

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

ARBOR CREST, LTD.

Petitioner,

vs.

Application No. 2003-093CS
2003 Universal Cycle

FHFC #2003-0035

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

**PETITION FOR REVIEW OF 2003 UNIVERSAL SCORING SUMMARY FOR
ARBOR CREST, LTD.**

Petitioner Arbor Crest, Ltd. ("Arbor Crest"), 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 2003 Universal Scoring Summary for Arbor Crest and states:

1. The sole issue raised by this petition is the determination by Florida Housing Finance Corporation ("Florida Housing") that Arbor Crest's cure relating to proximity tie-breaker points concerning the location of a pharmacy would not be considered because "the new information was submitted on a previously signed Surveyor Certification Form with no indication that the surveyor certified the additional information." *See* 2003 MMRB, SAIL & HC Scoring Summary for Arbor Crest, July 18, 2003 ("Universal Scoring Summary") (attached as Exhibit 1). As explained below, Arbor Crest's cure was submitted in compliance with relevant Florida Housing rules relating to cures. No rule requires a separate certification from the

surveyor at the time of the cure. Thus, Arbor Crest's cure should have been accepted. Nonetheless, to alleviate any concerns about the legitimacy of the information in the cure, the surveyor has sent Florida Housing a letter certifying the cure's accuracy. *See* Exhibit 2 (letter to Kerey Carpenter from Richard M. Phillips of Cornerstone Land Surveying, Inc.)

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 2003-093CS.

3. The petitioner is Arbor Crest, 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 attorney is Donna E. Blanton, Radey Thomas Yon & Clark, P.A., 313 N. Monroe Street, Suite 200, Tallahassee, Florida, 32301. The attorney's telephone numbers are 850-425-6654 (phone) and 850-425-6694 (facsimile).

5. Arbor Crest received notice of the Universal Scoring Summary on July 21, 2003, when Florida Housing Deputy Development Officer Kerey Carpenter sent a memorandum to all applicants including final scores and a notice of rights.

6. Arbor Crest's substantial interests are affected by the Universal Scoring Summary because Arbor Crest timely filed an application with Florida Housing for Housing Credits and a SAIL loan in the 2003 Universal Cycle in connection with the development of an apartment complex in Quincy, Florida.

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

- a. Florida Housing's Universal Application provides an opportunity for applicants to receive a maximum of 3.75 tie-breaker points if they can demonstrate that a

proposed development is located near certain services, such as a grocery store, school, pharmacy, or bus stop. These are commonly referred to as “proximity to services tie-breaker points.” *See* Universal Application at Part III.A.11.b.

- b. In its Application, Arbor Crest stated that it was located within one mile or less of a pharmacy, which would entitle the development to 1.25 tie-breaker points.
- c. When preliminary scores were released by Florida Housing on May 12, 2003, Arbor Crest was awarded only 0.75 points for its proximity to a pharmacy. *See* Exhibit 3 at Item # 4P.III.A.11.b.(4) (Preliminary Scoring Summary). In its explanation for the scoring, Florida Housing stated that the “[a]ddress provided for the Pharmacy plots between 2 and 3 miles of the Tie-Breaker Measurement Point.” *Id.* at Item # 4P.
- d. In response to the Preliminary Scoring Summary, Arbor Crest submitted two cures relating to the pharmacy. *See* Exhibits 4 and 5. Both cures included a signed Surveyor Certification Form stamped “Revised.” Listed on the revised form was new information about the location of a Winn-Dixie pharmacy that is within one mile of the proposed development’s tie-breaker measurement point.
- e. When final scores were released in the Universal Scoring Summary, Florida Housing again awarded Arbor Crest only 0.75 proximity tie-breaker points for its proximity to the pharmacy. *See* Exhibit 1. In explanation, Florida Housing stated:

Applicant attempted to cure Item 4P, but the cure was not accepted because the new information was submitted on a previously signed Surveyor Certification Form with no indication that the surveyor certified the additional information.

See Exhibit 1 at Item # 1C.III.A.11.

- f. Cures are governed by rule 67-48.004(6), which provides in relevant part:
- Within 9 Calendar Days of receipt of the notice set forth in subsection (5) above, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as “revised,” and submitted. Failure to mark each new page(s) “revised” will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised.
- g. As illustrated in Exhibits 4 and 5, Arbor Crest resubmitted the entire Surveyor Certification Form in its cure with new information concerning the location of the pharmacy. The rest of the form was identical to the form originally submitted with the Application. In compliance with rule 67-48.004(6), the word “REVISED” was typed at the top of the form.
- h. Page 12 of the Instructions states that, “To be considered for tie-breaker points in this Application, the . . . Pharmacy . . . must be in existence and available for use by the general public as of the Application Deadline.” By not re-dating the certification form to a date after the Application Deadline, the surveyor made it clear that not only was the pharmacy at the point indicated on the form, but that it was there before the deadline established by Florida Housing.
- i. Florida Housing apparently was concerned that the surveyor did not re-date or re-sign the form when he added the additional information about the pharmacy. However, nothing in rule 67-48.004(6) requires a form included in a cure to be

re-dated or re-signed. Rather, the rule contemplates that a cure will include new information, it must be stamped as "REVISED," and that documents executed by third parties must be submitted in their entirety. All of the rule's requirements were satisfied by Arbor Crest, and the cure should have been accepted.

- j. Nonetheless, to alleviate any concerns about the legitimacy of the information in the cure, the surveyor has sent Florida Housing a letter certifying the cure's accuracy. *See* Exhibit 2. The letter states:

I Mr. Richard W. Phillips certify that the information included on the Surveyor Certification form dated 3/10/03 and submitted to Florida Housing Finance Corporation on June 19, 2003 is true and accurate. I further certify that the Winn Dixie Pharmacy is located at the coordinates that I listed on the Surveyor Certification form dated 3/10/03 that was submitted to Florida Housing Finance Corporation on June 19, 2003, by Arbor Crest, Ltd.

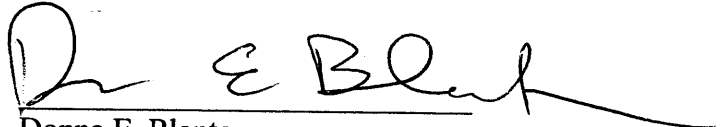
- k. Because Arbor Crest complied with Florida Housing's rule relating to cures, the Surveyor Certification Form submitted with Arbor Crest's cures should have been accepted by Florida Housing, and Arbor Crest should have been awarded 1.25 points for proximity to a pharmacy because the Winn-Dixie pharmacy identified in the cure is located within a mile of the proposed development. Moreover, the letter from the surveyor to Ms. Carpenter removes any doubt about whether the information in the cure is accurate.

8. Rules and statutes that require reversal of the proposed agency action are the Florida Housing Finance Corporation Act (sections 420.501 - .530, 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.

Based on the foregoing, Florida Housing erred in determining that Arbor Crest should be awarded only 0.75 tie-breaker points for its proximity to a pharmacy. Arbor Crest respectfully requests that an informal administrative hearing be held and that the Hearing Officer enter a Recommended Order finding that Arbor Crest is entitled to 1.25 proximity tie-breaker points for this item because a pharmacy is within one mile of the proposed development.

Dated: 8-8-03

Respectfully submitted,



Donna E. Blanton
Florida Bar No. 948500
Radey Thomas Yon & Clark, P.A.
313 N. Monroe Street, Suite 200
Tallahassee, Florida 32301
850-425-6654 (phone)
850-425-6694 (facsimile)

Attorney for Arbor Crest, Ltd.

As of: 07/18/2003

2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS

Development Name: Arbor Crest

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
07 - 18 - 2003	66	Y	7	\$52,291.67	7.06%	N
Preliminary	61	N	7	\$52,291.67	7.06%	N
NOPSE	61	N	7	\$52,291.67	7.06%	N
Final	66	Y	7	\$52,291.67	7.06%	N
Post-Appeal	0	Y	0			

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	9	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
Set-Aside Commitments									
4S	III	E	1.b.	Commitment to Serve Lower AMI	5	5	5	5	0
5S	III	E	1.c.	Total Set-Aside Commitment	3	3	3	3	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
Local Government Support									
9S	IV		a.	Contributions	5	0	0	5	0
10S	IV		b.	Incentives	4	4	4	4	0

As of: 07/18/2003

2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS

Development Name: Arbor Crest

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
9S	The Applicant was required to provide evidence of at least \$40,000 in Local Government contributions in order to earn the maximum score of 5 points. The Applicant provided, as its only evidence of a Local Government contribution, a Local Government Verification of Contribution-Fee Waiver Form showing a fee waiver in the amount of \$40,000. The Form though states the commitment is only effective through 1/14/03, not through at least 12/31/03 as required. Therefore, the commitment cannot be counted as a Local Government contribution.	Preliminary	Final

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	E		Construction Financing, Developer Note	The Applicant provided as a source of construction financing a Developer Note in the amount of \$625,000. The Note cannot be counted as a firm commitment because it is executed by TCG Arbor Crest, LLC, not the Developer, and no evidence of ability to fund was provided as required for non-regulated financial institutions.	Preliminary	Final
2T	V	B		Sources do not equal or exceed uses	The Application has a construction financing shortfall of \$625,000.	Preliminary	Final
3T	III	C	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale of Real Property, as amended. The change in the seller name, as referenced in Items C and 3 of the February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property is not supported by the documentation provided in the Application (a deed, sale or other conveyance between the two sellers was not provided).	Preliminary	Final
4T	III	C	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale of Real Property, as amended. The Assignment to the Applicant, dated April 3, 2003, references the First and Second Amendments to the Contract for Purchase and Sale of Real Property, but does not reference the Third and Fourth Amendments.	Preliminary	Final
5T	III	C	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale of Real Property, as amended. The February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property references an Assignment dated February 20, 2002, to an unknown party. A copy of this assignment was not provided.	Preliminary	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1)	Grocery Store	1.25	1.25	1.25	1.25	0
2P	III	A	11.b.(2)	Public School	1.25	1.25	1.25	1.25	0
3P	III	A	11.b.(3)	Medical Facility	1.25	0	0	0	0

As of: 07/18/2003

2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS

Development Name: Arbor Crest

Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
4P	III	A	11.b.(4) Pharmacy	1.25	0.75	0.75	0.75	0
5P	III	A	11.b.(5) Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	11.c. Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
4P	Address provided for the Pharmacy plots between 2 and 3 miles of the Tie-Breaker Measurement Point.	Preliminary	

Additional Application Comments:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	III	A	11 Pharmacy	Applicant attempted to cure Item 4P, but the cure was not accepted because the new information was submitted on a previously signed Surveyor Certification Form with no indication that the surveyor certified the additional information.	Final	



715 N. Calhoun St., Ste. 100 - Tallahassee, Florida 32303 - Phone: 850-668-7330, Fax: 850-894-9696

July 23, 2003

Ms. Kerry Carpenter
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Re: Arbor Crest
Proximity Points

Dear Ms. Carpenter:

I Mr. Richard W. Phillips certify that the information included on the Surveyor Certification form dated 3/10/03 and submitted to Florida Housing Finance Corporation on June 19, 2003 is true and accurate. I further certify that the Winn Dixie Pharmacy is located at the coordinates that I listed on the Surveyor Certification form dated 3/10/03 that was submitted to Florida Housing Finance Corporation on June 19, 2003, by Arbor Crest, Ltd.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Phillips", written in a cursive style.

Mr. Richard M. Phillips
President

As of: 05/12/2003

File # 2003-093CS

2003 MMRB, SAIL & HC Scoring Summary

Development Name: Arbor Crest

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
05 - 12 - 2003	61	N	7	\$52,291.67	7.06%	N
Preliminary	61	N	7	\$52,291.67	7.06%	N
NOPSE	0	N	0		0	
Final	0	N	0		0	
Post-Appeal	0	N	0		0	

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	0	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	0	0	0
Set-Aside Commitments									
4S	III	E	1.b.	Commitment to Serve Lower AMI	5	5	0	0	0
5S	III	E	1.c.	Total Set-Aside Commitment	3	3	0	0	0
6S	III	E	3.	Affordability Period	5	5	0	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	0	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	0	0	0
Local Government Support									
9S	IV		a.	Contributions	5	0	0	0	0
10S	IV		b.	Incentives	4	4	0	0	0

As of: 05/12/2003

2003 MMRB, SAIL & HC Scoring Summary

File # 2003-0930CS

Development Name: Arbor Crest

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
9S	The Applicant was required to provide evidence of at least \$40,000 in Local Government contributions in order to earn the maximum score of 5 points. The Applicant provided, as its only evidence of a Local Government contribution, a Local Government Verification of Contribution-Fee Waiver Form showing a fee waiver in the amount of \$40,000. The Form though states the commitment is only effective through 1/14/03, not through at least 12/31/03 as required. Therefore, the commitment cannot be counted as a Local Government contribution.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	E		Construction Financing, Developer Note	The Applicant provided as a source of construction financing a Developer Note in the amount of \$625,000. The Note cannot be counted as a firm commitment because it is executed by TCG Arbor Crest, LLC, not the Developer, and no evidence of ability to fund was provided as required for non-regulated financial institutions.	Preliminary	
2T	V	B		Sources do not equal or exceed uses	The Application has a construction financing shortfall of \$625,000.	Preliminary	
3T	III	C	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale of Real Property, as amended. The change in the seller name, as referenced in Items C and 3 of the February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property is not supported by the documentation provided in the Application (a deed, sale or other conveyance between the two sellers was not provided).	Preliminary	
4T	III	C	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale of Real Property, as amended. The Assignment to the Applicant, dated April 3, 2003, references the First and Second Amendments to the Contract for Purchase and Sale of Real Property, but does not reference the Third and Fourth Amendments.	Preliminary	
5T	III	C	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale of Real Property, as amended. The February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property references an Assignment dated February 20, 2002, to an unknown party. A copy of this assignment was not provided.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1)	Grocery Store	1.25	1.25	0	0	0
2P	III	A	11.b.(2)	Public School	1.25	1.25	0	0	0
3P	III	A	11.b.(3)	Medical Facility	1.25	0	0	0	0

As of: 05/12/2003

2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS

Development Name: Arbor Crest

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
4P	III	A	11.b.(4)	Pharmacy	1.25	0.75	0	0	0
5P	III	A	11.b.(5)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	11.c.	Proximity to Developments on FHFC Development Proximity List	3.75	3.75	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
4P	Address provided for the Pharmacy plots between 2 and 3 miles of the Tie-Breaker Measurement Point.	Preliminary	

2003 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. 2003-093CS and pertains to:

Part III Section A Subsection 11.b.(4) Exhibit No _____ (if applicable)

The attached information is submitted in response to the 2003 Universal Scoring Summary because:

- I. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve proximity tie-breaker points selected, and/or failure to achieve threshold relative to this form. Check applicable item(s) below:

	2003 Universal Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. _____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. ___ T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. <u>4</u> P	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OR

- II. 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 for Cure
For Application 2003- 093CS**

Provide a separate brief statement for each Cure.

RE: Preliminary Scoring
Item # 4P

Arbor Crest, Ltd. provided an address for the Pharmacy proximity point that plots between 2 and 3 miles instead of the 1-mile that is claimed in the Application.

Applicant is hereby providing a newly signed Surveyor Certification form and Page from the Application listing the new location of the Winn Dixie Pharmacy that is located within 1 mile of the tiebreaker measurement point. Therefore, the Applicant should receive maximum points (1.25) for the Pharmacy Proximity point.

"REVISED"

Address of Public School:

Street: 1400 West King Street

City: Quincy

State: FL

Zip Code: 32351

(3) If the proposed Development will serve the Elderly, i.e., the Applicant selected and qualified for the Elderly Demographic Commitment at Part III.D. or if the proposed Development will be located in a Medium or Small County, will it be located within 5 miles of a Medical Facility?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to a Medical Facility

Proximity Tie-Breaker Points

- > 0 and < or equal to 1.0 mile 1.25
- > 1.0 and < or equal to 2.0 miles 1
- > 2.0 and < or equal to 3.0 miles .75
- > 3.0 and < or equal to 4.0 miles .5
- > 4.0 and < or equal to 5.0 miles .25

Name of Medical Facility: NA

Address of Medical Facility:

Street: NA

City: NA

State: NA

Zip Code: NA

(4) If the proposed Development will be located in a Medium or Small County, will it be located within 5 miles of a Pharmacy?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to a Pharmacy

Proximity Tie-Breaker Points

- > 0 and < or equal to 1.0 mile 1.25
- > 1.0 and < or equal to 2.0 mile 1
- > 2.0 and < or equal to 3.0 mile .75
- > 3.0 and < or equal to 4.0 mile .5
- > 4.0 and < or equal to 5.0 mile .25

Name of Pharmacy: Winn Dixie

Address of Pharmacy:

Street: 1632 West Jefferson

City: Quincy

State: FL

Zip Code: 32351

(5) Will the proposed Development be located within 1/10 mile of a City/County Public Bus Stop or Metro-Rail Stop?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to a Public Bus Stop or Metro-Rail Stop

Proximity Tie-Breaker Points

- > 0 and < or equal to 0.2 mile 1.25

SURVEYOR CERTIFICATION

Name of Development: Arbor Crest
 Address of Development Site: On Cleveland Street at Cleveland Street and King Street, Quincy, Florida 32351

Undersigned Florida licensed surveyor confirms the following:

Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	<u>30</u>	<u>35</u>	<u>20.6</u>	<u>84</u>	<u>35</u>	<u>46.8</u>
Location of closest Public Bus Stop or Metro-Rail Stop	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>N/A</u>						
If an Address for the service(s) is not included on Street Atlas USA, 2005, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates should be made at the main entrance to the building used by the general public.						
Name of Grocery Store	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>WINN DIXIE</u>	<u>30</u>	<u>35</u>	<u>13.5</u>	<u>84</u>	<u>35</u>	<u>50.3</u>
Name of Public School	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>JAMES A. SHANKS</u>	<u>30</u>	<u>35</u>	<u>28.4</u>	<u>84</u>	<u>35</u>	<u>37.7</u>
Name of Medical Facility	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>N/A</u>						
Name of Pharmacy	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>WINN DIXIE</u>	<u>30</u>	<u>35</u>	<u>13.5</u>	<u>84</u>	<u>35</u>	<u>50.3</u>

If Florida Housing discovers that there are any false statements made in this certification, Florida Housing will forward a copy to the State of Florida's Department of Business and Professional Regulation for investigation.

CERTIFICATION

Under penalty of perjury, I declare that the foregoing statement is true and correct.

Richard W. Phillips 3/10/03 CORNERSTONE LAND SURVEYING, INC.
 Signature Date Name of Surveyor
RICHARD W. PHILLIPS 715 N. CALHOUN STREET
 Print or Type Name of Signatory Address
PRESIDENT TALLAHASSEE, FL. 32303
 Print or Type Title of Signatory
P.S.M. 5557 850-668-7330
 Florida License Number Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

2003 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. 2003- 093CS and pertains to:

Part _____ Section _____ Subsection _____ Exhibit No _____ (if applicable)

The attached information is submitted in response to the 2003 Universal Scoring Summary because:

- I. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve proximity tie-breaker points selected, and/or failure to achieve threshold relative to this form. Check applicable item(s) below:

	2003 Universal Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. _____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. _____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. _____ P	<input type="checkbox"/>	<input type="checkbox"/>

OR

- II. 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 III Section A Subsection 11.b.(4) Exhibit 25** (if applicable).

**Brief Statement of Explanation for Cure
For Application 2003- 093CS**

Provide a separate brief statement for each Cure.

RE: Preliminary Scoring
Consistency

Arbor Crest, Ltd. provided an address for the Pharmacy proximity point that plots between 2 an 3 miles instead of the 1-mile that is claimed in the Application.

For the purpose of consistency Applicant is hereby providing a newly signed Surveyor Certification form listing the new location of the Winn Dixie Pharmacy, which is located within 1 mile of the tiebreaker measurement point.

"REVISED"

SURVEYOR CERTIFICATION

Name of Development: Arbor Crest

Address of Development Site: On Cleveland Street at Cleveland Street and King Street, Quincy, Florida 32351

Designated Florida licensed surveyor confirms the following:

State the Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	<u>30</u>	<u>35</u>	<u>20.6</u>	<u>84</u>	<u>35</u>	<u>46.8</u>
Location of closest Public Bus Stop or Metro-Rail Stop	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>N/A</u>						
If an Address for the service(s) is not included on Street Atlas USA 2003, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates should be made at the main entrance to the building used by the general public.						
Name of Grocery Store	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>WINN DIXIE</u>	<u>30</u>	<u>35</u>	<u>13.5</u>	<u>84</u>	<u>35</u>	<u>50.3</u>
Name of Public School	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>JAMES A. SHANKS</u>	<u>30</u>	<u>35</u>	<u>28.4</u>	<u>84</u>	<u>35</u>	<u>37.7</u>
Name of Medical Facility	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>N/A</u>						
Name of Pharmacy	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
<u>INN DIXIE</u>	<u>30</u>	<u>35</u>	<u>13.5</u>	<u>84</u>	<u>35</u>	<u>50.3</u>

If Florida Housing discovers that there are any false statements made in this certification, Florida Housing will forward a copy to the State of Florida's Department of Business and Professional Regulation for investigation.

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct.

Richard W. Phillips 3/10/03 CORNERSTONE LAND SURVEYING, INC.
 Signature Date Name of Surveyor
RICHARD W. PHILLIPS 715 N. CALHOUN STREET
 Print or Type Name of Signatory Address
PRESIDENT TALLAHASSEE, FL. 32303
 Print or Type Title of Signatory
P.S.M. 5557 850-668-7330
 Florida License Number Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

Exhibit 25