

**Lee County Board of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20050088**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept six Quit-Claim Deeds for right-of-way necessary for the Dewberry Lane Special Improvement MSBU for maintenance of existing roads and streetlights; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

**WHY ACTION IS NECESSARY:** Dewberry Lane is currently a privately owned road and the County cannot initiate maintenance without obtaining ownership.

**WHAT ACTION ACCOMPLISHES:** Acquisition of right-of-way via Quit-Claim Deeds from benefitted property owners.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT #:** 1

*C6f*

**3. MEETING DATE:**  
*02-22-2005*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

*(Specify)*

- STATUTE 125
- ORDINANCE 02-17
- ADMIN.
- OTHER

**6. REQUESTOR OF INFORMATION**

- A.
- B. DEPARTMENT *Independent*
- C. DIVISION *County Lands* *K.R.*
- BY *Karen L. W. Forsyth, Director* *KWF*

**7. BACKGROUND:** The Board of County Commissioners created the Dewberry Lane Special Improvement MSBU on April 23, 2002, when it adopted Ordinance Number 02-17. The principal purpose of the project is maintenance of the existing roadway and streetlights for Dewberry Lane in St. James City, the cost of which will be assessed proportionately against benefitted property owners.

Attached is a list of six property owners who have executed the required Quit Claim Deeds. The original documents are in the files of County Lands and will be recorded upon approval by the Board of County Commissioners. There remains 20 more properties for which deed conveyances are required.

Funds are available in Account Number: GD5411810421.504925

Staff Recommends Board approve the Requested Motion.

ATTACHMENTS: Copies of Quit Claim Deeds, In-House Title Searches, GIS Location Map

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other MAYALL	E County Attorney	F Budget Services <i>02/19/05</i>				G County Manager
					OA	OM	RISK	GC	
<i>K. Forsyth</i>	<i>n/a</i>	<i>n/a</i>	<i>2-3-05</i>	<i>[Signature]</i>	<i>2/14/05</i>	<i>2/14/05</i>	<i>2/14/05</i>	<i>2/14/05</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *2/14/05*  
Time: *11:58*  
Forwarded To:

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
*2/14/05*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*2/14/05*  
*[Signature]*

## DEWBERRY LANE SPECIAL IMPROVEMENT MSBU

EXHIBIT TO BLUE SHEET NO. 20050088

Parcel No.	Property Owner	Strap Number
101	Richard C. Ebert, Trustee under Trust dated March 6,2000	02-46-22-20-0000D.0040
111	James L. Bixenman	
119	Albert W. Lappin and Alice M. Lappin, Trustees U/A, dated December 13, 1996	02-46-22-20-0000D.0220
138	Jareld Mervau, unremarried widow and surviving spouse of Frances Mervau	02-46-22-20-0000D.0410
153	William J. Kemp, Trustee	02-46-22-20-0000D.0570
155	Loyde K. Everett and Phyllis Everett, Husband and Wife	02-46-22-20-0000D.059

This Instrument Prepared by:

Public Works/County Lands Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: Dewberry Lane, MSBU #101  
STRAP No.: 02-46-22-20-0000D.0040

**QUIT-CLAIM DEED**

**THIS Quit-Claim Deed**, Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Richard C. Ebert, Trustee under Trust dated March 6, 2000, whose address is 3859 Phoenix Dr, St James City, FL 33956, GRANTOR, to **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, GRANTEE:

(The terms "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

**WITNESSETH**, The GRANTOR for good and valuable consideration provided by the GRANTEE, which is hereby acknowledged, does hereby remise, release and quit-claim to the GRANTEE forever, all the right, title interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

**SEE EXHIBIT "A" ATTACHED**

**TO HAVE and to HOLD** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the GRANTEE forever.

**IN WITNESS WHEREOF**, The GRANTOR has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Paul R Ehrnfelt  
1st Witness Signature

PAUL R. EHRNFELT  
Printed Name of 1st Witness

Kathryn Keene  
2nd Witness Signature

Kathryn Keene  
Printed Name of 2nd Witness

Richard C Ebert  
Richard C. Ebert, Trustee

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 19 day of JANUARY, 2005, by

Richard C Ebert  
Richard C. Ebert

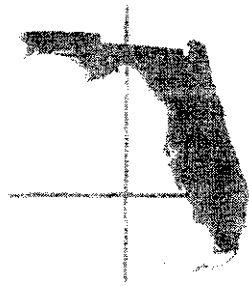
who is personally known to me or who has produced

FL DRIVERS LICENSE as identification.  
(type of identification)



Paul R Ehrnfelt  
Signature of Notary Public  
PAUL R EHRNFELT  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

ALL ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
YOUR BOARD ACCEPTANCE



# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS  
**Exhibit "A"**

LEGAL DESCRIPTION  
OF A PARCEL LYING IN  
SECTION 2, TOWNSHIP 46 SOUTH, RANGE 22 EAST,  
LEE COUNTY, FLORIDA

(PART OF LOT 4, BLOCK "D")  
(ROADWAY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF LOT 4, BLOCK "D", CHERRY ESTATES AS RECORDED IN OFFICIAL RECORD BOOK 687, PAGE 853 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 22 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 4, BLOCK "D", THENCE N.24°43'00"E. ALONG THE WEST LINE OF SAID LOT 4, BLOCK "D" FOR 55.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.24°43'00"E. ALONG SAID LINE FOR 12.50 FEET; THENCE S.65°17'00"E. FOR 100.00 FEET; THENCE S.24°43'00"W. FOR 42.50 FEET TO A POINT OF CUSP OF A CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF N.20°17'00"W., 42.43 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE N.65°17'00"W. FOR 70.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,443 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE WEST LINE OF LOT 4, BLOCK "D" BEING N.24°43'00"E.

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

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

SHEET 1 OF 2

7190SK4.doc

# SKETCH TO ACCOMPANY DESCRIPTION



## CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	30.00'	90°00'00"	47.12'	30.00'	42.43'	N.20°17'00"W.

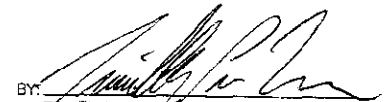
## LINE TABLE

Line	Bearing	Distance
L1	N.24°43'00"E.	12.50'
L2	S.24°43'00"W.	42.50'

## LEGEND:


- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- O.R. = OFFICIAL RECORD BOOK
- PG. = PAGE
- P.B. = PLAT BOOK
- P.U.E. = PUBLIC UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- U.E. = UTILITY EASEMENT
- S.R. = STATE ROAD
- C.R. = COUNTY ROAD

**\* THIS IS NOT A SURVEY \***

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

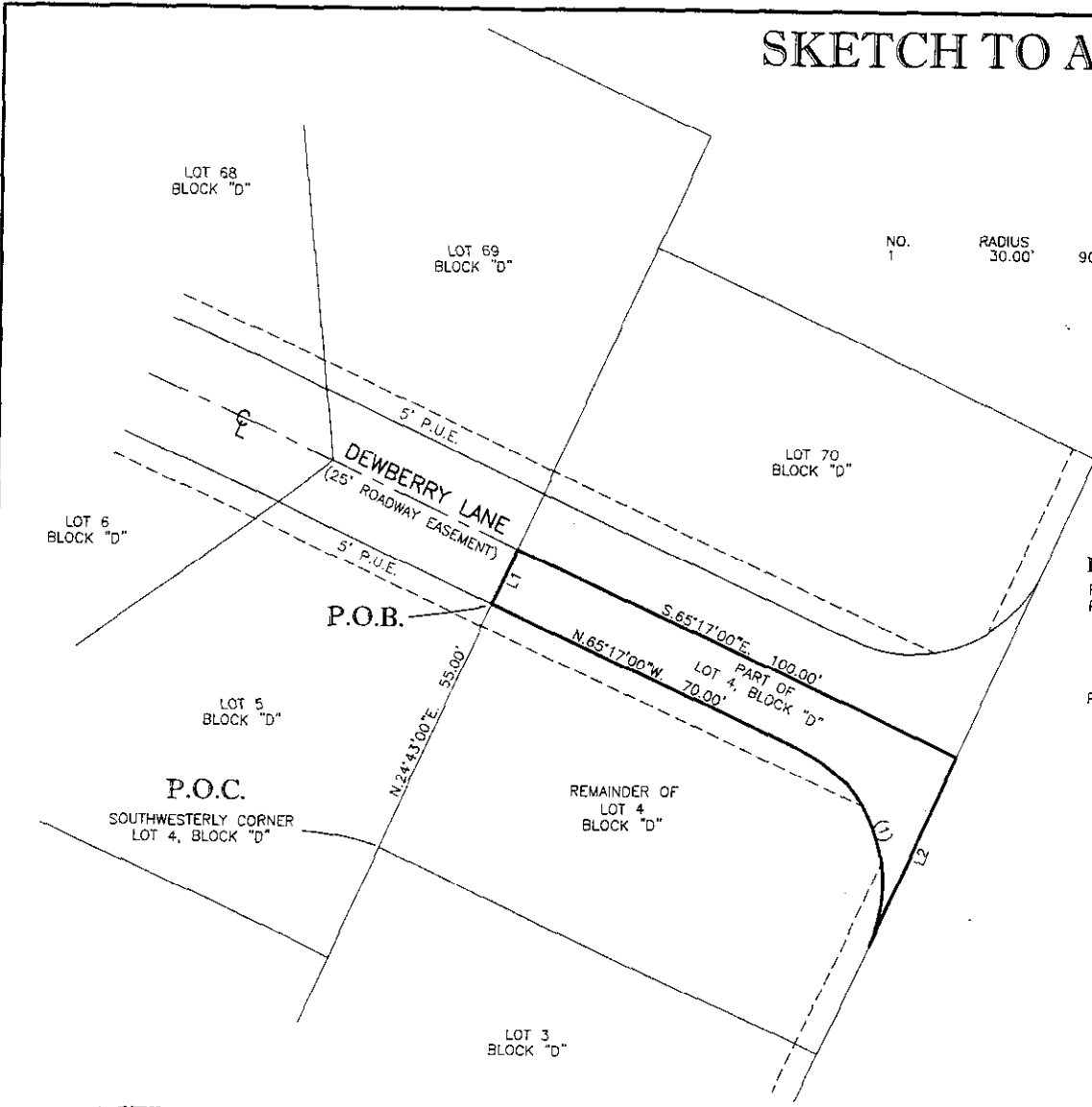
DATE SIGNED: JAN 7, 05

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

TITLE: <b>SKETCH OF DESCRIPTION</b>			
 <b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS • PLANNERS LB# 7071		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
		FILE NAME: 7190SK4.dwg	FIELD BOOK/PAGE: N/A
SKETCH DATE: 1-4-2005	DRAWN BY: SMS	SCALE: 1" = 30'	CHECKED BY: TLM (S-T-R)
			2-46-22

\* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION \*

Exhibit "A"



NO VALIDITY IN ANY JURISDICTION

**INSTR # 4869329**

**OR BK 03251 PG 3409**

RECORDED 05/05/00 12:14 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DOC TAX PD (F.S. 201.02) 0.70  
DEPUTY CLERK J Miller

This instrument was prepared by:  
Paul H. Waggoner  
Paul H. Waggoner, P.A.  
5400 Pine Island Road, Suite D  
Bokeelia, FL 33922

Return to:  
Paul H. Waggoner, P.A.  
5400 Pine Island Road, Suite D  
Bokeelia, FL 33922

Grantee #1 SS No.  
Grantee #2 SS No.  
Property Appraiser's Parcel ID No. 02-46-22-02-0000D.0690

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**WARRANTY DEED**

**This Indenture**, made this 6th day of March, 2000, between Richard Ebert, a single man whose post office address is 3859 Phoenix Drive, St. James City in the State of Florida, **grantor**, and Richard C. Ebert, Trustee under Trust dated March 6, 2000, whose post office address is 3859 Phoenix Drive, St. James City of the State of Florida, **grantee**,

**Witnesseth** that said grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Lot 69, of that certain subdivision known as Block "D" Cherry Estates, according to the map or plat thereof on file and attached to Official Records Book 687, Page 851, Public Records, Florida.

Subject to restrictions, reservations and easements of record.

The preparer certifies that he prepared this instrument from information given to him by the parties hereto. He does not guarantee marketability of title, accuracy of the description or quantity of land described as he did not examine the title to the property described.

Said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

"Grantor" and "grantee" are used for singular or plural, as context requires.

Full power and authority is granted by this Deed to Trustee or his successors to deal in or with said property or any interest therein or any art thereof, protect, conserve, sell, lease, encumber or otherwise to manage and dispose of the real estate of any part of it.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]  
(First Witness)

Printed or typed name:

Eileen M. Grover

Richard Ebert  
Richard Ebert (Grantor)

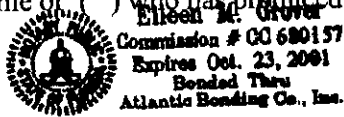
[Signature]  
(Second Witness)

Printed or typed name:

Amy R. Hone

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 6th day of March, 2000 by Richard Ebert, who personally appeared before me at the time of notarization, and (  ) who is personally known to me or (  ) who has produced \_\_\_\_\_ as identification.



My commission expires:

[Signature]

Notary Public  
Eileen M. Grover

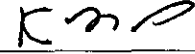
Printed or typed name  
(Seal)

**Division of County Lands****Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0040

Date: June 14, 2004

Parcel: 1

Project: Dewberry Special Improvement Unit  
Project# 504925To: Karen L.W. Forsyth, SRWA  
DirectorFrom: Kenneth Pitt  
Title Examiner

STRAP: 02-46-22-20-0000D.0040

Effective Date: <sup>January 19, 2005 KK</sup>  
~~May 17, 2004~~, at 5:00 p.m.**Subject Property:** See attached Schedule A.

Title to the subject property is vested in the following:

**Richard C. Ebert, Trustee under Trust dated March 6, 2000.**

By that certain instrument dated March 6, 2000, recorded May 5, 2000, in Official Record Book 3251, Page 3413, Public Records of Lee County, Florida.

**Easements:**

1. Subject to a Roadway Easement 12.5 feet in width along the northerly property line, as recited in a deed recorded in Official Record Book 1806 Page 491, Public Records of Lee County, Florida.
2. Six foot utility and drainage easement along the entire boundary of subject parcel, as recorded in Official Record Book 692, Page 482, Public Records of Lee County, Florida.

NOTE (1): The subject property is not encumbered by a mortgage.

NOTE (2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste Collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

**Tax Status: \$1,042.11 paid on 11/30/03 for Tax Year 2003.***(The end user of this report is responsible for verifying tax and/or assessment information.)***The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**



**Division of County Lands****Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0040

Date: June 14, 2004

Parcel: 1

Project: Dewberry Special Improvement Unit

Project# 504925

**Schedule A**

That part of Lot 4, Block D, Cherry Estates being described as follows: from the P.R.M. marking the Northeast corner of Lot 38, Unit 1, Isle of Pines, according to the plat thereof recorded in Plat Book 12 Page 49, Public Records of Lee County, Florida; run N 24° 43' 00" E along the Northwesterly right of way line of York Road for a distance of 937.00 feet to the Point of Beginning. Thence run N 65° 17' 00" W for a distance of 100 feet; thence run N 24° 43' 00" E for a distance of 60.50 to the centerline of an existing road, known as Dewberry Street, thence run S 65 17" 00" E along the centerline for a distance of 100 feet to a point, being the intersection of Dewberry Street and the Northwesterly right of way of York Road; thence run S 24° 43' 00" W along the Northwesterly right of way of York Road, for a distance of 60.50 feet to the Point of Beginning.

This Instrument Prepared by:

Public Works/County Lands Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: Dewberry Lane, MSBU  
STRAP No.: 02-46-22-20-0000D.0140 #111

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, Executed this 14 day of January, 2005, by James L. Bixenman, whose address is 675 Hwy 27 N, Dundee, FL 33838, GRANTOR, to LEE COUNTY, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, GRANTEE:

(The terms "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

WITNESSETH, The GRANTOR for good and valuable consideration provided by the GRANTEE, which is hereby acknowledged, does hereby remise, release and quit-claim to the GRANTEE forever, all the right, title interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

The northerly 12.5 feet of Lot 14, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, The GRANTOR has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Jennifer M. Barthle  
1st Witness Signature

Jennifer M. Barthle  
Printed Name of 1st Witness

X Karla Garrido  
2nd Witness Signature

Karla Garrido  
Printed Name of 2nd Witness

James L. Bixenman  
James L. Bixenman

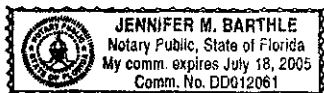
The above-described property is not now, nor has it ever been, the homestead property of the Grantor, nor contiguous to any homestead property of the Grantor.

STATE OF Florida

COUNTY OF Polk

The foregoing instrument was acknowledged before me this 14 day of January, 2005, by James L. Bixenman who is personally known to me or who has produced (name of person acknowledged)

D/R as identification. (type of identification)



Jennifer M. Barthle  
Signature of Notary Public

Jennifer M. Barthle  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

DOCUMENT RETAINED IN...  
FOR HANDLING...  
DATE...

**Division of County Lands****Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0140

Date: June 28, 2004

Parcel: 11

Project: Dewberry Special Improvement Unit

Project# 504925

To: Karen L.W. Forsyth, SRWA  
DirectorFrom: Kenneth Pitt   
Title Examiner

STRAP: 02-46-22-20-0000D.0140

Effective Date: <sup>January 20, 2005 KK</sup>  
~~May 17, 2004~~, at 5:00 p.m.**Subject Property: Lot 14, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

Title to the subject property is vested in the following:

**James L. Bixenman.**

By that certain instrument dated December 17, 1998 recorded December 21, 1998, in Official Record Book 3052, Page 2038, Public Records of Lee County, Florida.

**Easements:**

1. Subject to a Roadway Easement, 25 feet in width, 12.5 feet along the northerly property line, as shown on the plat of Cherry Estates, recorded in Official Record Book 687 Page 853, Public Records of Lee County, Florida.
2. Subject to a 6 foot utility and drainage easement along the entire boundary of subject parcel, as recorded in a Declaration of Conditions, Covenants, Charges, Restrictions and Reservations affecting property located in Cherry Estates and recorded in Official Record Book 692, Page 482, Public Records of Lee County, Florida. Said Declaration was later terminated by that certain instrument recorded in Official Record Book 3401 Page 4258, public Records of Lee County, Florida.

NOTE (1): Subject property is not encumbered by a mortgage.

NOTE (2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste Collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

**Tax Status: \$2,324.89 paid on 2/23/04 for Tax Year 2003.***(The end user of this report is responsible for verifying tax and/or assessment information.)***The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

This Instrument Prepared by:

Public Works/County Lands Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: Dewberry Lane, MSBU  
STRAP No.: 02-46-22-20-0000D.0220 #il

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Albert W. Lappin and Alice M. Lappin, Trustees U/A, dated December 13, 1996 whose address is 3823 Dewberry Ln, St James City, FL 33956. GRANTOR, to LEE COUNTY, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, GRANTEE:

(The terms "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

WITNESSETH, The GRANTOR for good and valuable consideration provided by the GRANTEE, which is hereby acknowledged, does hereby remise, release and quit-claim to the GRANTEE forever, all the right, title interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

**The northerly 12.5 feet of Lot 22, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, The GRANTOR has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Catherine Cassidy  
1st Witness Signature

Albert W Lappin  
Albert W. Lappin, Trustee

Catherine Cassidy  
Printed Name of 1st Witness

Nora J. Colclasure  
2nd Witness Signature

DORIS J. COLCLASURE  
Printed Name of 2nd Witness

Catherine Cassidy  
1st Witness Signature

Alice M Lappin  
Alice M. Lappin, Trustee

Catherine Cassidy  
Printed Name of 1st Witness

Constance Petito  
2nd Witness Signature

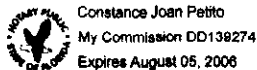
Constance Petito  
Printed Name of 2nd Witness

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11 day of NOVEMBER, 2004, by Albert + Alice Lappin who is personally known to me or who has produced

\_\_\_\_\_ as identification.  
(type of identification)



Constance Joan Petito  
Signature of Notary Public

Constance Joan Petito  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

**Division of County Lands****Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0220

Date: June 29, 2004

Parcel: 19

Project: Dewberry Special Improvement Unit

Project# 504925

To: Karen L.W. Forsyth, SRWA  
DirectorFrom: Kenneth Pitt *kmp*  
Title Examiner

STRAP: 02-46-22-20-0000D.0220

Effective Date: ~~May 29, 2004~~, <sup>January 19, 2005</sup> at 5:00 p.m.**Subject Property: Lot 22, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

Title to the subject property is vested in the following:

**Albert W. Lappin and Alice M. Lappin, Trustee's.**

By that certain instrument dated April 1, 1997 recorded April 4, 1997 in Official Record Book 2809 page 479, Public Records of Lee County, Florida.

**Easements:**

1. Subject to a Roadway Easement, 25 feet in width, 12.5 feet along the northerly property line, as shown on the plat of Cherry Estates, recorded in Official Record Book 687 Page 853, Public Records of Lee County, Florida.
2. Subject to a 6 foot utility and drainage easement along the entire boundary of subject parcel, as recorded in a Declaration of Conditions, Covenants, Charges, Restrictions and Reservations affecting property located in Cherry Estates and recorded in Official Record Book 692, Page 482, Public Records of Lee County, Florida. Said Declaration was later terminated by that certain instrument recorded in Official Record Book 3401 Page 4258, public Records of Lee County, Florida.

NOTE (1): Subject property is not encumbered by a mortgage. Subject however to a corrective Satisfaction for a mortgage deed originally recorded in Official Record Book 2118 Page 4072, which was later modified by agreement recorded in Official Record Book 2276 Page 3149, the satisfaction recorded in Official record Book 3289 Page 2855, Public Records of Lee County, Florida, specifically and erroneously satisfies the modification and not the mortgage.

NOTE (2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste Collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

## Division of County Lands

### Ownership and Easement Search

Search No. 02-46-22-20-0000D.0220

Date: June 29, 2004

Parcel: 19

Project: Dewberry Special Improvement Unit

Project# 504925

**Tax Status: \$1,341.49 02/20/2004 for Tax Year 2003.**

*(The end user of this report is responsible for verifying tax and/or assessment information.)*

**The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

## CERTIFICATE OF TRUST EXISTENCE AND AUTHORITY

TO WHOM IT MAY CONCERN:

We have established the Albert and Alice Lappin Living Trust pursuant to a trust agreement dated the 13<sup>th</sup> day of December, 1996. The trust agreement names Albert W. Lappin and Alice M. Lappin as Trustees and Candace Marie Stevens as Successor Trustee. The following is a verbatim synopsis of certain provisions of that Agreement:

3. Rights Reserved by Settlers. The Settlers or the survivor shall have the right at any time and from time to time during his or her lifetime, by instrument in writing delivered to the Trustees, to alter, amend or revoke this instrument either in whole or in part, provided however, that if altered or amended, the duties, powers and responsibilities of the Successor Trustee shall not be substantially changed without her consent. In case of revocation, the property held in trust hereunder or that portion as to which this agreement may be revoked shall be delivered to the Settlers by the Trustees, or in accordance with his or her written instruments.

4. Dispositive Provisions During Settlers' Lifetime. The Trustees shall hold, manage, invest and reinvest the trust property, and shall collect the income thereof and dispose of the net income and principal as follows:

A. Distributions to Settlers. The Trustees shall pay to the Settlers or to the survivor or to such person or persons as the Settlers or the survivor may direct such portions of the income from and principal of the trust fund as the Settlers or the survivor may from time to time request during their lifetime or the lifetime of the survivor. Any unexpended income from the trust fund shall be accumulated and annually added to and invested with the principal thereof. Upon the determination, judicially or by terms of this Trust Agreement, of the incompetency or incapacity of both of said Settlers or of the survivor of the Settlers, the Successor Trustee shall succeed as Trustee of the Agreement, and is hereby authorized to make such payments of income and/or principal to or for the benefit of Settlers or the surviving Settlor in such amounts as in its opinion will provide suitably and adequately for the care, support, comfort, welfare and pleasure of Settlers or the surviving Settlor. Upon the death of one of Settlers, the surviving Settlor shall continue as the sole Trustee hereunder. In the event of incompetency or incapacity, a certificate of a duly qualified doctor of medicine verifying such incompetence or incapacity, filed with the

Successor Trustee, shall constitute the resignation of the Settlor or the Survivor as Trustees and the qualification CANDACE MARIE STEVENS, as Successor Trustee. The incompetency or incapacity of only one of the Settlor, if both are living, shall not impose any duties upon the Successor Trustee, but the competent and capable Settlor shall act alone as Trustee and may make distributions of income and/or principal as he or she may determine. In the event of the restoration of the competency or capacity of one of Settlor to act as Trustee, determined judicially or by a certificate of a duly qualified doctor of medicine verifying such competency or capacity, filed with the Successor Trustee, the Successor Trustee shall restore the duties of Trustee to Settlor.

6.F. Power of One Trustee to Act. During such time as Settlor are both trustees hereunder, either Trustee may execute any documents, contracts, assignments, deeds and the like and perform any other acts on behalf of the Trust, and the Trust shall be bound thereby.

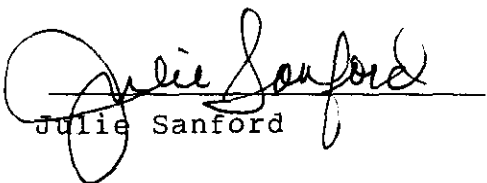
6.G. Power of Trustees. The Trustees shall have the powers set forth in Appendix A attached hereto.

6.H. Certificate. The Trustee may record or file with any clerk, register of deeds, transfer agent or similar agency or office, or any person dealing with the Trustee a certificate, signed and acknowledged by the Trustee, which contains a verbatim synopsis of certain provisions of this Agreement. Any person dealing with the Trustee may rely on such certificate as full statement of the provisions of this Agreement which are pertinent to the particular transaction. Machine copies of the executed certificate shall have the same effect and authority as the executed certificate.

DATED this 13<sup>th</sup> day of December, 1996.

  
H. v.d.B. Hatch

  
ALBERT W. LAPPIN  
Settlor and Trustee


  
Julie Sanford

  
ALICE M. LAPPIN



STATE OF MICHIGAN            )  
  ) ss  
COUNTY OF KALAMAZOO    )

On this 13<sup>th</sup> day of December, 1996 before me personally appeared *Albert W. Lappin and Alice M. Lappin*, Settlers and Trustees, being duly sworn, says that they have read the foregoing Certificate by them signed and know the contents thereof and agrees to the conditions and terms therein.

  
Julie Sanford, Notary Public  
Kalamazoo County, MI  
My Commission Expires: 5-4-98

## APPENDIX A

The Trustee or Successor Trustee shall have the following powers: To demand, receive, compromise or adjust any sum which may become due, any right of action, and any right or title hereby conveyed or hereafter acquired by said Trustee; to bring or dismiss any action, suit or proceeding and to employ counsel; to act through agents; to convert and reconvert, invest and reinvest in any type of property, real or personal; to sell, exchange, lease, pledge, or mortgage the whole or any portion of the funds or property held in trust upon such terms and conditions as to the Trustee may seem best; to retain and continue to retain as in investment any and all property in the trust estate even though the same may not be eligible under the law as an investment for trust funds and might thereby result in lack of proper diversification of investment; to vote any stock by proxy; to exercise, or refrain from exercising options, privileges or voting rights in connection with any stock or other securities held in the trust estate; to deposit stock and other securities under reorganization, consolidation or merger plans and to participate in cooperative action through creditors', bondholders', or stockholders' committees; to hold and/or register securities and any other property in its own name or in the name of a nominee and with or without disclosing the fiduciary relationship, but no such holding or registration shall relieve the Trustee from liability for the custody of and proper dealing with such securities pursuant to the requirements of this instrument and the applicable law; to build, alter, repair, rebuild or improve buildings on land at any time acquired by the Trustee; to pay taxes, assessments, insurance premiums and other expenses incident to the execution of this trust, including the compensation of the Trustee; to divide trust funds when division thereof is by this instrument directed; to make, sign, seal and deliver such instruments and to perform such other acts as may be required for the fulfillment of the trust and to exercise any further or other powers necessary or convenient to enable it to perform its duties as such Trustee.

The Trustee or Successor Trustee is specifically authorized to purchase assets from the estate(s) of the Settlor(s) and/or to loan sums of money to the Executor of said estate(s) in order that cash may be made available to said estate(s). Any such sale may be made for such price and/or any such loan may be made upon such terms as the Trustee in its sole and absolute discretion deems reasonable and proper and it shall incur no liability whatsoever by reason of the exercise of such discretion. Settlor(s) has (have) particularly in mind the fact that the Executor of his (their) estate(s) and the Trustee under this agreement will probably be the same and in the absence of this express authority might be unable to make such purchases and/or loans.

The Trustee or Successor Trustee is authorized to buy, sell and trade in securities of any nature, including short sales, on margin, and for such purposes maintain and operate margin accounts with brokers, and may pledge any securities held or purchased by them with such brokers as security for loans and advances made to the Trustee or Successor Trustee.

In addition, the Trustee or Successor Trustee shall have all of the powers, duties and responsibilities provided in Section 821 through 833 of Public Act 642 of 1978, the Revised Probate Code.

This Trust shall be exempt from registration as provided under Section 801 of Public Act 642 of 1978, the Revised Probate Code, and the Trustee is directed not to register this Trust under the terms of that Act.

**MEMORANDUM OF TRUST AFFIDAVIT**

(For use in connection with Sec. 689.071, F.S., Land trusts transferring interests in real estate; ownership vests in trustee.)

Before me, the undersigned authority, personally appeared Albert + Alice Lappin, who after being duly sworn, deposes and states:

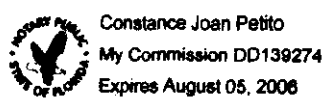
1. Affiant is of legal age, competent to testify in court of law and has personal knowledge of the facts set forth herein.
2. That certain Declaration of Trust know as Albert W. Lappin and Alice M. Lappin, Trustees U/A, dated December 13, 1996 (hereinafter referred to as the "Trust") is in full force and effect and Affiant is the duly qualified and acting Trustee thereunder.
3. Affiant as Trustee of the Trust is the owner of that certain property described as follows:  
 Lot 19, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.
4. Affiant as Trustee of the Trust has full power and authority to sell, convey and/or mortgage the above described property.
5. The pertinent pages of the Trust attached hereto are true and correct copies of the originals thereof and none of the remaining terms or provisions of the Trust conflict with the terms and provisions set forth in the attachments to this Affidavit.

Albert W. Lappin Signature      Albert W. Lappin Print Name (Affiant):

Alice M. Lappin Signature      Alice M. Lappin Print Name (Affiant):

SWORN TO, SUBSCRIBED AND ACKNOWLEDGED before me this 11 Month of 2004, Day of 11, 2004 by Albert + Alice Lappin who is/are personal known to me or who has/have produced \_\_\_\_\_ as identification.

Constance Joan Petito Notary Public



Constance Joan Petito Printed Name

DD139274 Commission Number

August 5 2006 My Commission Expires

This Instrument Prepared by:

Public Works/County Lands Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: Dewberry Lane, MSBU  
STRAP No.: 02-46-22-20-0000D.0410 #130

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, Executed this 18<sup>th</sup> day of January, 2005, by Jareid Mervau unmarried widow and surviving spouse of Frances Mervau whose address is 5466 Russell, Cedar Springs, MI 49319.  
GRANTOR, to LEE COUNTY, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, GRANTEE:

(The terms "GRANTOR" and GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

WITNESSETH, The GRANTOR for good and valuable consideration provided by the GRANTEE, which is hereby acknowledged, does hereby remise, release and quit-claim to the GRANTEE forever, all the right, title interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

The southerly 12.5 feet of Lot 41, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.

The above-described property is not now, nor has it ever been, the homestead property of the Grantor, nor contiguous to any homestead property of the Grantor.

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, The GRANTOR has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Belinda M. P.  
1st Witness Signature

Belinda Marud  
Printed Name of 1st Witness

Patricia da Cour  
2nd Witness Signature

Patricia da Cour  
Printed Name of 2nd Witness

Jareid Mervau  
Jareid Mervau

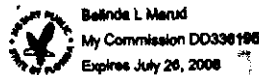
STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of January, 2005, by

Jareid Mervau who is personally known to me or who has produced  
Jareid Mervau

Michigan Drivers License as identification.  
(type of identification)



Belinda M. P.  
Signature of Notary Public

Belinda Marud  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

## **THIS PAGE IS NOT AVAILABLE FOR VIEWING**

Prior to the implementation of a Florida Law which requires that images of County Official Records be published on the Internet by 2006, measures were developed to protect the most sensitive type of information. Also, on or after October 1, 2002, any person preparing or filing a document for recording in the Official Record may not include a social security number in such document unless required by law.

Florida Statute 119.07 provides that images of the following types of documents may not be placed on a "publicly available Internet website".

Military Discharge

Death Certificates

Court files, records of paper relating to matters or cases governed by:

The Florida Rules of Family Law

The Florida Rules of Juvenile Procedure

The Florida Rules of Probate

Document types identified above which have been recorded in the county Official Records prior to the effective date of Florida Statute 119.07 may continue to be displayed on the Internet website unless a written request for removal has been presented to the Clerk.

**Any "affected person" may request that the Clerk of Court remove an image of one of the above-listed documents from a "publicly available Internet website". This request must be in writing and may be delivered in person, by mail, electronically, or by facsimile. The request must specify the "identification" page number of the document to be removed. Forms are available in our office, upon request, to assist you.**

No fee is charged for this service.

Florida law requires that images and copies of the above listed documents remain on file and available to the public upon request in the office of the Clerk.

**Division of County Lands****Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0410

Date: July 7, 2004

Parcel: 38

Project: Dewberry Special Improvement Unit

Project# 504925

To: Karen L.W. Forsyth, SR/WA  
DirectorFrom: Kenneth Pitt   
Title Examiner

STRAP: 02-46-22-20-0000D.0410

Effective Date: <sup>January 19, 2005 KK</sup>~~May 29, 2004~~, at 5:00 p.m.**Subject Property: Lot 41, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

Title to the subject property is vested in the following:

**Jareld Mervau and Frances Mervau, husband and wife.**

By that certain instrument dated December 30, 1988, recorded January 3, 1989, in Official Record Book 2039 page 4325, Public Records of Lee County, Florida.

**Easements:**

1. Subject to a Roadway Easement, as shown on the plat of Cherry Estates, recorded in Official Record Book 687 Page 853, Public Records of Lee County, Florida.
2. Subject to a 6 foot utility and drainage easement along the entire boundary of subject parcel, as recorded in a Declaration of Conditions, Covenants, Charges, Restrictions and Reservations affecting property located in Cherry Estates and recorded in Official Record Book 692, Page 482, Public Records of Lee County, Florida. Said Declaration was later terminated by that certain instrument recorded in Official Record Book 3401 Page 4258, public Records of Lee County, Florida.

NOTE (1): Subject to a mortgage in the sum of \$48,000.00, between Jareld Mervau and Frances Mervau (mortgagees) and Huntington Mortgage Company (mortgagor), recorded in Official Record Book 3393 Page 2524 and later assigned to GMAC Mortgage Corporation, by that certain instrument recorded in Official Record Book 3525 Page 1794, Public Records of Lee County, Florida..

NOTE (2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste Collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

NOTE (3): Subject to a Judgment vs. Dale Rush, in the sum of \$1,404.82, plus costs of \$52.00, recorded in Official Record Book 1909 Page 3314, Public Records of Lee County, Florida.

**Division of County Lands**

**Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0410

Date: July 7, 2004

Parcel: 38

Project: Dewberry Special Improvement Unit

Project# 504925

**Tax Status: \$2,558.48 paid on 11/10/2003 for Tax Year 2003.**

*(The end user of this report is responsible for verifying tax and/or assessment information.)*

**The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

This Instrument Prepared by:

Public Works/County Lands Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: Dewberry Lane, MSBU  
STRAP No.: 02-46-22-20-0000D.0570 #153

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, Executed this 23<sup>rd</sup> day of November, 2004, by William J. Kemp and Margaret M. Kemp as Trustees for The William J. and Margaret M. Kemp Living Trust Agreement executed on November 1, 2000 whose address is 968 E Saginaw Hwy, Grand Ledge, MI 48837, GRANTOR, to **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, GRANTEE:

(The terms "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

WITNESSETH, The GRANTOR for good and valuable consideration provided by the GRANTEE, which is hereby acknowledged, does hereby remise, release and quit-claim to the GRANTEE forever, all the right, title interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

**The southerly 12.5 feet of Lot 57, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, The GRANTOR has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

William J. Kemp Jr  
1st Witness Signature

WILLIAM J. KEMP JR  
Printed Name of 1st Witness

Laurie H Kemp  
2nd Witness Signature

Laurie H Kemp  
Printed Name of 2nd Witness

William J. Kemp  
William J. Kemp, Trustee

\_\_\_\_\_  
1st Witness Signature

\_\_\_\_\_  
Printed Name of 1st Witness

\_\_\_\_\_  
2nd Witness Signature

\_\_\_\_\_  
Printed Name of 2nd Witness

Deceased  
Margaret M. Kemp, Trustee

STATE OF MICHIGAN

COUNTY OF EATON

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of November, 2004, by William J. Kemp who is personally known to me or who has produced (name of person acknowledged) as identification. (type of identification)

Heather L. Pettinger  
Signature of Notary Public HEATHER L. PETTINGER

EATON COUNTY acting in Eaton  
(Name typed, printed or stamped) County, MI  
(Title or Rank)  
(Serial Number, if any) COMMISSION EXPIRES: 02-10-07



## **THIS PAGE IS NOT AVAILABLE FOR VIEWING**

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Florida Statute 119.07 provides that images of the following types of documents may not be placed on a "publicly available Internet website".

Military Discharge

Death Certificates

Court files, records of paper relating to matters or cases governed by:

The Florida Rules of Family Law

The Florida Rules of Juvenile Procedure

The Florida Rules of Probate

Document types identified above which have been recorded in the county Official Records prior to the effective date of Florida Statute 119.07 may continue to be displayed on the Internet website unless a written request for removal has been presented to the Clerk.

**Any "affected person" may request that the Clerk of Court remove an image of one of the above-listed documents from a "publicly available Internet website". This request must be in writing and may be delivered in person, by mail, electronically, or by facsimile. The request must specify the "identification" page number of the document to be removed. Forms are available in our office, upon request, to assist you.**

No fee is charged for this service.

Florida law requires that images and copies of the above listed documents remain on file and available to the public upon request in the office of the Clerk.

**Division of County Lands****Ownership and Easement Search**

Search No. 02-46-22-20-0000D.0570

Date: July 8, 2004

Parcel: 53

Project: Dewberry Special Improvement Unit

Project# 504925

To: Karen L.W. Forsyth, SRWA  
DirectorFrom: Kenneth Pitt  
Title Examiner

KMP

STRAP: 02-46-22-20-0000D.0570

Effective Date: ~~May 29, 2004~~, at 5:00 p.m.  
*January 20, 2005 KR***Subject Property: Lots 57, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

Title to the subject property is vested in the following:

***William J. Kemp and Margaret M. Kemp as Trustees for The William J. and Margaret M. Kemp Living Trust Agreement executed on November 1, 2000.***

By that certain instrument dated November 1, 2000, recorded December 12, 2000 in Official Record Book 3338 page 285, Public Records of Lee County, Florida.

**Easements:**

1. Subject to a Roadway Easement, 25 feet in width, affecting the Southerly 12.5 feet of the subject property as shown on the plat of Cherry Estates, recorded in Official Record Book 687 Page 853 and as recited in a deed recorded in Official Record Book 680 Page 778, Public Records of Lee County, Florida.
2. Subject to an easement for public utilities, lying over and across the Northerly 5 feet of the Southerly 17.5 feet of the subject property as recited in a deed recorded in Official Record Book 680 Page 778, Public Records of Lee County, Florida.
3. Subject to a 6 foot utility and drainage easement along the entire boundary of subject parcel, as recorded in a Declaration of Conditions, Covenants, Charges, Restrictions and Reservations affecting property located in Cherry Estates and recorded in Official Record Book 692, Page 482, Public Records of Lee County, Florida. Said Declaration was later terminated by that certain instrument recorded in Official Record Book 3401 Page 4258, public Records of Lee County, Florida.

NOTE (1): Subject property is not encumbered by a mortgage.

NOTE (2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste Collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

## Division of County Lands

### Ownership and Easement Search

Search No. 02-46-22-20-0000D.0570

Date: July 8, 2004

Parcel: 53

Project: Dewberry Special Improvement Unit

Project# 504925

**Tax Status: \$2,121.11 on 11/13/2003 for Tax Year 2003.**

*(The end user of this report is responsible for verifying tax and/or assessment information.)*

**The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

4.2 Successor Trustee. At my death as the surviving spouse, or when it is determined that it is no longer in the Trust's best interest that I serve as Trustee as provided in paragraph 1.3(a) above, successor trustees are to act on behalf of the Trust:

Successor Trustee: William James Kemp Jr.  
Alternate Successor Trustee: David Lee Kemp  
1<sup>st</sup> Alternate Successor Trustee: Pamela Sue Nagy  
2<sup>nd</sup> Alternate Successor Trustee: Mary Lou Van Sickle

The determination of the Trust's best interest shall be made in the sole discretion of the co-successor trustees.

4.3 Resignation of Trustee. Trustee may resign at any time by giving written notice, specifying the effective date of resignation to me, or after my death to the beneficiaries. A remaining Trustee will be selected to serve as sole Trustee.

4.4 Removal of Trustee. I may remove a Trustee, and I may appoint any successor in writing at any time. At anytime after my death, the then survivors and adult children, acting by unanimous written consent, may remove an incumbent Trustee, without cause, and may appoint a successor Trustee of Trustees, located in or out of the state of Michigan.

4.4(a) Action by One Trustee. If more than one person is serving as Trustee, any one of them, acting alone, may exercise any power and authority of Trustee except that I am the only Trustee who may make discretionary distributions of income and principal to myself or my estate as a beneficiary without the concurrence of all incumbent co-Trustees; provided, that if a corporate co-Trustee is serving, (should one be named), only the corporate Trustee may make discretionary distributions of income and principal.

4.5 Other Trustee Provisions. The following apply to every trust created under this Agreement:

4.5(a) Trustee's Fees. Trustee shall be entitled to a reasonable compensation for services, and reimbursement for reasonable expenses.

4.5(b) Qualifying as Trustee. A successor Trustee shall qualify upon signing an acceptance of this trust and mailing or delivering the acceptance to one or more of the then beneficiaries of the Agreement.

4.5(c) Title and Powers. Any successor Trustee shall have all title, powers, and discretion of the Trustee succeeded without the necessity of any conveyance or transfer.

4.5(d) Prior Trustee's Acts and Accounts. No successor Trustee shall be personally liable for any act or omission of any predecessor Trustee. Any successor Trustee may accept, without

1/19/05  
Joan Henry  
approved

**MEMORANDUM OF TRUST AFFIDAVIT**

(For use in connection with Sec. 689.071, F.S., Land trusts transferring interests in real estate; ownership vests in trustee.)

Before me, the undersigned authority, personally appeared William J. Kemp, who after being duly sworn, deposes and states:

- 1. Affiant is of legal age, competent to testify in court of law and has personal knowledge of the facts set forth herein.
- 2. That certain Declaration of Trust know as William J. Kemp and Margaret M. Kemp, as Trustees for the William J. and Margaret M. Kemp Living Trust Agreement dated November 1, 2000. (hereinafter referred to as the "Trust") is in full force and effect and Affiant is the duly qualified and acting Trustee thereunder.
- 3. Affiant as Trustee of the Trust is the owner of that certain property described as follows:  
 Lot 57, Block D, Cherry Estates according to the map or plat thereof on file and attached to Official Record Book 687, Page 851, Public Records of Lee County, Florida.
- 4. Affiant as Trustee of the Trust has full power and authority to sell, convey and/or mortgage the above described property.
- 5. The pertinent pages of the Trust attached hereto are true and correct copies of the originals thereof and none of the remaining terms or provisions of the Trust conflict with the terms and provisions set forth in the attachments to this Affidavit.

William J. Kemp  
Signature Print Name (Affiant):

\_\_\_\_\_  
Signature Print Name (Affiant):

SWORN TO, SUBSCRIBED AND ACKNOWLEDGED before me this 23<sup>rd</sup> ~~Month~~ of ~~\_\_\_\_\_~~, Day of Nov, 2004, by William J. Kemp who is/are personal known to me or who has/have produced \_\_\_\_\_ as identification.

Heather L. Pettinger  
Notary Public

HEATHER L. PETTINGER  
Printed Name  
EATON COUNTY, MI  
acting in Eaton County  
Commission Number

02-10-2007  
My Commission Expires

This Instrument Prepared by:

Public Works/County Lands Division

Post Office Box 398

Fort Myers, Florida 33902-0398

Project: Dewberry Lane, MSBU

STRAP No.: 02-46-22-20-0000D.0590

#155

This Space for Recording

**QUIT-CLAIM DEED**

**THIS Quit-Claim Deed**, Executed this 14 day of December, 2004, by Loyde K. Everett and Phyllis Everett, husband and wife whose address is 6481 Margaret Dr, Indian River, FL 34949, GRANTOR, to **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, GRANTEE:

(The terms "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

**WITNESSETH**, The GRANTOR for good and valuable consideration provided by the GRANTEE, which is hereby acknowledged, does hereby remise, release and quit-claim to the GRANTEE forever, all the right, title interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

**The southerly 12.5 feet of Lot 59, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

**TO HAVE and to HOLD** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the GRANTEE forever.

**IN WITNESS WHEREOF**, The GRANTOR has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Beth Smith  
1st Witness Signature

Loyde K. Everett  
Loyde K. Everett

Beth Smith  
Printed Name of 1st Witness

Patricia La Cour  
2nd Witness Signature

Patricia La Cour  
Printed Name of 2nd Witness

Alice M. Bowman  
1st Witness Signature

Phyllis Everett  
Phyllis Everett

ALICE M. Bowman  
Printed Name of 1st Witness

Yvonne Grant  
2nd Witness Signature

Yvonne Grant  
Printed Name of 2nd Witness

STATE OF FLORIDA

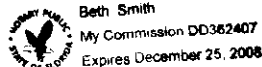
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 14 day of Dec, 2004, by Loyde & Phyllis Everett who is personally known to me or who has produced (name of person acknowledged)

\_\_\_\_\_ as identification.  
(type of identification)

Beth Smith  
Signature of Notary Public

Beth Smith  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)



**Division of County Lands****Ownership and Easement Search**

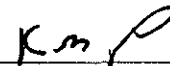
Search No. 02-46-22-20-0000D.0590

Date: July 8, 2004

Parcel: 55

Project: Dewberry Special Improvement Unit

Project# 504925

To: Karen L.W. Forsyth, SRWA  
DirectorFrom: Kenneth Pitt  
Title Examiner

STRAP: 02-46-22-20-0000D.0590

Effective Date: ~~May 29, 2004~~, at 5:00 p.m.  
*January 19, 2005 KK***Subject Property: Lots 59, in Block D, Cherry Estates, an unrecorded subdivision, as shown in Official Record Book 687 Page 853, Public Records of Lee County, Florida.**

Title to the subject property is vested in the following:

***Loyde K. Everett and Phyllis Everett, husband and wife.***

By that certain instrument dated August 20 1971, recorded October 8, 1971 in Official Record Book 739 page 528, Public Records of Lee County, Florida.

**Easements:**

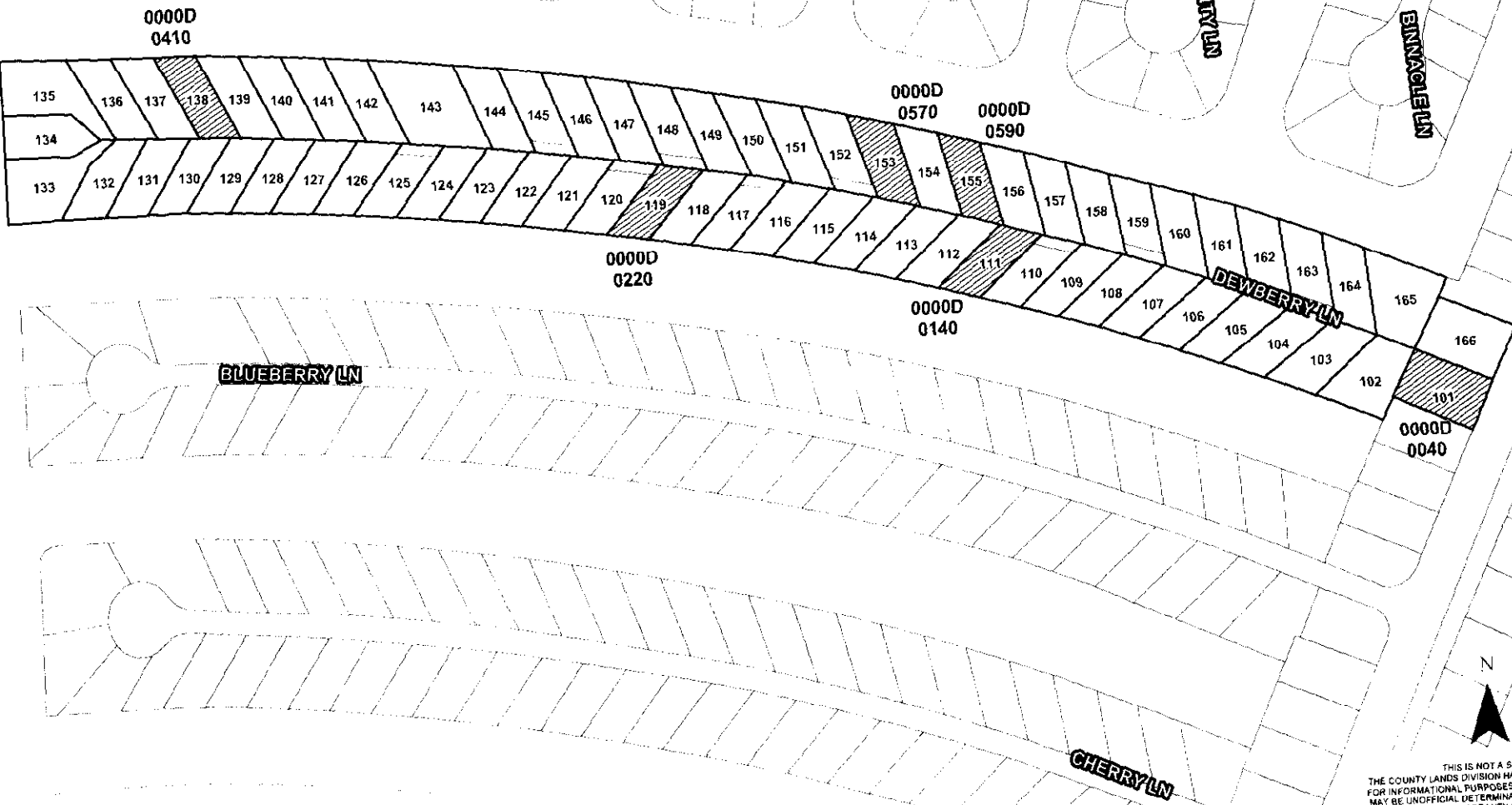
1. Subject to a Roadway Easement, 25 feet in width, affecting the Southerly 12.5 feet of the subject property as shown on the plat of Cherry Estates, recorded in Official Record Book 687 Page 853, Public Records of Lee County, Florida.
2. Subject to a 6 foot utility and drainage easement along the entire boundary of subject parcel, as recorded in a Declaration of Conditions, Covenants, Charges, Restrictions and Reservations affecting property located in Cherry Estates and recorded in Official Record Book 692, Page 482, Public Records of Lee County, Florida. Said Declaration was later terminated by that certain instrument recorded in Official Record Book 3401 Page 4258, public Records of Lee County, Florida.

NOTE (1): Subject property is not encumbered by a mortgage.

NOTE (2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste Collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

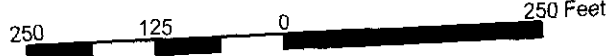
**Tax Status: \$2,289.04 on 11/5/2003 for Tax Year 2003.***(The end user of this report is responsible for verifying tax and/or assessment information.)***The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

# DEWBERRY LN. MSBU



THIS IS NOT A SURVEY  
 THE COUNTY LANDS DIVISION HAS PREPARED THIS MAP  
 FOR INFORMATIONAL PURPOSES ONLY. DETAILS SHOWN  
 MAY BE UNOFFICIAL DETERMINATIONS AND MAY NOT BE  
 ACCOMPANIED BY WARRANTY OR GUARANTEE. WHILE  
 THE DIVISION HAS MADE EVERY EFFORT TO PROVIDE THE  
 CORRECT INFORMATION, INDEPENDENT VERIFICATION MAY  
 BE REQUIRED.

REVISED: JAN 21, 2005 BY: BAIKUM@FCG.COM



TRAILER PARK DR