

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

**ST. LUKE'S LIFE CENTER, LTD.**

**Petitioner,**

vs.

**Application No. 2005-044C  
2005 Universal Cycle**

**FLORIDA HOUSING FINANCE  
CORPORATION,**

**Respondent.**

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**PETITION FOR FORMAL ADMINISTRATIVE HEARING**

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FINANCE CORPORATION**

Petitioner St. Luke's Life Center, Ltd. ("St. Luke's"), pursuant to sections 120.569 and 120.57(1), Florida Statutes, and rules 28-106.201 and 67-48.005(5), Florida Administrative Code, files this petition for formal administrative hearing concerning the scoring by Florida Housing Finance Corporation ("Florida Housing") of Application No. 2005-038C filed by Fore Summerlin Oaks, Ltd. ("Summerlin Oaks"). The issue raised in this Petition is whether Summerlin Oaks properly received 1.25 tie-breaker measurement points for its proximity to a public school.

**PRELIMINARY STATEMENT**

1. St. Luke's filed an application for an allocation of housing credits in the 2005 Universal Cycle from Florida Housing. St. Luke's applied for \$1,511,082 in competitive housing credits and proposed to build a 150-unit apartment complex in Polk County, Florida. When final scores were released by Florida Housing on May 24, 2005, St. Luke's received the

maximum possible score of 66 from Florida Housing and earned the maximum of 7.5 tie-breaker measurement points for proximity to services such as a grocery store, public school, medical facility, pharmacy, and a bus stop. However, when final ranking scores were released on August 25, 2005, St. Luke's was not in the funding range for an allocation of housing credits in the 2005 cycle.

2. Summerlin Oaks also filed an application for an allocation of housing credits in the 2005 Universal Cycle. Summerlin Oaks applied for \$928,333 in competitive housing credits and proposed to build a 144-unit apartment complex in Polk County, Florida. When final scores were released on May 24, 2005, Summerlin Oaks also received a perfect score of 66 points and 7.5 tie-breaker measurement points for proximity to certain services. Because Summerlin Oaks had a higher lottery number than St. Luke's, Summerlin Oaks was in the funding range for housing credits when final ranking scores were released on August 25, 2005.

3. Florida Housing has more applicants seeking housing credits than it can fund each year.<sup>1</sup> In order to determine which applications should receive funding, Florida Housing uses a scoring process for the allocation of housing credits pursuant to rule chapter 67-48, Florida Administrative Code, and a Qualified Allocation Plan ("QAP"). The provisions of the QAP are adopted and incorporated by reference in rule 67-48.025. Pursuant to the QAP, housing credits

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<sup>1</sup> To encourage the development of low-income housing for families, in 1987 Congress created federal income tax credits (also known as housing credits) that are allotted to each state, including Florida. Section 42 of the Internal Revenue Code governs this program. The tax credits equate to a dollar-for-dollar reduction of the holder's federal tax liability, which can be taken for up to ten years, if the project satisfies the Internal Revenue Code's requirements each year. The developer sells, or syndicates, the tax credits to generate a substantial portion of the funding necessary for the construction of the development. Each state receives an annual allotment of tax credits allocated to the state, primarily on a per capita basis. Florida Housing is the statutorily created "housing credit agency" responsible for the allocation and distribution of Florida's tax credits to applicants for the development of rental housing for low income and very low income families.

are apportioned among the most populated counties, medium populated counties, and least populated counties. The QAP also establishes set-asides and special targeting goals.

4. An application for housing credits is comprised of numerous forms that request information from each applicant. Florida Housing has adopted its application package by reference in rule 67-48.004(1)(a), Florida Administrative Code. An applicant for housing credits may earn a maximum of 66 points. The Universal Application Instructions, which are part of the application package, provide that, in the event of a tie among competing applications receiving 66 points, a series of tie-breakers will be used to rank such applicants. Generally (in descending order), an application in “Group A” prevails over an application in “Group B”; an application with a greater amount of proximity tie-breaker points prevails over an application with fewer proximity tie-breaker points; and an application with a lower lottery number prevails over an application with a higher lottery number. The lottery number is used as the last tie-breaker when applications are otherwise scored equally.

5. Both St. Luke’s and Summerlin Oaks were competing for housing credits in the large county geographic set-aside category in Polk County, and both were designated as urban in-fill developments. Both were in Group “A” for leveraging purposes. Under the relevant set-aside unit limitations (SAUL) in Florida Housing’s Universal Application Instructions, 150 units could be funded in Polk County. Summerlin Oaks had a lottery number of 11, and St. Luke’s had a lottery number of 68, which meant that Summerlin Oaks scored just ahead of St. Luke’s based on this last tie-breaker. However, the lottery numbers only matter if both St. Luke’s and Summerlin Oaks received a perfect score and were in all other ways tied in the application process. If one of the developments failed to achieve a maximum score of 66 and earn the

maximum 7.5 in tie-breaker proximity points, then the other development would be in the funding range.

6. Summerlin Oaks improperly received 1.25 proximity tie-breaker points for its proximity to a public school during the scoring process. The Universal Application Instructions adopted by Florida Housing provide that the latitude and longitude coordinates for measuring a public school's proximity to a development must represent "a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located." Universal Application Instructions at page 16 (emphasis supplied). Summerlin Oaks improperly used as its measurement point a doorway intended for student and teacher access only, not the door to the school's office, which all members of the public must use when visiting the school. Because the latitude and longitude coordinates of the school's office – the proper location for measuring distance from the development – are more than one mile away from Summerlin Oaks' proposed development, Summerlin Oaks should not have received the full 1.25 tie-breaker measurement points. *See* Universal Application Instructions at p. 17 (1.25 points are available only if the proposed development's tie-breaker measurement point is less than or equal to 1.0 mile from the eligible service).

7. If Summerlin Oaks had not received the full 1.25 points for its proximity to a public school, it would not have been in the funding range. St. Luke's, the next-eligible development in the large-county set-aside category located in Polk County, would have been in the funding range if Summerlin Oaks had been properly scored.

**AGENCY AFFECTED**

8. 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 2005-044C.

**NAME AND ADDRESS OF PETITIONER**

9. The petitioner is St. Luke's, 2950 SW 27<sup>th</sup> Avenue, Suite 200, Miami, Florida 33133. The petitioner's telephone numbers are 305-476-8118 (phone) and 305-476-9674 (facsimile).

**PETITIONER'S ATTORNEY**

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

**NOTICE**

11. St. Luke's received notice of the final rankings in the 2005 Universal Application Cycle on August 25, 2005, when Stephen P. Auger, then Deputy Development Officer of Florida Housing, sent a memorandum to all applicants that included a 2005 Universal Scoring Summary that reflected final ranking scores, as well as a notice of rights.

**PETITIONER'S SUBSTANTIAL INTERESTS**

12. St. Luke's substantial interests are affected by the final rankings because the improper scoring of Summerlin Oaks' application placed Summerlin Oaks in the funding range. But for this improper scoring, St. Luke's – as the next eligible development of the same type in Polk County – would have been in the funding range and, therefore, would have been included in the 2005 final rankings.

13. Rule 67-48.005(5) provides, in relevant part:

Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the SAIL Program, the HOME

Program or the HC Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

....

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C. or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allows for cures in subsection 67-48.004(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time the Corporation provided the Applicant with its final ranking.

14. The issue of Summerlin Oaks' ability to receive proximity tie-breaker points has been at issue throughout the scoring process in the 2005 cycle. When preliminary scores were released by Florida Housing on March 18, 2005, Summerlin Oaks was awarded 1.25 points for its proximity to Gibbons Street Elementary School. *See* Exhibit 1 (Preliminary Scores). A competing applicant filed a Notice of Possible Scoring Error ("NOPSE") noting (1) that the tie-breaker measurement point used by the developer for proximity to services was not on the development site and (2) that the coordinates provided for Gibbons Street Elementary School described a point that is located near a service entrance to the school that is only used by janitors and the staff. *See* NOPSE submitted by Application No. 2005-046C, attached as Exhibit 2. Florida Housing accepted both arguments when it released NOPSE scores on April 14, 2005. *See* Exhibit 3 (NOPSE Scores).

15. The Applicant attempted to cure both issues, changing the location of both the tie-breaker measurement point at its development site and at the school. *See* Exhibit 4 (Summerlin Oaks' cure). The new point on the school site selected by the Applicant was the entrance to

Building # 7, an outlying building toward the rear of the campus and closest to the Applicant's development. Building # 7 does not serve as the school's public entrance; rather, it is used by students entering that particular building. As part of its cure, the Applicant included a letter from the school principal stating that parents and visitors could enter Building # 7 only "after checking in at the office." *Id.*

16. A competing Applicant then filed a Notice of Alleged Deficiency ("NOAD") challenging the use of the outlying building as an appropriate tie-breaker measurement point and noting that the actual public entrance to the school (the office) is 1.009 miles from the tie-breaker measurement point on the development site. *See Exhibit 5 (NOAD).* Thus, Summerlin Oaks should have received only 1.0 proximity tie-breaker measurement point for its location near the school, not 1.25 points. The NOAD includes numerous exhibits demonstrating that the Applicant did not select as its measurement point an exterior entrance providing direct public access to the school. *See id.* One exhibit shows a sign posted on the school's campus stating that "VISITORS MUST CHECK WITH OFFICE BEFORE ENTERING BUILDING." *Id.*

17. The Universal Application Instructions concerning tie-breaker measurement points provide as follows:

The latitude and longitude coordinates for a Grocery Store, Public School, Medical Facility and Pharmacy must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. . . .

If there is no exterior public entrance to the Grocery Store, Public School, Medical Facility or Pharmacy, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. . . .

Universal Application Instructions at p. 16 (emphasis supplied). Gibbons Street Elementary School unquestionably has a main public exterior entrance. It is the school's office. *See Exhibit*

5. Thus, under the plain language of the Instructions, Summerlin Oaks should have used that public entrance – the office – as the measurement point for purposes of obtaining proximity tie-breaker measurement points.

18. Florida Housing did not accept the NOAD filed by the competing Applicant and awarded Summerlin Oaks 1.25 tie-breaker points for its proximity to the public school. Pursuant to rule 67-48.005(5), St. Luke's opportunity to challenge that scoring decision was provided when final ranking scores were released on August 25, 2005.

19. Because St. Luke's is challenging a scoring decision, it must demonstrate that the contested issue is not one that could have been cured during the cure period or that the issue is one that could have been cured, but the ability to cure was not solely within the applicant's control. *See* r. 67-48.005(5)(b), Fla. Admin. Code. In this case, Summerlin Oaks could not have cured its proximity tie-breaker measurement point in a way that would have allowed it to achieve the maximum of 1.25 points for proximity to the school. As demonstrated in Exhibit 5 and its attachments, the direct public entrance of Gibbons Street Elementary School is located at latitude N 27 degrees, 53 minutes, 11.4 seconds and longitude W 81 degrees, 49 minutes, 25.1 seconds. This point is 5,3271.71 feet (or 1.009 miles) away from the Applicant's tie-breaker measurement point.

20. St. Luke's also must demonstrate that but for the error in scoring in the Summerlin Oaks application, St. Luke's would have been within the funding range at the time of final ranking. R. 67-48.005(5), Fla. Admin. Code. As previously noted, St. Luke's was the next development in line to be funded through the Polk County SAUL in the 2005 cycle. If Summerlin Oaks had been properly scored by Florida Housing according to the agency's own rules, Summerlin Oaks would not have been in the funding range and St. Luke's would have



been. Thus, St. Luke's substantial interests are affected by Florida Housing's issuance of its final ranking scores.

### **DISPUTED ISSUES OF MATERIAL FACT**

21. Disputed issues of material fact and law include:
- Whether the entrance to Building # 7 that Summerlin Oaks used as its tie-breaker measurement point at Gibbons Street Elementary School provides direct public access to the school;
  - Whether Summerlin Oaks qualifies for the maximum proximity tie breaker points permitted by Florida Housing's Universal Application Instructions for proximity to a public school;
  - Whether Florida Housing erred in awarding Summerlin Oaks 1.25 proximity tie-breaker points for its proximity to a public school.

### **ULTIMATE FACTS ALLEGED**

22. Ultimate facts alleged, including those that warrant reversal of the proposed agency action, are that (1) Florida Housing erred in awarding 1.25 tie-breaker measurement points to Summerlin Oaks based on its proximity to a public school, and (2) but for this error in scoring, Summerlin Oaks would not have been ranked in the funding range for the 2005 Universal Cycle and St. Luke's would have been ranked in the funding range.

### **RULES AND STATUTES**

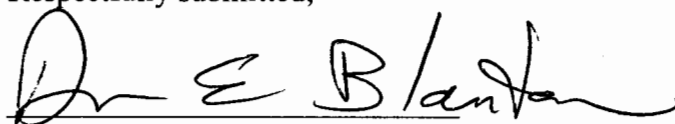
23. Rules and statutes that require reversal of the proposed agency action are the Florida Housing Finance Corporation Act (sections 420.501 - .530, Florida Statutes); sections 120.569 and 120.57(1), Florida Statutes; and rules 67-48.002, 67-48.004, and 67-48.005, Florida Administrative Code.

**RELIEF REQUESTED**

24. St. Luke's respectfully requests that this Petition be transferred to the Division of Administrative Hearings for a formal administrative hearing and that the Administrative Law Judge enter a Recommended Order finding that but for the scoring error in the Summerlin Oaks application, St. Luke's would have been in the funding range and would have been included in the 2005 final rankings.

Dated: 9-16-05

Respectfully submitted,



Donna E. Blanton

Florida Bar No. 948500

Radey Thomas Yon & Clark, P.A.

301 S. Bronough Street, Suite 200

Tallahassee, Florida 32301

850-425-6654 (phone)

850-425-6694 (facsimile)

Attorney for St. Luke's Life Center, Ltd.

## 2005 MMRB, SAIL & HC Scoring Summary

As of: 03/18/2005

File # 2005-038C Development Name: Summerlin Oaks

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?
03 - 18 - 2005	66	N	7.5	\$48,350.68	%	N
Preliminary	66	N	7.5	\$48,350.68	%	N
NOPSE	0	N	0		0	
Final	0	N	0		0	
Final-Ranking	0	N	0		0	

**Scores:**

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
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.	Total Set-Aside Percentage	3	3	0	0	0
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	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	5	0	0	0
10S	IV		b.	Incentives	4	4	0	0	0

## 2005 MMRB, SAIL & HC Scoring Summary

As of: 03/18/2005

File # 2005-038C Development Name: Summerlin Oaks

**Threshold(s) Failed:**

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	II	B	3 Development Team	The General Contractor or Principal of General Contractor Certification Form provided by the Applicant is not completed and executed.	Preliminary	

**Proximity Tie-Breaker Points:**

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a) Grocery Store	1.25	1.25	0	0	0
2P	III	A	10.a.(2)(b) Public School	1.25	1.25	0	0	0
3P	III	A	10.a.(2)(c) Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d) Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e) Public Bus Stop or Metro-Rail Stop	1.25	1.25	0	0	0
6P	III	A	10.b. Proximity to Developments on FHFC Development Proximity List	3.75	3.75	0	0	0

**Additional Application Comments:**

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	V	B	Total Development Cost Adjusted	The Applicant entered \$1,058,638 as the GC fee. This figure exceeded the 14% GC fee limit and as such, the fee was adjusted to the 14% limit of \$1,008,227. The adjustment in the GC fee decreased the Development's Cost which caused the 16% Developer Fee limit to be exceeded. Therefore, the Developer Fee amount was decreased from \$1,656,300 to \$1,648,233. The Development's Total Development Cost was decreased from \$12,758,173 to \$12,699,695 because of the fee adjustments.	Preliminary	



Brief Statement of Explanation regarding  
Application No. 2005 – 038C

Provide a separate brief statement for each NOPSE

Part III. A. 10. and Exhibit 25 (Proximity)

The coordinates provided for the Public School "Gibbons St. Elementary School" describes a point that is located near a service entrance to the school that is only used by the janitors and staff. The point does not represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to Gibbons St. Elementary School as required by Florida Housing's Universal Application instructions.

The attached Surveyor Affidavit (Exhibit 1) and the sketch attached both show that the latitude and longitude coordinates for the exterior direct public entrance to Gibbons St. Elementary School are latitude N 27 degrees, 53 minutes, 11.4 seconds and longitude W 81 degree, 49 minutes, 25.1 seconds. This point is 5,327.71 feet away (or 1.009 miles away) from the TBMP.

Therefore, Florida Housing should only award the Applicant one (1) tie breaker proximity point for the Public School service.

Affidavit and Certification of Joseph R. Gore

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

1. My name is Joseph R. Gore. I am licensed by the State of Florida as a Professional Land Surveyor. My license number is LS 5188. I am a Project Manager of Hamilton Engineering and Surveying, Inc. I confirm that the method used to determine the latitude and longitude coordinates in this Affidavit and Certification conforms to Rule 61G17-6, F.A.C. I am submitting this Affidavit and Certification on behalf of Sunnybrooke Apartments, Ltd. (the "Applicant") and am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

2. I have reviewed the following documents:

a. Surveyor Certification, signed by Gregory A Prather, but not dated, that says it is for Summerlin Oaks (the "Submitted Surveyor Certification");

b. A sketch, submitted by Pickett & Associates, Inc., that shows a field work date of February 11, 2005, that shows Gibbons St. Elementary School (the "Submitted Gibbons St. Elementary School Sketch");

3. I conducted and supervised field work and research regarding the site on which Summerlin Oaks would be located and the tie-breaker measurement points ("TBMPs") claimed in the Submitted Surveyor Certification. I also conducted and supervised field work and research regarding the Gibbons St. Elementary School referenced in the Submitted Surveyor Certification and Submitted Gibbons St. Elementary School Sketch.

4. Based on that work, I prepared and supervised the preparation of the attached sketch, showing the parcels on which the development would be located (the "Correct Development Site and Gibbons St. Elementary School Sketch").

The Correct Location of Gibbons St. Elementary School

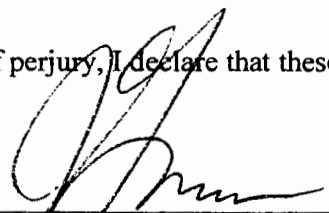
5. The Submitted Surveyor Certification claims that the doorway threshold of the public entrance to Gibbons St. Elementary School is located at latitude N 27 degrees, 53 minutes, 11.2 seconds (truncated to 1 decimal place) and at longitude W 81 degrees, 49 minutes, 26.8 seconds (truncated to 1 decimal place). The provided coordinates identifies a point to a service entrance to the School and does not represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to Gibbons St. Elementary School.

6. The latitude and longitude coordinates for the exterior direct public entrance to Gibbons St. Elementary School is: latitude N 27 degrees, 53 minutes, 11.4 seconds (truncated after 1 decimal place) and longitude W 81 degrees, 49 minutes, 25.1 seconds (truncated after 1 decimal place). This location is computed by me to be 155 feet ± away from the spot identified by the Submitted Surveyor Certification for the tie-breaker measurement point.

7. Although the tie-breaker measurement point is not located on the submitted development site, the correctly identified public entrance to the school is 5,327.71 feet away (or 1.009 miles away) from the closest boundary of any piece of the Summerlin Oaks property.

8. The Development Site Sketch shows the exterior walls of the building sheltering the school, the latitude and longitude coordinates provided above and the public entrance that it represents, and the latitude and longitude coordinates for the service entrance to Gibbons St. Elementary School claimed in the Submitted Surveyor Certification.

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

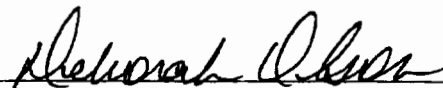
  
\_\_\_\_\_  
Joseph R. Gore, PLS., FL. Reg. # 5188

3/24/05  
\_\_\_\_\_  
Dated

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me this 24 day of March, 2005, by Joseph R. Gore, who is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal, this 24 day of March, 2005.

  
\_\_\_\_\_  
Notary Public  
State of FLORIDA  
My commission expires: 3-14-8

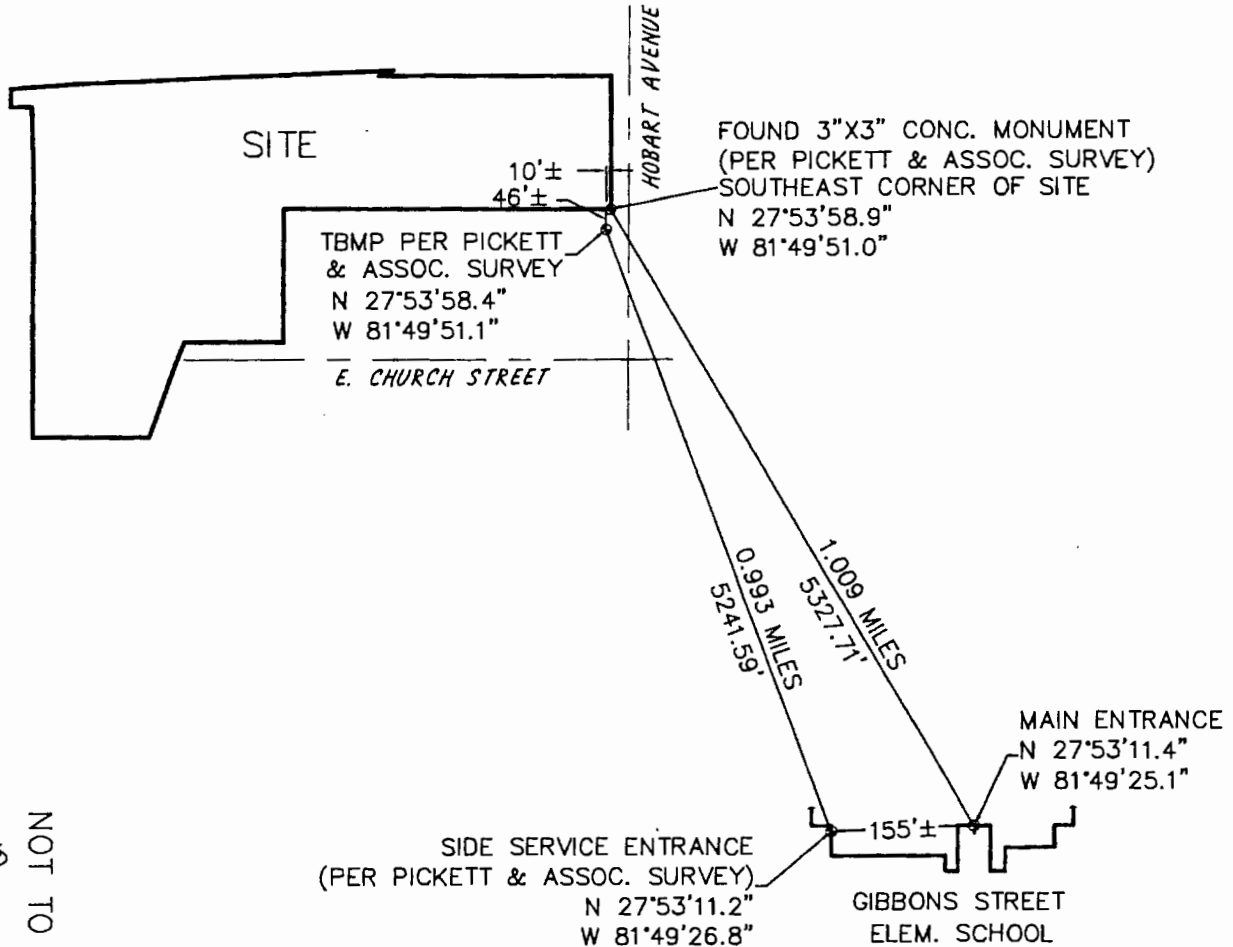
(AFFIX SEAL)





# SPECIFIC PURPOSE SURVEY FOR "DEVELOPMENT SITE SKETCH"

SECTION 5, TOWNSHIP 30 SOUTH, RANGE 25 EAST  
POLK COUNTY, FLORIDA



\\hes02\2005\050207\050207TB.dwg, 3/24/2005 8:50:05 AM

**HAMILTON**  
**ENGINEERING & SURVEYING, INC.**  
CIVIL ENGINEERING / SURVEYING / ENVIRONMENTAL / LAND PLANNING  
311 NORTH NEWPORT AVENUE, SUITE 100 TEL. (813) 250-3535  
TAMPA, FL 33608 FAX (813) 250-3636

I hereby certify that this survey was made under my responsible charge, is true and correct and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers, Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

*Joseph R. Gore* 3/24/05  
Joseph R. Gore, PLS  
FLORIDA REG. NO. 5188  
CERTIFICATE OF AUTHORIZATION LB #7013  
Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper

FIELD WORK DATE:	3/21/05	SITE:	SUMMERLIN OAKS
DRAWN BY:	SZC		East Church Street
DATE ISSUED:	3/24/05		BARTOW, FLORIDA 33830
SHEET 3 OF 3		AFFIDAVIT SKETCH	
		DRAWING NO.: 20-050207B	

Affidavit and Certification of Joseph R. Gore

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

1. My name is Joseph R. Gore. I am licensed by the State of Florida as a Professional Land Surveyor. My license number is LS 5188. I am a Project Manager of Hamilton Engineering and Surveying, Inc. I confirm that the method used to determine the latitude and longitude coordinates in this Affidavit and Certification conforms to Rule 61G17-6, F.A.C. I am submitting this Affidavit and Certification on behalf of Sunnybrooke Apartments, Ltd. (the "Applicant") and am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

2. I have reviewed the following documents:

a. Surveyor Certification, signed by Gregory A Prather, but not dated, that says it is for Summerlin Oaks (the "Submitted Surveyor Certification");

b. Legal Descriptions of all eight parcels as submitted to Florida Housing in 2005 application as Exhibit A to the Amended and Restated Real Estate Purchase and Sale Contract, signed by the Purchaser, Christopher L. New, but not dated.

3. I conducted and supervised field work and research regarding the sites on which Summerlin Oaks would be located and the tie-breaker measurement point ("TBMP") claimed in the Submitted Surveyor Certification.

4. Based on that work, I prepared and supervised the preparation of the attached sketch, of which shows the parcels on which the developments would be located (the "Development Site Sketch") and the location of the submitted tie-breaker measurement point.

The Correct Location of the Tie-Breaker Measurement Point

5. The Submitted Surveyor Certification claims that the TBMP is located at latitude N 27 degrees, 53 minutes, 58.4 seconds (truncated to 1 decimal place) and at longitude W 81 degrees, 49 minutes, 51.1 seconds (truncated to 1 decimal place).

6. That point is not located on the development site. It is 46 feet ± South of the Southerly boundary line and 10 feet ± West of the Easterly boundary line.

7. From my review of the Legal Descriptions, it appears that the developer was claiming the southeastern-most corner of the property as its TBMP. I measured the location of the southeastern-most corner of the legal descriptions provided to be latitude N 27 degrees, 53 minutes, 58.9 seconds (truncated to 1 decimal place) and the longitude to be W 81

Brief Statement of Explanation regarding  
Application No. 2005 – 038C

Provide a separate brief statement for each NOPSE

**Part III. A. 10. and Exhibit 25 (Proximity)**

**The Applicant is entitled to zero proximity points because the Tie-Breaker Measurement Point (TBMP) is not on the Development site and is therefore invalid.**

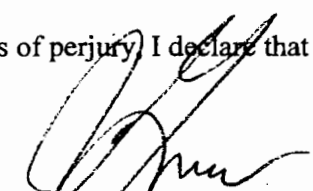
**The Surveyor Certification submitted by Applicant claims that the TBMP is located at latitude 27 degrees, 53 minutes, 58.4 seconds (truncated after 1 decimal place) and at longitude 81 degrees, 49 minutes, 51.1 seconds (truncated after 1 decimal place). The attached Surveyor Affidavit (Exhibit 1) and the sketch attached to it show that the above mentioned point is not located on the development site. It is 40.55 feet away from the closest boundary of any part of the site. The Florida Housing's rule 67-48.002(99) requires that the TBMP that the Applicant selects be on the Development site.**

**Therefore, Florida Housing should award zero points for all proximity points.**

degrees, 49 minutes, 51.0 seconds (truncated to 1 decimal place. This location is 47 feet ± away from the spot identified by the coordinates actually given for the TBMP.

8. The Development Site Sketch depicts the locations of the TBMP as claimed and as is relocated to the Development site.

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

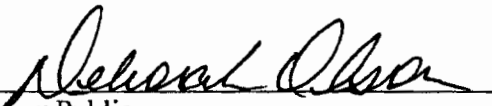
  
\_\_\_\_\_  
Joseph R. Gore, P.L.S., FL. Reg. # 5188

3/24/05  
Dated

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me this 24 day of March, 2005 by Joseph R. Gore, who is personally known to me or has produced \_\_\_\_\_ as identification.

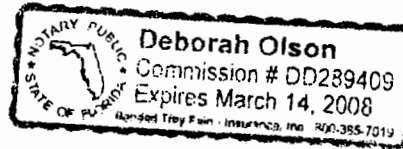
WITNESS my hand and official seal, this 24 day of March, 2005.

  
\_\_\_\_\_  
Notary Public

State of FLORIDA

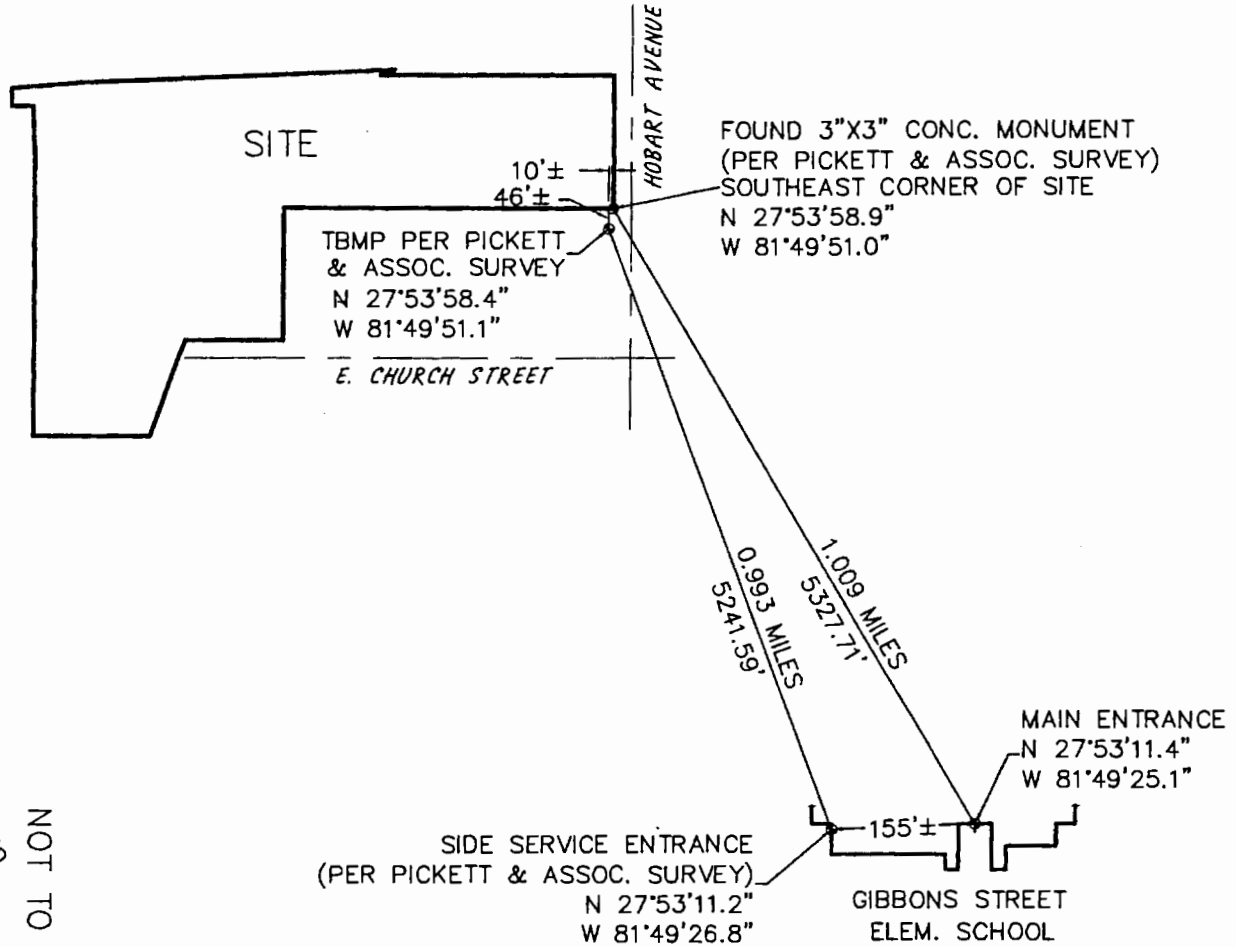
My commission expires: 3.14-8

(AFFIX SEAL)



# SPECIFIC PURPOSE SURVEY FOR "DEVELOPMENT SITE SKETCH"

SECTION 5, TOWNSHIP 30 SOUTH, RANGE 25 EAST  
POLK COUNTY, FLORIDA



NOT TO SCALE

## HAMILTON

### ENGINEERING & SURVEYING, INC.

CIVIL ENGINEERING / SURVEYING / ENVIRONMENTAL / LAND PLANNING  
311 NORTH NEWPORT AVENUE, SUITE 100      TEL (813) 250-3535  
TAMPA, FL 33606      FAX (813) 250-3636

I hereby certify that this survey was made under my responsible charge, is true and correct and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

*Joseph R. Gore* 3/24/05

Joseph R. Gore, PLS  
FLORIDA REG. NO. 5188  
CERTIFICATE OF AUTHORIZATION LB #7013

Not valid without the signature and the original related seal of a Florida Licensed Surveyor and Mapper

FIELD WORK DATE:	3/21/05	SITE:	SUMMERLIN OAKS East Church Street BARTOW, FLORIDA 33830
DRAWN BY:	SZC		
DATE ISSUED:	3/24/05		
SHEET 3 OF 3		AFFIDAVIT SKETCH	
		DRAWING NO.: 20-050207TB	

\\hes02\2005\050207\050207TB.dwg, 3/24/2005 8:50:05 AM

## 2005 MMRB, SAIL & HC Scoring Summary

As of: 04/14/2005

File # 2005-038C

Development Name: Summerlin Oaks

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?
04 - 14 - 2005	66	N	3.75	\$48,350.68	%	N
Preliminary	66	N	7.5	\$48,350.68	%	N
NOPSE	66	N	3.75	\$48,350.68	%	N
Final	0	N	0		0	
Final-Ranking	0	N	0		0	

**Scores:**

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
<b>Optional Features &amp; Amenities</b>									
1S	III	B	2.a.	New Construction	9	9	9	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	12	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	0	0
<b>Set-Aside Commitments</b>									
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	3	0	0
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	5	0	0
6S	III	E	3	Affordability Period	5	5	5	0	0
<b>Resident Programs</b>									
7S	III	F	1	Programs for Non-Elderly & Non-Homeless	6	6	6	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	8	0	0
<b>Local Government Support</b>									
9S	IV		a.	Contributions	5	5	5	0	0
10S	IV		b.	Incentives	4	4	4	0	0

## 2005 MMRB, SAIL & HC Scoring Summary

As of: 04/14/2005

File # 2005-038C

Development Name: Summerlin Oaks

Threshold(s) Failed:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	II	B	3	Development Team	Preliminary	
				The General Contractor or Principal of General Contractor Certification Form provided by the Applicant is not completed and executed.		

Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	1.25	1.25	0	0	0
2P	III	A	10.a.(2)(b)	1.25	1.25	0	0	0
3P	III	A	10.a.(2)(c)	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	1.25	1.25	0	0	0
6P	III	A	10.D.	3.75	3.75	3.75	0	0

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

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Tie-Breaker Measurement Point listed on the Surveyor Certification Form is not on the proposed development site. Therefore, zero points were awarded for the Grocery Store.	NOPSE	
2P	The Tie-Breaker Measurement Point listed on the Surveyor Certification Form is not on the proposed development site. Therefore, zero points were awarded for the Public School.	NOPSE	
2P	The latitude and longitude coordinates listed on the Surveyor Certification Form represent a point that is not a public entrance to the school. As stated on page 16 of the Universal Application Instructions, the latitude and longitude coordinates must represent a point that is on the doorway threshold of an exterior public entrance that provides direct public access to the building where the service is located. Therefore, zero points were awarded.	NOPSE	
5P	The Tie-Breaker Measurement Point listed on the Surveyor Certification Form is not on the proposed development site. Therefore, zero points were awarded for the Bus Stop.	NOPSE	

Additional Application Comments:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	V	B	Total Development Cost Adjusted	The Applicant entered \$1,058,638 as the GC fee. This figure exceeded the 14% GC fee limit and as such, the fee was adjusted to the 14% limit of \$1,008,227. The adjustment in the GC fee decreased the Development's Cost which caused the 16% Developer Fee limit to be exceeded. Therefore, the Developer Fee amount was	Preliminary	

## 2005 MMRB, SAIL & HC Scoring Summary

As of: 04/14/2005

File # 2005-038C

Development Name: Summerlin Oaks

**Additional Application Comments:**

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result	Rescinded as Result
				decreased from \$1,656,300 to \$1,648,233. The Development's Total Development Cost was decreased from \$12,758,173 to \$12,699,695 because of the fee adjustments.		



Brief Statement of Explanation regarding  
Application No. 2005 - 038C

Provide a separate brief statement for each Cure or NOAD

In response to NOPSE, which challenged location of  
Tie-Breaker Measurement Point and proper coordinates  
for Gibbons St. Elementary, please find enclosed:

- Surveyor Certification Form and sketches;
- Affidavit from Surveyor; and
- Letter from school principal.

**SURVEYOR CERTIFICATION**

Name of Development: Summerlin Oaks  
 East Church Street, North Side of East Church St. and North 2nd Ave. Bartow, FL 33830  
 Development Location: \_\_\_\_\_

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

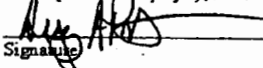
The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	<u>N27</u>	<u>53</u>	<u>58.7</u>	<u>W81</u>	<u>49</u>	<u>51.0</u>
If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point? <input type="checkbox"/> Yes <input type="checkbox"/> No (check one)						
Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development.						
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>N27</u>	<u>53</u>	<u>55.0</u>	<u>W81</u>	<u>49</u>	<u>52.0</u>
State the name, address (as assigned by the United States Postal Service including the address number, street name and city) and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service.						
	Latitude			Longitude		
Grocery Store: Name - Publix Address - 255 E. Van Fleet Dr. Bartow, FL 33830	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	<u>N27</u>	<u>54</u>	<u>10.1</u>	<u>W81</u>	<u>50</u>	<u>29.7</u>
Public School: Name - Gibbons St. Elementary Address - 1860 E. Gibbons St. Bartow, FL 33830	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	<u>N27</u>	<u>53</u>	<u>12.3</u>	<u>W81</u>	<u>49</u>	<u>26.6</u>
Medical Facility: Name - Address -	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
Pharmacy: Name - Address -	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)

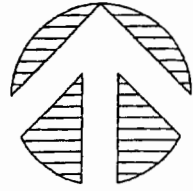
If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

**CERTIFICATION**

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

	<u>4/25/05</u>	<u>Pickett &amp; Assoc., Inc.</u>
Signature	Date (mm/dd/yyyy)	Name of Surveyor
<u>Gregory A. Prather</u>		<u>475 South First Ave.</u>
Print or Type Name of Signatory		Address
<u>V.P. Dir. of Surveying</u>		<u>Bartow, FL 33830</u>
Print or Type Title of Signatory		
<u>IS 5135</u>		<u>863-533-9095</u>
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 not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.



NORTH

ENTRANCE  
N 27°54'10.1"  
W 81°50'29.7"

PUBLIX GROCERY STORE

Summerlin Oaks

Exhibit A

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**

Surveyors • Mappers • Engineers

475 South First Avenue

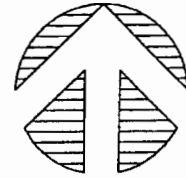
Bartow, Florida 33830

Phone: (883) 533-9095

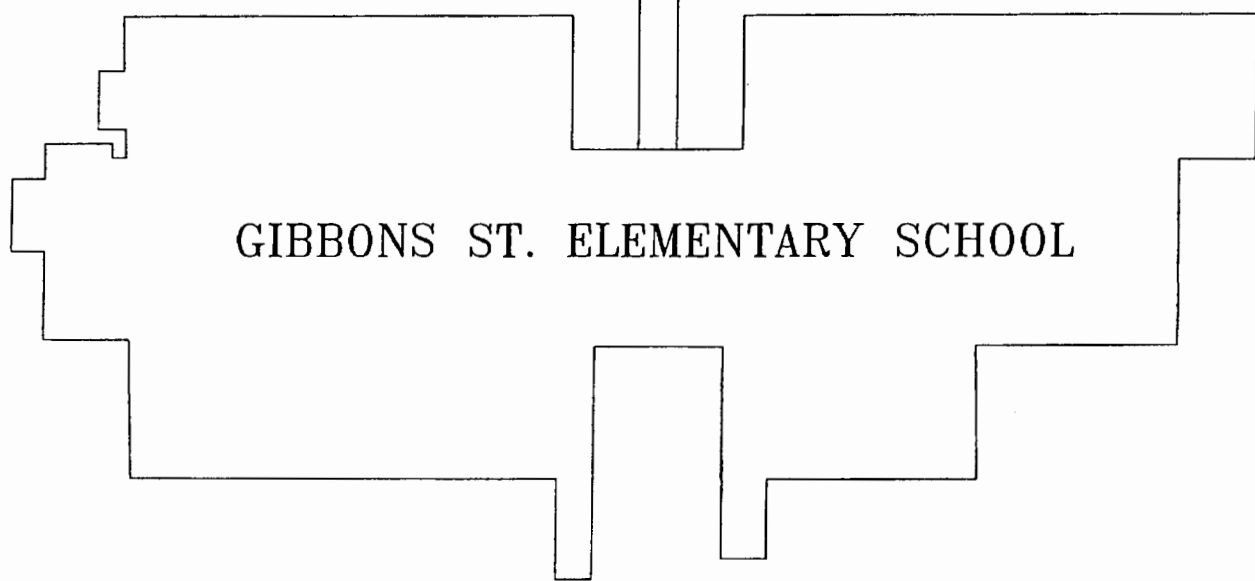
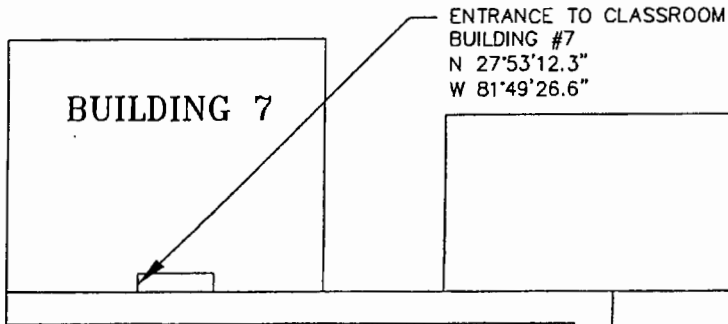
Fax: (883) 534-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 02/11/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH



NORTH



GIBBONS ST. ELEMENTARY SCHOOL

Summerlin Oaks

Exhibit B

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**

Surveyors • Mappers • Engineers

475 South First Avenue

Barlow, Florida 33830

Phone: (883) 533-9095

Fax: (883) 534-1484

Sheet No.  
1 of 1

Project No.:  
13141-2

Horiz. Scale:  
NOT TO SCALE

Vert. Scale:  
N/A

Date:  
04/25/05

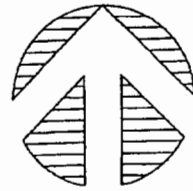
Drawn by:  
SAK

Checked by:  
GAP

FIELD BOOK:  
392

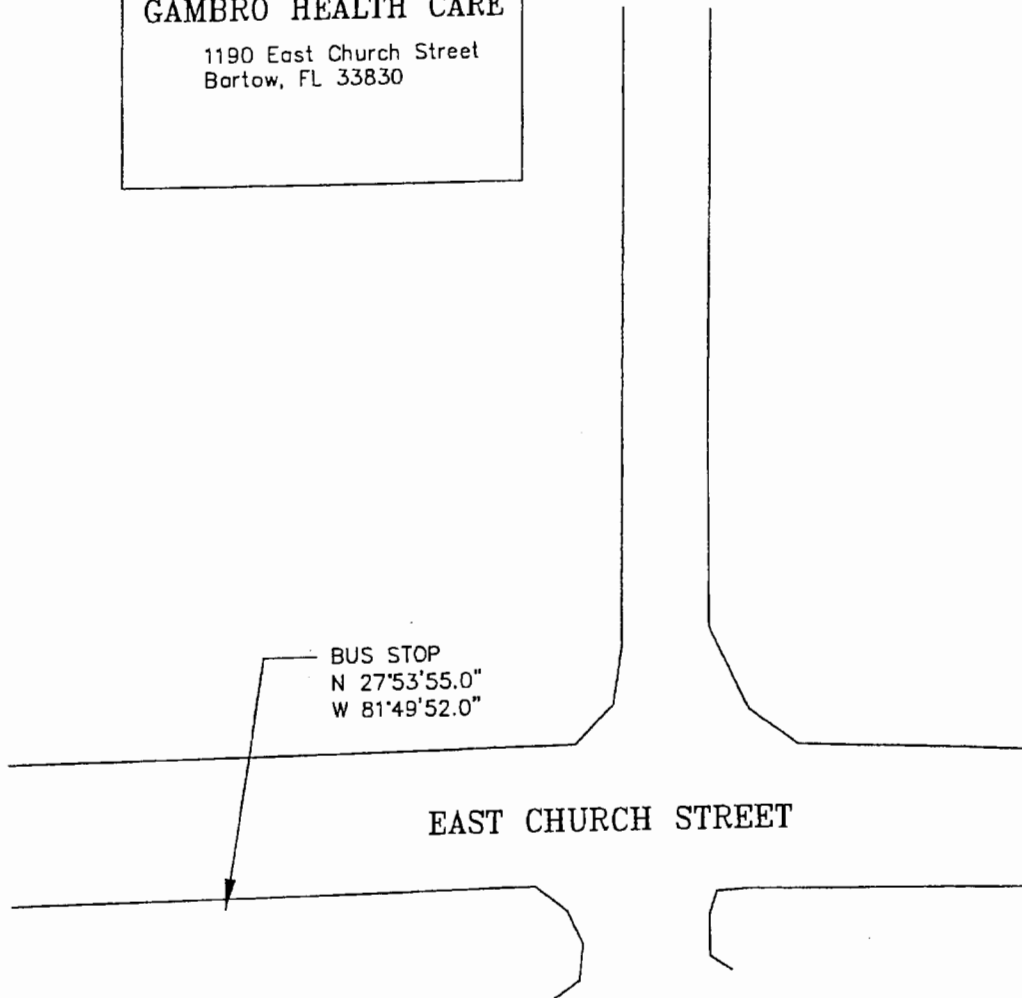
Dwg. Name:  
13141-SP.dwg

SKETCH



NORTH

GAMBRO HEALTH CARE  
1190 East Church Street  
Bartow, FL 33830



**NOTE:**

Fort Meade to Bartow Bus Service  
Route # 25  
Stop # 5  
Bus information obtained from the  
Polk County Transit Authority

*Summerlin Oaks*

*Exhibit C*

*Polk County, Florida.*



**PICKETT & ASSOCIATES, Inc.**  
*Surveyors • Mappers • Engineers*

475 South First Avenue  
Phone: (883) 533-9095

Bartow, Florida 33830  
Fax: (883) 534-1484

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/20/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH

**AFFIDAVIT OF GREGORY A. PRATHER**

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

1. I am a professional surveyor licensed by the State of Florida, License No. LS 5135, and I have been a licensed professional surveyor since 1992.

2. I am currently a Vice President and the Director of Surveying for Pickett & Associates, Inc., located in Bartow, Florida, and I have held these positions at all times material hereto.

3. In February 2005, Pickett & Associates, Inc., was engaged to determine the latitude and longitude coordinates of various points to be reported and certified to the Florida Housing Finance Corporation ("FHFC") as part of an application for 2005 tax credit funding for a project known as Summerlin Oaks.

4. Neither I nor Pickett & Associates, Inc., is related in any way to Fore Summerlin Oaks Limited Partnership (the applicant for Summerlin Oaks), or its principals or Financial Beneficiaries.

5. In preparing to perform this work, I reviewed Florida Administrative Code Rule 67-48.002(99) and pages 12 through 22 of the 2005 Universal Application Instructions published by FHFC [Form UA1016 (Rev. 2-05)], as well as the corresponding "Surveyor Certification" form to be completed and included in the Summerlin Oaks application as Exhibit 25.

6. On February 11, 2005, I visited the site of the Summerlin Oaks project, located on

East Church Street on the north side of East Church Street and North 2<sup>nd</sup> Avenue, Bartow, Florida, 33830, as well as the sites of various services surrounding Summerlin Oaks, including Gibbons Street Elementary, located at 1860 E. Gibbons Street, Bartow, Florida, 33830, and determined the latitude and longitude coordinates required by FHFC.

7. I thereafter completed the Surveyor Certification form and prepared sketches of the various service sites, which I understand were included as Exhibit 25 in the Summerlin Oaks application.

8. In April 2005, Pickett & Associates, Inc., was engaged to confirm and re-determine the latitude and longitude coordinates of the Tie-Breaker Measurement Point on the Summerlin Oaks site and the coordinates of the previously identified entrance to Gibbons St. Elementary, which were to be reported and certified again to FHFC as part of the application for 2005 tax credit funding for Summerlin Oaks.

9. In preparing to perform this work, I again reviewed Florida Administrative Code Rule 67-48.002(99) and pages 12 through 22 of the 2005 Universal Application Instructions published by FHFC [Form UA1016 (Rev. 2-05)], as well as the corresponding "Surveyor Certification" form to be submitted to FHFC. Finally, I reviewed several "Notices of Possible Scoring Error" and accompanying documents directed to my original Surveyor Certification form and service sketches for the Summerlin Oaks project, including two affidavits from a Mr. Joseph R. Gore, dated March 24, 2005.

10. On April 25, 2005, I revisited the site of the Summerlin Oaks project, as well as the site of Gibbons Street Elementary.

11. At the site of the Summerlin Oaks project, I determined the latitude and longitude coordinates of a Tie-Breaker Measurement Point on the project site, which are accurately recorded on the Surveyor Certification form, dated April 25, 2005, and attached as Exhibit A. The point on the site that I used for this Tie-Breaker Measurement Point fully complies with the requirements of FHFC's Application Instructions, and is located on the site of the Summerlin Oaks project as set forth in the legal description of the site contained in the application. Further, the method I used to determine the stated coordinates fully complies with Florida Administrative Code Chapter 61G17-6.

12. At the site of Gibbons Street Elementary, I determined the latitude and longitude coordinates of an exterior public entrance to the school, which are accurately recorded on the Surveyor Certification form, dated April 25, 2005, and attached as Exhibit A. The point on the school site that I used for this purpose fully complies with the requirements of FHFC's Application Instructions, and this point is located "on the doorway threshold of an exterior entrance that provides direct public access" to the school building, as required on page 16 of the 2005 Universal Application Instructions. Further, the method I used to determine the stated coordinates fully complies with Florida Administrative Code Chapter 61G17-6.

13. The three sketches accompanying the Surveyor Certification form attached as Exhibit A accurately depict the points on the relevant service sites that I used to determine the required latitude and longitude coordinates.

14. The points represented on the Surveyor Certification form and sketches attached as Exhibit A all fully comply with the requirements of FHFC's Application Instructions, and the

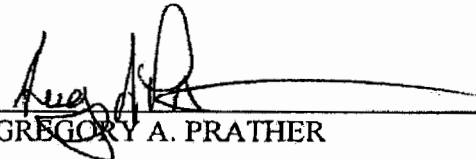


method I used to determine the stated coordinates fully complies with Florida Administrative Code Chapter 61G17-6.

15. The photographs attached to this Affidavit as Exhibits B & C accurately depict the "Entrance to Classroom Building #7" to Gibbons St. Elementary that I used for purposes of determining the latitude and longitude coordinates for this service as reflected on the Surveyor Certification form and accompanying sketch, which are attached as Exhibit A.

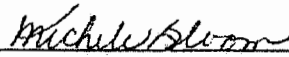
Under penalty of perjury, I declare that these statements are true and correct.

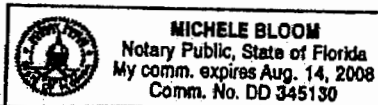
FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
GREGORY A. PRATHER

STATE OF FLORIDA  
COUNTY OF Polk

Sworn to and subscribed before me this 26<sup>th</sup> day of April, 2005, by GREGORY A. PRATHER.

  
\_\_\_\_\_  
NOTARY PUBLIC



\_\_\_\_\_  
Name of Notary, typed, printed or stamped

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**SURVEYOR CERTIFICATION**

Name of Development: Summerlin Oaks  
 Development Location: East Church Street, North Side of East Church St. and North 2nd Ave. Bartow, FL 33830

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

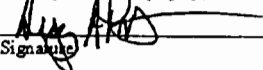
The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	<u>N27</u>	<u>53</u>	<u>58.7</u>	<u>W81</u>	<u>49</u>	<u>51.0</u>
If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point? <input type="checkbox"/> Yes <input type="checkbox"/> No (check one) Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development.						
Location of closest Public Bus Stop or Metro-Rail Stop	<u>N27</u>	<u>53</u>	<u>55.0</u>	<u>W81</u>	<u>49</u>	<u>52.0</u>
State the name, address (as assigned by the United States Postal Service including the address number, street name and city) and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service.						
	Latitude			Longitude		
Grocery Store: Name - <u>Publix</u> Address <u>255 E. Van Fleet Dr.</u> <u>Bartow, FL 33830</u>	<u>N27</u>	<u>54</u>	<u>10.1</u>	<u>W81</u>	<u>50</u>	<u>29.7</u>
Public School: Name - <u>Gibbons St. Elementary</u> Address <u>1860 E. Gibbons St.</u> <u>Bartow, FL 33830</u>	<u>N27</u>	<u>53</u>	<u>12.3</u>	<u>W81</u>	<u>49</u>	<u>26.6</u>
Medical Facility: Name - _____ Address - _____	_____	_____	_____	_____	_____	_____
Pharmacy: Name - _____ Address - _____	_____	_____	_____	_____	_____	_____

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

**CERTIFICATION**

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

<u></u>	<u>4/25/05</u>	<u>Pickett &amp; Assoc., Inc.</u>
Signature	Date (mm/dd/yyyy)	Name of Surveyor
<u>Gregory A. Prutner</u>		<u>475 South First Ave.</u>
Print or Type Name of Signatory		Address
<u>V.P. Dir. of Surveying</u>		<u>Bartow, FL 33830</u>
Print or Type Title of Signatory		
<u>IS 5135</u>		<u>863-533-9095</u>
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 not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.



NORTH

ENTRANCE  
N 27°54'10.1"  
W 81°50'29.7"

PUBLIX GROCERY STORE

Summerlin Oaks

Exhibit A

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**

Surveyors • Mappers • Engineers

475 South First Avenue

Bartow, Florida 33830

Phone: (883) 533-9095

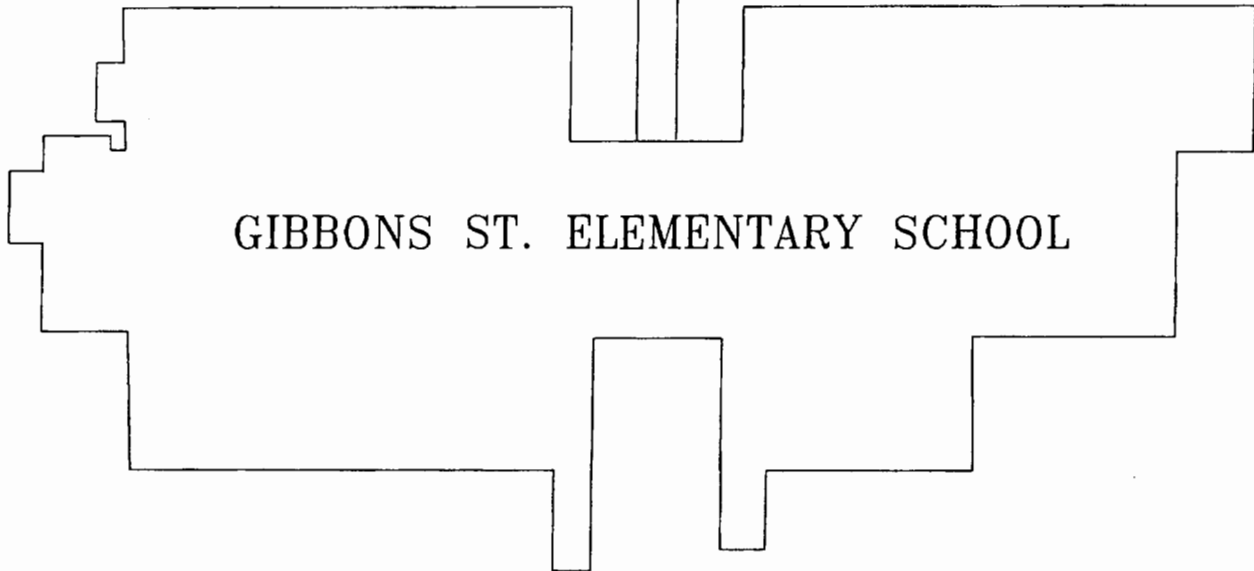
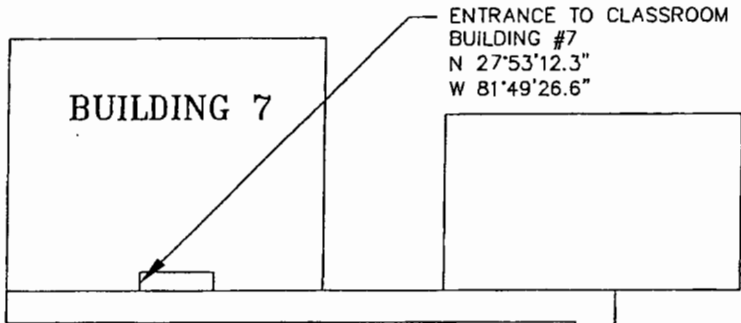
Fax: (883) 534-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 02/11/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH



NORTH



Summerlin Oaks

Exhibit B

Polk County, Florida



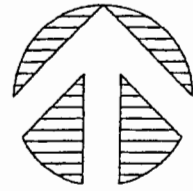
**PICKETT & ASSOCIATES, Inc.**  
Surveyors • Mappers • Engineers

475 South First Avenue  
Phone: (883) 533-9095

Bartow, Florida 33830  
Fax: (883) 534-1464

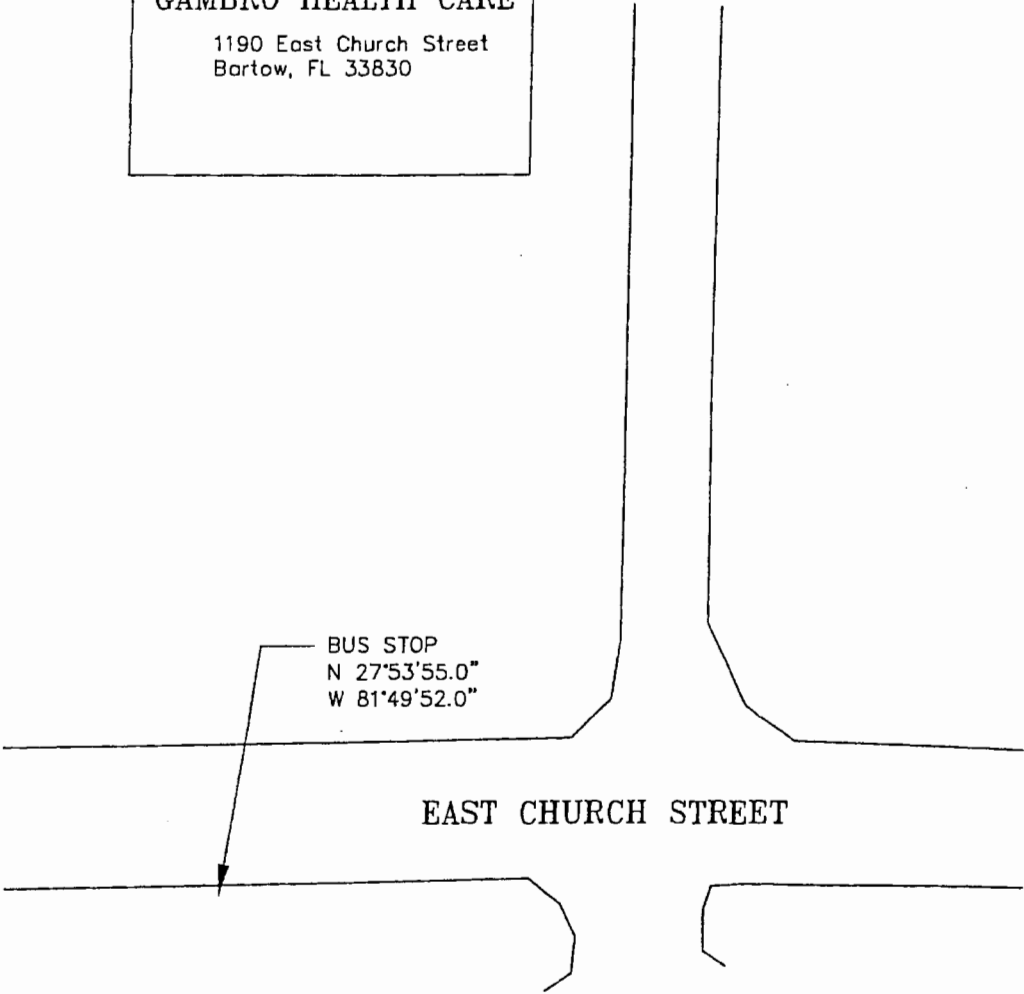
Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/25/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH



NORTH

GAMBRO HEALTH CARE  
1190 East Church Street  
Bartow, FL 33830



BUS STOP  
N 27°53'55.0"  
W 81°49'52.0"

EAST CHURCH STREET

**NOTE:**

Fort Meade to Bartow Bus Service  
Route # 25  
Stop # 5  
Bus information obtained from the  
Polk County Transit Authority

*Summerlin Oaks*  
Exhibit C  
Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**  
Surveyors • Mappers • Engineers

475 South First Avenue  
Phone: (863) 533-8095

Bartow, Florida 33830  
Fax: (863) 534-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/20/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH



GIBBONS ST. ELEMENTARY SCHOOL

REAR NO. CLASSROOM

**Summerlin Oaks**

Exhibit B

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**

Surveyors • Mappers • Engineers  
 475 South First Avenue Bartow, Florida 33830  
 Phone: (863) 633-8085 Fax: (863) 534-1484

SKETCH

Sheet No. 1 of 1	Project No. 13141-2	Horiz. Scale: 1" = 50'	Vert. Scale: N/A	Date: 04/25/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

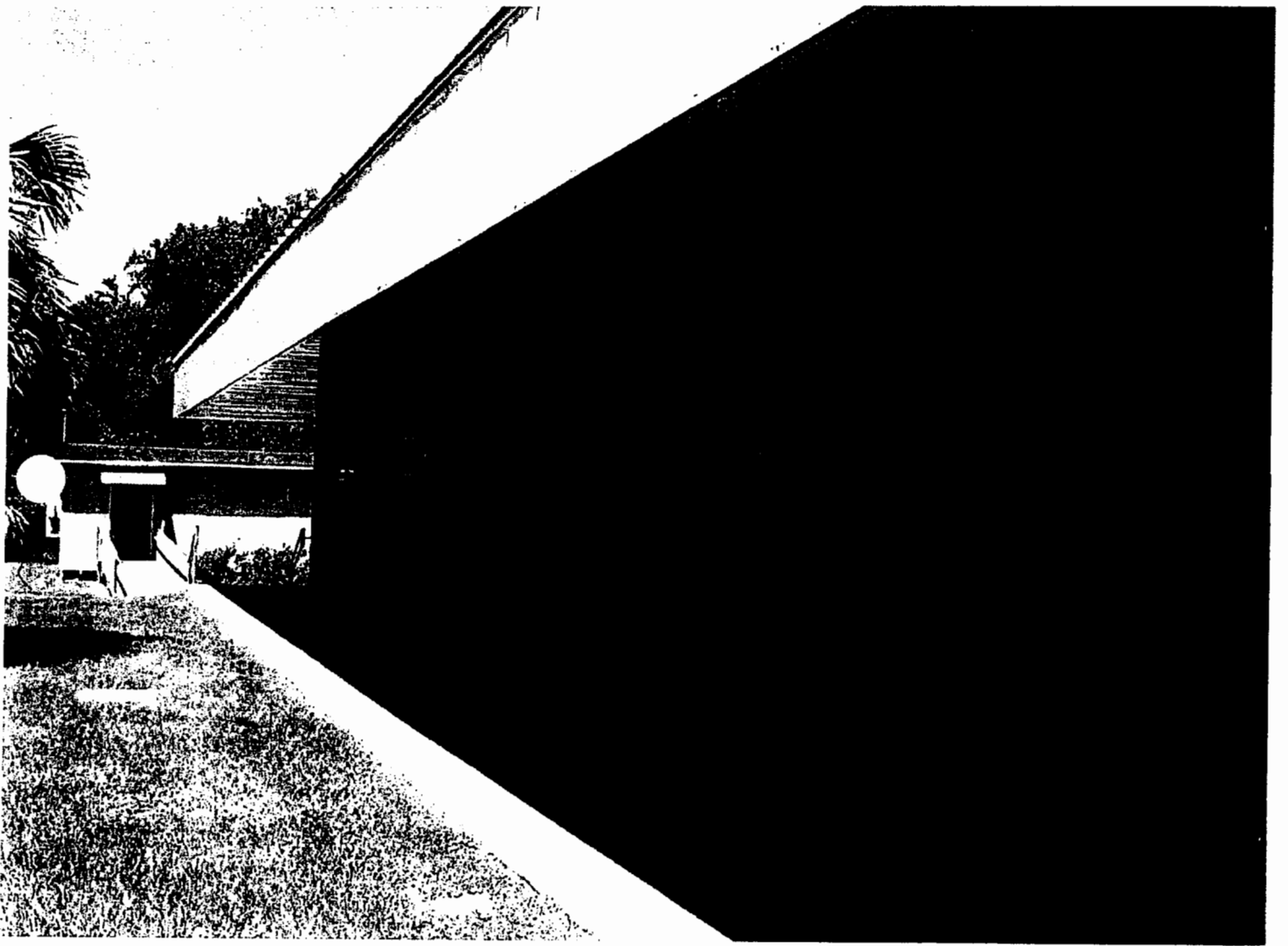


Exhibit C

## GIBBONS STREET ELEMENTARY SCHOOL

April 25, 2005

Christopher L. New  
Vice President  
Fore Property Company  
5401 South Kirkman Road, Suite 310  
Orlando, Florida 32819

Re: Gibbons Street Elementary

Dear Mr. New:

Thank you for your recent visit to our school. I have reviewed the attached sketch, labeled "Summerlin Oaks, Exhibit B, Polk County, Florida." I have also reviewed pages 15 and 16 of the 2005 Universal Application Instructions published by the Florida Housing Finance Corporation [Form UA1016 (Rev. 2-05)].

This letter will confirm that the point indicated on the attached sketch and identified as "Entrance to Classroom Building #7" may be used by students to enter the school building. This "Entrance to Classroom Building #7" may also be used by parents and visitors to enter the school building during school hours, after checking in at the office.

As you are aware, Gibbons Street Elementary consists of several buildings, most of them connected with open-air breezeways, with each building having its own exterior entrance. Students, parents, or visitors wishing to enter any one of these buildings must use the direct access exterior entrance doors associated with that building. It is not physically possible to access the school's multiple facilities by entering any single door.

Thank you for your interest in our community.

Sincerely,



Helene Daigneault  
Principal

*Helene Daigneault, Principal  
Elizabeth Quirk, Assistant Principal*

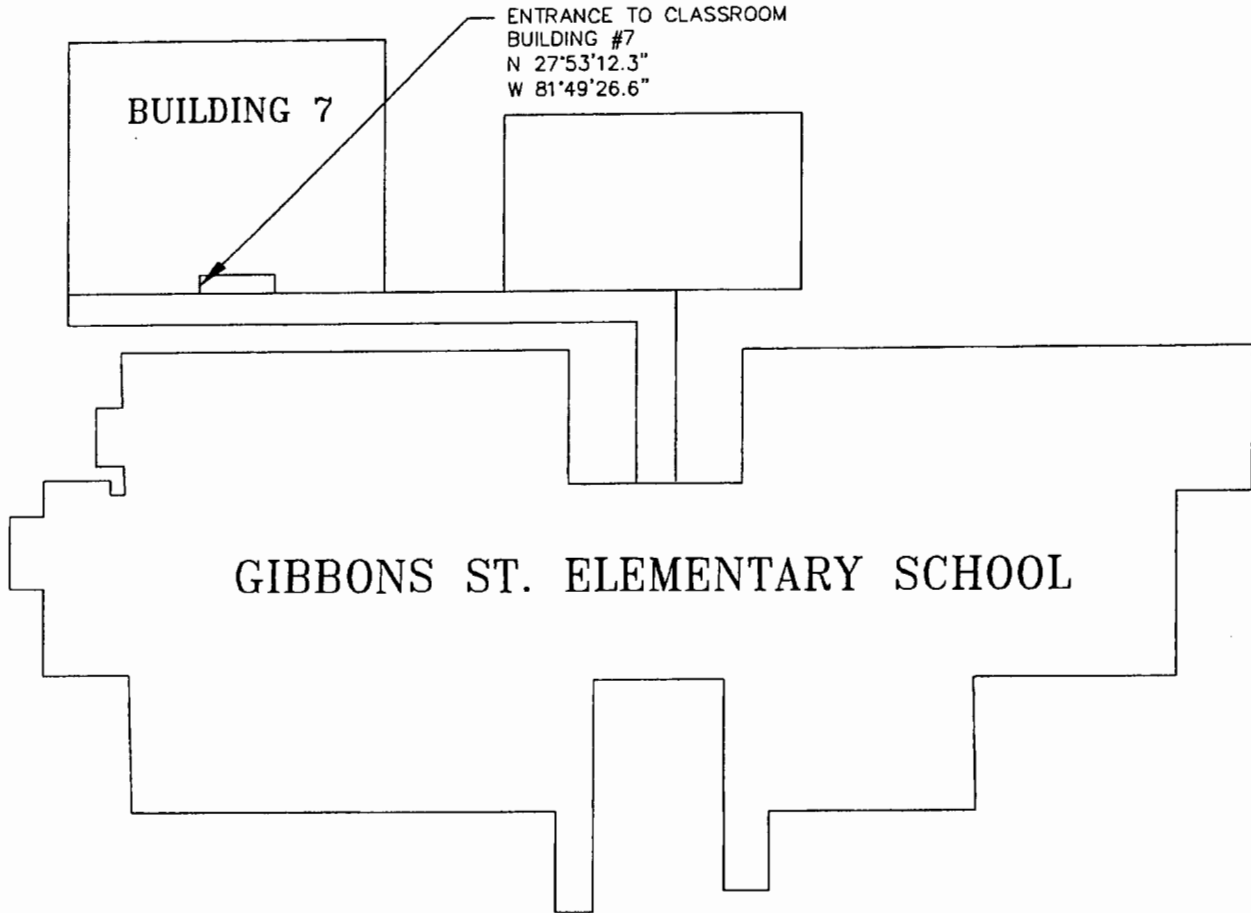
1860 East Gibbons Street  
Bartow, Florida 33830

Phone: 863-534-7430  
Fax: 863-534-7472





NORTH



BUILDING 7

ENTRANCE TO CLASSROOM  
BUILDING #7  
N 27°53'12.3"  
W 81°49'26.6"

GIBBONS ST. ELEMENTARY SCHOOL

Summerlin Oaks

Exhibit B

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**  
Surveyors • Mappers • Engineers

475 South First Avenue  
Phone: (863) 533-0065

Bartow, Florida 33830  
Fax: (863) 534-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/25/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH

Black Top

Portable A  
3<sup>rd</sup> - Fletcher

Portable C  
3<sup>rd</sup> - Smith

Portable B  
2<sup>nd</sup>  
Robbins

Portable D  
3<sup>rd</sup> - Lee

K - Graeman 7-102	Teacher Work Area	K - Bailey 7-107
K - Drake 7-109	Building 7	K - McAdams 7-114

Title 1  
99-085  
Storage-  
old  
portable

Portable  
99-436  
Music  
Allgood

1-005 Berry-TMH	1-006 Slump-BMH	1-007 Wolfe	1-008 Warren-VE/ser/)
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Childs Kilchen 1-009A Music	Cafeteria 1-009	1-013 Lounge School store Cusod.
Building 1		

2 <sup>nd</sup> Jen Bingle 1-004	2 <sup>nd</sup> Anderson 1-003	EMH 1-002	ESE Resource 1-001
--	--------------------------------------	--------------	--------------------------

Building 4  
4-108  
Moore  
Media Center  
Lumbrs - RC

Daigenault  
Office  
Building  
Building 2  
Quirk  
Crawford  
Jones

Gibbons

Portable  
99-952  
1<sup>st</sup> - Hamm

Portable  
99-086  
Science -  
Cole

Storage shed

PE  
Doyle

3-009 4 <sup>th</sup> - Jinnenez	3-008 4 <sup>th</sup> - Hernan	3-101 1st - Stanton	3-105 1st - Vaughan
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B Smith Speech Title 1 Conf. Rm.	Title 1 Resource Rm. Holloway 3-003	Comp. Lab. Williams 3-004	Temp Art Stenson 3-109
Land - IST Boontrager 3-006A	Hill 3-006		

3 <sup>rd</sup> - Cealio 3-001	5 <sup>th</sup> - Kirchhoff 3-002
-----------------------------------	--------------------------------------

Conf. Rm. 5-122	Nurse King 5-123	B	Pre K 5-113 Sage Dauphny
		G	

Rivern Clinic 5-103	Psych. 5-105 Jones	M.H. 5-106 Boek	5-107 Yost Down	Prak Nurse Parish 5-108	5-109 Conf. Rm. 5-110
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# TRACKING NO.:

417

*Copy*  
*ATTACHED*

## 2005 NOTICE OF ALLEGED DEFICIENCIES (NOAD) SUMMARY FORM

This NOAD Summary Form is being submitted with regard to Application No. 2005-038C and pertains to the revisions/additions made to the Application parts, sections, subsections and exhibits listed below (please list the parts, sections, subsections, and exhibits in the order they appear in the most recent Scoring Summary Report with regard to the Application revisions/aditions being challenged):

Part (I, II, III, IV, V)	Section (A, B, C, D, etc.)	Subsection (1, 2, 3, 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 Item No. (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
III	A	10.a.(2)(b)	25	S	T	2 P		X
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
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				S	T	P		
				S	T	P		

SUBMITTED BY Ohc IN ACCORDANCE WITH RULES 67-21.003 and/or 67-48.004, F.A.C.

COPY

## 2005 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. 2005-038C** and pertains to:

Part III Section A Subsection 10 Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2005 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:

	2005 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 type="checkbox"/> Reason Failed Threshold	Item No. _____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Proximity Points Not Maxed	Item No. <u>1,2,5</u> P	<input type="checkbox"/>	<input checked="" 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  
Application No. 2005 - 038C

Provide a separate brief statement for each Cure or NOAD

In response to NOPSE, which challenged location of  
Tie-Breaker Measurement Point and proper coordinates  
for Gibbons St. Elementary, please find enclosed:

- Surveyor Certification Form and sketches;
- Affidavit from Surveyor; and
- Letter from school principal.

**SURVEYOR CERTIFICATION**

Name of Development: Summerlin Oaks  
 Development Location: East Church Street, North Side of East Church St. and North 2nd Ave. Bartow, FL 33830

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

		Latitude			Longitude		
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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.		<u>N 27</u> Degrees	<u>53</u> Minutes	<u>58.7</u> Seconds (truncated after 1 decimal place)	<u>W 81</u> Degrees	<u>49</u> Minutes	<u>51.0</u> Seconds (truncated after 1 decimal place)
If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point? <input type="checkbox"/> Yes <input type="checkbox"/> No (check one)							
Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development.							
Location of closest Public Bus Stop or Metro-Rail Stop		<u>N 27</u> Degrees	<u>53</u> Minutes	<u>55.0</u> Seconds (truncated after 1 decimal place)	<u>W 81</u> Degrees	<u>49</u> Minutes	<u>52.0</u> Seconds (truncated after 1 decimal place)
State the name, address (as assigned by the United States Postal Service including the address number, street name and city) and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service.							
Grocery Store: Name - <u>Publix</u> Address <u>255 E. Van Fleet Dr.</u> <u>Bartow, FL 33830</u>		<u>N 27</u> Degrees	<u>54</u> Minutes	<u>10.1</u> Seconds (truncated after 1 decimal place)	<u>W 81</u> Degrees	<u>50</u> Minutes	<u>29.7</u> Seconds (truncated after 1 decimal place)
Public School: Name - <u>Gibbons St. Elementary</u> Address <u>1860 E. Gibbons St.</u> <u>Bartow, FL 33830</u>		<u>N 27</u> Degrees	<u>53</u> Minutes	<u>12.3</u> Seconds (truncated after 1 decimal place)	<u>W 81</u> Degrees	<u>49</u> Minutes	<u>26.6</u> Seconds (truncated after 1 decimal place)
Medical Facility: Name - _____ Address - _____		_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)	_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)
Pharmacy: Name - _____ Address - _____		_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)	_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)

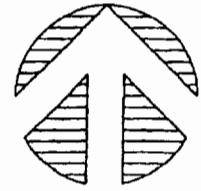
If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

**CERTIFICATION**

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

Signature: <u></u> Gregory A. Prutier Print or Type Name of Signatory V.P. Dir. of Surveying Print or Type Title of Signatory LS 5135 Florida License Number	Date: <u>4/25/05</u> Date (mm/dd/yyyy)	Pickett & Assoc., Inc. Name of Surveyor 475 South First Ave. Address Bartow, FL 33830 863-533-9095 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 not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.



NORTH

ENTRANCE  
N 27°54'10.1"  
W 81°50'29.7"

PUBLIX GROCERY STORE

Summerlin Oaks

Exhibit A

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**

Surveyors • Mappers • Engineers

475 South First Avenue

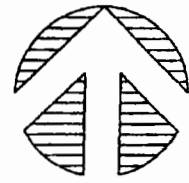
Bartow, Florida 33830

Phone: (883) 533-9095

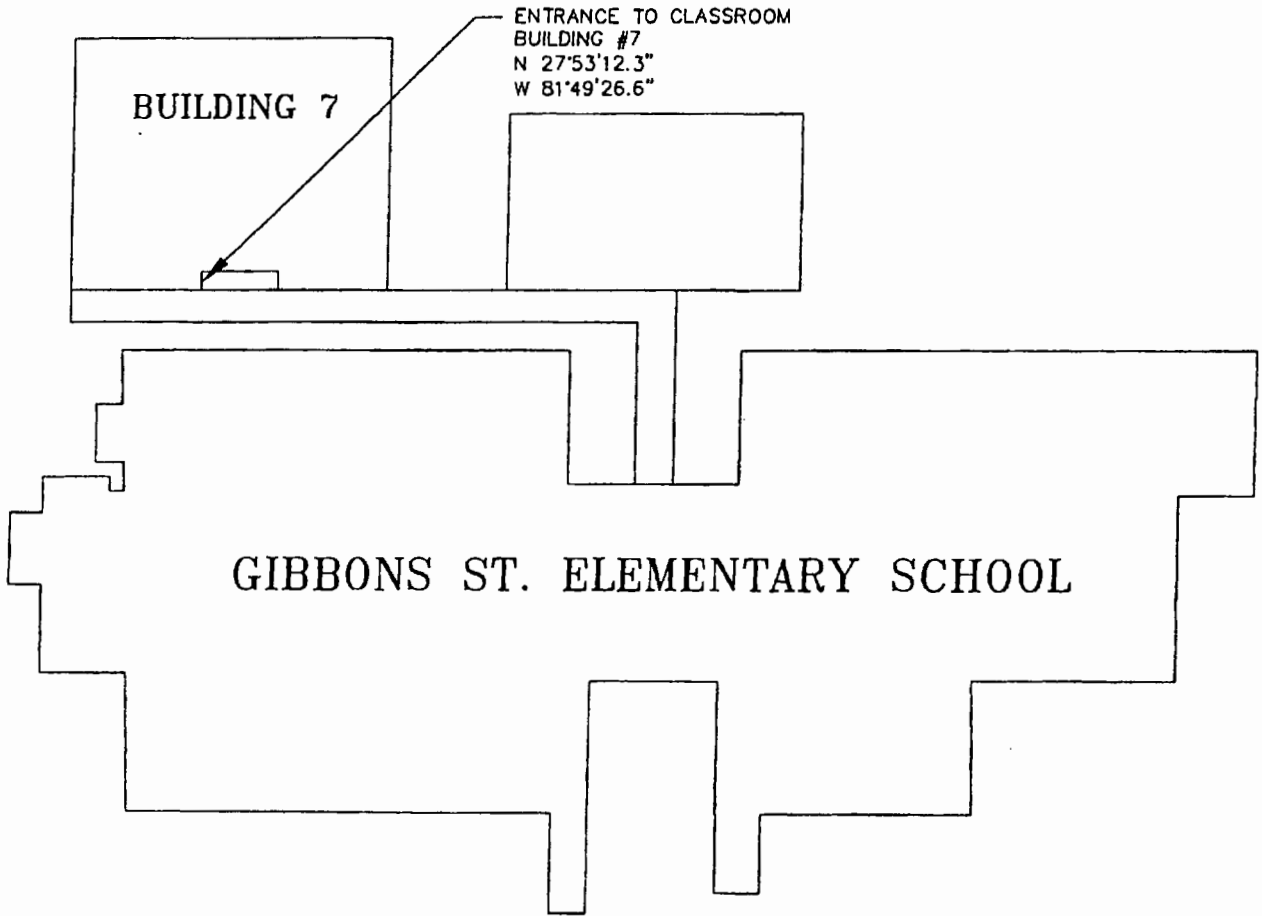
Fax: (883) 534-1484

Sheet No. 1 of 1	Project No. 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 02/11/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH



NORTH



Summerlin Oaks

Exhibit B

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**

Surveyors • Mappers • Engineers

475 South First Avenue

Bartow, Florida 33830

Phone: (883) 633-8086

Fax: (883) 534-1484

Sheet No.  
1 of 1

Project No.:  
13141-2

Horiz. Scale:  
NOT TO SCALE

Vert. Scale:  
N/A

Date:  
04/25/05

Drawn by:  
SAK

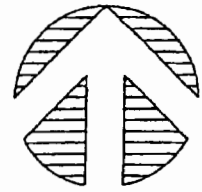
Checked by:  
GAP

FIELD BOOK:  
392

Dwg. Name:  
13141-SP.dwg

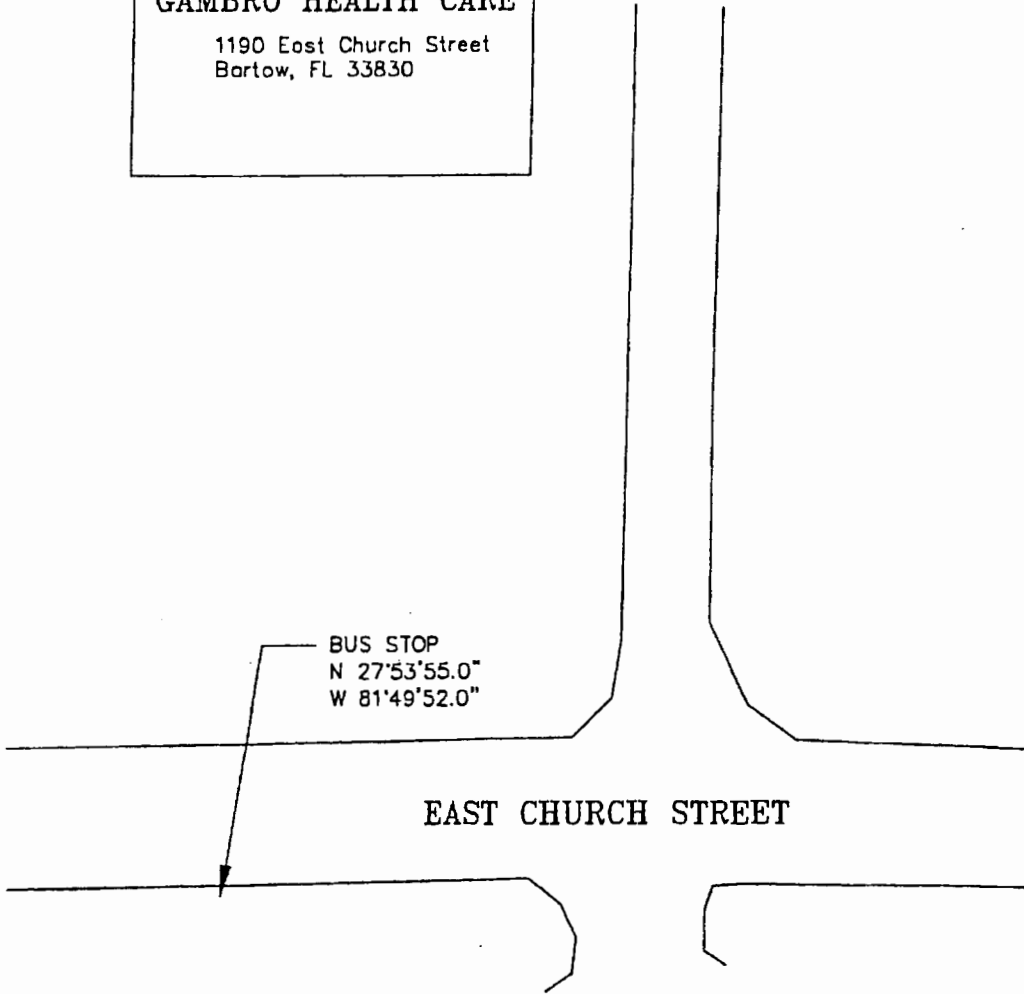
SKETCH





NORTH

GAMBRO HEALTH CARE  
1190 East Church Street  
Bartow, FL 33830



**NOTE:**

Fort Meade to Bartow Bus Service  
Route # 25  
Stop # 5  
Bus information obtained from the  
Polk County Transit Authority

*Summerlin Oaks*

*Exhibit C*

*Polk County, Florida.*



**PICKETT & ASSOCIATES, Inc.**

*Surveyors • Mappers • Engineers*

475 South First Avenue  
Phone: (863) 533-9095

Bartow, Florida 33830  
Fax: (863) 534-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/20/05
Drawn by: SAK	Checked by: CAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH

**AFFIDAVIT OF GREGORY A. PRATHER**

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

1. I am a professional surveyor licensed by the State of Florida, License No. LS 5135, and I have been a licensed professional surveyor since 1992.
2. I am currently a Vice President and the Director of Surveying for Pickett & Associates, Inc., located in Bartow, Florida, and I have held these positions at all times material hereto.
3. In February 2005, Pickett & Associates, Inc., was engaged to determine the latitude and longitude coordinates of various points to be reported and certified to the Florida Housing Finance Corporation ("FHFC") as part of an application for 2005 tax credit funding for a project known as Summerlin Oaks.
4. Neither I nor Pickett & Associates, Inc., is related in any way to Fore Summerlin Oaks Limited Partnership (the applicant for Summerlin Oaks), or its principals or Financial Beneficiaries.
5. In preparing to perform this work, I reviewed Florida Administrative Code Rule 67-48.002(99) and pages 12 through 22 of the 2005 Universal Application Instructions published by FHFC [Form UA1016 (Rev. 2-05)], as well as the corresponding "Surveyor Certification" form to be completed and included in the Summerlin Oaks application as Exhibit 25.
6. On February 11, 2005, I visited the site of the Summerlin Oaks project, located on

East Church Street on the north side of East Church Street and North 2<sup>nd</sup> Avenue, Bartow, Florida, 33830, as well as the sites of various services surrounding Summerlin Oaks, including Gibbons Street Elementary, located at 1860 E. Gibbons Street, Bartow, Florida, 33830, and determined the latitude and longitude coordinates required by FHFC.

7. I thereafter completed the Surveyor Certification form and prepared sketches of the various service sites, which I understand were included as Exhibit 25 in the Summerlin Oaks application.

8. In April 2005, Pickett & Associates, Inc., was engaged to confirm and re-determine the latitude and longitude coordinates of the Tie-Breaker Measurement Point on the Summerlin Oaks site and the coordinates of the previously identified entrance to Gibbons St. Elementary, which were to be reported and certified again to FHFC as part of the application for 2005 tax credit funding for Summerlin Oaks.

9. In preparing to perform this work, I again reviewed Florida Administrative Code Rule 67-48.002(99) and pages 12 through 22 of the 2005 Universal Application Instructions published by FHFC [Form UA1016 (Rev. 2-05)], as well as the corresponding "Surveyor Certification" form to be submitted to FHFC. Finally, I reviewed several "Notices of Possible Scoring Error" and accompanying documents directed to my original Surveyor Certification form and service sketches for the Summerlin Oaks project, including two affidavits from a Mr. Joseph R. Gore, dated March 24, 2005.

10. On April 25, 2005, I revisited the site of the Summerlin Oaks project, as well as the site of Gibbons Street Elementary.

11. At the site of the Summerlin Oaks project, I determined the latitude and longitude coordinates of a Tie-Breaker Measurement Point on the project site, which are accurately recorded on the Surveyor Certification form, dated April 25, 2005, and attached as Exhibit A. The point on the site that I used for this Tie-Breaker Measurement Point fully complies with the requirements of FHFC's Application Instructions, and is located on the site of the Summerlin Oaks project as set forth in the legal description of the site contained in the application. Further, the method I used to determine the stated coordinates fully complies with Florida Administrative Code Chapter 61G17-6.

12. At the site of Gibbons Street Elementary, I determined the latitude and longitude coordinates of an exterior public entrance to the school, which are accurately recorded on the Surveyor Certification form, dated April 25, 2005, and attached as Exhibit A. The point on the school site that I used for this purpose fully complies with the requirements of FHFC's Application Instructions, and this point is located "on the doorway threshold of an exterior entrance that provides direct public access" to the school building, as required on page 16 of the 2005 Universal Application Instructions. Further, the method I used to determine the stated coordinates fully complies with Florida Administrative Code Chapter 61G17-6.

13. The three sketches accompanying the Surveyor Certification form attached as Exhibit A accurately depict the points on the relevant service sites that I used to determine the required latitude and longitude coordinates.

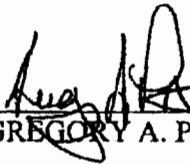
14. The points represented on the Surveyor Certification form and sketches attached as Exhibit A all fully comply with the requirements of FHFC's Application Instructions, and the

method I used to determine the stated coordinates fully complies with Florida Administrative Code Chapter 61G17-6.

15. The photographs attached to this Affidavit as Exhibits B & C accurately depict the "Entrance to Classroom Building #7" to Gibbons St. Elementary that I used for purposes of determining the latitude and longitude coordinates for this service as reflected on the Surveyor Certification form and accompanying sketch, which are attached as Exhibit A.

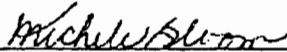
Under penalty of perjury, I declare that these statements are true and correct.

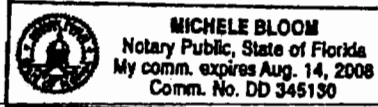
FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
GREGORY A. PRATHER

STATE OF FLORIDA  
COUNTY OF Polk

Sworn to and subscribed before me this 26<sup>th</sup> day of April, 2005, by GREGORY A. PRATHER.

  
\_\_\_\_\_  
NOTARY PUBLIC



\_\_\_\_\_  
Name of Notary, typed, printed or stamped

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**SURVEYOR CERTIFICATION**

Name of Development: Summerlin Oaks  
 Development Location: East Church Street, North Side of East Church St. and North 2nd Ave. Bartow, FL 33830

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	N27	53	58.7	W81	49	51.0

If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point?  Yes  No (check one)  
 Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development.

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)
	N27	53	55.0	W81	49	52.0

State the name, address (as assigned by the United States Postal Service including the address number, street name and city) and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service.

Grocery Store: Name - Publix Address 255 E. Van Fleet Dr. Bartow, FL 33830	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	N27	54	10.1	W81	50	29.7
Public School: Name - Gibbons St. Elementary Address 1860 E. Gibbons St. Bartow, FL 33830	N27	53	12.3	W81	49	26.6
Medical Facility: Name - Address -	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
Pharmacy: Name - Address -	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)

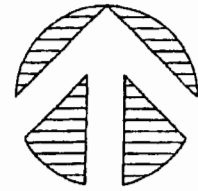
If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

**CERTIFICATION**

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

<u>Gregory A. Prether</u> Signature	<u>4/25/05</u> Date (mm/dd/yyyy)	<u>Pickett &amp; Assoc., Inc.</u> Name of Surveyor
<u>Gregory A. Prether</u> Print or Type Name of Signatory		<u>475 South First Ave.</u> Address
<u>V.P. Dir. of Surveying</u> Print or Type Title of Signatory		<u>Bartow, FL 33830</u> Address
<u>IS 5135</u> Florida License Number		<u>863-533-9095</u> 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 not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.



NORTH

ENTRANCE  
N 27°54'10.1"  
W 81°50'29.7"

PUBLIX GROCERY STORE

Summerlin Oaks

Exhibit A

Polk County, Florida



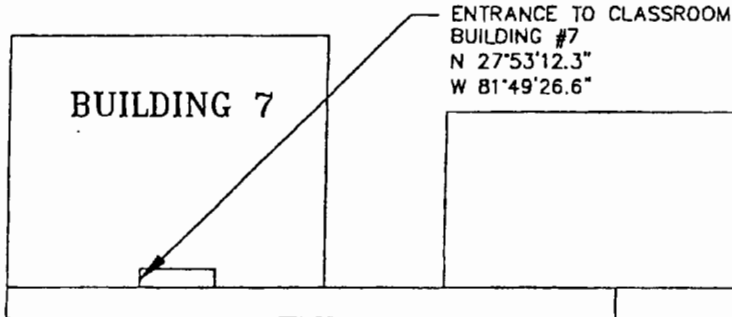
**PICKETT & ASSOCIATES, Inc.**  
Surveyors • Mappers • Engineers

476 South First Avenue  
Phone: (863) 533-9095

Bartow, Florida 33830  
Fax: (863) 634-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 02/11/05
Drawn by: SAX	Checked by: GAP	FIELD BOOK: 392		Dwg. Name: 13141-SP.dwg

SKETCH



ENTRANCE TO CLASSROOM  
 BUILDING #7  
 N 27°53'12.3"  
 W 81°49'26.6"

BUILDING 7

GIBBONS ST. ELEMENTARY SCHOOL

*Summerlin Oaks*

*Exhibit B*

*Polk County, Florida*



**PICKETT & ASSOCIATES, Inc.**

*Surveyors • Mappers • Engineers*

475 South First Avenue

Bartow, Florida 33830

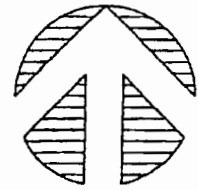
Phone: (863) 533-0095

Fax: (863) 534-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/25/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

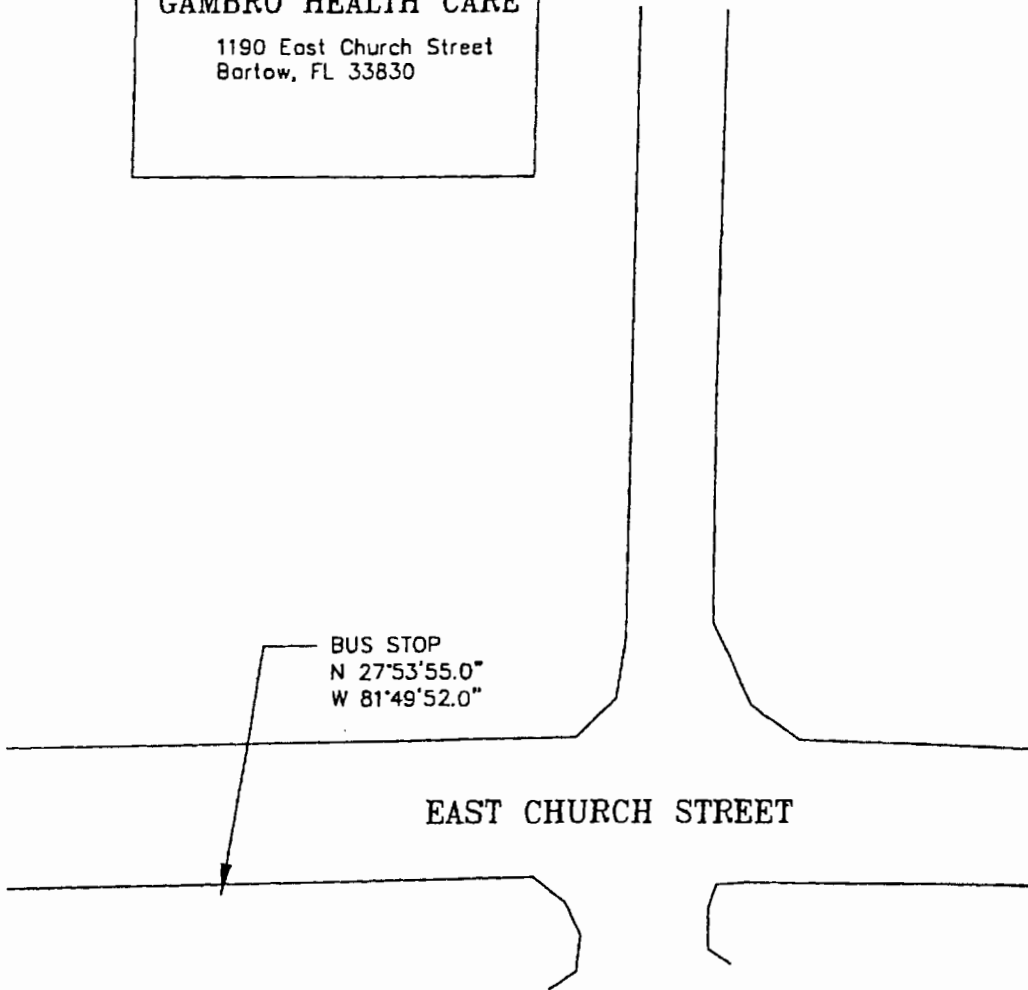
SKETCH





NORTH

GAMBRO HEALTH CARE  
1190 East Church Street  
Bartow, FL 33830



**NOTE:**

Fort Meade to Bartow Bus Service  
Route # 25  
Stop # 5  
Bus information obtained from the  
Polk County Transit Authority

*Summerlin Oaks*

*Exhibit C*

*Polk County, Florida*



**PICKETT & ASSOCIATES, Inc.**

*Surveyors • Mappers • Engineers*

475 South First Avenue

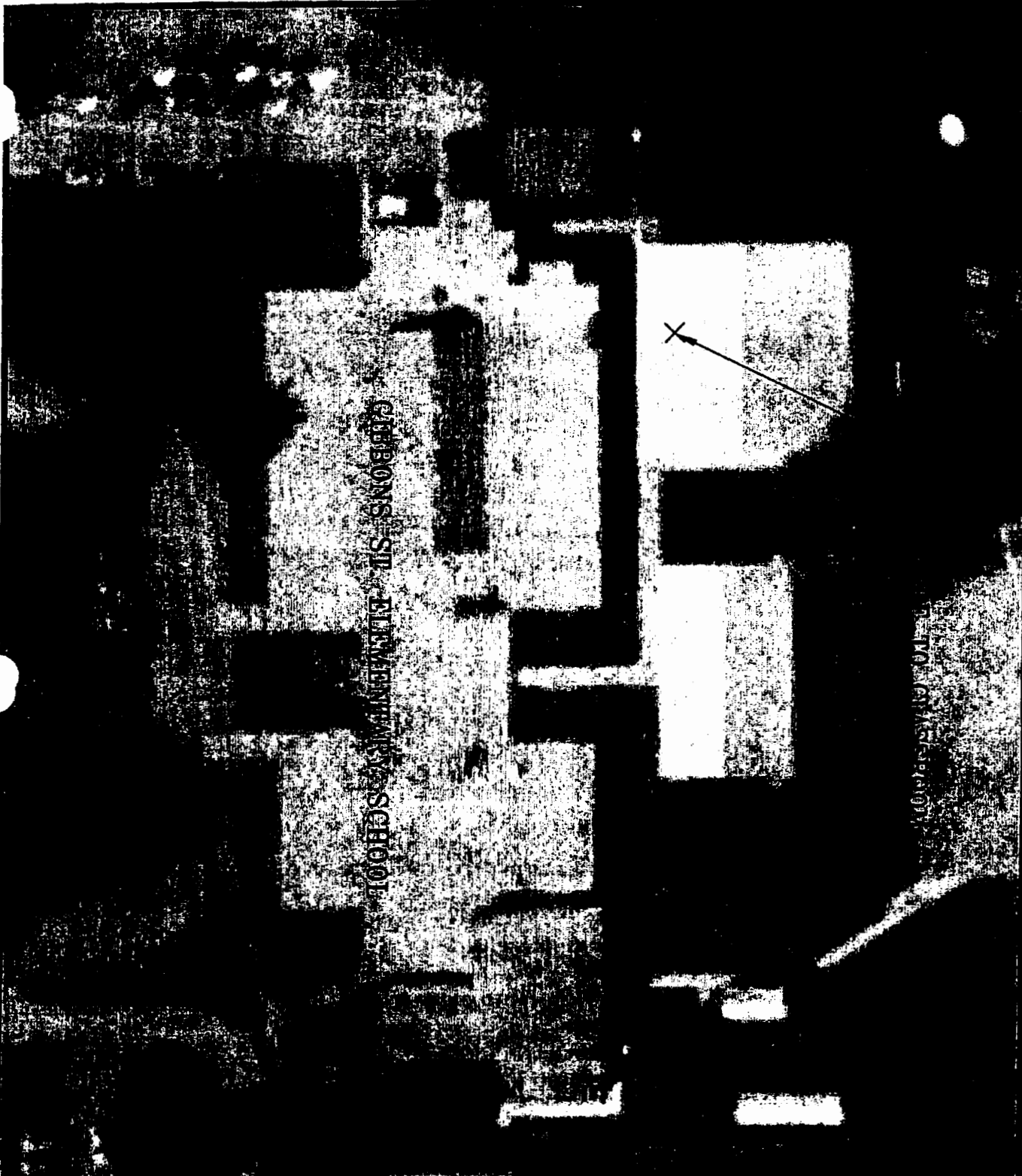
Bartow, Florida 33830

Phone: (883) 533-9095

Fax: (883) 534-1484

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/20/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH



Summerlin Oaks  
 Exhibit B  
 Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**  
 Surveyors • Mappers • Engineers  
 475 South First Avenue Bartow, Florida 33830  
 Phone: (863) 633-9085 Fax: (863) 534-1464

SKETCH

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: 1" = 50'	Vert. Scale: N/A	Date: 04/25/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392		Dwg. Name: 13141-SP.dwg

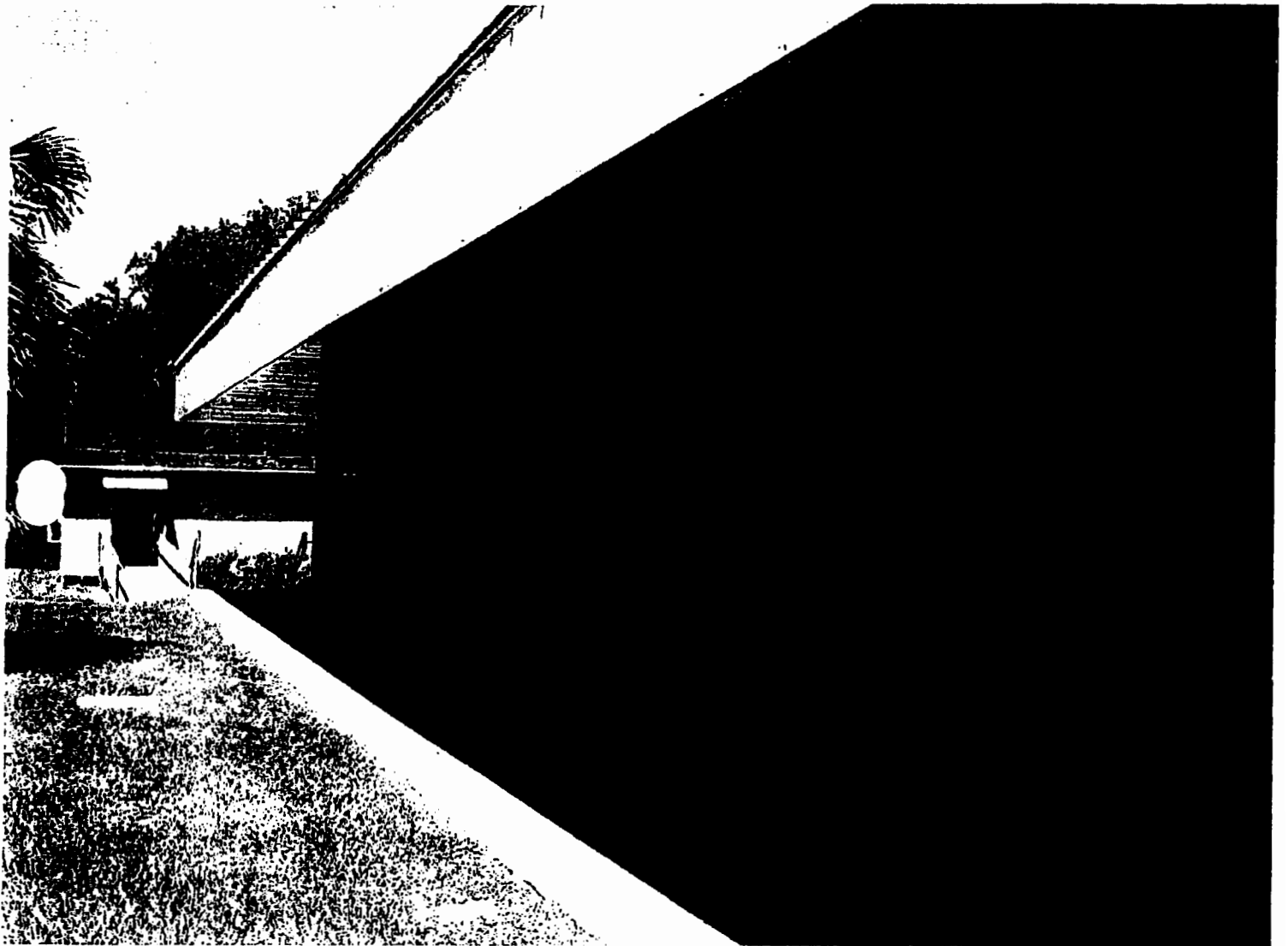


Exhibit C

**GIBBONS STREET ELEMENTARY SCHOOL**

April 25, 2005

Christopher L. New  
Vice President  
Fore Property Company  
5401 South Kirkman Road, Suite 310  
Orlando, Florida 32819

Re: Gibbons Street Elementary

Dear Mr. New:

Thank you for your recent visit to our school. I have reviewed the attached sketch, labeled "Summerlin Oaks, Exhibit B, Polk County, Florida." I have also reviewed pages 15 and 16 of the 2005 Universal Application Instructions published by the Florida Housing Finance Corporation [Form UA1016 (Rev. 2-05)].

This letter will confirm that the point indicated on the attached sketch and identified as "Entrance to Classroom Building #7" may be used by students to enter the school building. This "Entrance to Classroom Building #7" may also be used by parents and visitors to enter the school building during school hours, after checking in at the office.

As you are aware, Gibbons Street Elementary consists of several buildings, most of them connected with open-air breezeways, with each building having its own exterior entrance. Students, parents, or visitors wishing to enter any one of these buildings must use the direct access exterior entrance doors associated with that building. It is not physically possible to access the school's multiple facilities by entering any single door.

Thank you for your interest in our community.

Sincerely,

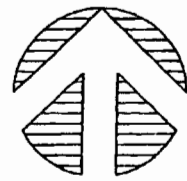


Helene Daigneault  
Principal

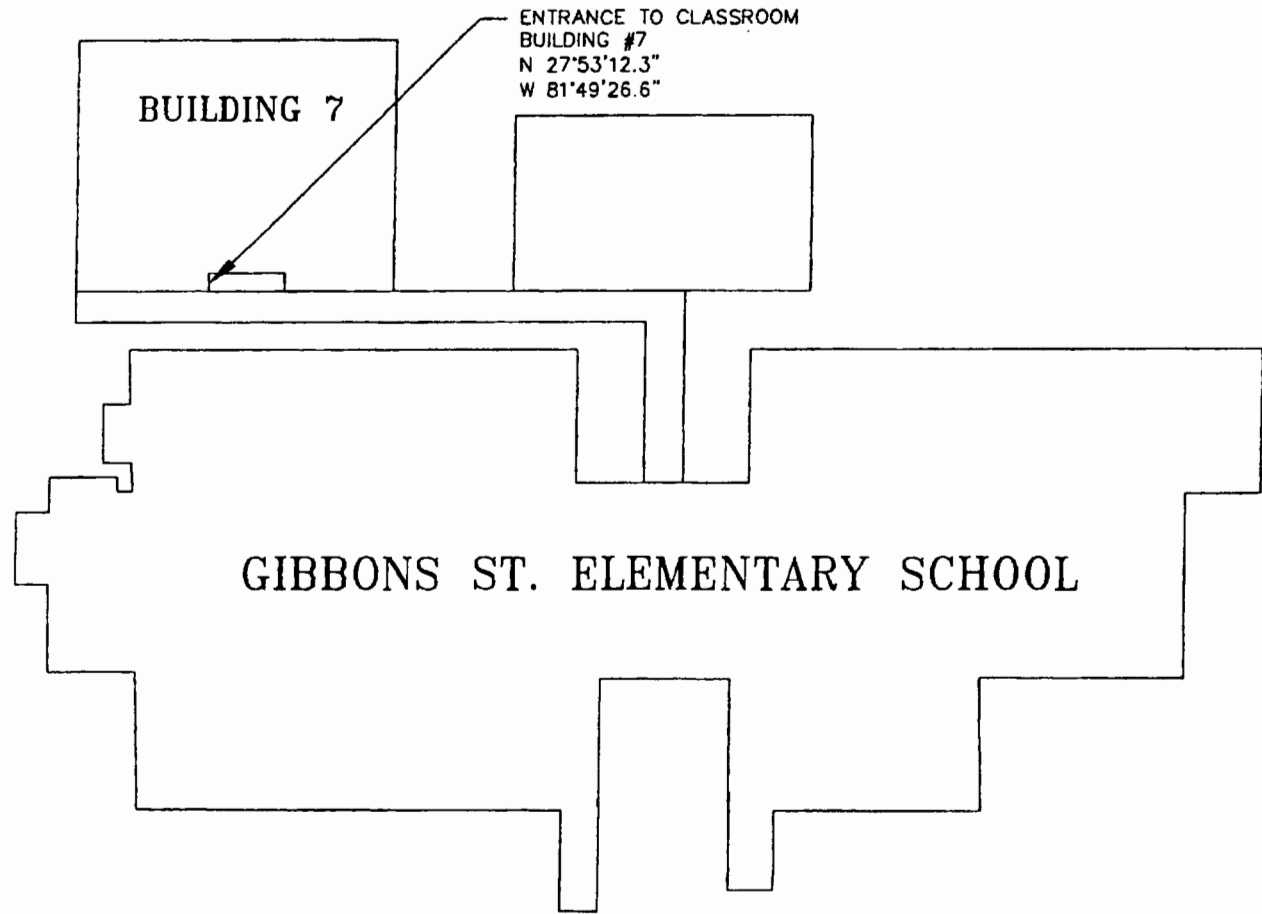
*Helene Daigneault, Principal  
Elizabeth Quirk, Assistant Principal*

*1860 East Gibbons Street  
Bartow, Florida 33830*

*Phone: 863-534-7430  
Fax: 863-534-7472*



NORTH



BUILDING 7

ENTRANCE TO CLASSROOM  
BUILDING #7  
N 27°53'12.3"  
W 81°49'26.6"

GIBBONS ST. ELEMENTARY SCHOOL

**Summerlin Oaks**

*Exhibit B*

Polk County, Florida



**PICKETT & ASSOCIATES, Inc.**  
*Surveyors • Mappers • Engineers*

475 South First Avenue Bartow, Florida 33830  
Phone: (888) 633-6086 Fax: (888) 634-1464

Sheet No. 1 of 1	Project No.: 13141-2	Horiz. Scale: NOT TO SCALE	Vert. Scale: N/A	Date: 04/25/05
Drawn by: SAK	Checked by: GAP	FIELD BOOK: 392	Dwg. Name: 13141-SP.dwg	

SKETCH

Black Top

Portable A  
1<sup>st</sup> - Placher

Portable C  
3<sup>rd</sup> - Smith

Portable B  
2<sup>nd</sup> - Robbins

Portable D  
3<sup>rd</sup> - Lee

Storage shed

PE  
Doyle

Portable  
99-992  
1<sup>st</sup> - Hamm

Portable  
99-086  
Science  
Cole

K. Griesman 7-102	Teacher Work Area	7-107	K. Bailey 7-114
K. Dake 7-109	Building 7		

Building 4  
4-108  
Moore  
Media Center  
Lumber - RC

Daypenal  
Office  
Building  
Building 3  
Quirk  
Crowford  
houses

3-409 4 <sup>th</sup> - Jinnica	3-408 4 <sup>th</sup> - Hemman	3-101 1st - Statton	3-105 1st - Vaughan
------------------------------------	-----------------------------------	------------------------	------------------------

B Speech	Title I Resource Rm.	Comp. Lab. Williams Cont.	Temp Art Stetson
3-401 3 <sup>rd</sup> - Ceiling	3-403 Hill 3-406 Hill 3-404A Boaniger	3-404	3-109

Conf. Rm. 5-122	Nurse King 5-123								Pre K 5-113 Saps Duglany
									B
									G
River Clinic 5-103	Psych. 5-105 Jones	N.H. 5-106 Beak	5-107 Yon Down	5-108 Nurse Parish	5-109 Conf Rm.	5-110 Conf Rm.			

1- 005 Berry- TMH	1-006 Stamp-DWH	1-007 Wofe	1-008 Warrin- Veser/)	1-013 Louise School store Cusod.
Childs Klachten	Stage 1-009A Mistic	Citeara 1-009		
1-004 Bryle	1-003 Anderson	EMR 1-002	ESE Resource 1-001	

Gibbons

Portable  
99-636  
Mistic  
Allgood

Title I  
99-085  
Storage-  
old  
portable

## 2005 CURE SUMMARY FORM

This Cure Summary Form is submitted with regard to **Application No. 2005- 038C** 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, 2, 3, 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 Item No. (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.
II	A	3	13	S	T	P	X	
III	A	10	25	S	T	1, 2, 5 P		X
IV	B			S	T	P		
V	B		54	S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		
				S	T	P		

TRACKING NO:

Brief Statement of Explanation regarding  
Application No. 2005-038C  
("Summerlin Oaks")

**Provide a separate brief statement for each Cure or NOAD**

Part III.A.10.a.(2)(b), Exhibit 25, Surveyor Certification Form submitted as a Cure for item 2P, beginning at page 6 of the Applicant's Cure package.

Application No. 2005-038C ("Summerlin Oaks") does not qualify for full proximity points for the School. The coordinates provided for the Public School "Gibbons Street Elementary School" in the Applicant's Cure describes a point that is located in an auxiliary building on the School's campus and is not the direct public entrance, as required by Florida Housing's 2005 Universal Application Instructions.

The Florida Housing Rule on Proximity measurement provides that the latitude and longitude coordinates for the applicable services "must represent a point that is *on the doorway threshold of an exterior entrance that provides direct public access to the building* where the service is located." (Emphasis added.) See 2005 Universal Application Instructions, Page 16. In the event that there is no exterior public entrance, the Rule further states that:

"If there is no exterior public entrance to the Grocery Store, Public School, Medical Facility or Pharmacy, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service." Id.

This Rule evolved after the 2003 Universal Cycle as a result of extensive abuses by Applicants who were using inconsistent Tie-Breaker Measurement Points on their subject Properties in order to reach any entrance on the site of the area services in order to establish proximity for their Developments. In 2004 Florida Housing revised and clarified its definition of measurement points, which resulted in the definitions quoted above. Florida Housing's intent in establishing



the measurement point at the “doorway threshold of an exterior entrance that provides public access to the building where the service is located” was to ensure that Applicants use the doorway that is the *primary means of access* for the public and NOT any entrance on any point of the subject service. The Applicant’s alleged Cure attempts to circumvent that definition.

Gibbons Street Elementary School has twelve (12) permanent buildings, eight (8) portable classrooms, one (1) storage shed, and one (1) “exterior entrance that provides direct public access” (Exhibit 1). Each building and each portable has several doors designated for student and teacher access only. These doors are not exterior public entrances. Nonetheless, the Applicant, after correctly losing proximity points by NOPSE, has now selected one of these interior student/teacher access doors to measure proximity to its Development. In its attempt to Cure, the Applicant indicated the door to “Building 7”, a building toward the rear of the campus and closest to Applicant’s Development, as the entrance being utilized for proximity purposes (Exhibits 1, 2, 3). Included in the Cure was a letter from the Principal of Gibbons Street Elementary School, Helene Daigneault, which specifically states:

“[T]he point indicated on the attached sketch and identified as ‘Entrance to Classroom Building #7’ may be used by students to enter the school building. This ‘Entrance to Classroom Building #7’ may also be used by parents and visitors to enter the school building during school hours, *after checking in at the office.*” (Emphasis added.)

This description of the entrance used by the Applicant for proximity purposes is in direct contradiction of Florida Housing’s intent. However, the doors to the classrooms, portables, and offices provide access to the public only after parents and visitors check in at the office. A sign is posted on the school’s campus clearly states “VISITORS MUST CHECK WITH OFFICE BEFORE ENTERING BUILDING” (Exhibit 4). To further enforce the check-in policy, the entire perimeter of the school is surrounded by a fence designed to keep unauthorized visitors out

and students safe on the property (Exhibits 5, 6, 7). Therefore, the only exterior point of access on the school's campus is the front entrance leading directly to the school office.

The exterior entrance of the school, designed to be the point of direct public access, is the only part of the perimeter of the campus that is not fenced and leads directly to the main office (Exhibit 8). The public is authorized to enter to "Building #7" only after having been checked in, granted access, and given directions to their destination by office staff. The Surveyor's Sketch by Joseph R. Gore (Exhibit 3) illustrates that the direct public entrance of Gibbons Street Elementary School is located at latitude N 27 degrees, 53 minutes, 11.4 seconds and longitude W 81 degrees, 49 minutes, 25.1 seconds. This point is 5,3271.71 feet (or 1.009 miles) away from the Applicant's Tie-Breaker Measurement Point. The Applicant, in its Application, used a side service entrance in an attempt to score full proximity points. However, as indicated in the NOPSE, the original Tie-Breaker Measurement Point used by Applicant was not actually on Applicant's site (Exhibit 9) and once this Tie-Breaker Measurement Point was Cured, Applicant chose an interior non-public entry point which was closest to the northeast corner of its site (Exhibit 3), which is not the point that is the real exterior direct public entrance. No unauthorized member of the public is allowed access to the school grounds to wander about or to enter any door of their choice. The Applicant has chosen the entrance to the Building #7, the northeasternmost building on the school's campus as well as the one of the furthest from the main entrance near the office (Exhibit 2), in an attempt to achieve maximum tie-breaker points. Accepting the Applicant's Cure would effectively change the applicable definition from "an exterior entrance that provides direct public access" to "any door anywhere within the School's grounds." Clearly, this is not Florida Housing's intent.

The intent of the Florida Housing Proximity Rule regarding Tie-Breaker Measurement Points was to create a fair and consistent means of awarding points to Applicants that select Development sites closest to area services. In the Universal Application, the Applicant did not select the exterior entrance providing direct public access to the school and was accordingly NOPSE'd. As a Cure, the Applicant again did not select an exterior entrance providing direct public access and thus did not act in good faith within the spirit of the Proximity Rule, nor is the School within one mile of the Development. Therefore, the Cure for Application No. 2005-038C ("Summerlin Oaks") should be REJECTED and the Applicant should not receive full proximity points for the School.

Black Top

Portable A  
3<sup>rd</sup> - Fletcher

Portable C  
3<sup>rd</sup> - Smith

Portable B  
2<sup>nd</sup> - Robbins

Portable D  
3<sup>rd</sup> - Lee

Storage shed

PE  
Doyle

Portable  
99-952  
1<sup>st</sup> - Himm

Portable  
99-086  
Science -  
Cole

Title 1  
99-085  
Storage-  
old  
portable

K. Gieseman 7-102	Teacher Work Area	K. Bailey 7-107
K. Drake 7-109		K. McAdams 7-114

Building 4  
4-108  
Moore  
Media Center  
Lumbrya - RC

Portable  
99-436  
Music  
Allgood

1-005 Berry-TMH	1-006 Sharp-EMH	1-007 Wolfe	1-008 Warren- Veszi
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Designated  
Office  
Building  
Building 2  
Quirk  
Cawford  
Jones

Gibbons

2 <sup>nd</sup> Jen Bright 1-004	2 <sup>nd</sup> Anderson 1-003	BAH 1-002	ESE Reserves 1-001
--	--------------------------------------	--------------	--------------------------

B Speech Title 1 Conf. Rm.	Title 1 Resource Rm. Holloway	Comp. Lab Williams Carr	Temp Art Stetson
3-009 Jimmenez	3-008 Herman	3-101 1st Stetson	3-105 1st-Vauphan
3-006A Bourner	3-006 Hill	3-004	3-109

3<sup>rd</sup> Cecilio  
3-001

3<sup>rd</sup> Kinshof  
3-002

Conf. Rm. 5-122	Nurse King 5-123	5-107 Yee Down	5-108 Nurse Pursh	5-109 Conf. Rm.
5-105 Jones	M.H. 5-106 Boyd	5-107 Yee Down	5-108 Nurse Pursh	5-109 Conf. Rm.
Rever Clinic 5-103				

Gibbons Street  
Elementary School  
Site plan  
Exhibit "1"

keyhole LT — The Digital Earth  
Fly For Fun. Fly To Be Informed.

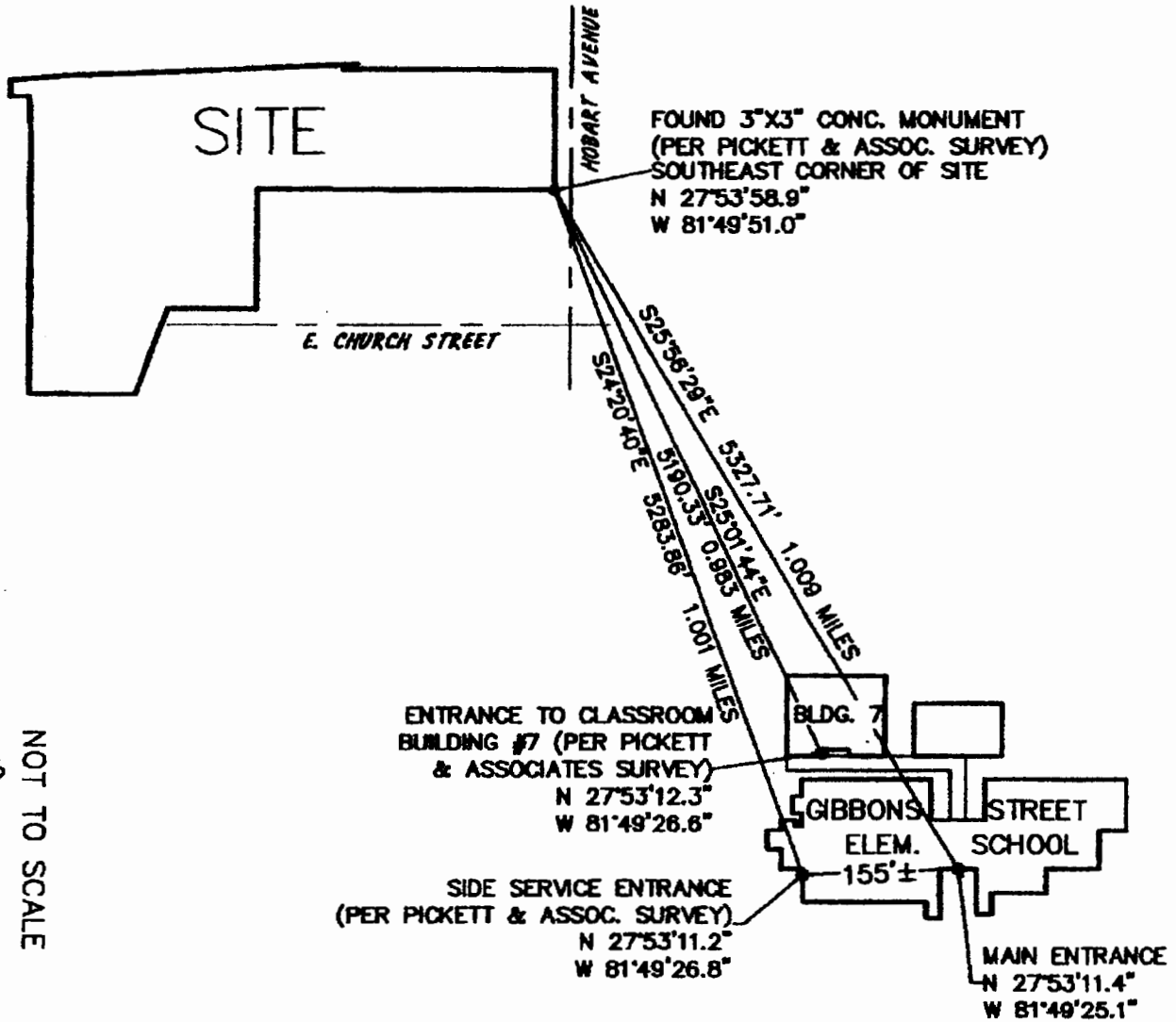
KEYHOLE.COM



Aerial Photo of  
Gibbons Street  
Elementary School  
Exhibit "2"

# "DEVELOPMENT SITE SKETCH"

SECTION 3, TOWNSHIP 30 SOUTH, RANGE 23 EAST  
POLK COUNTY, FLORIDA



NOT TO SCALE

Revisions:

1	05-02-2005	ADDED TEXT AND DIMENSIONS	SEC
---	------------	---------------------------	-----

**HAMILTON**  
**ENGINEERING & SURVEYING, INC.**  
 CIVIL ENGINEERING / SURVEYING / ENVIRONMENTAL / LAND PLANNING  
 38 NORTH NEWPORT AVENUE, SUITE 100 TEL. (813) 250-3535  
 TAMPA, FL 33608 FAX (813) 250-3636

*Exhibit 3*

I hereby certify that this survey was made under my responsible charge, in full and complete accordance with the Statute Entitled "Surveying and Mapping" as amended by the Florida Board of Professional Surveying and Mapping, Chapter 4827-5, Florida Administrative Code, pursuant to Section 482.007, Florida Statutes.

*Joseph R. Gore* 5/2/09  
 Joseph R. Gore, PLS  
 FLORIDA REG. NO. 5102  
 CERTIFICATE OF AUTHORIZATION LB #7013  
 Not valid without the signature and the original red wax seal of a Florida Licensed Surveyor and Mapper.

FIELD WORK DATE:	3/21/05	SITE:	SUMMERLIN OAKS
DRAWN BY:	SEC		East Church Street
DATE ISSUED:	3/24/05		BARTON, FLORIDA 33830
SHEET 1 OF 1	AFFIDAVIT SKETCH (REVISED)		BRNNGN 02: 20-002872

Affidavit and Certification of Joseph R. Gore

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

1. My name is Joseph R. Gore. I am licensed by the State of Florida as a Professional Land Surveyor. My license number is LS 5188. I am a Project Manager of Hamilton Engineering and Surveying, Inc. I confirm that the method used to determine the latitude and longitude coordinates in this Affidavit and Certification conforms to Rule 61G17-6, F.A.C. I am submitting this Affidavit and Certification on behalf of Sunnybrooke Apartments, Ltd. (the "Applicant") and am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

2. I have reviewed the following documents:

a. Surveyor Certification, signed by Gregory A Prather, but not dated, that says it is for Summerlin Oaks (the "Submitted Surveyor Certification");

b. A sketch, submitted by Pickett & Associates, Inc., that shows a field work date of February 11, 2005, that shows Gibbons St. Elementary School (the "Submitted Gibbons St. Elementary School Sketch");

3. I conducted and supervised field work and research regarding the site on which Summerlin Oaks would be located and the tie-breaker measurement points ("TBMPs") claimed in the Submitted Surveyor Certification. I also conducted and supervised field work and research regarding the Gibbons St. Elementary School referenced in the Submitted Surveyor Certification and Submitted Gibbons St. Elementary School Sketch.

4. Based on that work, I prepared and supervised the preparation of the attached sketch, showing the parcels on which the development would be located (the "Correct Development Site and Gibbons St. Elementary School Sketch").

The Correct Location of Gibbons St. Elementary School

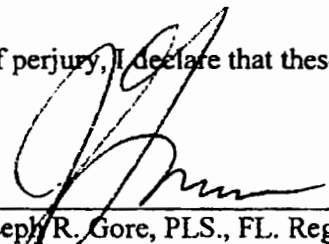
5. The Submitted Surveyor Certification claims that the doorway threshold of the public entrance to Gibbons St. Elementary School is located at latitude N 27 degrees, 53 minutes, 11.2 seconds (truncated to 1 decimal place) and at longitude W 81 degrees, 49 minutes, 26.8 seconds (truncated to 1 decimal place). The provided coordinates identifies a point to a service entrance to the School and does not represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to Gibbons St. Elementary School.

6. The latitude and longitude coordinates for the exterior direct public entrance to Gibbons St. Elementary School is: latitude N 27 degrees, 53 minutes, 11.4 seconds (truncated after 1 decimal place) and longitude W 81 degrees, 49 minutes, 25.1 seconds (truncated after 1 decimal place). This location is computed by me to be 155 feet ± away from the spot identified by the Submitted Surveyor Certification for the tie-breaker measurement point.

7. Although the tie-breaker measurement point is not located on the submitted development site, the correctly identified public entrance to the school is 5,327.71 feet away (or 1.009 miles away) from the closest boundary of any piece of the Summerlin Oaks property.

8. The Development Site Sketch shows the exterior walls of the building sheltering the school, the latitude and longitude coordinates provided above and the public entrance that it represents, and the latitude and longitude coordinates for the service entrance to Gibbons St. Elementary School claimed in the Submitted Surveyor Certification.

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

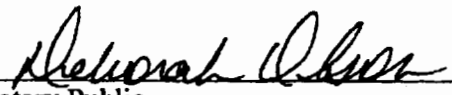
  
\_\_\_\_\_  
Joseph R. Gore, PLS., FL. Reg. # 5188

3/24/05  
\_\_\_\_\_  
Dated

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me this 24 day of March, 2005, by Joseph R. Gore, who is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal, this 24 day of March, 2005.

  
\_\_\_\_\_  
Notary Public  
State of FLORIDA  
My commission expires: 3-14-8

(AFFIX SEAL)



Exhibit "3"



VISITORS MUST  
CHECK WITH OFFICE  
BEFORE ENTERING  
BUILDING

AMERICAN  
CORPORATION

EXHIBIT "4"

EXHIBIT "4"

Exhibit '5'

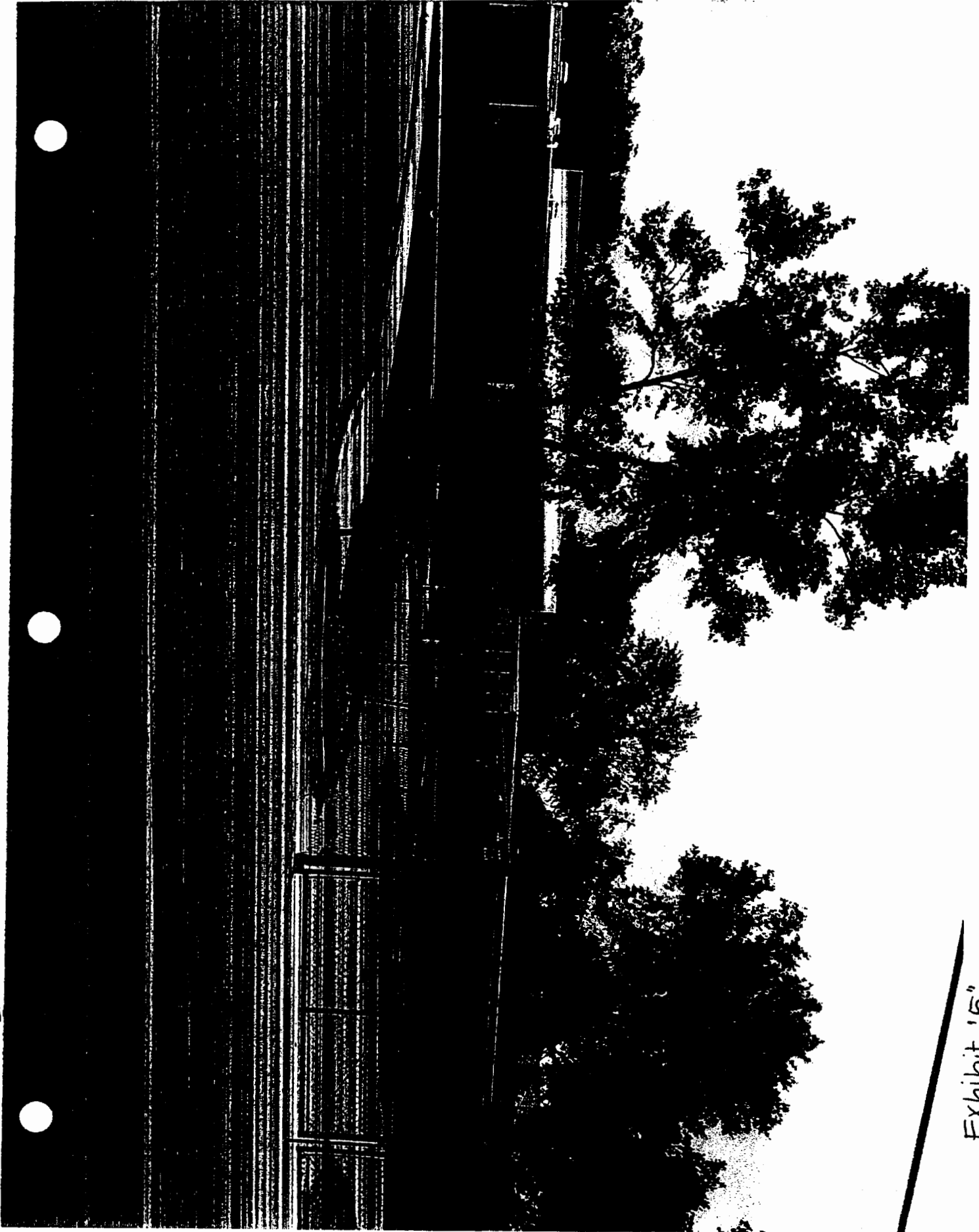


Exhibit '5'

Exhibit "C"

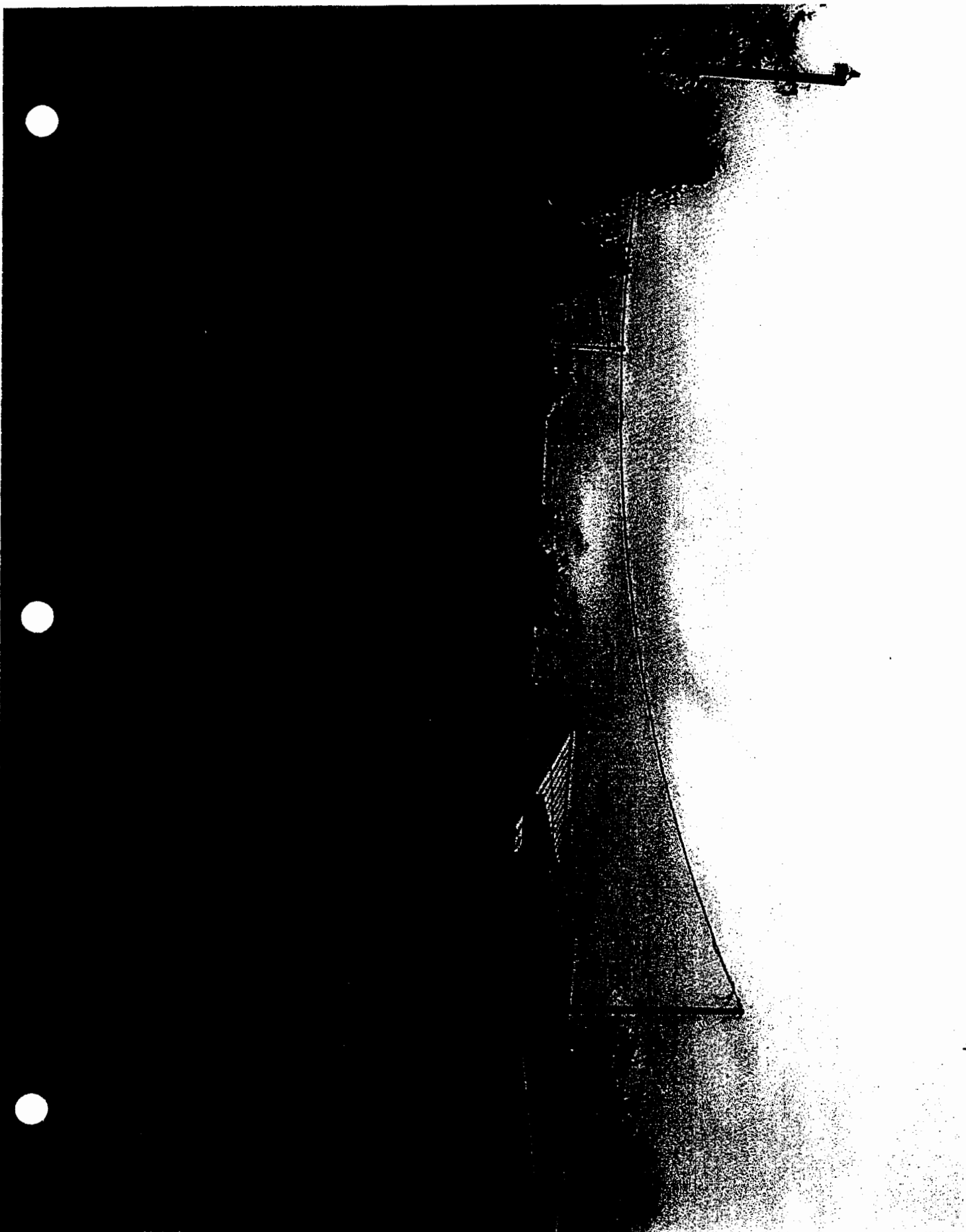


Exhibit "C"

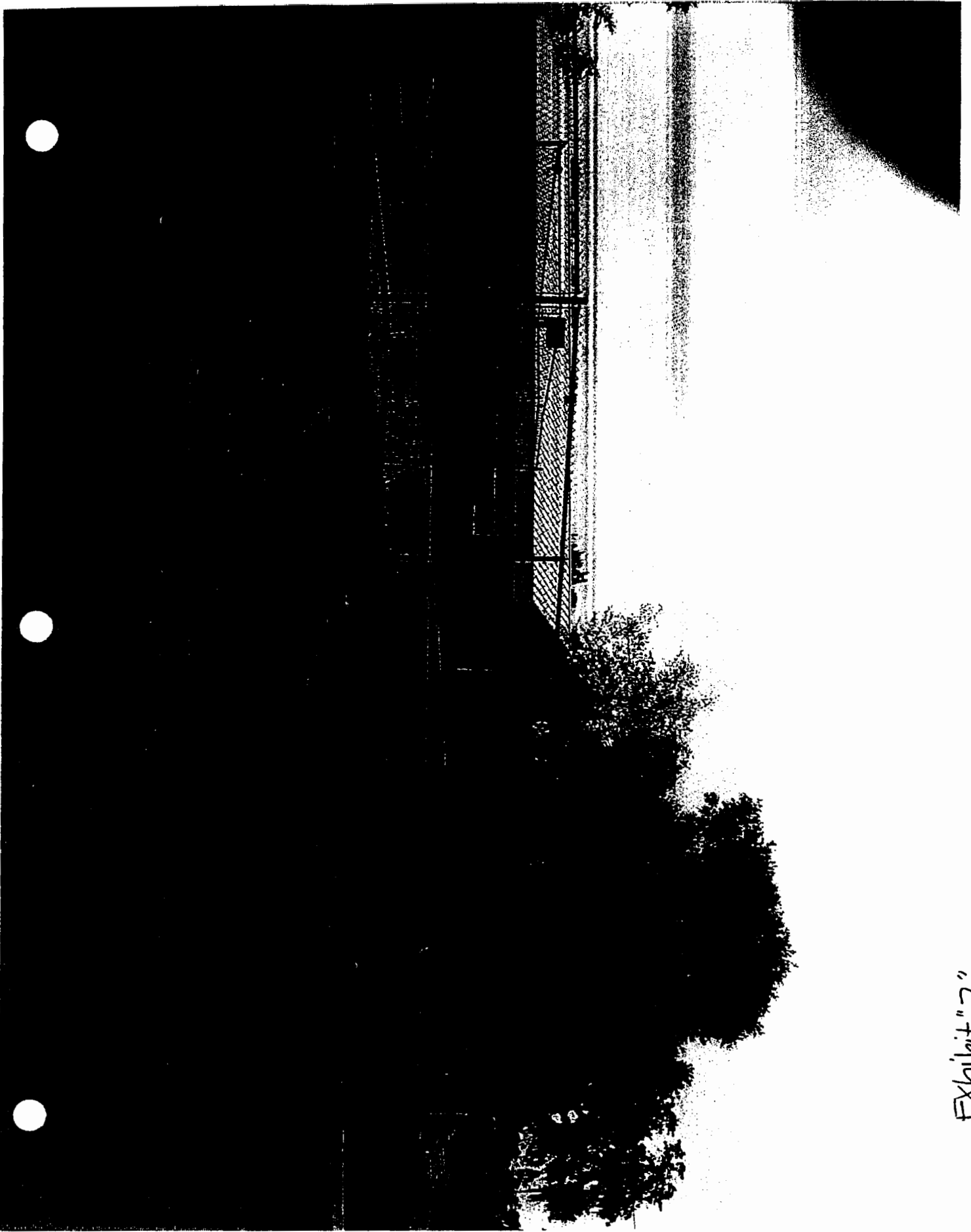


EXHIBIT "7"

"2" EXHIBIT

Exhibit '8'

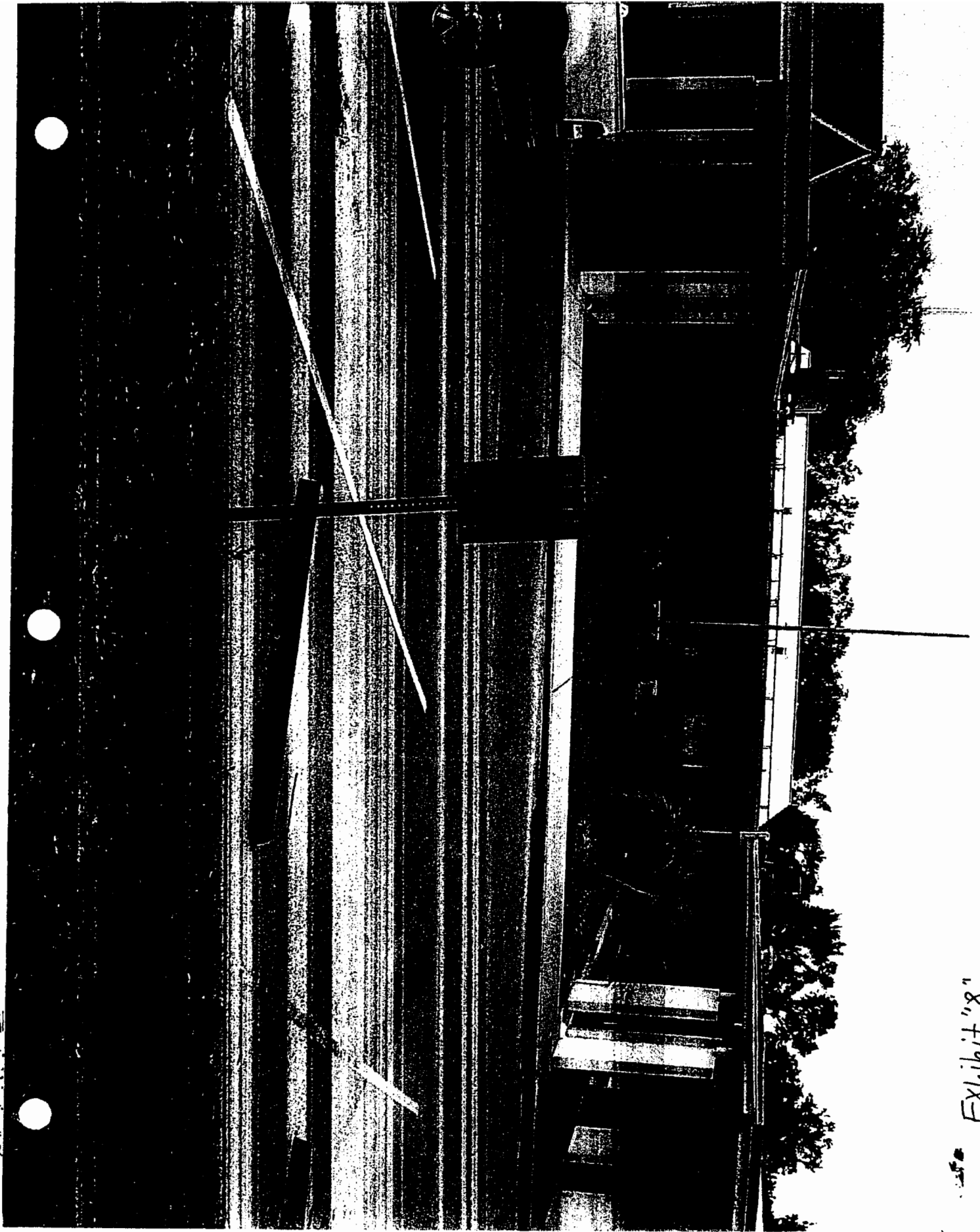
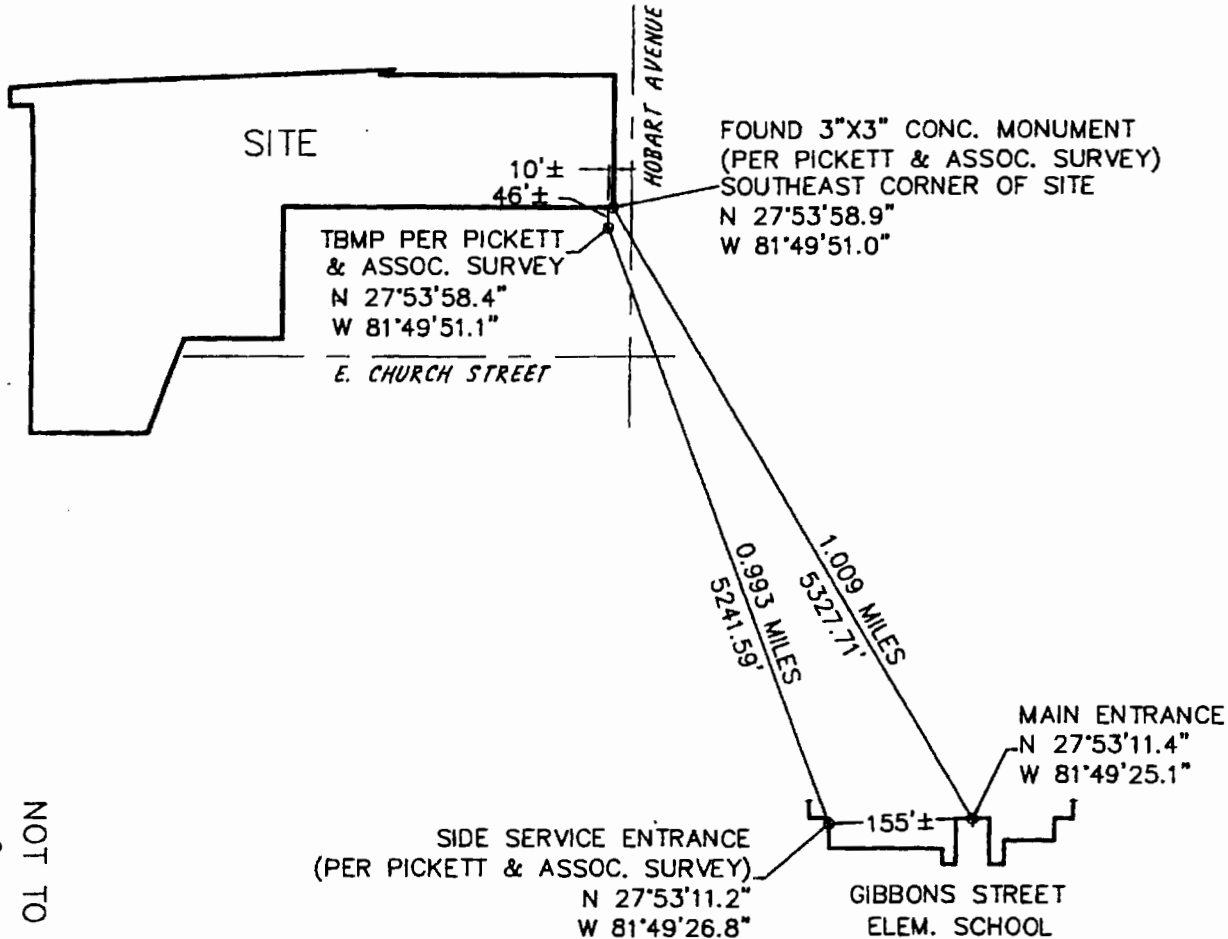


Exhibit "8"

# SPECIFIC PURPOSE SURVEY FOR "DEVELOPMENT SITE SKETCH"

SECTION 5, TOWNSHIP 30 SOUTH, RANGE 25 EAST  
POLK COUNTY, FLORIDA



NOT TO SCALE

\\Hes02\2005050207050207TB.dwg, 3/24/2005 8:50:05 AM



**HAMILTON**  
**ENGINEERING & SURVEYING, INC.**

CIVIL ENGINEERING / SURVEYING / ENVIRONMENTAL / LAND PLANNING  
311 NORTH NEWPORT AVENUE, SUITE 100 TEL. (813) 250-3535  
TAMPA, FL. 33606 FAX (813) 250-3636

FIELD WORK DATE:	3/21/05	SITE:	SUMMERLIN OAKS
DRAWN BY:	SZC		East Church Street
DATE ISSUED:	3/24/05		BARTOW, FLORIDA 33830

SHEET 3 OF 3

AFFIDAVIT SKETCH

DRAWING NO.: 20-050207B

Exhibit "9"

I hereby certify that this survey was made under my responsible charge, to true and correct and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers by Chapter 61017-8, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

*Joseph R. Gore* 3/24/05  
Joseph R. Gore, PLS  
FLORIDA REG. NO. 5188  
CERTIFICATE OF AUTHORIZATION LB #7013  
Not valid without the signature and the original return and of a Florida Licensed Surveyor and Mapper

Affidavit and Certification of Joseph R. Gore

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

1. My name is Joseph R. Gore. I am licensed by the State of Florida as a Professional Land Surveyor. My license number is LS 5188. I am a Project Manager of Hamilton Engineering and Surveying, Inc. I confirm that the method used to determine the latitude and longitude coordinates in this Affidavit and Certification conforms to Rule 61G17-6, F.A.C. I am submitting this Affidavit and Certification on behalf of Sunnybrooke Apartments, Ltd. (the "Applicant") and am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

2. I have reviewed the following documents:

a. Surveyor Certification, signed by Gregory A Prather, but not dated, that says it is for Summerlin Oaks (the "Submitted Surveyor Certification");

b. Legal Descriptions of all eight parcels as submitted to Florida Housing in 2005 application as Exhibit A to the Amended and Restated Real Estate Purchase and Sale Contract, signed by the Purchaser, Christopher L. New, but not dated.

3. I conducted and supervised field work and research regarding the sites on which Summerlin Oaks would be located and the tie-breaker measurement point ("TBMP") claimed in the Submitted Surveyor Certification.

4. Based on that work, I prepared and supervised the preparation of the attached sketch, of which shows the parcels on which the developments would be located (the "Development Site Sketch") and the location of the submitted tie-breaker measurement point.

The Correct Location of the Tie-Breaker Measurement Point

5. The Submitted Surveyor Certification claims that the TBMP is located at latitude N 27 degrees, 53 minutes, 58.4 seconds (truncated to 1 decimal place) and at longitude W 81 degrees, 49 minutes, 51.1 seconds (truncated to 1 decimal place).

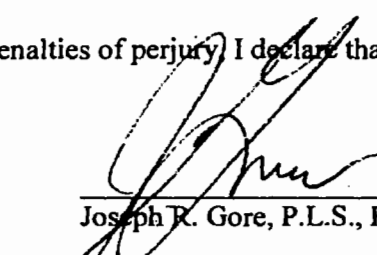
6. That point is not located on the development site. It is 46 feet ± South of the Southerly boundary line and 10 feet ± West of the Easterly boundary line.

7. From my review of the Legal Descriptions, it appears that the developer was claiming the southeastern-most corner of the property as its TBMP. I measured the location of the southeastern-most corner of the legal descriptions provided to be latitude N 27 degrees, 53 minutes, 58.9 seconds (truncated to 1 decimal place) and the longitude to be W 81

degrees, 49 minutes, 51.0 seconds (truncated to 1 decimal place. This location is 47 feet ± away from the spot identified by the coordinates actually given for the TBMP.

8. The Development Site Sketch depicts the locations of the TBMP as claimed and as is relocated to the Development site.

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


  
Joseph R. Gore, P.L.S., FL. Reg. # 5188

Dated 3/24/05

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me this 24 day of March, 2005 by Joseph R. Gore, who is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal, this 24 day of March, 2005.

  
Notary Public

State of FLORIDA

My commission expires: 3-14-08

(AFFIX SEAL)

