

0 units

Latitude N26°46'41.1"

Longitude W80°05'20.5"

Tract 3: On Congress Avenue, north of the intersection of W. 17th Street and Congress Avenue, Riviera Beach, Florida 33404

60 units

Latitude N26°46'43.4"

Longitude W80°05'27.0"

Date: December 23, 2009

RE: Survey No.: 215882

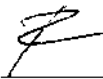
AFFIDAVIT

State of Florida) Before me, the undersigned officer duly
) authorized under the laws of the State of
County of Miami-Dade) Florida to administer oaths and take
) acknowledgements, personally appeared
) Francisco F. Fajardo,
) to me well known to be the person making
) this Affidavit, who after being duly sworn
) under oath,

deposes and says:

1. That Affiant is a Registered Land Surveyor and Mapper in the State of Florida Certificate No.: 4767, and maintains an active practice in Miami-Dade County.
2. I have reviewed the property described as: Westside Estates as Recorded in Plat Book 31, Page 81 of the Public Records of Palm Beach County, Florida, which I am told was submitted to Florida Housing within Application #2008-112C.
3. I have reviewed the Title Search Report prepared by Attorneys' Title Insurance Fund dated May 15, 2008 as well as the FPL Easement and Sketch Submitted to Florida Housing Finance Corporation as a part of a Notice of Possible Scoring Error in 2008 (Exhibit A).
4. I have reviewed updated Title Work prepared by Attorneys' Title Fund Services, LLC dated 12-18-2009 (Exhibit B).
5. Based on the Title Search Reports presented, there was no evidence of vacation or abandonment of the FPL Easement in the Public Records; therefore, the FPL Easement appears to have been in place continuously from November 24, 1975 through the present day.
6. It is not customary for Surveyors to consider Utility Easements to create a division of property, but I have been requested to count the number of individual "tracts" that would have been created if there were divisions created by Utility Easements and Roads according to the FPL Sketch and Legal Description.
 - A) If the FPL Easement and Road were both considered to divide the Site, the Site would consist of 13 distinct Tracts (Exhibit C).
 - B) If the FPL Easement alone were considered to divide the Site, the Site would consist of 7 distinct Tracts (Exhibit D).
 - C) If the Road alone were considered to divide the Site, the Site would consist of 3 distinct Tracts (Exhibit E).

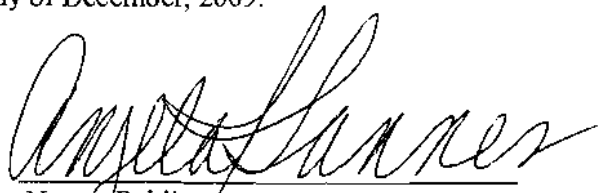
Further Affiant saith not.



Francisco F. Fajardo
Registered Land Surveyor and Mapper No. 4767
State of Florida

Sworn and Subscribed before me this 23th day of December, 2009.

My Commission Expires:



Notary Public
State of Florida at Large

This Instrument prepared by
Francisco F. Fajardo
Lannes and Garcia, Inc.
359 Alcazar Avenue
Coral Gables, Florida 33134

**UNIVERSAL APPLICATION PACKAGE
NOTICE OF POSSIBLE SCORING ERROR (NOPSE)
REQUEST FOR REVIEW FORM**

Notice of Possible Scoring Error(s) regarding Application No. 2008- 112C
(one Application number per notice)

Part/Section/Subsection			Number of Issues For Review
III	C	(2)	1
III	A	2(b)	1
IV	A	1 (a)(3) Exhibit 45 Exhibit 58	1
Total Number of Issues For Review			3

TRACKING NO:
115

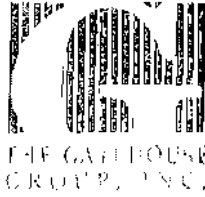
Submitted by Authorized Representative for Application Number 2008- 177C

Signature of Authorized Representative for above-designated Application.

Signature:  Nick A. Inamdar
Print Name: _____

All notices must be submitted in accordance with subsections 67-48.004(4) and 67-21.003(4), F.A.C., and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and action requested by the submitting Applicant, such as reduction of score or threshold failure. Attach additional pages if necessary. All notices should be submitted in typewritten form.

**EXHIBIT
A**
to affidavit



Jack E. ...
...

May 15, 2008

Debra Dozier Blinderman, Deputy Development Officer
Florida Housing Finance Corporation
227 N. Bronough Street Suite 5000
Tallahassee, FL 32301

RE: Notice of Possible Scoring Error
Applicant: Emerald Palms Redevelopment, LLC
Application Number: 2008-112C
Application Name: Emerald Palms

Dear Ms. Blinderman,

Pursuant to Rule 67-48.004(4), Magnolia Landing Apartments, Ltd. (Application Number 2008-177C) submits the following Notice of Possible Scoring Error and provides the following Brief Statement of Explanation regarding the deficiencies contained in the Application submitted by Emerald Palms Redevelopment, LLC, Application Number 2008-112C:

PART III – PROPOSED DEVELOPMENT
Section C – Ability to Proceed

(2) Evidence of Site Control

Exhibit 9, submitted by the Applicant, states that Emerald Palm Revitalization, Inc. is the co-managing member of the Applicant, Emerald Palms Redevelopment, LLC. Exhibit 9 states that Emerald Palm Revitalization, Inc. has "No Directors or Shareholders" (See attached Exhibit "A").

The Ground Lease, provided by the Applicant as Evidence of Site Control in Exhibit 27, was signed by "Philip O. Goombs", as "Executive Director" of Emerald Palm Revitalization, Inc (See attached Exhibit "B"). However, the Applicant represented that Emerald Palm Revitalization, Inc. has no directors, therefore, the Ground Lease is invalid and the Applicant failed to demonstrate Evidence of Site Control. Based upon the following, the Application must be rejected as a result of failing to achieve threshold.

Page 2

PART III: Development
Section A: General Development Information
Subsection 2(b): Scattered Sites

Part III of the Application requires the Applicant to disclose whether or not the Development will consist of "Scattered Sites." Pursuant to Section 67-48.002 (98) F.A.C., scattered sites means "a Development consisting of real property in the same county . . . any part of which is divided by a street or easement ('divided parts')."

Within its Application, the Applicant stated that the Development would not consist of scattered sites. However, a review of a Title Search Report shows that the Development is encumbered by an easement which divides the property. (See attached Exhibit "C"). The subject easement is in favor of Florida Power and Light Company and was recorded in O.R. Book 2500, Page 115, of the Public Records of Palm Beach County, Florida. (See attached Exhibit "D"). The twelve-foot wide easement conclusively demonstrates that the Development site is divided. In light of the foregoing, the Applicant should have disclosed that the Development consisted of Scattered Sites. As a result of its failure to do so, the Application must be rejected as a result of failing to achieve threshold.

PART IV – LOCAL GOVERNMENT SUPPORT
Section A – Contributions – MMRB, SAIL, HC, and HOME Applications

1.(a)(3) Local Government Verification of Contribution – Loan Form Exhibit 45

In Part IV.A. 2 a The Applicant claims a Loan from Palm Beach County and incorrectly values such Loan in the amount of \$200,000. To demonstrate this Loan, Applicant submitted the same Local Government Verification of Contribution – Loan Form behind Exhibit 45 and Exhibit 58 (See attached Exhibit "E") Applicant listed it's Local Government Contribution as a \$200,000 loan at 0% for 32 years, which states that it is "forgivable" at the end of the term, although no conditions were stated. Such conditions could vary widely, including it being only forgiven at the sole discretion of the then County Commission if the property is donated to a qualified non-profit. It is clear that no conditions for forgiving this loan were given, and the County retained the right to later specify whatever conditions it desires


The Application Instructions state "A Loan with a forgiveness provision requiring approval of the Local Government will be treated as a loan, rather than a grant, for scoring purposes. The 'Loan' verification form should be used." Further the Application Instructions state, "All loans and fee deferrals must be present valued to determine the value of these contributions." That NPV calculation would have indicated a Local Government Value of \$173,421 (\$200,000 paid in 32 years at the discount rate).

The proposed Development is in Palm Beach County and the minimum Local Government requirement for the full 5 points is \$200,000. As the actual NPV of the Loan is \$173,421, the maximum of 5 points should not be awarded for this Local Government Contribution

j Page 3

Based upon the foregoing, the Applicant has failed to demonstrate a Local Government Contribution and the Application should be awarded points on a pro-rata basis.

Attached to this petition is an executed Notice of Possible Scoring Error Request for Review form.



Nick A. Inamdar
Vice President

Part III.2.(b)

EXHIBIT "C"

TITLE SEARCH REPORT

Fund File Number. 06-2008-4531

The information contained in this title search is being furnished by Attorneys' Title Insurance Fund, Inc. If this report is to be used by a title insurance agent for evaluation and determination of insurability by the agent prior to the issuance of title insurance, then the agent shall have liability for such work.

Provided For: Greenspoon Marder, PA

Agent's File Reference: Riviera Beach Housing Auth

After an examination of this search the Agent must:

- A. Evaluate all instruments, plats and documents contained in the report.*
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of the surveys, prior title evidence or other relevant information from the transaction.*
- C. Verify the status of corporations and limited partnerships and other business entities with the appropriate governmental agency or other authority.*
- D. Determine whether the property has legal access.*
- E. Determine if any unpaid municipal taxes or assessments exist, which are not recorded in the Official Records Books of the county.*
- F. Determine whether any portion of the property is submerged or artificially filled, if the property borders a body of water, and if riparian or littoral rights exist.*
- G. The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**

Prepared this 15th day of May, 2008.

Attorneys' Title Insurance Fund, Inc.

Prepared by: William C Snyder

Phone Number: 1-800-515-0155

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

Effective Date of Fund approved base title information: December 19, 1975

Effective Date of Search: April 30, 2008 at 11:00 PM

Apparent Title Vested in:

Riviera Beach Housing Authority, a public body corporate and politic created pursuant to the laws of the State of Florida

Description of real property to be insured/foreclosed situated in Palm Beach County, Florida.

See Exhibit A attached

Muniments of Title, including bankruptcy, foreclosure, quiet title, probate, guardianship and incompetency proceedings, if any, recorded in the Official Records Books of the county:

1. Warranty Deed from Wiggs and Maale Construction Co., Inc., a Florida corporation as successor in merger with Floyd J. Voight, Inc. to Voight Investment Company, Trustee, recorded December 19, 1975, in O.R. Book 2489, Page 1650, Public Records of Palm Beach County, Florida
2. Quit Claim Deed from Greta Cromwell, Inc., a Florida corporation to Riviera Beach Housing Authority, recorded June 10, 1999, in O.R. Book 11164, Page 353, Public Records of Palm Beach County, Florida.
3. Quit Claim Deed from Timothy Funk to Riviera Beach Housing Authority, recorded May 26, 2005, in O.R. Book 18643, Page 1860, Public Records of Palm Beach County, Florida
4. Quit Claim Deed from John P. Little, III to Riviera Beach Housing Authority, recorded May 26, 2005, in O.R. Book 18643, Page 1968, Public Records of Palm Beach County, Florida
5. Quit Claim Deed from Stephanie R. Williams to Riviera Beach Housing Authority, recorded June 7, 2005, in O.R. Book 18705, Page 114, Public Records of Palm Beach County, Florida.
6. Quit Claim Deed from Voight Investment Company, a dissolved Florida corporation to Riviera Beach Housing Authority, recorded June 27, 2005, in O.R. Book 18814, Page 327, Public Records of Palm Beach County, Florida.
7. Special Warranty Deed from Riviera Beach Housing Corporation, Inc., a Florida not-for-profit corporation to Riviera Beach Housing Authority, recorded June 29, 2006, in O.R. Book 20543, Page 1551, Public Records of Palm Beach County, Florida.
8. Declaration of Trust recorded in O.R. Book 20543, Page 1554, Public Records of Palm Beach County, Florida

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

Mortgages, Assignments and Modifications:

None

Other Property Liens:

1. Taxes for the year 2008, which are not yet due and payable.

Restrictions/Easements:

1. Subject to rights of tenants under unrecorded leases, if any.
2. Subject to the Ordinance No. 2802 of the City of Riviera Beach, Florida vacating and abandoning the Right-of-Way known as West 17th Court as recorded in O.R. Book 18430, Page 789, Public Records of Palm Beach County, Florida.
3. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of Plat of Westside Estates, as recorded in Plat Book 31, Page(s) 81, Public Records of Palm Beach County, Florida.
4. Permit Buried Lines to Southern Bell Telephone and Telegraph Company recorded in O.R. Book 2447, Page 1943, Public Records of Palm Beach County, Florida.
5. Right of Way Easement Agreement recorded in O.R. Book 2734, Page 1058, Public Records of Palm Beach County, Florida
6. Grant of Utility Easement recorded in O R Book 4809, Page 212, Public Records of Palm Beach County, Florida
7. Easement to Florida Power and Light Company recorded in O R. Book 2500, Page 115, Public Records of Palm Beach County, Florida
8. Ordinance No. 1101 recorded in O R Book 2642, Page 1945, Public Records of Palm Beach County, Florida
9. Grant of Landscape and Utility Easement recorded in O.R. Book 5425, Page 485, Public Records of Palm Beach County, Florida.
10. Easement to Florida Power and Light Company recorded in O.R. Book 5458, Page 1122, Public Records of Palm Beach County, Florida.
11. Covenants, conditions and restrictions recorded April 30, 1997, in O.R. Book 9768, Page 1618, as affected by Release of Restrictions recorded in O R. Book 21551, Page 938, Public Records of Palm Beach County, Florida

TITLE SEARCH REPORT

Fund File Number: 06-2008-4531

- 12. Covenants, conditions and restrictions recorded December 18, 2001, in O.R. Book 13210, Page 1839, Public Records of Palm Beach County, Florida.
- 13. Covenants, conditions and restrictions recorded March 24, 2003, in O.R. Book 14962, Page 879, Public Records of Palm Beach County, Florida
- 14. Lease Agreement recorded in O.R. Book 2584, Page 29, Public Records of Palm Beach County, Florida. Appears to be terminated by its terms.
- 15. Deed to the City of Riviera Beach recorded in O.R. Book 2396, Page 16, Public Records of Palm Beach County, Florida
- 16. Resolution of the Riviera Beach Housing Authority recorded in O.R. Book 20543, Page 1533, Public Records of Palm Beach County, Florida
- 17. Subject to the Right-of-Way of Congress Avenue as now laid out and in use.
- 18. Riparian and littoral rights are not insured.

Other Encumbrances:

None

REAL PROPERTY TAX INFORMATION ATTACHED

Proposed Purchaser/Mortgagor:

N/A

The name of the proposed purchaser/mortgagor was searched for the past twenty years for unsatisfied judgments and tax liens (state, federal and other liens for the recovery of money) and personal names were checked for unvested incompetency and for guardianship proceedings. The following matters appeared of record and copies are attached for evaluation by the agent:

N/A

TITLE SEARCH REPORT

Fund File Number 06-2008-4531

STANDARD EXCEPTIONS

Unless satisfactory evidence is presented to the agent eliminating the need for standard exceptions, the following should be made a part of any commitment or policy.

1. *Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.*
2. *Rights or claims of parties in possession not shown by the public records.*
3. *Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
4. *Easements or claims of easements not shown by the public records.*
5. *Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
7. *Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) *Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) *Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**
8. *Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.*

This report does not cover matters filed in the Federal District Courts of Florida EXCEPT FOR BANKRUPTCY PROCEEDINGS filed prior to October 7, 1984, when the property lies in either DADE, DUVAL, HILLSBOROUGH, LEON OR ORANGE COUNTY.

TITLE SEARCH REPORT

Fund File Number. 06-2008-4531

In foreclosure proceedings, title should be examined between the effective date of this report and the recording of the lis pendens to assure that all necessary and proper parties are joined. Consideration should be given to joining as defendants any persons in possession, other than the record owner, and any parties, other than those named herein, known to the plaintiff or the plaintiff's attorney and having or claiming an interest in the property.

Prior to issuance of any policy of title insurance underwritten by the Company, the agent must obtain and evaluate a title search for the period between the effective date of this Title Search Report and the recording date(s) of the instrument(s) on which the policy is based.

If this product is not used for the purpose of issuing a Fund policy, then the maximum liability for incorrect information is \$1,000.

Note: The Fund Agent is responsible for obtaining underwriting approval on any commitment prepared from this product in the amount of \$3,000,000.00 or more.

TITLE SEARCH REPORT

Fund File Number 06-2008-4531

EXHIBIT A

A parcel of land in the Northeast one quarter of Section 31, Township 42 South, Range 43 East, City of Riviera Beach, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the North one quarter corner of said Section 31, thence run South 2 degrees 32' 43" West, along the North-South one quarter Section line and along the Easterly right of way line of the Central and Southern Florida Flood Control District Canal No. C-17, a distance of 611.98 feet; thence, run South 87 degrees 57' 28" East, parallel with the North line of said Section 31, a distance of 1216.32 feet to the Easterly right of way line of Congress Avenue extension; thence run North 2 degrees 42' 26" East, along the said Easterly right of way line of Congress Avenue extension, a distance of 612.00 feet to the North line of said Section 31, thence, run North 87 degrees 57' 28" West, along the North section line of said Section 31, a distance of 1218.05 feet to the Point of Beginning

Also known as

All of the Plat Westside Estates, according to the map or plat thereof as recorded in Plat Book 31, Page(s) 81 Public Records of Palm Beach County, Florida

Part III 2 (b)

EXHIBIT "D"

BEST COPY

PREPARED BY:

Mr. J. C. Hardy
Florida Power & Light Company
Drawer 700
West Palm Beach, Florida 33402

EASEMENT

DATE November 24, 1975

SEC 31 TWP 42S R0E 43E

7352

JAN 22 PM 12:28

In consideration of the payment to me/us by Florida Power & Light Company of \$1.00 and other good and valuable consideration which I/we have received, I/we and those holding through me/us, grant and give to Florida Power & Light Company and its successors and assigns an easement for the construction, operation and maintenance of electric utility facilities (including wires, poles, guys, cables, conduits, transformer enclosures and appurtenant equipment) to be installed from time to time, with the right to reconstruct, improve, add to, change the size of or remove such facilities or any of them; to permit the attachment of conduits, wires or cables of any other Company or person; also, to cut, trim and keep clear all trees, brush and undergrowth or other obstructions that might endanger or interfere with said facilities, on, over, upon, under, and across my/our property described as follows:

An easement more particularly described as a 12 foot wide strip, centerline of said easement represented by wide broken lines; and a 10 foot wide strip, centerline of said easement represented by thin broken lines drawn on Florida Power & Light Company Exhibit "A" attached hereto and made a part thereof. A parcel of land in the Northeast one quarter of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, shown hereon as Westside Estates, being more particularly described as follows: Beginning at the North one quarter corner of said Section 31, thence run South 2° 32' 43" West, along the North-South one quarter section line and along the Easterly right of way line of the Central and Southern Florida Flood Control District Canal No. C-17, a distance of 611.98 feet; thence, run South 87° 57' 28" East, parallel with the North line of said section 31, a distance of 1216.32 feet to the Easterly right of way line of Congress Avenue Extension; thence, run North 2° 42' 26" East, along the said Easterly right of way line of Congress Avenue Extension, a distance of 612.00 feet to the North line of said Section 31; thence, run North 87° 57' 28" West, along the North Section line of said Section 31, a distance of 1218.05 feet to the Point of Beginning.

In the presence of

Josephine M. Stetson

(Corporate Seal)

RIVIERA BEACH HOUSING CORPORATION, INC.
BY *Larner M. Gordon*

ATTES: _____
SECRETARY

STATE OF FLORIDA AND COUNTY OF Palm Beach
I HEREBY CERTIFY that before me, personally appeared PATRICK M. GORDON
~~XXXXXXXX~~ President ~~XXXXXX~~ Riviera Beach Housing Corporation,
Inc.
a Corporation organized under the Laws of the State of Florida is the known to be the persons described in and who executed the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed as such officers for the purposes herein mentioned; and that they affixed thereto the official seal of said corporation and that said instrument is a true and correct copy of said corporation.

WITNESS my hand and official seal in said County and State this 24th day of November 1975
My Comm. No. 48818 9/18 1976
Josephine M. Stetson
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

INW/S/00000 768 ER 7-450 STRUCT NO _____ FORM 3722C REV 7/71

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
MAY 22 1976
0.0300

FLORIDA
DOCUMENTARY SUR TAX
0.055

BEST COPY

--- DENOTES 4' OR 12' EASEMENT
--- DENOTES 4' OR 10' EASEMENT

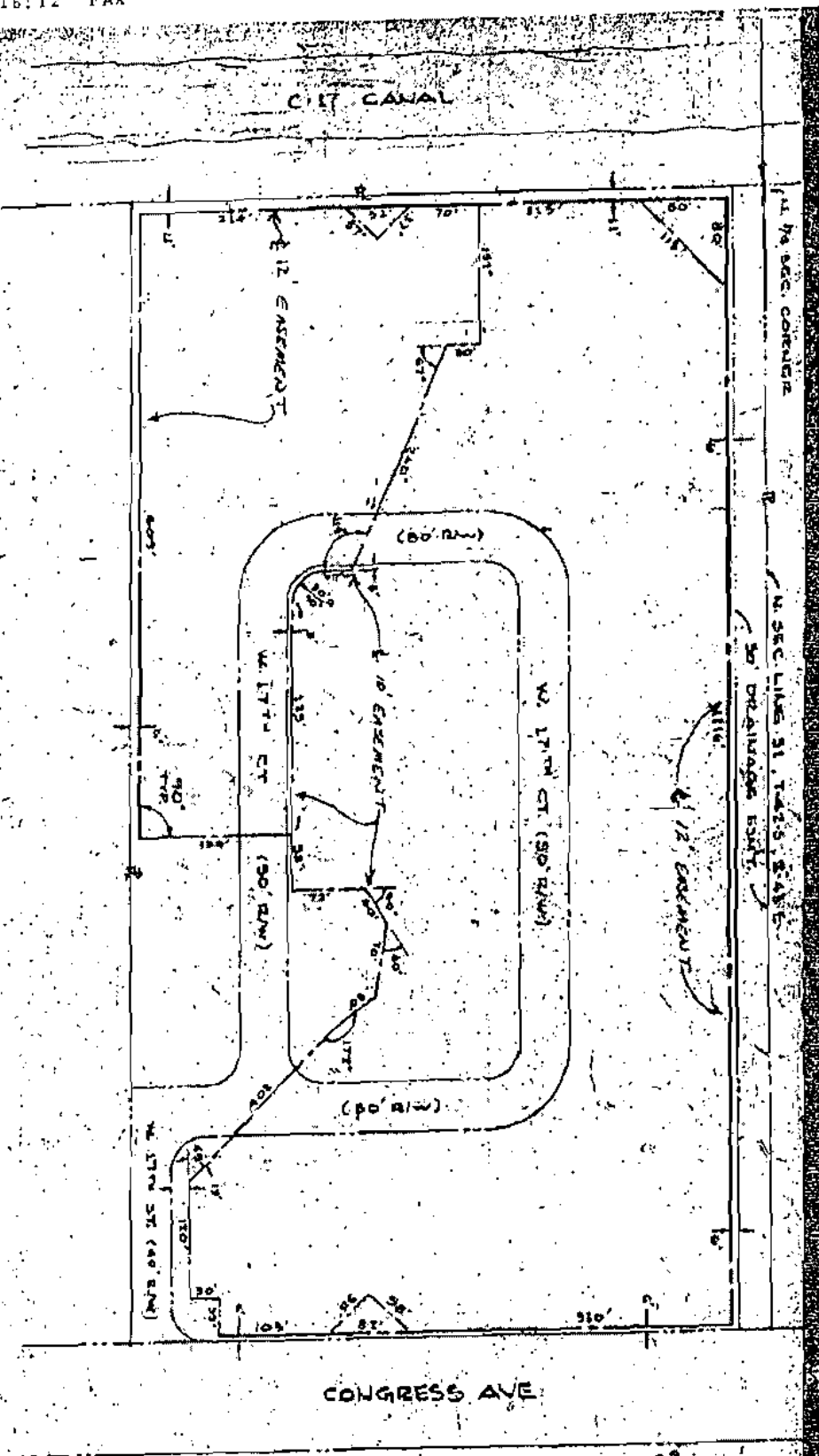


EXHIBIT 'A'
FOR FRILCO EASEMENTS
WESTSIDE ESTATES
CONGRESS AVE. 1000 1/4
BLUE HORIZON BLVD.

Scale 1" = 50' (See B)
Notes: 1. All lines shown
are based on the
data provided.
2. All lines shown
are based on the
data provided.

WPRL JX01 DSG **** ATTORNEYS' TITLE FUND SERVICES, LLC. **** 12/17/2009 13:14
FOR COUNTY OF PALM BEACH

SP- PB BK- 31 PG- 81 FILE/ORDER REF: 06-2009-008539
SEARCH FROM- 01011900 THRU- 12042009 ID-
--L1-- --L2-- --L3-- --L1-- --L2-- --L3-- --L1-- --L2-- --L3--

->
->
->
->

*ALL
PLAT NAME:
WESTSIDE ESTATES

DATE OF PLAT- 04/16/1975 AUTHORIZED LEVELS- T / /

FUND BRANCH CERTIFIED THROUGH 12/04/2009 AT 11:00 PM
SEARCH FROM DATE EARLIER THAN DATE OF PLAT. ****WARNING***

65 INSTRUMENTS FOUND FOR SEARCH ARGUMENTS.
ENTER SEARCH ARGUMENTS
WPRL

```

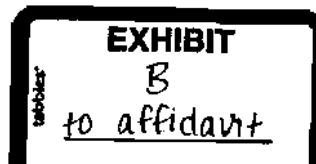
////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////
////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////
//
// WARNING
//
// THIS SEARCH IS INCOMPLETE BETWEEN 01/01/1900
// AND 04/16/1975 . IT IS THE USERS RESPONSIBILITY
// TO DETERMINE THE CORRECT LEGALS
// (SEARCH ARGUMENTS) FOR EACH TIME SPAN AND TO
// INITIATE ADDITIONAL SEARCHES ON THOSE LEGALS.
//
//
////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////
////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

```

WPRL **** ATTORNEYS' TITLE FUND SERVICES, LLC. **** PAGE 0001 OF 0065
DOF: 07062009 PR: OR 23317 707 SR: CN 2009 0224141 DOI: 01011900
TO1: PFB DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:



LEGAL: 2003 W 17TH CT, RIVIERA BEACH FL

COMMENTS: POST PER TAX ROLL

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0002 OF 0065
DOF: 06042009 PR: OR 23267 1286 SR: CN 2009 0188708 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 17TH C RIVIERA BEACH FL 33404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: ALL PL(PB 31/81) LYG W OF CONGRESS AVE (LESS W 17TH ST R/W) & 50'
ABND W 17TH CT LYG WITHIN TAX FOLIO 56-43-42-31-01-000-0010

COMMENTS: C-\$\$\$ A W MATERIALS INC\$#6640 SR 52W#HUDSON FL 34667#L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0003 OF 0065
DOF: 03232007 PR: OR 21551 936 SR: CN 2007 0144384 DOI: 02132007
TOI: R DESC: REL MIN: - -
1ST PARTY: PALM BEACH CTY FL

2ND PARTY: RIVIERA BEACH HOUSING AUTHORITY

AMOUNT: NAME: TYPE:
REFERENCE: OR 9768/1618
LEGAL: POR TR V & W PLAT WESTSIDE EST PB 31/81 DESC: COM NW COR SAID TR V,
N87*W ALG N LINE SAID TR V 63.85', S2*W 26.74' TO POB, CONT S2*W 83.68', N87*W 4
2.37'8 N2*E 84.03'8 S87*E 41.68' TO POB CONT 3524 SQ FT 0.08 AC M/L

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0004 OF 0065
DOF: 06292006 PR: OR 20543 1556 SR: CN 2006 0385346 DOI: 05252006
TOI: SM DESC: MIN: - -
1ST PARTY: BK AMER N A

2ND PARTY: RIVIERA BCH HOUSING CORP INC

AMOUNT: NAME: TYPE:
REFERENCE: OR 11195/645
LEGAL: PCR TR V & TR W PB 31/81 COM AT SE COR SAID TR V, N87*W ALG S LINE S
AID TR V 151' TO POB, CONT N87*W ALG SAID S LINE & S LINE SAID TR W 78', N2*E 12
7' TO N LINE SIAD TR W, S87*E ALG N LINE SAID TR W & TR V 100.94', S2*W (INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0005 OF 0065
DOF: 06292006 PR: OR 20543 1554 SR: CN 2006 0385346 DOI: 01011900
TOI: TAG DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY HOUSING & URBAN DEV

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: PCL LAND IN NE/4 SEC 31-42S-43E DESC BEG AT N/4 COR SAID SEC 31, S2*
W ALG N-S/4 SEC LINE & ALG ELY R/W LINE CENTRAL & SOUTHERN FLOOD CONTROL DISTRICT
CANAL NO C-17 611.96', S87*E PARL WITH N LINE SAID SEC 31 1216.32' TO ELY(INC)

COMMENTS: GI ALSO

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0006 OF 0065
DOF: 06292006 PR: OR 20543 1551 SR: CN 2006 0385344 DOI: 03232006
TOI: SWD DESC: MIN: - -

1ST PARTY: RIVIERA BCH HOUSING CORP

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 334
04-5002

AMOUNT: .70 NAME: SAXON GILMORE TYPE:
REFERENCE: TN 43-42-31-01-000-0010
LEGAL: PCL LAND IN NE/4 SEC 31-42S-43E DESC BEG AT N/4 COR SAID SEC 31, S2*
W ALG N-S/4 SEC LINE & ALG ELY R/W LINE CENTRAL & SOUTHERN FLOOD CONTROL DISTRICT
CANAL NO C-17 611.98', S87*E PARL WITH N LINE SAID SEC 31 1216.32' TO ELY(INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0007 OF 0065
DOF: 06292006 PR: OR 20543 1533 SR: CN 2006 0385343 DOI: 03232006
TOI: RSN DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE: RN 173-68 RN 195-68
LEGAL: PCL LAND IN NE/4 SEC 31-42S-43E DESC BEG AT N/4 COR SAID SEC 31, S2*
W ALG N-S/4 SEC LINE & ALG ELY R/W LINE CENTRAL & SOUTHERN FLOOD CONTROL DISTRICT
CANAL NO C-17 611.98', S87*E PARL WITH N LINE SAID SEC 31 1216.32' TO ELY(INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0008 OF 0065
DOF: 05302006 PR: OR 20400 275 SR: CN 2006 0317271 DOI: 01011900
TOI: 0 DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY ANTHONY F DRAYTON MELVIN D FOWLER
GREAT VONUNRUH-CROSS GLORIA OLIVER STEPHANIE R WILLIAMS VOIGHT INV CO

AMOUNT: NAME: TYPE:
REFERENCE: CO 2005-4520
LEGAL: NONE

COMMENTS: LP OR 18586/664

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0009 OF 0065
DOF: 06272005 PR: OR 18814 327 SR: CN 2005 0396923 DOI: 06132005
TOI: QCD DESC: MIN: - -
1ST PARTY: VOIGHT INV CO

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 17TH CT RIVIERA BEACH FL 33404

AMOUNT: .70 NAME: ROSEN, MICHAEL H ATTY TYPE:
REFERENCE:
LEGAL: PCL IN NE/4 SEC 31-42S-43E DESC BEG N/4 COR SEC 31, S2*W ALG N S/4 S
EC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DIST CANAL NO C-17 611.98',
S87*E PARL WITH N LINE SEC 31 1216.32' TO ELY R/W LINE CONGRESS AVE EXT(INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0010 OF 0065
DOF: 05172005 PR: OR 18766 1538 SR: CN 2005 0376352 DOI: 05172005
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR A THRU X(PB 31/81)

COMMENTS: C-\$\$FL STATE FIRE & SECURITY\$-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0011 OF 0065
DOF: 06072005 PR: OR 18705 114 SR: CN 2005 0349491 DOI: 05232005
TOI: QCD DESC: MIN: - -
1ST PARTY: STEPHANIE R WILLIAMS

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 17TH CT RIVIERA BEACH FL 33404

AMOUNT: .70 NAME: SAXON GILMORE TYPE:
REFERENCE:
LEGAL: PCL IN NE/4 SEC 31-42S-43E DESC BEG N/4 COR SAID SEC 31, S 2*W ALG N
S/4 SEC LINE ALG ELY P/W LINE CNTL & S FL FLOOD CONTROL DIST CANAL NO C-17 611.9
8', S 87*E PARL WITH N LINE SAID SEC 31 1215.32' TO ELY (INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0012 OF 0065
DOF: 05262005 PR: OR 18643 1968 SR: CN 2005 0323427 DOI: 05102005
TOI: QCD DESC: MIN: - -
1ST PARTY: JOHN P LITTLE III

2ND PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 17TH CT RIVIERA BEACH FL 334
04

AMOUNT: .70 NAME: SAXON GILMORE TYPE:
REFERENCE:
LEGAL: ALL PB 31/81) A/K/A PCL IN NE/4 SEC 31-42S-43E MORE DESC: BEG AT N
1/4 COR SAID SEC, S2*W ALG N S 1/4 SEC LINE & ALG ELY P/W LINE CENTRAL & SOUTHER
N FL FLOOD CONTROL DISTRICT CANAL NO C17 611.98', S87*E PARL WITH N LINE (INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0013 OF 0065
DOF: 05262005 PR: OP 18643 1860 SR: CN 2005 0323404 DOI: 05042005
TOI: QCD DESC: MIN: - -
1ST PARTY: TIMOTHY FUNK SNGL

2ND PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 17TH CT RIVIERA BEACH FL 334
04

AMOUNT: .70 NAME: SAXON GILMORE TYPE:
REFERENCE:
LEGAL: ALL PB 31/81 A/K/A PCL IN NE/4 SEC 31-42S-43E MORE DESC: BEG AT N 1
/4 COR SAID SEC 31, S2*W AGL N S 1/4 SEC LINE & ALG ELY R/W LINE CENTRAL & SOUTH
ERN FL FLOOD CONTROL DISTRICT CANAL NO C17 611.98', S87*E PARL WITH N LINE (INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0014 OF 0065
DOF: 05162005 PR: OR 18586 664 SR: CN 2005 0297815 DOI: 02171999
TOI: LP DESC: MIN: -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY ANTHONY F DRAYTON MELVIN D FOWLER
GREAT WOUNURUH-CROSS GLORIA OLIVER STEPHANIE R WILLIAMS VOIGHT INV CO

AMOUNT: NAME: TYPE:
REFERENCE: 2005-4520
LEGAL: TR A-X PB 31/81 TOG WITH ALL R/W OF W 17TH CT

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0015 OF 0065
DOF: 05022005 PR: OR 18499 1749 SR: CN 2005 0257586 DOI: 03312005
TOI: WD DESC: CORR MIN: -
1ST PARTY: BRUCE COON PATRICIA A COON H/W

2ND PARTY: TIMOTHY FUNK SNGL 9253 SW 5TH ST BOCA RATON FL 33428

AMOUNT: NAME: FARGO TITLE SERVICES TYPE:
REFERENCE: TN 00-42-47-30-15-022-1690
LEGAL: UNIT 169 CLUSTER 22 PB 33/81

COMMENTS: CORR OR 8699/405 TO CORR LEGAL

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0016 OF 0065
DOF: 04162005 PR: OR 18430 789 SR: CN 2005 0224859 DOI: 01011900
TOI: ORD DESC: MIN: -
1ST PARTY: CITY RIVIERA BEACH FL

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE: 2802
LEGAL: VACATING & ABANDONING R/W K/A 17TH CT PB 31/81 BEG WITH INTERSEC WIT
H N R/W LINE W 17TH ST

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0017 OF 0065
DOF: 03182005 PR: OR 18281 197 SR: CN 2005 0156779 DOI: 01011900
TOI: NC DESC: MIN: -
1ST PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR A-X(PB 31/81)

COMMENTS: C-\$\$WEST PALM BCH HOUSING AUTHORITY\$#1715 DIVISION AVE#W P B FL 3340
7#L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0018 OF 0065
DOF: 12152004 PR: OR 17892 62 SR: CN 2004 0708005 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 334
04

2ND PARTY:

AMOUNT:	NAME:	TYPE:
REFERENCE:		
LEGAL:	56434231010000010 W SIDE ESTATES	

COMMENTS: C-\$\$\$ALL SITE CONST INC\$#101 E BLUE HERON BLVD STE 203#RIVIERA BEACH
FL 33404#L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0019 OF 0065
DOF: 07252003 PR: OR 15584 974 SR: CN 2003 0437852 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH COURT RIVIERA BEACH FL
33404

2ND PARTY:

AMOUNT:	NAME:	TYPE:
REFERENCE:		
LEGAL:	NE/4 SEC 31-42-43 POR WESTSIDE ESTATES PB 31	

COMMENTS: C-\$\$LUTZ BLDR INC\$#607 S MAIN ST STE 107#BELLE GLADE FL 33430#L-\$\$NO
NE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0020 OF 0065
DOF: 03242003 PR: OR 14952 879 SR: CN 2003 0163681 DOI: 01011900
TOI: R DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:

LEGAL: PCL LAND IN NE/4 SEC 31-42-43 DESC BEG AT N/4 SAID SEC 31, S2*W ALG N/S 1/4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DIST CANAL NO C17 DIST 611.96', S87*E PARL WITH N LINE SAID SEC 31 1216.32' TO ELY R/W LINE CONGRE SS AVE EXTENSION, N2*E ALG SAID ELY R/W LINE CONGRESS AVE EXT 612' TO N LINE SAID SEC 31, N87*W ALG N SEC LINE SAID SEC 31 1218.05' TO POB PCL NO 56-43-42-31-0 1-000-0010

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0021 OF 0065
DOP: 10182002 PR: OR 14285 317 SR: CN 2002 0550336 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVERA BEACH HOUSING AUTH 2003 W 17 CT RIVIERA BEACH FL 33404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR K(PB 31/81)

COMMENTS: C-\$\$BLDG & INTERIORS BY DAVIS CONSTS#7753 STANDREUS RD#LAKEWORTH FL# L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0022 OF 0065
DOP: 12182001 PR: OR 13210 1839 SR: CN 2001 0564756 DOI: 01011900
TOI: R DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:

LEGAL: PCL IN NE/4 SEC 31-42-43 DESC: BEG AT N/4 COR SAID SEC 31, S2*W ALG N-S/4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DIST CANAL C17 611.98', S87*E PARL WITH N LINE SAID SEC 31 1216.32' TO ELY R/W LINE CONGRESS (INC)

COMMENTS: REPLATTED POST ALL PB 31/81 ONLY

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0023 OF 0065
DOF: 09082000 PR: OR 12003 1755 SR: CN 2000 0343616 DOI: 01011900
TOI: CL DESC: MIN: - -
1ST PARTY: P D I SUPPLY INC I/C/W JACARANDA A C & APPLIANCE

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY

AMOUNT: 4967.80 NAME: TYPE:
REFERENCE:
LEGAL: POR TR V & W PB 31/81 DESC: COM AT SE COR SAID TR V; N87*W ALG S LINE
E SAID TR V 151' TO POB; CONT N87*W ALG SAID S LINE & S LINE OF SAID TR W 78'; N
1*E 127' TO N LINE SAID TR W; S87*E ALG N LINE SAID TR W & TR V 100.94'; (INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0024 OF 0065
DOF: 10141999 PR: OR 11400 346 SR: CN 1999 0412558 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 334
04

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: POR TR V & W PB 31/81 : COM SE COR SAID TR V, N87*W ALG S LINE SAID
TR V 151' TO POB, N87*W ALG SAID S LINE & S LINE SAID TR W 78', N02*E 127' TO N
LINE SAID TR W, S87*E ALG N LINE SAID TR W & TR V 100.94', S02*W 66.11', S65*W 2
5.74', S02*W 49.2' TO POB TOG WITH EASE FOR ING/EGR OVR W 17TH CT PER PB 31/81

COMMENTS: C-\$\$JACARANDA A C & APPLIANCE SVC INC\$#1821 W OAKLAND PK BLVD#OAKLAN
D PK FL 33311#L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0025 OF 0065
DOF: 06251999 PR: OR 11195 654 SR: CN 1999 0261066 DOI: 01011900
TOI: NC DESC: MIN: -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC 2014 W 17TH CT RIVIERA BEACH FL 33
404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: POR TR V & TR W PB 31/81 COM AT SE COR SAID TR V, N87*W ALG S LINE S
AID TR V 151' TO POB, CONT N87*W ALG SAID S LINE & S LINE SAID TR W 78', N2*E 12
7' TO N LINE SIAD TR W, S87*E ALG N LINE SAID TR W & TR V 100.94', S2*W 66.11',
S65*W 25.74', S2*W 49.2' TO POB TOG WITH EASE FOR ING/EGR OVER W 17TH CI AS LAY
ED OUT & IN USE PER PB 31/81 CON 11556 SQ FT .265 AC M/L

COMMENTS: C-SSMINICON CONSTS#3891 CLASSIC CT#WEST PALM BEACH FL 33417#L-SSNATI
ONSBANK N A FL#FL9-100-03-17 9000 SOUTHSIDE BLVD#JACKSONVILLE FL 32256#

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0026 OF 0065
DOF: 06251999 PR: OR 11195 645 SR: CN 1999 0261065 DOI: 06241999
TOI: M DESC: CONST MIN: -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC

2ND PARTY: NATIONSBANK N A PO BOX 40329 JACKSONVILLE FL 32203-0329

AMOUNT: 142600.00 NAME: NATIONSBANK TYPE: CONV
REFERENCE:
LEGAL: POR TR V & TR W PB 31/81 COM AT SE COR SAID TR V, N87*W ALG S LINE S
AID TR V 151' TO POB, CONT N87*W ALG SAID S LINE & S LINE SAID TR W 75', N2*E 12
7' TO N LINE SIAD TR W, S87*E ALG N LINE SAID TR W & TR V 100.94', S2*W 66.11',
S65*W 25.74', S2*W 49.2' TO POB TOG WITH EASE FOR ING/EGR OVER W 17TH CT AS LAY
ED OUT & IN USE PER PB 31/81 CON 11556 SQ FT .265 AC M/L

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0027 OF 0065
DOF: 06181999 PR: OR 11182 76 SR: CN 1999 0250750 DOI: 06171999
TOI: SL DESC: MIN: -
1ST PARTY: CITY RIVIERA BEACH

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE: OR 7622/1329
LEGAL: TR W WESTSIDE EST

COMMENTS: POST PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0028 OF 0065
DOF: 06101999 PR: OR 11164 353 SR: CN 1999 0237915 DOI: 06071999
TOI: QCD DESC: MIN: - -
1ST PARTY: GAETA CROMWELL INC

2ND PARTY: RIVIERA BCH HOUSING CORP INC 2014 WEST 17TH CT RIVIERA BEACH FL 3
3404

AMOUNT: .70 NAME: CONKO, BERNARD A TYPE:
REFERENCE: TN 56-43-42-31-01-000-0010 THRU 0240
LEGAL: PCL LAND NE/4 SEC 31-42-43 DESC: BEG N/4 COR SAID SEC, S2*W ALG N S/
4 SEC LINE & ALG ELY R/W LINE CNTRL & S PL FLOOD CONTROL DISTRICT CANAL NO C-17
611.98', S87*E PARL WITH N LINE SAID SEC 1216.32' ELY R/W LINE CONGRESS AVE(INC)

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0029 OF 0065
DOF: 06081999 PR: OR 11159 471 SR: CN 1999 0234204 DOI: 01011900
TOI: NC DESC: TERMINATION MIN: - -
1ST PARTY: RIVIERA BCH HOUSING CORP INC

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE: OR 10515/1069
LEGAL: PCL OF LAND IN NE/4 SEC 31-42-43 DESC BEG AT N/4 COR SAID SEC, S2*W
ALG N S/4 SEC LINE & ALG ELY R/W LINE OF CNTRL & S PL FLOOD CONTROL DISTRICT CANA
L C-17 611.98'8 S87*E PARL WITH N LINE SAID SEC 1216.32' TO ELY R/W LINE (INC)

COMMENTS: RL ATTACHED

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0030 OF 0065
DOF: 06081999 PR: OR 11159 468 SR: CN 1999 0234203 DOI: 01011900
TOI: NC DESC: TERMINATION MIN: - -
1ST PARTY: RIVIERA BCH HOUSING CORP INC

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE: OR 10639/823
LEGAL: TR V & W PB 31/81 PCL OF LAND IN NE/4 EEC 31-42-43 DESC BEG AT N/4
COR SAID SEC, S2*W ALG N S/4 SEC LINE P AL G ELY R/W LINE OF CNTL & S FL FLOOD C
ONTROL DISTRICT CANAL C-17 611.98', S87*E PARL WITH N LINE SAID SEC (INC)

COMMENTS: RL ATTACHED

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0031 OF 0065
DOF: 03291999 PR: OR 11613 634 SR: CN 1999 0124745 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 3
3404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR G WESTSIDE EST

COMMENTS: C-\$\$\$POSNOR CONST CO INC#\$6671 W INDIAL TOWER RD STE 56308#JUPITER FL
33428-3987#L-\$\$\$NONE\$@POST PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0032 OF 0065
DOF: 09151998 PR: OR 10639 823 SR: CN 1998 0360871 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 334
04

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: POR TR V & W PB 31/81

COMMENTS: C-\$\$MINICOW CONST INC\$#3891 CLASSIC CT#WEST PALM BEACH FL 33417#L-\$\$
NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0033 OF 0065
DOF: 07131998 PR: OR 10515 1089 SR: CN 1998 0265392 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL
33404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: IVEY GREEN VILLAGE PB 31/78

COMMENTS: C-\$\$B K ELECTRIC INC\$#1521 W BLUE HERON BLVD#RIVIERA BEACH FL 33404#
L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0034 OF 0065
DOF: 02051998 PR: OR 10217 675 SR: CN 1998 0042331 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 W 17TH COURT RIVIERA BEACH F
L 33404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: LT 10-240 IVEY GREEN VILLAGE

COMMENTS: C-\$\$\$ PALMER INC\$#3805 INVESTMENT LANE#RIVIERA BEACH FL 33404# L-\$\$N
ONE\$@POST PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0035 OF 0065
DOF: 01071998 PR: OR 10172 282 SR: CN 1998 0005751 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING AUTHORITY 2014 WEST 17TH COURT RIVIERA BEAC
H FL 33404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: PB 31/81

COMMENTS: C-\$\$\$ JACK WHITMORE & SONS INC\$#PO BOX 17976#WEST PALM BEACH FL 33416#
L-\$\$NONE\$

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0036 OF 0065
DOF: 12111997 PR: OR 10128 1909 SR: CN 1997 0442729 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 334
04

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: WESTSIDE EST PB 31/81

COMMENTS: C-\$\$\$MINICON CONST INC#\$3891 CLASSIC CT#WEST PALM BEACH FL 33417#L-\$\$
NONES

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0037 OF 0065
DOF: 07141997 PR: OR 9887 1981 SR: CN 1997 0247916 DOI: 06181997
TOI: LS DESC: TERMINATION MIN: - -
1ST PARTY: RIVIERA BCH HOUSING CORP INC

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY OF CITY OF RIVIERA BCH FL

AMOUNT: NAME: TYPE:
REFERENCE: OR 2377/1075
LEGAL: PCL IN NE/4 SEC 31-42-43 DESC BEG N/4 COR SAID SEC 31, S2*W AG N S 1
/4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DISTRICT CANAL C-17 611
.98', S87*E PARL WITH N LINE SAID SEC 1216.32' TO ELY R/W LINE CONGRESS AVE EXT,
N2*E ALG SAID ELY R/W LINE AVE 612' TO N LINE SAID SEC, N87*W ALG N SEC LINE S
AID SEC 1218.05' TO POB CON 744.865 SQ FT OR 17.10 AC PCL

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0038 OF 0065
DOF: 07141997 PR: OR 9887 1979 SR: CN 1997 0247915 DOI: 01011900
TOI: UCO DESC: MIN: - -
1ST PARTY: NATIONSBANK OF TN SUCC OF COMMERCE UNION BK

2ND PARTY: RIVIERA BCH HOUSING CORP INC

AMOUNT: NAME: TYPE: TERM
REFERENCE: OR 2377/1154,1213
LEGAL: PCL IN NE/4 SEC 31-42-43 DESC BEG N/4 COR SAID SEC 31, S2*W AG N S 1
/4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DISTRICT CANAL C-17 611
.98', S87*E PARL WITH N LINE SAID SEC 1216.32' TO ELY R/W LINE CONGRESS AVE EXT,
N2*E ALG SAID ELY R/W LINE AVE 612' TO N LINE SAID SEC, N87*W ALG N SEC LINE S
AID SEC 1218.05' TO POB CON 744.865 SQ FT OR 17.10 AC PCL

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0039 OF 0065
DOF: 07141997 PR: OR 9887 1976 SR: CN 1997 0247914 DOI: 01011900
TOI: AFF DESC: MIN: - -
1ST PARTY: JANE S CHESTER

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE: OR 2377/1099
LEGAL: PCL IN NE/4 SEC 31-42-43 DESC BEG N/4 COR SAID SEC 31, S2*W AG N S 1
/4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DISTRICT CANAL C-17 611
.98', S87*E PARL WITH N LINE SAID SEC 1216.32' TO ELY R/W LINE CONGRESS AVE EXT,
N2*E ALG SAID ELY R/W LINE AVE 612' TO N LINE SAID SEC, N87*W ALG N SEC LINE S
AID SEC 1218.05' TO POB CON 744.965 SQ FT OR 17.10 AC PCL

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0040 OF 0065
DOF: 07141997 PR: OR 9887 1973 SR: CN 1997 0247913 DOI: 66251997
TOI: SM DESC: MIN: - -
1ST PARTY: BK OF NY SUCC TR TO NATIONSBANK OF TN N A SUCC TR OF NATIONSBANK
OF TN SUCC TR OF SOVRAN BK TN SUCC TR OF SOVRAN BK CNTL S SUCC TR OF COMMERC
E UNION BK
2ND PARTY: RIVIERA BCH HOUSING CORP INC TR

AMOUNT: NAME: TYPE:
REFERENCE: OR 2377/1099
LEGAL: PCL IN NE/4 SEC 31-42-43 DESC BEG N/4 COR SAID SEC 31, S2*W AG N S 1
/4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DISTRICT CANAL C-17 611
.98', S87*E PARL WITH N LINE SAID SEC 1216.32' TO ELY R/W LINE CONGRESS AVE EXT,
N2*E ALG SAID ELY R/W LINE AVE 612' TO N LINE SAID SEC, N87*W ALG N SEC LINE S
AID SEC 1218.05' TO POB CON 744.865 SQ FT OR 17.10 AC PCL

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0041 OF 0065
DOF: 07141997 PR: OR 9887 1969 SR: CN 1997 0247912 DOI: 06261997
TOI: SM DESC: MIN: - -
1ST PARTY: NATIONSBANK N A F/K/A NATIONSBANK OF TN N A SUCC IN INT OF NATIO
NSBANK OF TN SUCC IN INT OF SOVRAN BK TN SUCC IN INT OF SOVRAN BK CNTL S SUCC
IN INT OF COMMERCE UNION BK
2ND PARTY: RIVIERA BCH HOUSING CORP INC

AMOUNT: NAME: TYPE:
REFERENCE: OR 2413/554
LEGAL: PCL IN NE/4 SEC 31-42-43 DESC BEG N/4 COR SAID SEC 31, S2*W ALG N S/
4 SEC LINE & ALG ELY R/W LINE CNTL & S FL FLOOD CONTROL DISTRICT CANAL C-17 611.
98', S87*E PARL WITH N LINE SAID SEC 1216.32' TO ELY R/W LINE CONGRESS AVE EXT,
N2*E ALG SAID ELY R/W LINE CONGRESS AVE EXT 612' TO N LINE SAID SEC,M N87*W ALG
N SEC LINE SAID SEC 1218.05' TO POB CON 744.865 SQ FT OR 17.10 AC PCL

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0042 OF 0065
DOF: 05021997 PR: OR 9773 1800 SR: CN 1997 0154963 DOI: 01011900
TOI: NC DESC: MIN: -
1ST PARTY: RIVIERA BCH H U D 2014 W 17TH RIVIERA BEACH FL 33404

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR W PB 31/81

COMMENTS: C-SSA R Z BLDR INCS#1515 N FEDERAL HWY 300#BOCA RATON FL 33432#L-\$\$N
ONES

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0043 OF 0065
DOF: 04301997 PR: OR 9768 1618 SR: CN 1997 0151014 DOI: 03271997
TOI: R DESC: MIN: -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: POR TR V & W PB 31/81 DESC COM NE COR SAID TR V, N87*W ALG N LINE SA
ID TR V 63.85', S2*W 26.74' TO POB, CONT S2*W 83.68', N87*W 42.37', N2*E 84.03',
S87*E 41.68' TO POB CON 3524 SQ FT .08 AC M/L

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0044 OF 0065
DOF: 02041997 PR: OR 9642 297 SR: CN 1997 0041866 DOI: 01011900
TOI: NC DESC: MIN: - -
1ST PARTY: RIVIERA BCH HOUSING AUTHORITY 2014 W 17TH CT RIVIERA BEACH FL 334
04

2ND PARTY:

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR G WESTSIDE EST

COMMENTS: C-\$\$\$MINILON CONST INCS#3891 CLASSIC COURT#WEST PALM BEACH FL 33417#D
-SOWEN@A@DIXON\$#2014 W 17TH CT#RIVIERA BEACH FL 33404# @POST FB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0045 OF 0065
DOF: 07051996 PR: OR 9340 277 SR: CN 1996 0233430 DOI: 05081996
TOI: AM DESC: MIN: - -
1ST PARTY: PRUDENTIAL HOME MTG CO INC

2ND PARTY: NORWEST MTG INC

AMOUNT: NAME: TYPE:
REFERENCE: OR 8699/407
LEGAL: LIVING UNIT 169 CLUSTER 22 DESC NELY 37.15' CLUSTER GREENHOUSE BOCA
FB 31/81

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0046 OF 0065
DOF: 08301995 PR: OR 8897 1521 SR: CN 1995 0277828 DOI: 04041995
TOI: AM DESC: MIN: -
1ST PARTY: WESTMARK MTG CORP

2ND PARTY: PPUDENTIAL HOME MTG CO INC

AMOUNT: NAME: TYPE:
REFERENCE: NO OR SHOWN
LEGAL: UNIT 169 CLUSTER 22 DESC NELY 37.15' CLUSTER 22 GREENHOUSE BOCA PB 3
1/81

COMMENTS: POST PB 33/81 & ALL SAID PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0047 OF 0065
DOF: 04131995 PR: OR 8699 413 SR: CN 1995 0113245 DOI: 03311995
TOI: AM DESC: MIN: -
1ST PARTY: ADVANTAGE FINL INC

2ND PARTY: WESTMARK MTG CORP

AMOUNT: NAME: TYPE:
REFERENCE: OR 8699/407
LEGAL: LIVING UNIT 169 CLUSTER 22 DESC NELY 37.15' CLUSTER GREENHOUSE BOCA
PB 31/81

COMMENTS: POST PB 33/81 & ALL SAID PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0048 OF 0065
DOF: 04131995 PR: OR 8699 407 SR: CN 1995 0113244 DOI: 03311995
TOI: M DESC: MIN: -
1ST PARTY: TIMOTHY FUNK SHERI FUNK H/W

2ND PARTY: ADVANTAGE FINL INC 5092 COCONUT CREEK PKWY MARGATE FL 33063

AMOUNT: 56595.00 NAME: WESTMARK MTG TYPE: FHA
REFERENCE:
LEGAL: LIVING UNIT 169 CLUSTER 22 DESC NELY 37.15' CLUSTER GREENHOUSE BOCA
PB 31/81

COMMENTS: POST PB 33/81 & ALL SAID PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0049 OF 0065
DOF: 04131995 PR: OR 8699 405 SR: CN 1995 0113243 DOI: 03311995
TOI: WD DESC: MIN: - -
1ST PARTY: BRUCE COON PATRICIA A COON H/W

2ND PARTY: TIMOTHY FUNK MARR 9253 S W 5TH ST BOCA RATON FL 33428

AMOUNT: 392.00 NAME: FARGO TITLE SVC TYPE:
REFERENCE: TN 00-42-47-30-15-022-1690
LEGAL: LIVING UNIT 169 CLUSTER 22 DESC NELY 37.15' CLUSTER GREENHOUSE BOCA
PB 31/81

COMMENTS: CA ATTACHED @POST PB 33/81 & ALL SAID PB 31/81 @CORR OR 18499/1749 T
O CORR LEGAL

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0050 OF 0065
DOF: 03121993 PR: OR 7622 1329 SR: CN 1993 0075214 DOI: 09241992
TOI: LN DESC: MIN: - -
1ST PARTY: CITY RIVIERA BCH

2ND PARTY: RIVIERA BCH HOUSING AUTHORITY

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: TR W W SIDE EST

COMMENTS: POST PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0051 OF 0065
DOF: 01121990 PR: OR 6322 391 SR: CN 1990 0012359 DOI: 03191980
TOI: LN DESC: MIN: - -
1ST PARTY: CITY RIVIERA BCH

2ND PARTY: P B C GOVT CNTR MARY TAYLOR DERRYL E BUCHECK CARRIE DELOACH
TIMOTHY J LYNCH TR AMIR N MAKAR GLADYS J REED W L HOPKINS GLORIA Y HOPKINS D
J VERVERILLI ANASTASIA VERVERILLI VIOLET F HITTI LABIB W HITTI (INC)

AMOUNT: NAME: TYPE:
REFERENCE:

LEGAL: LTS 43 44 BLK 17 PB 6/46 LT 7 & 8 BLK 31 PB 6/46 ! LT 7 & 8 BLK 2 PB
11/19 ! LT 294 298 352 PB 39/113 ! LT 34-37 BLK 10 PB 11/68 ! W2' LT 3 4 5 & E
19' LT 6 PB 11/68 ! LTS 10 & 20 PB 30/163 ! W 75' LT 12 BLK 2 PB 23/57 ! TR Q P
B 31/81 ! LT 37 PB 6/46 LT 106 PB 6/46 ! LT 37 PB 6/46 ! LTS 33 & 34 BLK 20 AD
D 1 PB 3/34 ! LTS 106 49 25-31 32-36 PB 6/46 ! LTS 59 PB 6/46 ! LT 34 PB 24/15

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0052 OF 0065
DOF: 10221987 PR: OR 5458 1122 SR: CN 1987 0311163 DOI: 10151987
TOI: E DESC: MIN: - -
1ST PARTY: CONGRESS AVENUE MASTER PROPERTY OWNERS ASSOCIATION

2ND PARTY: FLORIDA POWER & LIGHT COMPANY

AMOUNT: NAME: TYPE:
REFERENCE:

LEGAL: WLY15' ELY 121' FOL DESC PCL LAND A PCL LAND IN NE/4 SEC 31-42-43 DE
SC FOL BEG AT NW COR NE/4 SAID SEC 31 S 02* W ALG N-S/4 SEC LINE & ALG ELY R/W L
INE CNL & S FL FLOOD CONTROL DIST CANAL C-17 611.98' S 87* E PARL WITH N LINE S
EC 31 1216.32' TO ELY R/W LINE CONGRESS AVE EXT N 02* E ALG SAID ELY R/W LINE C
ONGRESS AVE EXT 612' TO N LINE SAID SEC 31 N 87* W ALG N SEC LINE SAID SEC 31 12
18.05' TO POB

COMMENTS: POST TO LT L, C, B, Q, P, O WESTSIDE ESTATES PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0053 OF 0065

DOF: 09211987 PR: OR 5425 435 SR: CN 1987 0280232 DOI: 09091987
TOI: E DESC: MIN: -
1ST PARTY: RIVIERA BEACH HOUSING AUTHORITY

2ND PARTY: CONGRESS AVENUE MASTER PROPERTY OWNERS ASSOCIATION INC

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL: WLY 15' ELY 121' FOL DESC PCL LAND A PCL LAND IN NE/4 SEC 31-42-43 D
ESC FOL BEG AT NW COR NE/4 SAID SEC 31 S 02* W ALG N-S/4 SEC LINE & ALG ELY R/W
LINE CNTL & S FL FLGOD CONTROL DIST CANAL C-17 611.98', S 87* E PARL WITH N LINE
SEC 31 1216.32' TO ELY R/W LINE CONGRESS AVE EXT N 02* E ALG SAID ELY R/W LINE
CONGRESS AVE EXT 612' TO N LINE SAID SEC 31 N 87* W ALG N SEC LINE SAID SEC 31
1218.05' TO POB

COMMENTS: POST TO ALL PB 31/81

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0054 OF 0065
DOF: 05181978 PR: OR 2862 173 SR: CN 1978 0076692 DOI: 05171978
TOI: JDG DESC: MIN: -
1ST PARTY: ARTHUR J POISSON ETC

2ND PARTY: CITY OF RIVIERA BCH FLORIDA ETC

AMOUNT: NAME: TYPE:
REFERENCE: 76-1252-CAL
LEGAL: NO LEGAL SHOWN-POST TO ALL OF PB 31/81 , PB 30/37 , PB 31/328 , PB 3
2/149 CODES 1,2,3,4 SEC 30 & 31-42-43

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0055 OF 0065
DOF: 02221977 PR: OR 2642 1945 SR: CN 1977 0020994 DOI: 01011900
TOI: O DESC: ORDER MIN: -
1ST PARTY: RIVIERA BEACH CITY OF

2ND PARTY:

AMOUNT: NAME: TYPE:

REFERENCE:
LEGAL:

COMMENTS: ORDINANCE

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0056 OF 0065
DOF: 01171977 PR: OR 2629 617 SR: CN 1977 0005333 DOI: 01011900
TOI: LP DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC

2ND PARTY: PENINSULAR SUPPLY CO

AMOUNT: NAME: TYPE:
REFERENCE: CO 1976-4420
LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0057 OF 0065
DOF: 11011976 PR: OR 2600 1175 SR: CN 1976 0118291 DOI: 01011900
TOI: CL DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC

2ND PARTY: PENINSULAR SUPPLY CO

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0058 OF 0065
DOF: 10211976 PR: OR 2597 134 SR: CN 1976 0114591 DOI: 01011900
TOI: CL DESC: MIN: -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC

2ND PARTY: SUBURBAN PLUMBING INC

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL:

COMMENTS: AMD LIEN

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0059 OF 0065
DOF: 10121976 PR: OR 2593 655 SR: CN 1976 0110507 DOI: 01011900
TOI: CL DESC: MIN: -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC

2ND PARTY: SUBURBAN PLUMBING INC

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0060 OF 0065
DOF: 09281976 PR: OR 2587 1604 SR: CN 1976 0104468 DOI: 01011900

TOI: SM DESC:
1ST PARTY: COMMERCE UNION BANK

MIN: - -

2ND PARTY: RIVIERA BEACH HOUSING CORP INC

AMOUNT: NAME: TYPE:
REFERENCE: ORF 2413-554
LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0061 OF 0065
DOF: 06251976 PR: OR 2553 1971 SR: CN 1976 0067286 DOI: 01011900
TOI: E DESC: MIN: - -
1ST PARTY: WIGGS & MAALE CONSTRUCTION CO INC ETC MO AM CO CORP ETC VOIGHT
INVESTMENT CO ETC

2ND PARTY: FIRST NATIONAL BANK & TRUST CO RIV BCH

AMOUNT: NAME: TYPE:
REFERENCE: ORB 2292-410
LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0062 OF 0065
DOF: 01221976 PR: OR 2500 115 SR: CN 1976 0007352 DOI: 01011900
TOI: E DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING CORP INC

2ND PARTY: FLORIDA POWER & LIGHT CO

AMOUNT: NAME: TYPE:
REFERENCE:

LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0063 OF 0065
DOF: 12191975 PR: OR 2489 1650 SR: CN 1975 0124079 DOI: 01011900
TOI: WD DESC: MIN: - -
1ST PARTY: WIGGS & MAALE CONSTRUCTION CO INC

2ND PARTY: VOIGHT INVESTMENT CO TR

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL:

COMMENTS:

WPRL ***** ATTORNEYS' TITLE FUND SERVICES, LLC. ***** PAGE 0064 OF 0065
DOF: 08181975 PR: OR 2447 1943 SR: CN 1975 0077140 DOI: 01011900
TOI: E DESC: MIN: - -
1ST PARTY: RIVIERA BEACH HOUSING CORP

2ND PARTY: SOUTHERN BELL TEL & TEL CO

AMOUNT: NAME: TYPE:
REFERENCE:
LEGAL:

COMMENTS:

WPRL **** ATTORNEYS' TITLE FUND SERVICES, LLC. **** PAGE 0065 OF 0065
DOF: 04161975 PR: PB 31 81 SR: DOI: 01011990
TOI: MIS DESC: MIN: - -
1ST PARTY:

2ND PARTY:

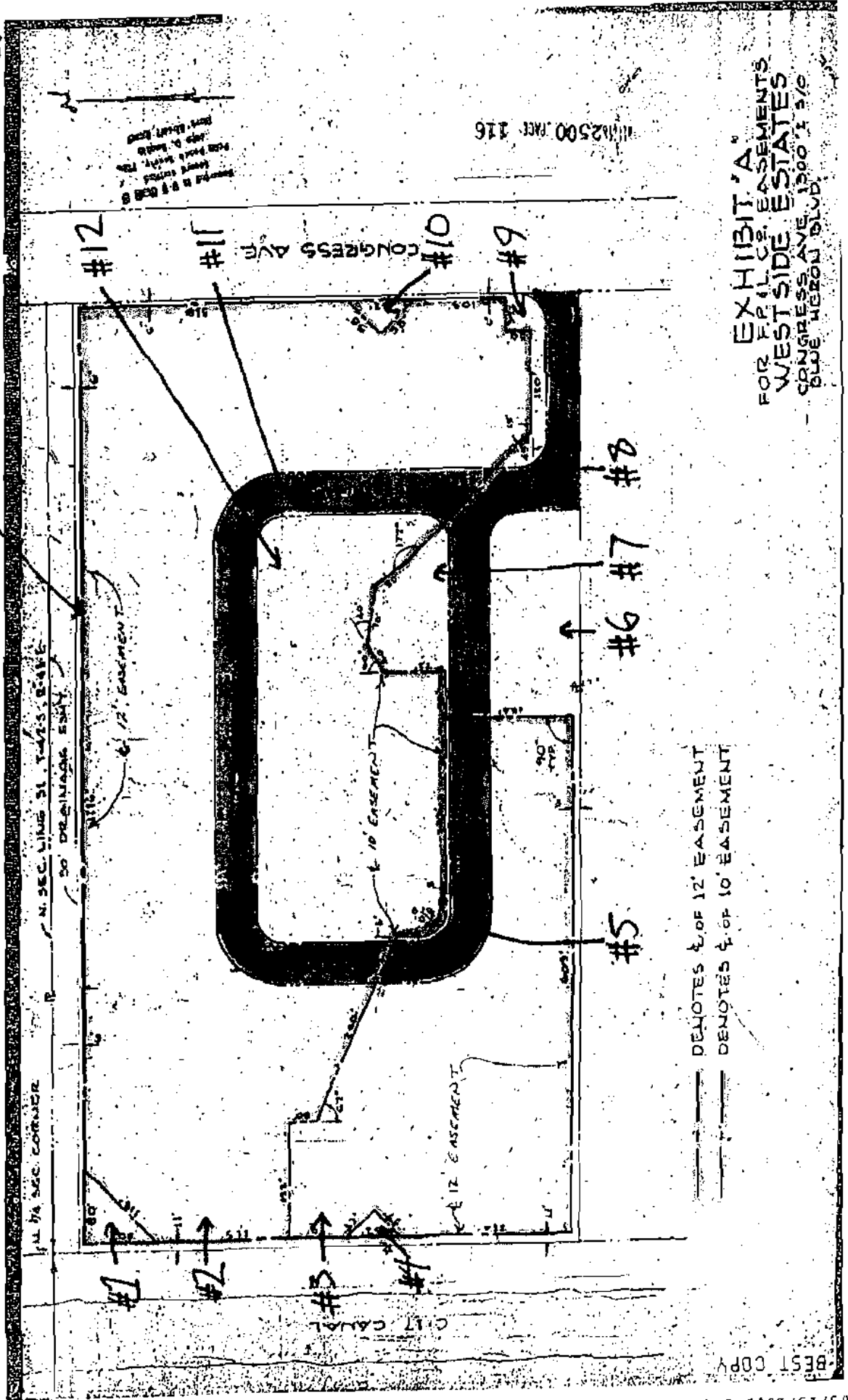
AMOUNT:	NAME:	TYPE:
REFERENCE:		
LEGAL:		

COMMENTS:

*
*
***** SEARCH COMPLETE *****
*
*
*
*
*
*
:

EXHIBIT C: 13 TRACTS DUE TO PUBLIC R.O.W. AND FPL EASEMENT.

#13 [COMPRISED OF FPL EASEMENT AREA]



— DENOTES 12' EASEMENT
 - - - DENOTES 10' EASEMENT

EXHIBIT A
 FOR FPL CO. EASEMENTS
 WESTSIDE ESTATES
 CONGRESS AVE 1300 ± 3/0
 BLUE HORIZON BLVD

11112500 PAGE 116

BEST COPY

0571272008 THU 10:12 AM

EXHIBIT D: SEVEN TRACTS DUE TO FPL EASEMENT.

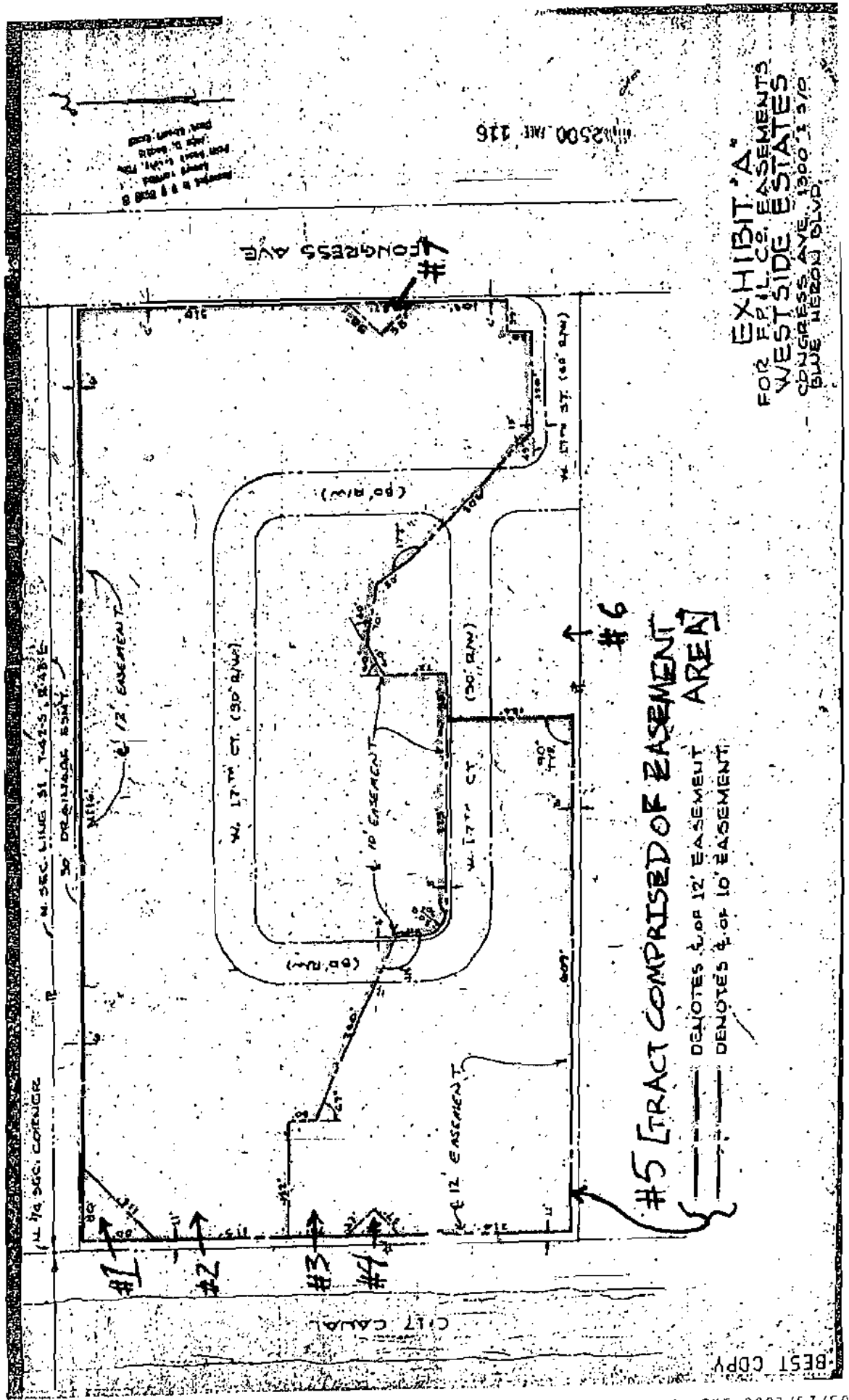
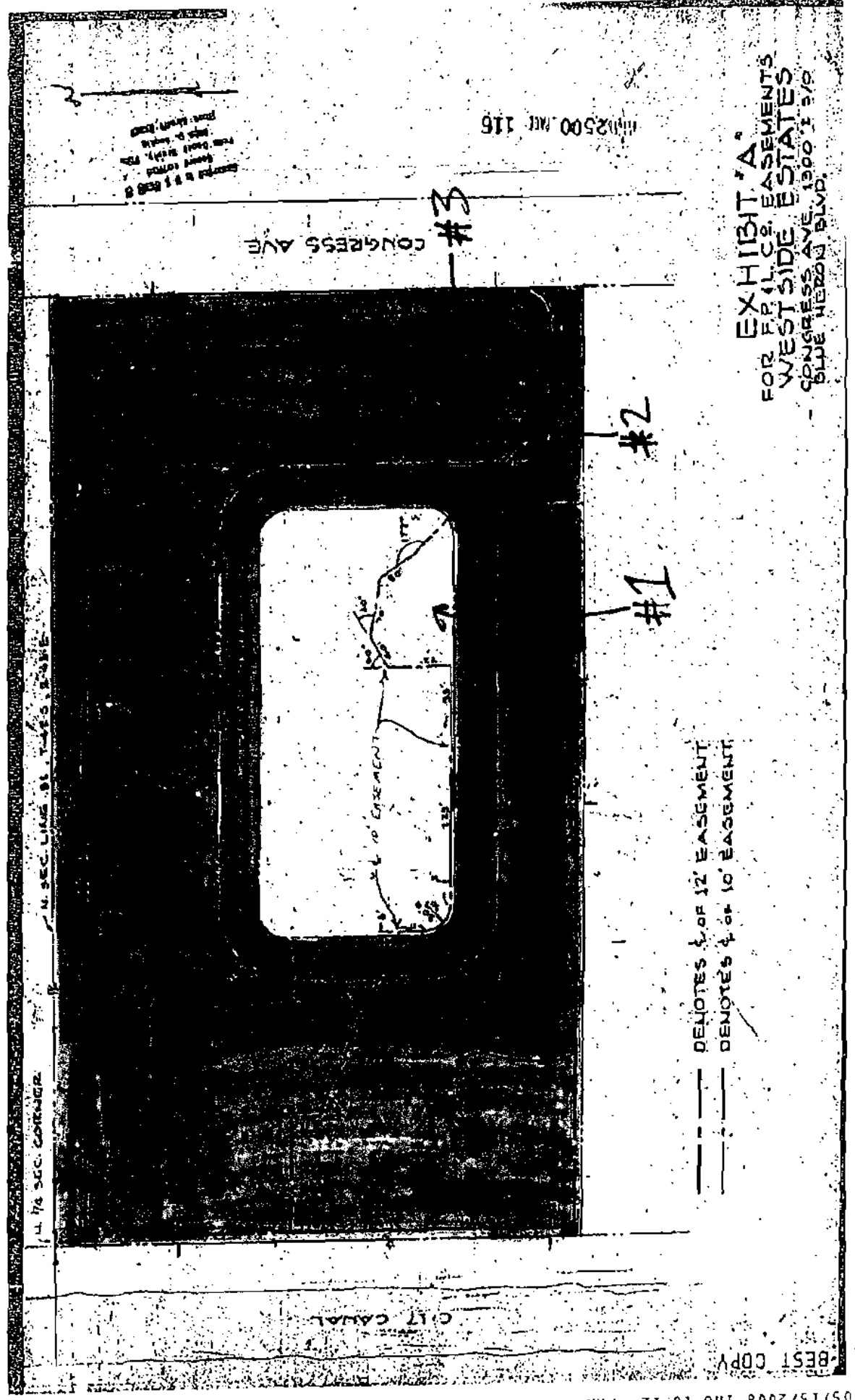


EXHIBIT E: THREE TRACTS DUE TO PUBLIC R.O.W.




BEST COPY

AFFIDAVIT

Before me, the undersigned authority, personally appeared Francisco F. Fajardo, who being duly sworn, states that he personally knows the following facts and the same are true and correct:

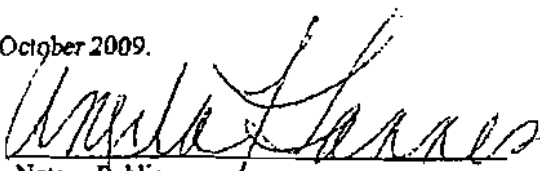
1. My name is Francisco F. Fajardo. I am licensed by the State of Florida as a Surveyor. My license number is 4767. I am submitting this Affidavit on behalf of Ehlinger Apartments, Ltd. (the "Applicant"). I am not related to the Applicant or to any principals or financial beneficiaries of the Applicant.
2. On or about January 30, 2009, we prepared an ALTA survey of the proposed development site which included review of the Broward County Plst which locates the site and review of the recorded instruments contained in the Title Commitment.
3. My review determined that this property consists of 25 (two) story apartment buildings, 1 (one) story office building and 1 (two) story office building located on Tract 10 of A.J. BENDLE SUBDIVISION OF SECTION 3, Township 51 South, Range 41 East, recorded in Plat Book 1, Page 27 of the Public Records of Miami-Dade County, Florida; said lands situate in the Town of Davie, Broward County, Florida and is a single tract of land. I prepared the attached sketch of the property, attached as Exhibit A. The proposed development site is contiguous and is not divided or bisected by any road, barrier, waterway or other visible impediment to development. I also took the attached photographs of the site. (See Exhibit B.)
4. Florida Power & Light Company is the beneficiary of an easement granted on October 8, 1980, and recorded in the Official Records Book 9201, Page 462 of Broward County, FL. This easement provides for the installation, operation and maintenance of underground and overhead electric utility facilities within a 10 foot easement area. This FPL easement is identified on the attached sketch. (See Exhibit A).
5. This easement does not "divide" the Ehlinger Apartments development site. The easement is not visible, it does not impede any activity on this property, and it can be applied to be relocated, if necessary, during the course of development of this property. Utility easements such as this one are present on virtually every development site in this state; they exist to provide access to public utilities for the benefit of the residents. Sites such as the proposed Ehlinger Apartments development, which have been previously platted or developed, by necessity include utility easements. Surveyors do not view these utility access easements as dividing the property or creating separate sites or parcels.
6. Nothing in the public records concerning this property suggests that the development site is divided in any fashion or that it consists of "scattered sites." The Broward County Property Appraiser's website identifies the property by one address and has one folio number for the property.



Francisco F. Fajardo
Registered Land Surveyor and Mapper No. 4767
State of Florida

Sworn and Subscribed before me this 29th day of October 2009.
My Commission Expires:

This Instrument prepared by
Francisco F. Fajardo
Lannes and Garcia, Inc.
359 Alcazar Avenue
Coral Gables, Florida 33134



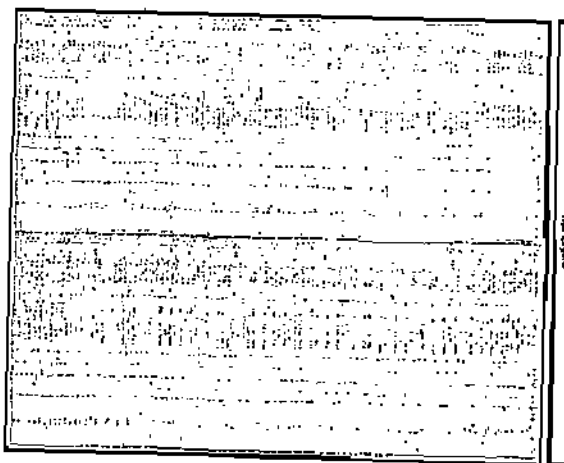
Notary Public
State of Florida at Large



EXHIBIT A

ALVACREN Land TRIM SURVEY

THIS SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING THE TRIM SURVEY INTO LOTS AND BLOCKS FOR THE PURPOSE OF RECORDING THE SAME IN THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES, CALIFORNIA. THE SURVEY WAS MADE BY THE ALVACREN LAND TRIM SURVEYING COMPANY, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF CALIFORNIA, AND REGISTERED AS A SURVEYING FIRM IN THE COUNTY OF LOS ANGELES, CALIFORNIA, ON FEBRUARY 1, 1968. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF CALIFORNIA, AND THE SURVEYING BOARD'S REGULATIONS THEREUNDER. THE SURVEY WAS MADE BY THE ALVACREN LAND TRIM SURVEYING COMPANY, INC., AND THE SURVEYING BOARD'S REGULATIONS THEREUNDER. THE SURVEY WAS MADE BY THE ALVACREN LAND TRIM SURVEYING COMPANY, INC., AND THE SURVEYING BOARD'S REGULATIONS THEREUNDER.



Legal Description

Block 1, containing Lots 1 through 12, as shown on the attached plan.

Block 2, containing Lots 13 through 24, as shown on the attached plan.

Block 3, containing Lots 25 through 36, as shown on the attached plan.

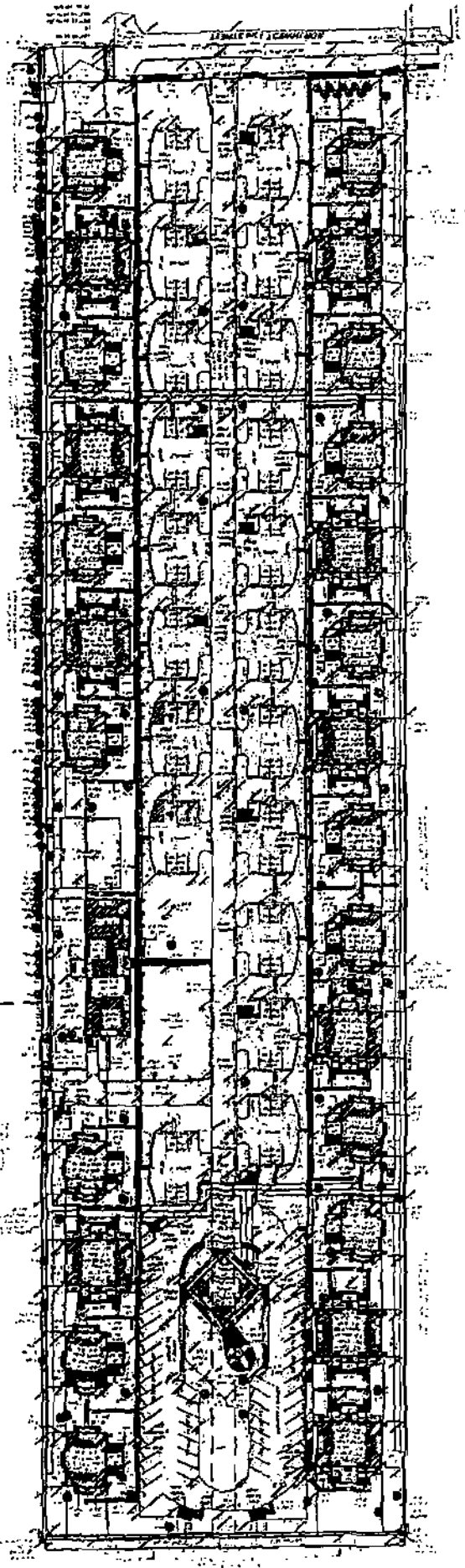
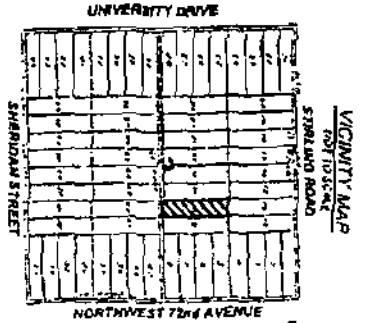


EXHIBIT A

BOUNDARY SURVEY

EXHIBIT A

REGISTERED SURVEYING AND MAPPING ENGINEERS

LANNES B. GARCIA, INC.

187 S. 2ND ST.

PO BOX 10000, PALMDALE, CALIF. 91358

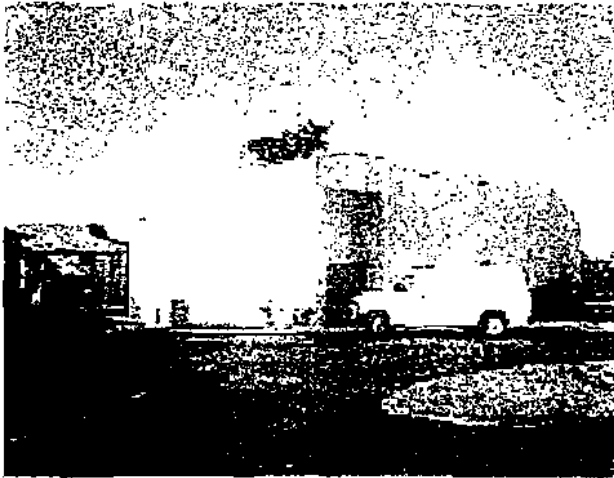
TEL: (805) 251-1000 FAX: (805) 251-1001

STATEMENT NUMBER 214311

EXHIBIT B - SHEET 1



EXHIBIT B - SHEET 2





Layers

- Highways
- Major Roads
- Twn-Rng-Sec
- Municipalities
- City Limits
- Zip Codes
- CRA Boundaries
- City Zoning Codes
- County Land Use
- Comm Appraisal Districts
- Resid Appraisal Districts
- Subdivisions
- No Sales
- Streets
- Parcels
- Aerials (2009)
- County Boundary



SELECTED PROPERTY-FOLIO: 514103010150

© Copyright 2003 Broward County Property Appraiser

Pictometry



Below information reflects 2010 work in process values.

Click on "Details" above for 2009 values.

FOLIO: 514103010150
 DWNER: BROWARD COUNTY HOUSING AUTHORITY
 SITUS ADDRESS: 7481 NW 33 ST DAVIE
 LEGAL: A J BENDLES SUB 1-27 D 3-51-41 TR 10 LESS RD RAW; TOGETHER WITH POR OF VACATED NW 33 ST PER
 MILLAGE CODE: 2413
 USE CODE: 03
 LAND VALUE: \$2,452,500
 BUILDING VALUE: \$5,291,080
 OTHER VALUE: \$0
 TOTAL VALUE: \$7,743,580
 SOH CAPPED VALUE: \$7,743,580
 HOMESTEAD EXEMPTION AMOUNT: \$0
 WVD EXEMPTION AMOUNT: \$0
 OTHER EXEMPTION AMOUNT: \$8,330,030
 TAXABLE VALUE: \$0
 SALE DATE 1:
 SALE PRICE 1: \$0
 DEED TYPE 1: 03
 SALE DATE 2:
 SALE PRICE 2: \$0
 DEED TYPE 2: 03

LAND CALCULATIONS		
Price	Factor	Type
250000	981	AC

ADJ. BLDG. S.F.: 92840



TOWN OF DAVIE
PLANNING & ZONING DIVISION

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3599
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-FL.GOV

November 2, 2009

Mr. Stephen P. Auger
Executive Director
Florida Housing Finance Corporation
227 N. Bronough Street, Suite 5000
Tallahassee, Florida 32301

RE: Application 2009-146C

Dear Mr. Auger:

This is in response to a claim that the above-described application is not sufficiently described by a single address due to an intervening FPL utility easement.

The Town of Davie is responsible for assigning addresses to properties within Town Boundaries. The existence of a utility easement has no bearing on the assignment of an address within the Town. The subject parcel of land has in fact been considered as a single address for many years and appears as such in the County Property Appraiser's database. The attachments illustrate how the parcel can be located by searching by address on the Broward County Property Appraiser's website. The address 7481 NW 33rd is associated with Tax Folio number 514103010150, which includes the entire Ehlinger Apartments parcel (outlined in red). Moreover, on May 20, 2009, the Davie Town Council approved a conceptual site plan for this project as a single, unified parcel, not as separate lots.

Should you need further assistance, please contact the Planning and Zoning Division Monday through Friday 8:30am-5:00pm at (954)797-1103.

Sincerely,

A handwritten signature in black ink, appearing to read "David Quigley", is written over a horizontal line.

David Quigley, AICP
Planning and Zoning Manager

PZC 10-12-09

David Abramson, Deputy Planning and Zoning Manager
Irene Degroot, GIS
Giovanni Moss, Housing and Community Development Director

Please enter as much information as you know: Street Number, Street Direction, Street Name and Street Type (Example 123 S 33 Street)

Enter Property Address:	Street Number 7481	Street Direction NW	Street Name 33	Street Type Street	Grid Reference
-------------------------	-----------------------	------------------------	-------------------	-----------------------	----------------

Note: A Street name field must be entered unless * is placed to the left of the street. For Example: CA* - CAN, CA*, etc. ALSO: Use only the numbers 0-9 (Use Z or X, not End or BNA).

© 2009 - Broward County Property Appraiser's Office - Contact our office at 954.377.4411.
 Under Florida law, a small business has public records. If you do not want your email address
 released in response to a public records request, do not email directly to this entity.
 Instead, contact this office by phone or in writing.



Twitter

10000
10000

Map showing property boundaries and various layers for the 2003 Broward County Property Appraisal.

LOI PARISH
BROWARD COUNTY
PROPERTY APPRAISER

Click Here to Return to our Homepage
Click Here to Visit our Website for more

Layers

- Highways
- Major Roads
- Trm-Prop-Sec
- Jurisdictions
- City Limits
- In Codes
- CMA Boundaries
- City Zones Codes
- County Land Use
- Core Appraisal Districts
- Retail Appraisal Districts
- Subdivisions

Map Style: Streets
 Parcel
 Parcel (2003)
 County Boundary

SELECTED PROPERTY: 614-000-10-460

© Copyright 2003 Broward County Property Appraiser



4780 North State Road 7 • Lauderdale Lakes, Florida 33319 • 954-739-1114 • 954-535-0407 fax • 954-735-4371 TDD • www.bchsa.org

October 30, 2009

Mr. Stephen P. Auger
Executive Director
Florida Housing Finance Corporation
227 North Bronough Street
Suite 5000
Tallahassee, Florida 32301-1329

Dear Mr. Auger,

I am writing in regards to the Notice of Possible Scoring Error (NOPSE) regarding Application No. 2009-146C (Ehlinger Apartments).

The NOPSE essentially alleges that the site is a Scattered Site due to the presence of utility access easements on the site. I strongly disagree with this claim and I am very concerned about the precedent this would set for Housing Authorities trying to redevelop public housing sites. All public housing sites have existing housing and therefore electrical easements present; such easements do not physically divide a site nor do they allow public access on site – they serve simply to allow utility providers to access and maintain their equipment in order to provide electrical service, an absolute necessity for our tenants. Furthermore, these easements will be released upon redevelopment of the site and replaced with new easements to serve the new building layout.

The Scattered Site rule is a benefit because it allows applicants to combine different sites so that they can build on a rational scale, while maintaining compliance with proximity and amenity requirements. When interpreting the Scattered Site rule, there must be a distinction made between a utility access easement and a street, alley or right-of-way that physically divides two sites.

The NOPSE claims that our site is *"in essence three distinct parcels"* (emphasis supplied). I must emphasize that the Ehlinger site is *in fact* a single site:

- Ehlinger has been a single site per official plat maps since 1910 – prior even to the incorporation of Broward County. There are no platted public rights of way or other apparent easements that physically divide the site.
- Broward County Housing Authority has owned, operated and managed Ehlinger as a single site since 1975.
- Ehlinger is a single site per the County Property Appraiser's assignment of a single folio number and single development address (the address we used in our FHFC application).

- Ehlinger is a single site per the Town of Davle's conceptual site plan approval.
- Ehlinger is a single site per our contract (Declaration of Trust) with the federal government (HUD).

There is no reason why the State should view the site differently than every other level of government.

Housing Authorities throughout Florida maintain a stock of aging public housing that is in urgent need of redevelopment; It is counter to our mission to require that easements be vacated - by taking units out of service - prior to applying for financing, or that the land area within utility easements be excluded from calculations of density and site planning. Please recognize that the unintended consequences of FHFC's acceptance of this NOPSE would include applicants facing the premature abandonment of affordable housing units and/or the reduction in the number of new affordable housing units on a redevelopment site.

I urge you not to allow the rule to be interpreted such that it disadvantages those sites that have for decades served those who need housing most. Please guide FHFC toward a reasonable interpretation of the Scattered Site rule that would allow Ehlinger to continue to seek tax credits in 2009.

Sincerely,



Kevin Cregan
Chief Executive Officer



Florida Power & Light Co., P.O. Box 14000, Juno Beach, Florida 33408-0420

October 29, 2009

Ms. Liz Wong
Carlisle Development Group
2950 SW 27th Avenue
Suite 200
Miami, Florida 33133

Re: Ehlinger Apartments, 7481 NW 33rd Street, Davie, FL

Dear Ms. Wong:

This letter is in response to your request regarding FPL easements on the above mentioned property. These easements and electric utility facilities were installed to serve the buildings constructed on this site. Sheet 6.020, Section 2.9 of the FPL Tariff requires that the customer "grant or cause to grant to the Company and without cost to the Company all rights, easements, permits and privileges, which in the opinion of the Company, are necessary for the rendering of service to the Customer." If the customer requests relocation of those electric utility facilities, that customer must pay for the relocation costs and grant new easements for those relocated facilities. The original easement granted would be released.

Sincerely,

A handwritten signature in black ink, appearing to read "J. T. Corson", is written over a circular stamp or seal.

J. T. Corson
Corporate Real Estate Area Manager

5 COMPANY'S INSTALLATIONS

5.1 Protection of Company's Property. The Customer shall properly protect the Company's property on the Customer's premises, and shall permit no one but the Company's agents, or persons authorized by law, to have access to the Company's wiring, meters, and apparatus.

5.2 Damage to Company's Property. In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

5.3 Relocation of Company's Facilities. When there is a change in the Customer's operation or construction which, in the judgment of the Company, makes the relocation of Company's facilities necessary, or if such relocation is requested by the Customer, the Company will move such facilities at the Customer's expense to a location which is acceptable to the Company.

5.4 Attachments to Poles. The use of the Company's poles, wires, towers, structures or other facilities for the purpose of fastening or supporting any radio or television aerials or other equipment, or any wires, ropes, signs, banners or other things, not necessary to the supplying by the Company of electric service to the community, or the locating of same in such proximity to the Company's property or facilities as to cause, or be likely to cause, interference with the supply of electric service, or a dangerous condition in connection therewith, is prohibited, and the Company shall have the right forthwith to remove same without notice. The violator of these rules is liable for any damage resulting therefrom.

5.5 Interference with Company's Facilities. The Customer should not allow trees, vines and shrubs to interfere with the Company's adjacent overhead conductors, service wires, pad mounted transformers and meter. Such interference may result in an injury to persons, or may cause the Customer's service to be interrupted. In all cases the customer should request the Company to trim or remove trees and other growth near the Company's adjacent overhead wires, and under no circumstances should the Customer undertake this work himself, except around service cables when specifically authorized by and arranged with the Company.

5.6 Unobstructed Access to Company's Facilities. The Company shall have perpetual unobstructed access to its overhead and underground facilities such as poles, underground cables, pad mounted transformers and meters in order to perform repair and maintenance in a safe, timely and cost-efficient manner. The Customer is responsible for contacting the Company for guidance before constructing any items which may obstruct the Company's access. Such items include, but are not limited to, building additions, decks, patios, pools, fences or pavings. Relocation of the Company's facilities, as provided in Section 5.3 of these Rules and Regulations, may be necessary. Should an item interfere with access to Company facilities requiring repair or maintenance, the Company will explore with the Customer all alternatives deemed feasible by the Company to determine the method of repair most acceptable to the Customer. When the most acceptable or only option involves the Customer removing the obstruction or the Customer taking other actions, the Customer shall accomplish the work within 20 working days. Should the Customer fail to accomplish said work within 20 working days or to make other satisfactory arrangements with the Company, the Company may elect to discontinue service to the Customer, pursuant to P.A.C. Rule 25-6.105 (5) (f). In all cases, the Customer will be responsible for all costs in excess of a standard, unobstructed repair.

6 SECURITY DEPOSITS/GUARANTIES

6.1 Security Deposit/Guaranty.

- (1) Before the Company renders service or upon termination of an existing Unconditional Guaranty Contract, each applicant will be required to provide:
 - a) information which satisfies the Company's application requirements for no deposit; or
 - b) a Security Deposit consisting of cash, surety bond, or irrevocable bank letter of credit; or
 - c) a guaranty satisfactory to the Company to secure payment of bills.
- (2) Each guarantor must enter into a guaranty contract set forth as Tariff Sheet No. 9.400 or 9.410. The amount of such initial Security Deposit, if required, shall be based upon estimated billings for a period of two average months, but not less than \$25.00. Estimations shall be based on previous billings at the service address, and/or the equipment/appliances in service or to be put into service. After four (4) months history is recorded, the initial Security Deposit may be adjusted to compensate for over or under estimations. Such adjustment may consider seasonal factors. After twelve (12) months of billing history is recorded, the initial Security Deposit may again be adjusted to compensate for over or under estimations. The Company may require a subsequent Security Deposit from a Customer, including one whose initial Security Deposit was refunded/released. A Security Deposit/guaranty may be held by the Company until refunded or released under the terms of rule 6.3.