Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20040925

I. REQUESTED MOTION:

ACTION REQUESTED: Approve Purchase Agreement for acquisition of Parcel 255, Three Oaks Parkway South Extension Project No. 4043, in the amount of \$92,000.00; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

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	5-Year Sales Histo	ory		n Map Include	d); Reco	mmenda	tion of C	City of I	Bonita S _l	prings; Title Data;
8. MANAGEI	MENT RECOMM	<u>IENDATION</u>	<u>S:</u>							
		9.	RECO	MMENDED	APPRO	VAL:				· · · · · · · · · · · · · · · · · · ·
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Director Contracts Resources Attorney CMM 7/2/04

| July Survey Country Country Country Admin Forwarded To: 1/2/04

| Supposition Contracts Resources | Attorney CMM 7/2/04
| July Survey Country Admin Forwarded To: 1/2/04
| Supposition Country Admin Forwarded To: 1/2/04

This document prepared by:

Lee County

County Lands Division

Project: Three Oaks Parkway South Extension, No. 4043

Parcel: 255/Lara

STRAP No.: 25-47-25-B4-00208.0150

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 20th day of _______, 2004 by and between IGNACIO LARA and VERONICA LARA, husband and wife, whose address is 26794 Stardust Drive, 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 .138 acres more or less, and located at 11212 Torchfire Trail, Bonita Springs, Florida 34135 and more particularly described as Lot 15, Block 8, 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 Two Thousand and No/100 (\$92,000), 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,

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).

- 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.

11. ABSENCE OF ENVIRONMENTAL LIABILITIES: The SELLER hereby warrants and represents, to the best of SELLER's knowledge, 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 The SELLER further warrants that applicable law or regulation. SELLER is unaware of any 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 There is no evidence of release of located on the Property. 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 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 fifty (150) 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.

WITNESSES:	SELLER:
Signature of Witness Print Name of Witness	IGNACIO LARA (DATE)
Signature of Witness Signature of Witness Print Name of Witness	
WITNESSES:	SELLER:
Signature of Witness Tauline Usara Print Name of Witness Signature of Witness Signature of Witness Print Name of Witness	Ulroneca Jara 620/04 VERONICA LARA (DATE)
	BUYER:
CHARLIE GREEN, CLERK	LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY: DEPUTY CLERK (DATE)	BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

SPECIAL CONDITIONS

BUYER: Lee County SELLER: Lara PARCEL NO.: 255

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 Reference No.

), additions, improvements, carport(s), shed(s), landscaping and for all fixtures, including but not limited to, bathroom fixtures, built-in-appliances (dishwasher, disposal, stove, and microwave), 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 valuation.

BUYER'S authorized agent will inspect the house and all other real 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.

SELLER hereby agrees to deliver possession of the Property, absent of any resident(s) or tenant(s) or tenants, to BUYER at the time of closing and further agrees that the purchase of the Property is NOT subject to any written or verbal lease agreement(s) of the SELLER.

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.

WITNESSES:

SELLER:

TARA LATA 6(20/4

Print Name of Witness

Signature of Witness

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Print Name of Wi

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 8 of 8 $\,$

WITNESSES:	SELLER:
Signature of Witness	Veronica Lara 6/30/0 VERONICA LARA (DATE
Print Name of Witness	
Signature of Witness	
Quedalufe /barra Print Name of Witness	
	BUYER:
CHARLIE GREEN, CLERK	LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY: DEPUTY CLERK (DATE)	BY:CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

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Fannie Mae Form 1004 6-93

File No.

ESTIMATED SITE VALUE Unimproved site Comments on Cost Approach (such as, source of cost estimate, site value 16.000 ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS: square foot calculation and for HUD, VA and FmHA, the estimated remaining 930 Sq. Ft. @\$ 55.00 = \$ 51,150 economic life of the property): See attached for floor plan and area Sq. Ft. @\$ calculations. Subject site is developed to its highest and best Total Options - See Attached 21,410 use. No apparent functional or locational obsolescence noted. Garage/Carport 408 Sq. Ft. @\$_ 4,896 See attached for comments on land value. Costs are supported Total Estimated Cost New 77,456 by local known builder's costs & completed appraisals Less Physical Functional External retained in the appraiser's office files. Depreciation 17,428 17,428 Depreciated Value of Improvements =\$ 60,028 Depreciation - Economic Age/Life Method 'As-is" Value of Site Improvements 10,000 Estimated remaining economic life = 31 years. INDICATED VALUE BY COST APPROACH SUB-IEC7 COMPARABLE NO. 1 COMPARABLE NO. 2 COMPARABLE NO. 3 11212 Torchfire Trail 26640 Token Court 26676 Calypso Way 11106 Torchfire Trail Address 25-47-25-B4-00208.0150 25-47-25-B4-00206.0010 25-47-25-B4-00107.0870 25-47-25-B4-00103.0240 Proximity to Subject 0.10 mile northwest 0.26 mile southwest 0.20 mile west 92,000 62.84 Ф Sales Price 11.14 Not a Sale 89,900 Price/Gross Living Area 74.22 🖈 Data and/or Inspection ORB 4143 PG 3325 ORB 3979 PG 3974 ORB 3943 PG 2601 Verification Source Pub.Records FARES/Lee County MLS/FARES/Lee County MLS/FARES/Lee County VALUE ADJUSTMENTS DESCRIPTION DESCRIPTION +(~)\$ Adjust. DESCRIPTION + (-)\$ Adjust. DESCRIPTION +(-)\$ Adjust. Sales or Financing Conventional Conventional FHA Concessions 2 4 1 \$64,400 \$93,600 \$89,200 Date of Sale/Time 12/10/03 07/02/03 05/27/03 LeitnerCrkManor Location LeitnerCrkManor LeitnerCrkManor LeitnerCrkManor Leasehold/Fee Simple Fee Fee Fee Site 6,000sf 6,000sf 7,930sf -2,000 8,100sf -2,000 <u>View</u> Residential Residential Residential Residential Design and Appeal Singlewide+ Doublewide Doublewide Singlewide + Quality of Construction MH/Good MH/Good -1,800 MH/Superior MH/Superior -1,800Age Eff=9, A=13 Eff=9, A=23 Eff=12, A=26 +2,900 | Eff=9, A=10 Condition Above Avg. Above Avg Inferior +2,900 | Above Avg. Above Grade Total Burms Baths Total Borms Baths Total Bdrms Baths Total Bdrms Baths Room Count 2 1 +2.000 _5 5 2 2 930 Sq. Ft. Gross Living Area 1,464 Sq. Ft. -17,1001,280 Sq. Ft. <u>/11,200</u> 1,190 Sq. Ft. (-8,300 Basement & Finished Finished Bath None +1,100 None +1.100 +1,100 Rooms Below Grade 2 Sp.BdrmsDens None +4,000 None +4,000√ None +4,000 Functional Utility Adequate <u>Adequate</u> Average Average Central/Central Heating/Cooling Central/Central Central/Central Central/Central **Energy Efficient items** Typical Typical Typical Typical Garage/Carport 1 Carport None +2,000 1 Carport Carport Porch, Patio, Deck, 324sf Encl.Porch None +4,000 240sf Encl. Porch +1.100 LNone +4.000 F<u>ìre</u>place(<u>s), et</u>c. None 64sf Shed -500 124sf Sheds -1,000 | 192sf Shed -1,500 Fence, Pool, etc. None -1,500 Fenced <u>Fe</u>nced <u>-1,</u>500 None None Other Features None 289st Sun Deck -700 196sf MH Utility -1,600 Net Adj. (total) 6,000 6,200 6,100 6,5 % Adjusted Sales Price Gross 35,0 % \$ Gröss 31.8 % \$ 86,000 88.800 Gross 27.0 % \$ Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): See attached comments. Sales recorded over 6 months prior to the appraisal date are among the most recent sales of adequately priced manufactured homes in Leitner Creek Manor Adjustments exceeded recommended parameters in some instances due primarily to the subject's added enclosed porch, 2 spare bedrooms/dens & bath not included in the livable area. However, the adjustments appear to be market supported and do not adversely affect the final value estimate. ITEM SUBJECT COMPARABLE NO. 1 COMPARABLE NO. 2 COMPARABLE NO. 3 Date, Price and Data 02/02, \$88,000 No prior sale noted No prior sale noted No prior sale noted Source, for prior sales per Lee County other than above in other than above in other than above in within year of appraisal OR 3571/0422 past twelve months past twelve months past twelve months Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal The subject property is not listed in the regional MLS INDICATED VALUE BY SALES COMPARISON APPROACH INDICATED VALUE BY INCOME APPROACH (if Applicable) Estimated Market Rent N/A /Mo. x Gross Rent Multiplie subject to the repairs, alterations, inspections or conditions listed below This appraisal is made "as is" subject to completion per plans & specifications. Conditions of Appraisal: No special comments or conditions affect this appraisal. THIS IS A SUMMARY APPRAISAL REPORT. See attached Special Limiting Conditions. Final Reconciliation: The Sales Comparison Analysis typically best reflects the actions and attitudes of participants in the marketplace. The Cost Approach is supportive. Insufficient market data is available for a reliable GRM. The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, contingent and limiting conditions, and market value definition that are stated in the attached Freddie Mac Form 439/FNMA form 1004B (Revised-I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT. AS OF December 19, 2003 (WHICH IS THE DATE OF INSPECTION AND THE EFFECTIVE DATE OF THIS REPORT) TO BE 86,000 APPRAISER: Phil Benning, Associate
Signature SUPERVISORY APPRAISER (ONLY TEREQUIRED): J. Lee Norris, MAI, SRA Signature Did 🔀 Did Not Name Phil Benning, Associate Name J. Lee 1 ris, MAI, SRA Inspect Property Date Report Signed January 19, 2004 Date Report Stant January 19, 2004 State Certification # 0001220 St. Cert.Res. REA State FL State Certification # 0000643 St. Cert. Gen. REA State FL Or State License # Or State License # State

UNIFORM RESIDENTIAL APPRAISAL REPORT

Valuation Section

Freddie Mac Form 70 6/93

Supplemental Addendum

			FIG NO. 02-70-00
Borrower/Client LARA, Ignacio	Veronica		
Property Address 11212 Torchfin	e Trail		
City Bonita Springs	County Lee	State FL	Zip Code 34135-5321
Lender Lee County - County L	ands		

Eila Ma 07-79-69

PURPOSE, FUNCTION AND SCOPE OF THE APPRAISAL

The purpose of the appraisal is to estimate market value of the subject as of the effective date of the appraisal. The function (use) of the appraisal is for providing the Lee County Commissioners with sufficient data to make an informed decision regarding the possible purchase of the property.

The scope of this appraisal encompasses the necessary research and analysis to prepare a report in accordance with the USPAP of the Appraisal Foundation. Data sources typically include observation, public records, First American Real Estate Services, RE/Xpiorer Internet System, MLS, Realtors, other professionals, appraiser's files, builder's contracts, and cost estimating services (Marshall and Swift).

A thorough search is conducted for comparable properties within an appropriate market area and time frames. The most comparable properties are compared to the subject with appropriate adjustments made for significant differences. The data provided in the report is representative of the market and is presented in a manner that will bring the reader to a similar conclusion of the value estimate. Limiting conditions are described in the attached addenda.

USPAP CERTIFICATION

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

SUMMARY APPRAISAL REPORT

This is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation that is not provided with the report concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of the discussion contained in this report is specific to the needs of the client and for intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.

COMMENTS ON THE MARKET AREA

The subject is located in Leitner Creek Manor, a development of manufactured homes in Bonita Springs. Leitner Creek Manor has good proximity to area facilities in Bonita Springs. Improvements in the subject development exhibit a wide range of manufactured home size, style, age and quality.

COMMENTS ON THE LAND VALUE ESTIMATE

Since Leitner Creek Manor is maturely developed, there are limited land sales in support of the site value estimate. Included for reference are the following:

Parcel# 25-47-25-B4-00211.0180, 60x95, sold in 02/00 for \$15,500 per OR 3224/2042 Parcel# 25-47-25-B4-00211.0170, 60x95, sold in 06/00 for \$15,500 per OR 3282/1421

COMMENTS ON THE COST APPROACH AND OPTIONS INCLUDED

M/H enclosed porch, 324sf @ \$25.00sf	\$ 8,100
Spare bedroom/den, 154sf @ \$35.00/sf	\$ 5,390
Spare bedroom/den/bath 165sf @ \$48.00/sf	\$ 7,920
Total Options	\$21,410

COMMENTS ON THE SALES

Age/condition and quality adjustments are based on observable data, and on comments provided by Realtors familiar with the sales utilized. The adjustments are believed to reflect market reaction to the differences.

All sales were larger in livable area. All had smaller or lacked enclosed porches. And all lacked the subject's 2 spare bedrooms/dens and finished bath.

Sale #1 lacked covered parking and a 2nd bath. Included was a 64sf shed and fencing.

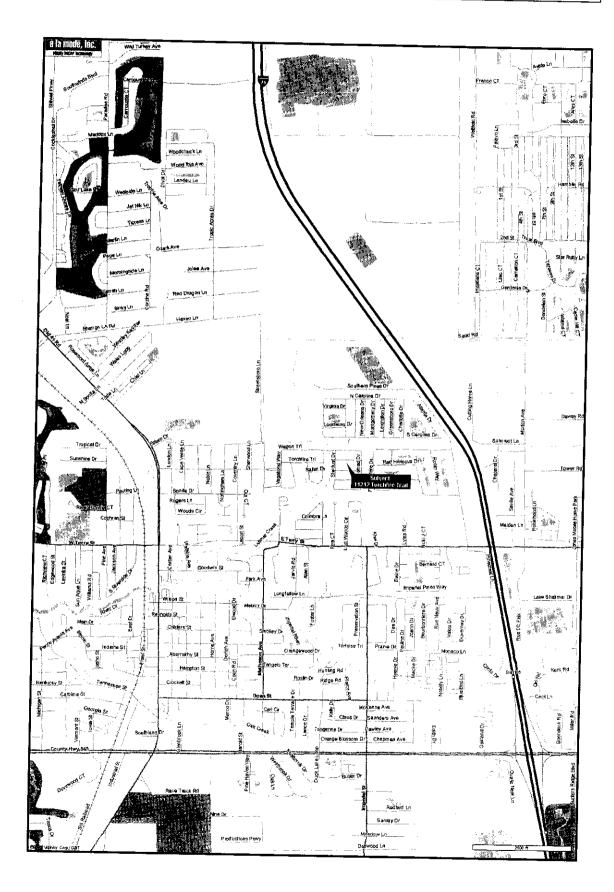
Sale #2 was on a larger lot, included 124sf of sheds, fencing and a sun deck.

Sale #3 was also on a larger lot. Included was a 192sf shed and a 196sf utility room.

After adjustments, sales indicate a range of value for the subject of \$83,200 to \$88,200. Greatest emphasis is placed on Sales #1 and #2, the most recent. Sale #3 supports the lower limit of the value range.

Location Map

Borrower/Client LARA, Ignacio + Veronica	
Property Address 11212 Torchfire Trail	
City Bonita Springs	County Lee State FL Zip Code 34135-5321
Lender Lee County - County Lands	ZIP 000E 34133-3321







City of Bonita Springs

9220 Bonita Beach Road

SUTTE 111

BONITA SPRINGS, FL 34135

Tel: (239) 390-1000 Fax: (239) 390-1004

www.cityofbonitasprings.org

Jay Arend Mayor

Wayne P. Edsall

Councilman

District One

Alex Grantt

Councilman

District Two

R. Robert Wagner

Councilman

District Three

John Joyce

Councilman

District Four

David T. Piper, Jr.

Councilman

District Five

Ben L. Nelson, Jr.

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Councilman

District Six

Gary A. Price City Manager

Audrey E. Vance

City Attorney

June 23, 2004

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 255, Ignacio and Veronica Lara

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,

Gary A. Prige

City Manager

GAP/kw

T-224 P.004/007

FUND COMMITMENT Schedule A

Commitment No.: CF-1388688

Effective Date:

May 29, 2004 at 11:00 p.m.

Fund File Number 18-2004-3737

Agent's File Reference: 04-1225

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

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

\$92,000.00

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:

Ignacio Lara and Veronica Lara

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

Lot 15, Block 8, LEITNER CREEK MANOR, UNIT 2, according to the map or plat thereof as recorded in Plat Book 30, Pages 79 and 80, Public Records of Lee County, Florida. /

AGENT NO.: 13710

MAJLING ADDRESS:

9420 Bonita Beach Road, Ste 100

Bonita Springs, FL 34135

ISSUED BY: Law Offices of John D. Spear, PA

Rev.1.2

FUND COMMITMENT Schedule B

Commitment No.: CF-1388688

Fund File Number 18-2004-3737

- 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 Ignacio Lara and Veronica Lara to the proposed insured 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.
 - Satisfaction of the mortgage from Ignacio Lara and Veronica Lara to Wells Fargo Home Mortgage, Inc. dated January 22, 2002 and recorded in O.R. Book 3571, Page 423, Public Records of Lee County, Florida.
 - Satisfaction of the mortgage from Ignacio Lara and Veronica Lara to Ricardo Lopez and Marcela Lopez dated January 22, 2001 and recorded in O.R. Book 3739, Page 1520, 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).
 - 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

FUND COMMITMENT Schedule B

Commitment No.: CF-1388688

Fund File Number 18-2004-3737

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.)
- 4. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of Leitner Creek Manor, Unit 2, as recorded in Plat Book 30, Page(s) 79 and 80, Public Records of Lee County, Florida.
- 5. Covenants, conditions and restrictions recorded in O.R. Book 575, Page 808 and assigned to Leitner Creek Manor Property Association, Inc. in O.R. Book 2603, Page 3024, Public Records of Lee County, Florida.
- 6. Easement in favor of Bonita Springs Water System, Inc., contained in instrument recorded in O.R. Book 826, Page 697, Public Records of Lee County, Florida. WILLIAM FASTEMENTS
- Ordinance No. 86-14 recorded November 30, 1990 in O.R. Book 2189, Page 3281; as amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
- 8. Taxes for the year 2004, which are not yet due and payable.

5-Year Sales History

Parcel No. 255

Three Oaks Parkway South Extension Project No. 4043

Grantor	Grantee	Price	Date	Arms Length Y/N
Ricardo & Marcella Lopez	Ignacio & Veronica Lara	\$88,000.00	1/22/02	Υ