A B C D E F G Department Purchasing or Contracts Human Resources Other County Budget Services County Manager Director Contracts Resources Attorney Attorney Ammunication County Manager H. Howyth Image: Contracts Image: Contracts Image: Contracts Image: Contracts Image: Contracts County Manager H. Howyth Image: Contracts	Lee County Board of County Commissioners										
ACTION REQUESTED: Approve Purchase Agreement for acquisition of Percel 217, Three Oake Parkway South Extension of Project No. 4453. In the anound of 591 (00.00; withorize payment of coats to close and the Division of County Lends to handle all documentation necessary to complete transaction. WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County. WHAT ACTION ACCOMPLISHES: The Board must accept all real estate conveyances to Lee County. WHAT ACTION ACCOMPLISHES: The Board must accept all real estate conveyances to Lee County. WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain. 2. DEPARTMENTAL CATEGORY: 3. CONSTRUCT #: 4. AddRead: 4. AddRead: 5. REQUESTION OF INFORMATION 2. CONSTRUM 4. ADDREAD: 5. REQUESTION OF INFORMATION 2. CONSTRUM 4. ADDREAD: 5. REQUESTION OF INFORMATION 2. CONSTRUM 4. ADDREAD: 4. ADDREAD: 4. ADDREAD: 5. REQUESTION OF INFORMATION 128:CONSTRUM 4. ADDREAD: 5. RECORDIND: Net contract for Contract of Transportation Interest to Adording: Fee simple, improved with a single-family mobile home. Procease Unitis for County staff recommends that the Board approve th				Agenda	a Item Sur	nmary		B	ue Sheet	No. 20031229	
Project No. 4043, in the amount of \$91,000,00, authorize payment of costs to close and the Division of County Lends to handle all documentation necessary to complete transaction. WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County. WHAT ACTION ACCOMPLISHES: The Board must accept all real estate conveyances to Lee County. WHAT ACTION ACCOMPLISHES: The Board avoids Emmont Domain. 2. DEPARTMENTAL CATEGORY: 06 3. MEETING UATE: ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENTAL CATEGORY: 06 C. //-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENTAL CATEGORY: 06 C. //-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENTAL CATEGORY: 06 C. //-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ///-04-2003 4. AGENBA: 6. REQUESTION DISTRICT #: 3 2. DEPARTMENT ////////////////////////////////////											
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This document prepared by:

Lee County County Lands Division Project: Three Oaks Parkway South Extension, No. 4043 Parcel: 217/Garcia STRAP No.: 25-47-25-B4-00201.0310

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made this _____ day of ______, 20___ by and between JOSE GARCIA, a married person, whose address is 11242 Wagon Trail, Bonita Springs, Florida 34135, Owner, hereinafter referred to as SELLER, and LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as BUYER.

WITNESSETH:

1. AGREEMENT TO PURCHASE AND TO SELL: SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of .186 acres more or less, and located at 11242 Wagon Trail, Bonita Springs, Florida 34135 and more particularly described as Lot 31, Block 1, LEITNER CREEK MANOR, Unit 2, a subdivision according to the plat or map thereof, recorded in Plat Book 30, Pages 79 and 80, of the Public Records of Lee County, Florida, hereinafter called "the Property." This property will be acquired for the Three Oaks Parkway South Extension Project, hereinafter called "the Project."

2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Ninety-One Thousand and No/100 (\$91,000.00), payable at closing by County Warrant.

3. EVIDENCE OF TITLE: BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of the Purchase Price,

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 2 of 7

from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.

4. CONDITION OF PROPERTY; RISK OF LOSS: BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER's sole risk and expense. However, BUYER may accept the damaged property and deduct from the purchase price any expenses required to repair the damage, or BUYER may cancel this Agreement without obligation.

5. SELLER'S INSTRUMENTS AND EXPENSES: SELLER will pay for and provide:

- (a) A statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance;
- (b) documentary stamps on deed;
- (c) utility services up to, but not including the date of closing;
- (d) taxes or assessments for which a bill has been rendered on or before the date of closing;
- (e) payment of partial release of mortgage fees, if any;
- (f) SELLER's attorney fees, if any.

6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:

- (a) Recording fee for deed;
- (b) survey, (if desired by BUYER).

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 3 of 7

7. **TAXES**: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.

8. DEFECTS IN TITLE AND LEGAL ACCESS: Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER will notify SELLER in writing of the defects and SELLER will make a prompt and diligent effort to correct such defects. If SELLER fails to make corrections within 60 days after notice, BUYER may elect to accept the Property in its existing condition with an appropriate reduction to the purchase price, or may terminate this Agreement without obligation.

9. SURVEY: BUYER may order the Property surveyed at BUYER's expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.

10. ENVIRONMENTAL AUDIT: BUYER may perform or have performed, at BUYER's expense, an environmental audit of the Property. If the audit identifies environmental problems unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition with an appropriate abatement to the purchase price or BUYER may terminate this Agreement without obligation.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 4 of 7

11. ABSENCE OF ENVIRONMENTAL LIABILITIES: The SELLER hereby warrants and represents that the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. No hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. The SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or toxic effects on humans, flora or fauna. There are no buried, partially buried, or above-ground tanks, storage vessels, drums or containers located on the Property. There is no evidence of release of hazardous materials onto or into the Property.

The SELLER also warrants that there have been no requests from any governmental authority or other party for information, notices of claim, demand letters or other notification that there is any potential for responsibility with respect to any investigation or clean-up of hazardous substance releases on the property. All warranties described herein will survive the closing of this transaction.

In the event the SELLER breaches the warranties as to environmental liability, SELLER agrees to indemnify and hold the BUYER harmless from all fines, penalties, assessments, costs and reasonable attorneys' fees resulting from contamination and remediation of the property.

12. TIME AND BINDING AGREEMENT: Time is of the essence for closing this transaction. The BUYER's written acceptance of this offer will constitute an Agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns. In the AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 5 of 7

event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation.

13. DATE AND LOCATION OF CLOSING: The closing of this transaction will be held at the office of the insuring title company on or before one hundred eighty (180) days from the date this Agreement is made. The time and location of closing may be changed by mutual agreement of the parties.

14. **ATTORNEYS' FEES:** The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.

15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.

16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.

17. **TYPEWRITTEN/HANDWRITTEN PROVISIONS:** Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.

18. **SPECIAL CONDITIONS:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 6 of 7

WITNESSES Signature of Witness

SELLER:

101 12 Jose Garcia

(DATE)

GONZALEZ ANTOS Print Name of Witness

187 and a Signature of Wi tness Tosent Keith Gamez -

BUYER:

CHARLIE GREEN, CLERK

DEPUTY CLERK

Print Name of Witness

LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

BY:

(DATE)

CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

COUNTY ATTORNEY

(DATE)

S:\POOL\3-Oaks 4043\217 GARCIA\PURCHASE AGREEMENT 10 01 03.wpd-jkg

BY:

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 7 of 7

SPECIAL CONDITIONS

BUYER: Lee County SELLER: Garcia PARCEL NO.: 217

BUYER and SELLER hereby covenant that the Purchase Price recited herein, except as noted below, includes payment for attorney fees, moving expenses, the manufactured home (Model Budd, ID Number 04650539BN), additions, improvements, carport(s), shed(s), fencing, landscaping and for all fixtures, including but not limited to, built-in-appliances, air conditioning unit(s), hot water heater(s), ceiling fans, screen enclosure(s), windows, awnings, doors and floor covering, as of the date of the BUYER'S appraisal.

BUYER'S authorized agent will inspect the house and all other real M property and improvements prior to closing. Removal of any fixture(s) by SELLER may cause a delay in closing and a reduction in the Purchase Price. All additional costs associated with any breach of this covenant will be paid by the SELLER. This covenant shall survive closing.

Upon the BUYER'S written acceptance of this Agreement, SELLER hereby gives permission allowing entry to the premises by County Representatives, upon first receiving 48 hours prior notice, in order for the premises to be inspected to determine if asbestos is present in the improvements or if relocating any or all real estate improvements is feasible subsequent to closing and the County taking possession of the Property.

Seller may remove ficus shrubs at front of home (property. Seller) Must fill in good level any held or trench due to removel of shrubs. WITNESSES: All

Jose Garcia

Signature of Witness

105 JONZALEZ Print Name of Witness

gnature of

Joseph Keith Gomez

Print Name of Witness

BUYER:

CHARLIE GREEN, CLERK

DEPUTY CLERK

BY:

LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

BY:

CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

COUNTY ATTORNEY

(DATE)

S:\POOL\3-Oaks 4043\217 GARCIA\PURCHASE AGREEMENT 10 01 03.wpd-jkg

(DATE)

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63	Neighborhood boundaries and characteristics: <u>The market area is bordered by South Carolina Drive (N), I-75 (E), US Business 41 (W), E.Terry Street</u> (S), Maturely developed with predominately single family and manufactured homes.																	
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A	All in good condition Condition Avg. Washer/Drver Finished Att. Utility/80sf Driveway 2 Cars Additional features (special energy efficient items, etc.): Metal siding & roof, vinyt kitchen & hall bath floor, carpeted master bath, mice cabinets and counters, celling fans, window treatments, 320sf glass enclosed porch, 80sf attached utility room & 70sf covered patio.																	
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Freddle Mac Form 70 6/93

CONNECTED OULS AND	E Unimproved sit	e=		APPRAISAL		File No. 02-78-4 source of cost estimate	, site value
ESTIMATED REPRODUC	TION COST-NEW-OF IMPR	IOVEMENTS:				and FmHA, the estimate	
Dwelling <u>1,2</u>	<u>35</u> Sq. Ft. @\$ <u>52.00</u>)_=\$64	,220	economic life of the	property); See	attached for floor pl	an and area
Enclosed Porch, 3	20 Sq. Ft. @\$ 22.00) = 7	,040	calculations. S	ubject site is d	eveloped to its high	est and best
Cov.Porch,70sf@\$12	2/sf+MH Util, 80sf@\$16	ñ/sf≃ 2	,120	use. No appare	ent functional of	locational obsoles	cence noted.
Garage/Carport <u>532</u>	Sq. Ft. @\$12.0	0 =6	,384	See attached fo	r comments on	land value. Costs	are supported
	W		<u>,764</u>	by local known	bullder's costs	& completed appra	isals
	/sical Functional	External		retained in the e	ippraiser's offic	e files.	
Depreciated Value of Imr	provements	=\$_					
"Asvis" Value of Site Imp	rovements		<u>81,8</u>	17 Depreciation - E	conomic Age/L	life Method	
INDICATED VALUE BY C	OST APPROACH		89,8	00 Estimated rema	ining economic	life = 31 years.	
ITEM	SUBJECT	COMPARABL		COMPARABLE	NO. 2	COMPARABI	ENO 3
11242 Wa		26676 Calypso Wa	ay	11106 Torchfire Tra		26788 Stardust D	
Address 25-47-25-E		25-47-25-B4-0010		25-47-25-B4-00103	.0240	25-47-25-B4-0021	
Proximity to Subject				0.27 mile southwes		0.20 mile south	
Sales Price	<u>Not a Sale</u>	\$	95,000	15	89,900	Star is	70,00
Price/Gross Living Area		\$ 74,22 ⊄				\$ <u>60.76</u> ¢	
, Data and/or Varification Source	Inspection	ORB 3979 PG 397	•	ORB 3943 PG 280		ORB 3768 PG 14	
Verification Source VALUE ADJUSTMENTS	Pub.Records DESCRIPTION	MLS/FARES/Lee (MLS/FARES/Lee C		MLS/FARES/Lee	
Sales or Financing		DESCRIPTION	+{-)\$ Adjust	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust,
Concessions		Conventional \$93,600	ļ	FHA		Conventional	
Date of Sale/Time		07/02/03	+	\$89,200 05/27/03		\$69,000	÷
Location	LeitnerCrkManor	LeitnerCrkManor	;	LeitnerCrkManor		11/05/02 LeitnerCrkManor	÷
Leasehold/Fee Simple	Fee	Fee	i	Fee		Fee	
Site	8,100sf	7,930sf	i	8,100sr		5,700sf	+2,00
View	Residential	Residential		Residential		Residential	
Design and Appeal	Doublewide	Doublewide		Singlewide +		Doublewide	<u> </u>
Quality of Construction	MH/Above Avg.	MH/Superior		MH/Superior	-3,000		+2,00
Age	Eff=9, A=23	Eff=12, A=26	+2,900			Eff=11, A=27	+1,90
Condition Above Grade	Good	Inferior	+2,900			Inferior	+1,90
Above Grade Room Count	Total Bdrms Baths			Total Bdrms Baths		Total Bdrms Baths	i i
Gross Líving Area	5 2 2 1,235 Sq. Ft.	7 5 2 1,280 Sq. Ft.	4 400	5 2 2	ا معد بد .	6 4 2	
Basement & Finished	None 1,235 Sq. H.	1,280 Sq. Ft. None	-1,400	1,190 Sq. Ft.	+1,400	1,152 Sg. Ft.	+2,700
Rooms Below Grade	None	None		None None	•	None	1
Functional Utility	Average	Average		Average		None Average	<u> </u>
Heating/Cooling	Central/Central	Central/Central		Central/Central		Average Central/Central	<u>.</u>
Energy Efficient Items	Typical	Typical		Typical		Typical	<u></u>
Garage/Carport	1 Carport	1 Carport		1 Carport		Driveway	+2,000
Porch, Patio, Deck,	320sf Encl.Porch	240sf Encl.Porch	+900	None	+3,500	None	+3,500
Fireplace(s), etc.	None	124sf Sheds	-1,000	192sf Shed	-1,500		
Fence, Pool, etc.	None	Fenced	-1,500	None		Fenced	-1,500
Other Feratures	80sf MH Utility	289sf Sun Deck		196sf MH Utility		None	+600
Net Adi, (total) Adjusted Sales Price			3,200	<u> + X-\$</u>		X + N-S	15,100
Adjusted Sales Price of Comparable		Net 2 4 % Closs 170 % \$		Gross 1:00 %	_	14 Net, 121 6-15	
	parison (including the subj	Ct ntoneth's compatibilit	91,800				85,100
months prior to the :	appraisal date is amo	w property a compatibility	y iu ine neighborho of an adamiata	vu, etc.): <u>See</u>	attached com	ments. Sale #3 re	corded over 6
Net/gross adjustmen	nts exceeded recomm	nended narameters	for Sale #2 dee	ny sizeu doublewide	manufactured i	nome in Leitner Cre	ek Manor.
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enclosed porch. Ho		COMPARABLE	NO, 1	COMPARABLE	VO. 2	COMPARABLE	NO, 3
ITEM	SUBJECT			No prior sale noted	<u> </u>	No prior sale noted	
ITEM Date, Price and Data	No prior sale	No prior sale noted	1	the prise sale noted		•	
ITEM ITEM Date, Price and Data Source, for prior sales	No prior sale per Public Rec.			other than above in		other than above in	
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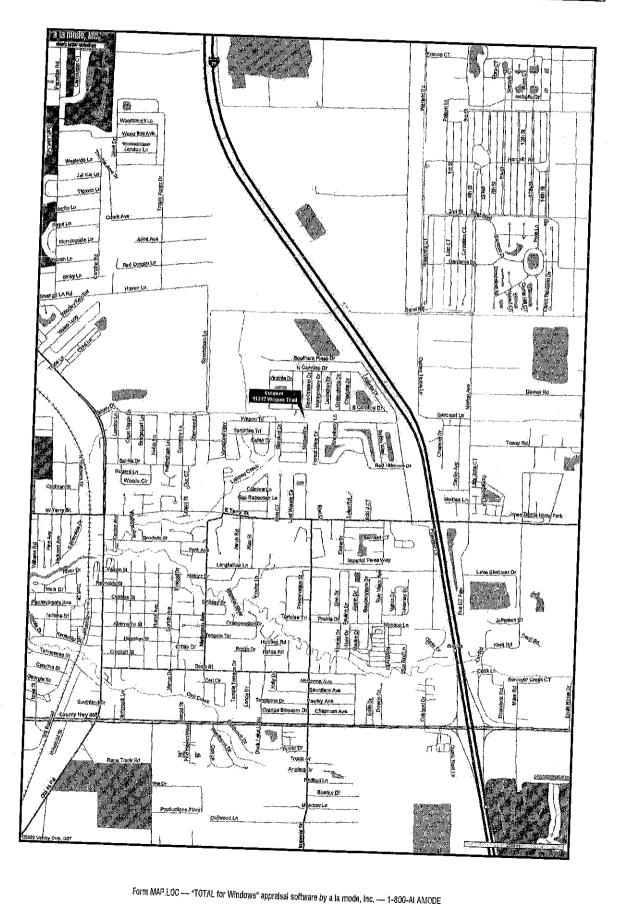
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PAGE 2 OF 2 Form UA2 — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

	Location Map	Na ¹⁷
Borrower/Client GARCIA, Jose Property Address 11242 Wagon Trall		
City Bonita Springs Lender Lee County - County Lands	County Lee State F	F1 7- 0-1, 0,107
Lands		-L Zip Code 34135-5343





OCT 0 8 2003

Cíty of Boníta Spríngs

9220 BONITA BEACH ROAD SUTE 111 BONITA SPRINGS, FL 34135 TEL: (239) 390-1000 FAX: (239) 390-1004 www.cityofbonitasprings.org

Paul D. Pass Mayor

Wayne P. Edsall Councilman District One

Jay Arend Councilman District Two

R. Robert Wagner Councilman District Three

John C. Warfield Councilman District Four

David T. Piper, Jr. Councilman District Five

Ben L. Nelson, Jr. Councilman District Six

 \sim

Gary A. Price City Manager

Audrey E. Vance City Attorney October 6, 2003

Mr. J. Keith Gomez Property Acquisition Agent Lee County PO Box 398 Fort Myers, FL 33902

RE: Purchase Agreement – Three Oaks Parkway Extension Project No. 4043 Parcel 217, Garcia

Dear Mr. Gomez:

The agreed upon purchase conditions for the aforementioned parcel are reasonable and purchase is recommended by my office.

If you need further authorization, feel free to contact me.

Respectfully, 241 Gary A Price

Gary & Price City Manager

GAP/kw

+2399475055

FUND COMMITMENT

Schedule A

Commitment No.: CE-1183312 Effective Date: September 3, 2003 at 5:00 p.m.

1. Policy or Policies to be issued: **Proposed Amount of Insurance**

Fund File Number 18-2003-4714

Agent's File Reference: 03-1259

OWNER'S: ALTA Owner's Policy (10/17/92).

\$91,000.00 /

Proposed Insured:

Lee County, a political subdivision of the State of Florida 🗸

MORTGAGEE:

Proposed Insured:

2. The estate or interest in the land described or referred to in this commitment is a fee simple and title thereto is at the effective date hereof vested in:

Jose Garcia 🗸

3. The land referred to in this commitment is described as follows:

Lot 31, Block 1, Unit 2, LEITNER CREEK MANOR SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 30, Page(s) 79 and 80, Public Records of Lee County, Florida.

AGENT NO .: 13710 ISSUED BY: LAW OFFICES OF JOHN D. SPEAR, P.A.

MAILING ADDRESS:

9200 Bonita Beach Road, Suite 204 Bonita Springs, Florida 34135

AGENT'S SIGNATURE

OFFICES OF JOHN D. SPEAR, P.A.

Rev.1.2

Page 1 of 3

FUND COMMITMENT Schedule B

+2399475055

Commitment No.: CF-1183312

Fund File Number 18-2003-4714

- I. The following are the requirements to be complied with:
 - 1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
 - 2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
 - a) Warranty Deed from Jose Garcia, joined by spouse, if married, to the proposed purchaser(s).
 - 3. A determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F. S., or county ordinance.
 - 4. Estoppel letter from Leitner Creek Property Owners Association, Inc. must be furnished showing that the maintenance assessments are current and that there are no unpaid special assessments.
 - 5. Warranty Deed recorded in O.R. Book 3592, Page 3590 should be re-executed to show proper acknowledgement of notary. If the State where the document is acknowledged does not require a seal or stamp to be affixed, it should show that the notary acknowledging the instrument is authorized to do so by the State Statutes of the Notary's Domicile.
 - 6. Satisfaction of the mortgage from Jose Garcia to Fieldstone Mortgage Company dated February 20, 2002 and recorded in O.R. Book 3592, Page 3591, Public Records of Lee County, Florida.

II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of The Fund;

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
- 2. Any owner and mortgagee policies issued pursuant hereto will contain under Schedule B the standard exceptions set forth at the inside cover hereof unless an affidavit of possession and a satisfactory current survey are submitted, an inspection of the premises is made, it is determined the current year's taxes or special assessments have been paid, and it is determined there is nothing of record which would give rise to construction liens which could take priority over the interest(s) insured hereunder (where the liens would otherwise take priority, submission of waivers is necessary).

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FUND COMMITMENT

Schedule B

Commitment No.: CF-1183312

Fund File Number 18-2003-4714

- 3. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)
- Restrictions, conditions, reservations, easements, and other matters contained on the Plat of Unit 2, Leitner Creek Manor, as recorded in Plat Book 30, Page(s) 79 and 80, Public Records of Lee County, Florida. - ON - TYPICAL
- 5. Covenants, conditions, and restrictions recorded February 3, 1970, in O.R. Book 575, Page 808, Public Records of Lee County, Florida, (as recited in restrictions: All lots are subject to two (2) foot utility easement on each side and all lots in Block 1 are subject to a ten (10) foot utility easement across the rear of the lot.) -OM-TYPICAL
- 6. Right-of-way easement for utilities recorded in O.R. Book 826, Page 697, Public Records of Lee County, Florida. ON TYPICAL
- 7. Assignment of Developer Rights recorded in O.R. Book 2603, Page 3024, Public Records of Lee County, Florida. MANNA CHRISTIAN TO LEITNER CREEK MANOR P.O.A.
- 8. Taxes for the year 2003, which are not yet due and payable. -OM
- Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida. - SOLID WASTE
- 10. Subject to rights of tenants under unrecorded leases, if any.

5-Year Sales History

Parcel No. 217

Three Oaks Parkway South Extension, Project No. 4043

Grantor	Grantee	Price	Date	Arms Length Y/N
Hazel I. Kain	Jose Garcia	\$65,500.00	2/20/02	Y*
Hazel I. Kain, Cleon E. Kain Estate	Hazel I. Kain, Cleon E. Kain Estate	\$0.00	11/25/01	N
Charles M. and Mildred J. Stanley	Hazel I. and Cleon E. Kain	\$47,900.00	4/15/99	Y

*Based upon information provided by Grantee, this transaction reflects a distressed sale.

S:\POOL\3-Oaks 4043\217 GARCIA\5-yr sales matrix.wpd