

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

Blue Sheet No. 20061429

**1. ACTION REQUESTED/PURPOSE:** Accept warranty deeds for turn lanes and roundabout segments of Sandy Lane from Edward J. McArdle, Trustee, Coconut Point Developers, LLC, North Point Lakes, LLC and ALV Coconut Point, LLLP; approve road impact fee credits in the amount of \$274,225.09 related to Parcel S3-3; approve execution of County Quit Claim Deed to ALV Coconut Point, LLLP for a parcel (S3-5) not necessary for the right-of-way construction in exchange for a parcel of similar size (S3-6) used for construction of the roundabout; authorize the County Attorney's Office to accept and record documents related to the right-of-way transaction.

**2. WHAT ACTION ACCOMPLISHES:** Acceptance and approval of the deeds satisfies requirements related to the transfer of land to support construction of Sandy Lane in accordance with the Coconut Point DRI Development Order and Development Agreement.

**3. MANAGEMENT RECOMMENDATION:**

**4. Departmental Category:** 12

**CIZA**

**5. Meeting Date:** November 7, 2006

**6. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**7. Requirement/Purpose: (specify)**

- Statute
  - Ordinance
  - Admin. Code
  - Other
- Development Agreement

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department County Attorney  
 Division \_\_\_\_\_  
 By: *Dawn E. Perry-Lehnert* 10/20/06  
**Dawn E. Perry-Lehnert**  
 Assistant County Attorney

**9. Background:** The Board approved the Coconut Point DRI Development Order on October 21, 2001 and the related Development Agreement on February 24, 2004. These documents require the developer to dedicate unencumbered fee title to the land necessary to support construction of Sandy Lane from Corkscrew to the southern DRI boundary. The land for the 100 foot Sandy Lane right-of-way was accepted by the County in 2004.

As the design and construction phases progressed, the need for right-of-way to accommodate turn lanes and roundabouts became apparent. The deeds proposed for acceptance represent some of the land necessary to accommodate these improvements. In accord with the provisions of the Development Agreement, impact fee credits are being granted for the segment (Parcel S3-3) that connects Sandy Lane from Pelican Colony Boulevard to the south DRI boundary. The balance of the segments will be accepted by the County. However, no impact fee credits or proportionate share payment offset will be granted.

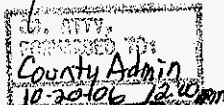
(continued on page 2)

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>RK 10/24</i>	<i>08 10/24</i>	<i>10/24/06</i>	<i>10/24/06</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

  
 COUNTY ADMIN  
 10-20-06 12:10 PM

RECEIVED BY  
 COUNTY ADMIN: *TLC*  
 10/20/06 3:30  
 COUNTY ADMIN  
 FORWARDED TO: *PL*  
 10/24/06  
 10 AM

**Blue Sheet #:** 20061429  
**Page #:** 2  
**Subject:** Sandy Lane Turn Lanes and Roundabouts

In order to facilitate the transfer of the right-of-way property identified as Parcel S3-3, the County has negotiated a reduction in the value to accommodate the continued existence of an easement granted for the benefit of Long Bay Partners, LLC. Accordingly, staff recommends acceptance of the Sandy Lane right-of-way and grant of impact fee credits as follows:

**Parcel S3-3**

Pelican Colony Boulevard to south DRI property boundary.

**Grantor:** Edward J. McArdle, Trustee

**Impact fee credit amount:** \$274,225.09

(\$276,170.40 – 1,945.31 = \$274,225.09)

(\$1,945.31 reduction for Long Bay encumbrance)

Staff recommends acceptance of the attached deeds for Sandy Lane right-of-way turn lanes and roundabouts and the issuance of impact fee credits as indicated.

This request has been reviewed by Lee County DOT and County Lands and approval is recommended.

**Attachments:**

1. Warranty Deeds  
(S1-1, S1-2, S1-3, S1-4A, S1-4, S1-5, S1-6, S1-7, S1-8, S2-1, S2-2, S3-1, S3-2, S3-3, S3-4, S3-5, S3-6)
2. Proposed County Quit Claim Deed S3-5
3. Title Commitments
4. County Lands Appraisal Reports

**cc:** Andy Getch, Engineering Manager I, DOT  
Richard G. Cherry, Esquire, Cherry & Edgar, P.A.  
Rise A. Friedman, Esquire, Simon Property Group

Attachment

1

PREPARED BY:  
Richard G. Cherry, Esquire  
CHERRY & EDGAR, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

RETURN TO:  
Dawn E. Perry-Lehnert, Esq.  
Assistant County Attorney  
Lee County  
2115 Second Street  
Fort Myers, FL 33901

Property Control Nos.: 04-47-25-30-000R1.0000  
04-47-25-30-000R2.0000  
04-47-25-30-000R3.0000  
04-47-25-30-000R4.0000

WARRANTY DEED

THIS WARRANTY DEED made the 3<sup>rd</sup> day of October, 2006, by EDWARD J. McARDLE, individually and as TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Tracts R-1, R-2, R-3 and R-4 of the Plat of COCONUT POINT - AREA 1, according to the Plat thereof as recorded in Plat Book 83, Page 1, of the Public Records of Lee County, Florida.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Rodney A. Welch

(Print Name)

[Signature]  
Anna M. Ruehl

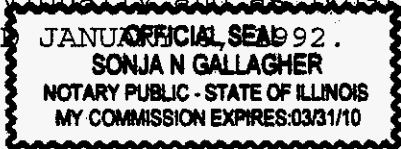
(Print Name)

[Signature]  
EDWARD J. McARDLE, individually and TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992  
1600 E. Main Street, Suite B  
St. Charles, IL 60174

STATE OF ILLINOIS

COUNTY OF Kane

The foregoing instrument was acknowledged before me this 3rd day of October, 2006, by EDWARD J. McARDLE, individually and as TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992.



[Signature]  
Notary Public  
Sonja N. Gallagher  
(Print Name)

My Commission Expires:

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

**H M**

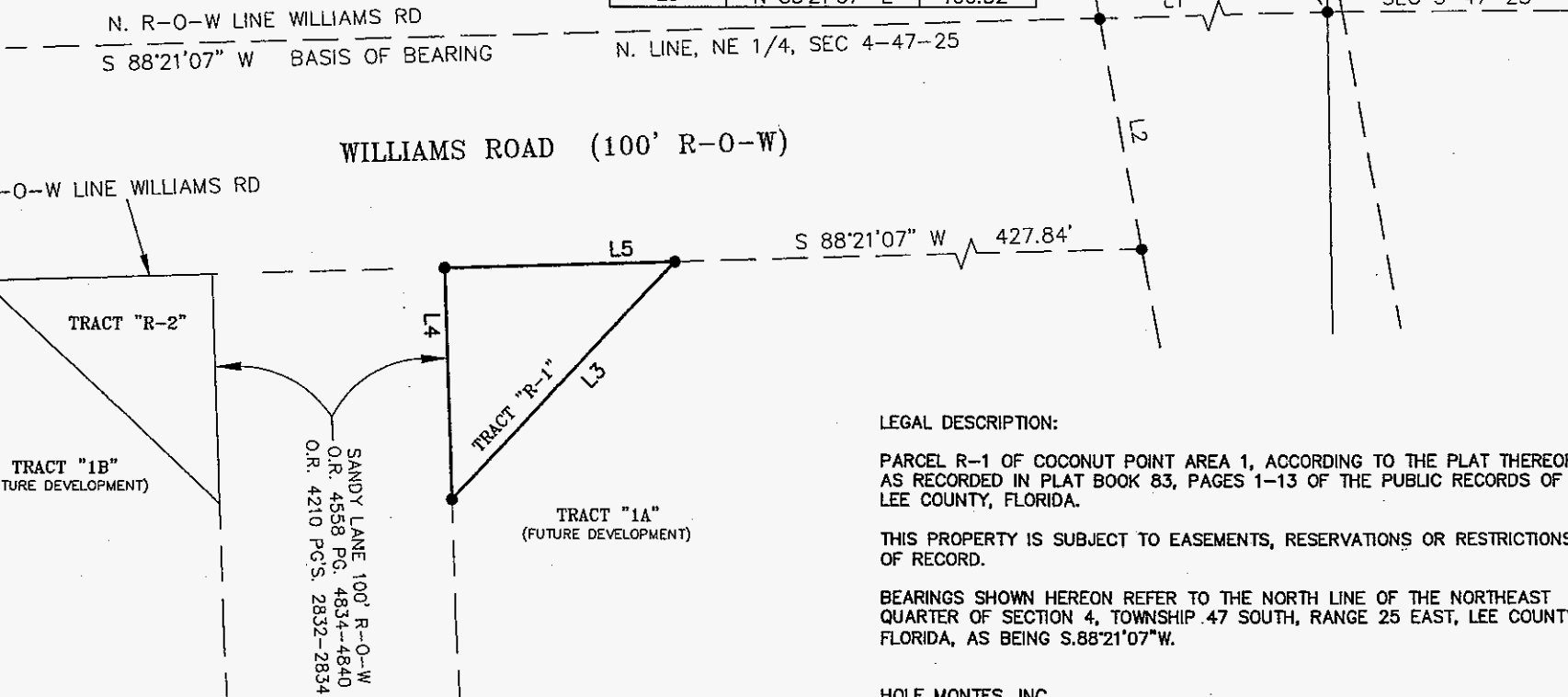
**GRAPHIC SCALE**



( IN FEET )

1 inch = 60 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°21'07" W	125.14'
L2	S 10°28'12" E	101.20'
L3	S 43°27'21" W	141.61'
L4	N 01°39'07" W	99.95'
L5	N 88°21'07" E	100.32'



**LEGAL DESCRIPTION:**

PARCEL R-1 OF COCONUT POINT AREA 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGES 1-13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°21'07"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Jerry L. Riffelmacher  
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

**\* NOT A SURVEY \***

SEC-TWN-RGE: 4-47-25	
DRAWN BY: AK	DATE 09/06
CHECKED BY: JLR	DRAWING NO. E-209



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

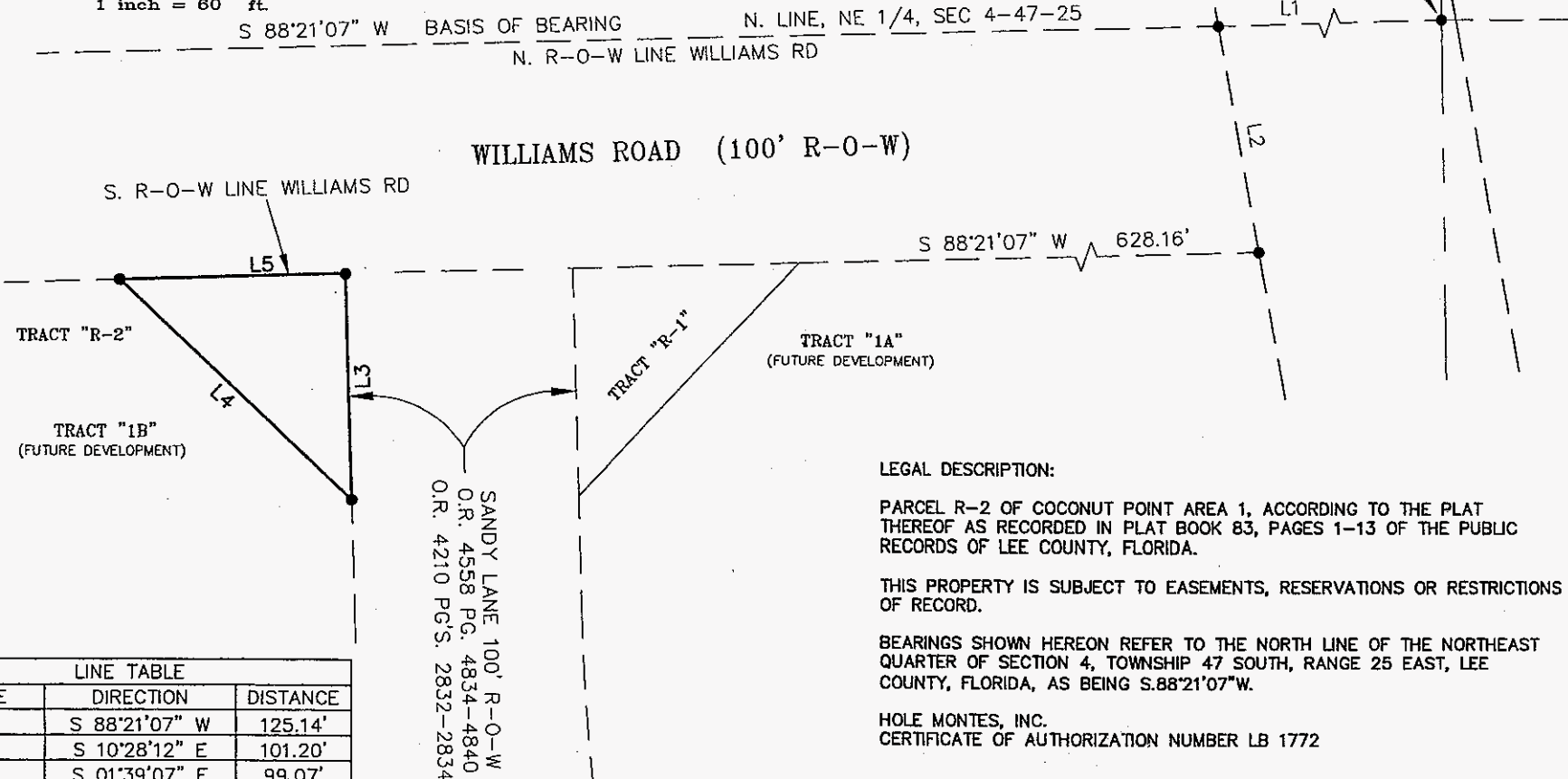
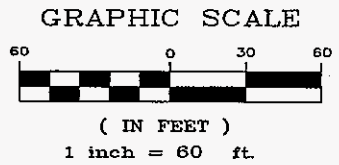
NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

**SKETCH AND LEGAL DESCRIPTION**

PROJECT NO. <b>97.079M</b>
REFERENCE NO. TRACT R-1SL

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SI-2



**LEGAL DESCRIPTION:**

PARCEL R-2 OF COCONUT POINT AREA 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGES 1-13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°21'07"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°21'07" W	125.14'
L2	S 10°28'12" E	101.20'
L3	S 01°39'07" E	99.07'
L4	N 46°39'00" W	140.11'
L5	N 88°21'07" E	99.07'

BY   
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

**\* NOT A SURVEY \***

SEC-TWN-RGE: 4-47-25	
DRAWN BY: AK	DATE 09/06
CHECKED BY: JLR	DRAWING NO. E-210



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

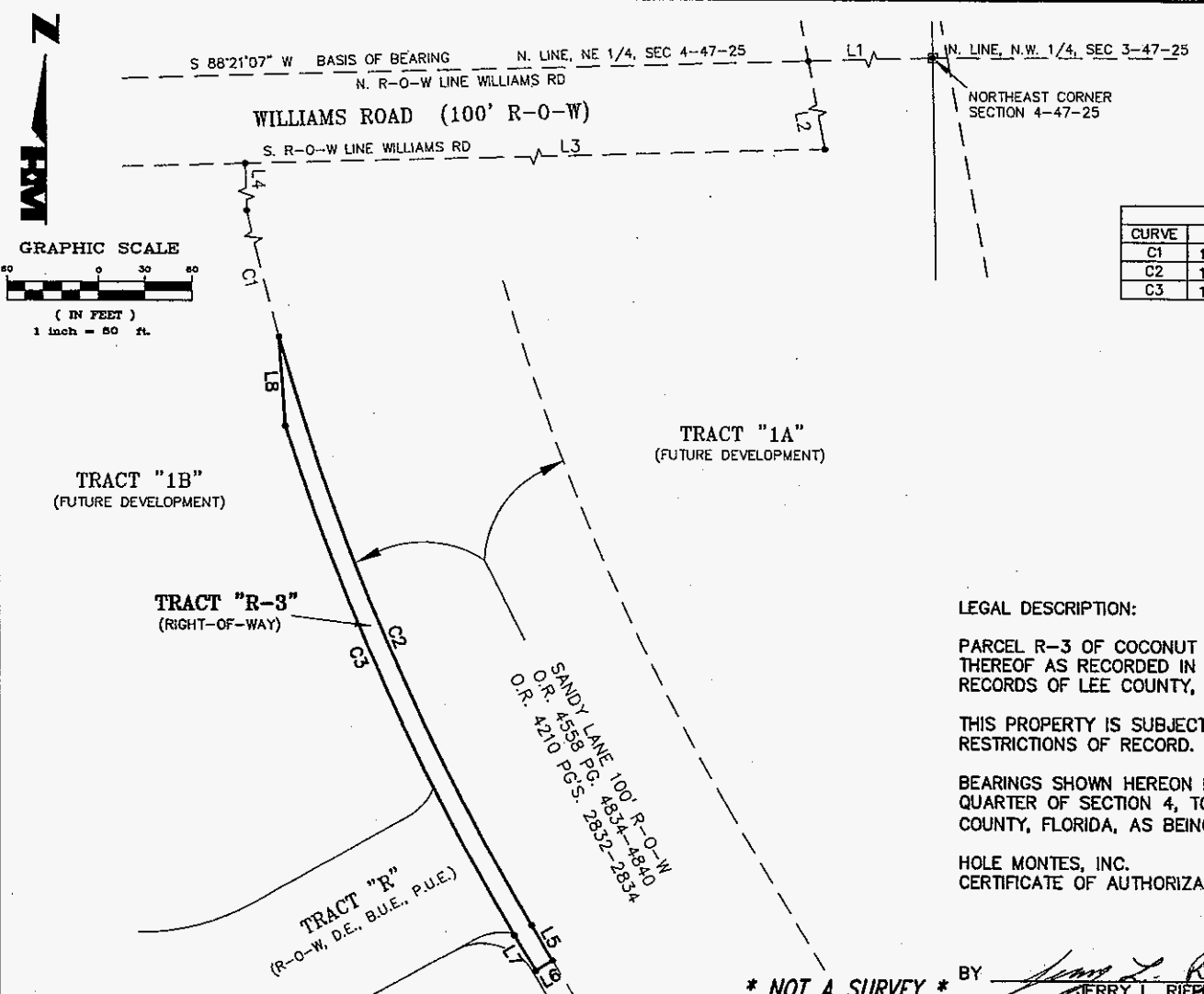
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THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

**SKETCH AND LEGAL DESCRIPTION**

PROJECT NO. <b>97.079M</b>
REFERENCE NO. TRACT R-2SL

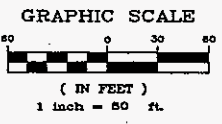
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SI-1



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°21'07" W	125.14'
L2	S 10°28'12" E	101.20'
L3	S 88°21'07" W	628.16'
L4	S 01°39'07" E	150.25'
L5	S 30°54'05" E	17.83'
L6	S 59°05'55" W	8.50'
L7	N 30°54'05" W	17.83'
L8	N 04°05'38" W	38.53'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1050.00'	14°09'53"	258.92'	S 08°44'03" E	259.58'
C2	1050.00'	15°05'05"	275.64'	S 23°21'32" E	276.44'
C3	1058.50'	13°02'33"	240.43'	N 24°22'48" W	240.95'



**LEGAL DESCRIPTION:**

PARCEL R-3 OF COCONUT POINT AREA 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGES 1-13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°21'07"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

\* NOT A SURVEY \*

BY *Jerry L. Rieppemacher*  
JERRY L. RIEPPEMACHER

P.S.M. #6130  
STATE OF FLORIDA

H:\1997\1997079\DW\1997079\ALTA SURVEY (AREA 1)\TRACT R-3SL.dwg Tab: Made Sep 29, 2006 - 11:58am Plotted by: cdomineh

SEC-TWN-RGE: 4-47-25	
DRAWN BY: AK	DATE 09/06
CHECKED BY: JLR	DRAWING NO. E-211



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

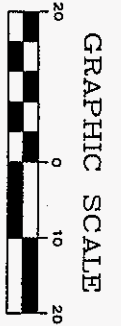
NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

**SKETCH AND LEGAL DESCRIPTION**

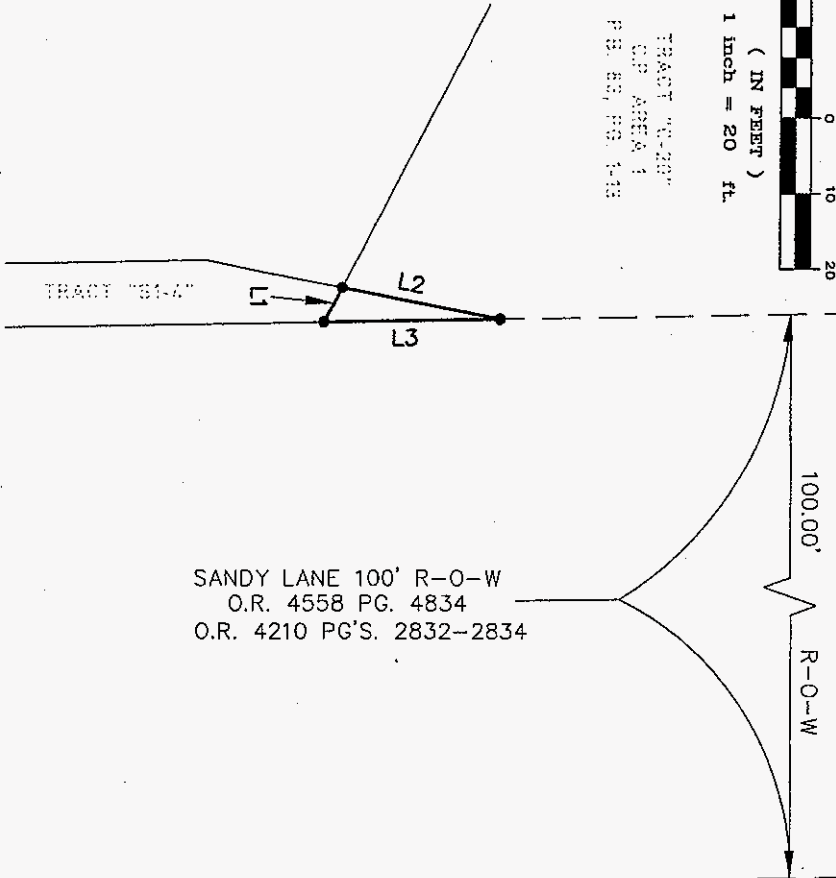
PROJECT NO. <b>97.079M</b>
REFERENCE NO. TRACT R-3SL

51-3





TRACT "0-20"  
OF AREA 1  
P.B. 83, PG. 1-13



LINE	DIRECTION	DISTANCE
L1	N 62°45'51" W	5.19'
L2	S 11°24'55" W	21.27'
L3	S 00°59'33" E	23.23'

SEC-TOWN-RGE: 4-47-25  
DRAWN BY: AK  
CHECKED BY: J.R.  
DATE: 09/06  
DRAWING NO: E-212



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No. 1772

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

\* NOT A SURVEY \*

SKETCH AND LEGAL DESCRIPTION

PROJECT NO. 97.079M  
REFERENCE NO. TRACT R-4SL

BY   
JERRY L. RIRFELMACHNER

P.S.M. #6130  
STATE OF FLORIDA

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

LEGAL DESCRIPTION:

PARCEL R-4 OF COCONUT POINT AREA 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGES 1-13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°21'07"W.

S1-4A

Prepared by  
Rise' A. Friedman, Esq.  
Simon Property Group  
225 W. Washington Street  
Indianapolis, IN 46204

RETURN TO:  
Dawn E. Perry-Lehnert, Esq.  
County Attorney's Office  
2115 Second Street  
Fort Myers, FL 33901

Property Appraiser's Strap No: 04-47-25-00001.0130  
09-47-00-00001.0020

WARRANTY DEED

THIS INDENTURE, made this 28<sup>th</sup> day of September, 2006, by COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company, 225 W. Washington Street, Indianapolis, Indiana 46204 hereinafter called the grantor, to and in favor of LEE COUNTY, a POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz;

See Exhibit "A" attached hereto and made a part hereof for legal description.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER, with all the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed, the day and year first above written.

GRANTOR

COCONUT POINT DEVELOPERS, LLC  
a Delaware limited liability company

WITNESSES;

By: SIMON PROPERTY GROUP, L.P., a  
Delaware limited partnership, its Managing  
Member

Sign: Edith L. Hicks

By: SIMON PROPERTY GROUP, INC.,  
a Delaware corporation, its General  
Partner

Print: Edith L. Hicks

Sign: Darlene Garvey

By: [Signature]  
David Simon,  
Chief Executive Officer

Print: Darlene Garvey

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared David Simon, to me personally known as the Chief Executive Officer of SIMON PROPERTY GROUP, INC., a Delaware corporation, General Partner of SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, the Managing Member of COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company, who acknowledged his execution of the foregoing instrument for and on behalf of said corporation by authority of its Board of Directors.

WITNESS my hand and notarial seal this 28<sup>th</sup> day of September, 2006



JAN L. LOCKE  
Comm. Exp. 10-22-2009  
Res. of Johnson Co.

[Signature]  
Notary Public

**EXHIBIT " A "**

HM PROJECT #1997079M  
9/29/2006  
REF. DWG. #E-45  
Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5,90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF 266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N.12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 1,140.97 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°00'27"W., FOR A DISTANCE OF 8.50 FEET; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 310.44 FEET; THENCE RUN N.11°24'55"E., FOR A DISTANCE OF 18.29 FEET; THENCE RUN S.62°45'51"E., TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 5.19 FEET; THENCE RUN S.00°59'33"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 325.85 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.063 ACRE, MORE OR LESS.

HM PROJECT #1997079M

9/29/2006

REF. DWG. #E-45

Page 2 of 2

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

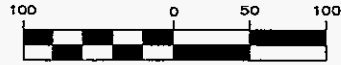
  
JERRY L. RIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA



GRAPHIC SCALE



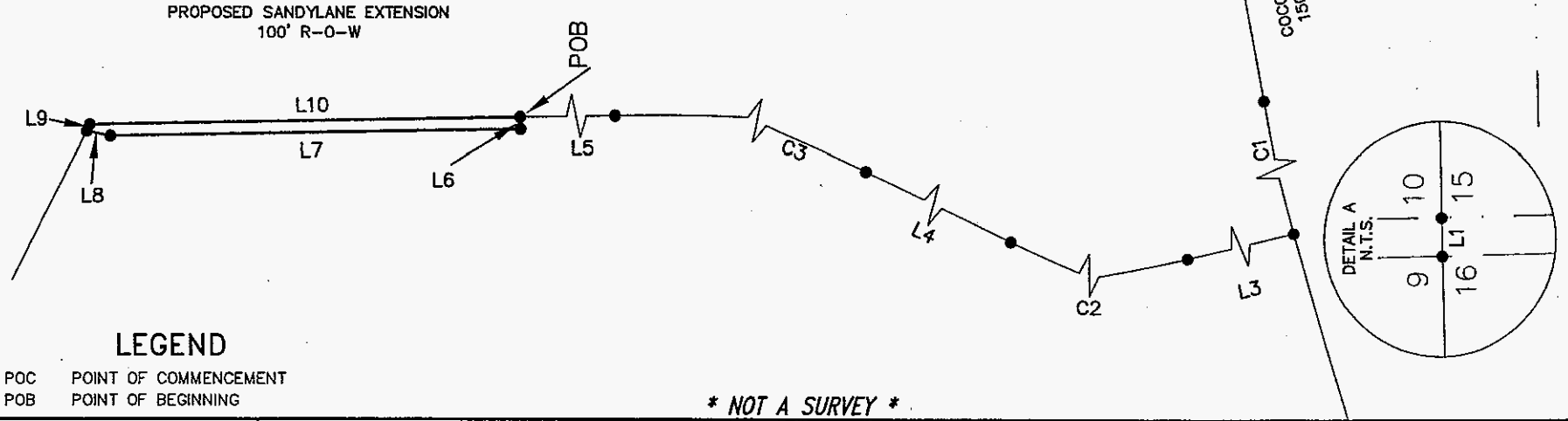
( IN FEET )  
1 inch = 100 ft.

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3175.00'	04°48'36"	266.46'	S 77°11'36" W	266.54'
C2	1040.00'	39°01'52"	694.85'	N 06°10'20" E	708.47'
C3	1853.89'	26°40'48"	855.50'	N 12°20'52" E	863.28'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 79°35'53" W	263.07'
L3	N 13°20'36" W	151.04'
L4	N 25°41'16" E	342.09'
L5	N 00°59'33" W	1140.97'
L6	S 89°00'27" W	8.50'
L7	N 00°59'33" W	310.44'
L8	N 11°24'55" E	18.29'
L9	S 62°45'51" E	5.19'
L10	S 00°59'33" E	325.85'

Page 3 of 13

POC  
SOUTHEAST CORNER OF  
THE SOUTHEAST QUARTER  
SECTION 9-47-25



LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

H:\1997\1997079.DWG\20031160\SKETCHES\PARCEL S1-4.dwg Job: Model Sep 28, 2006 - 11:24am Plotted by: JerryFilfalmacher

SEC-TWN-RGE: 4-47-25	
DRAWN BY: AK	DATE 08/05
CHECKED BY: JLR	DRAWING NO. E-45



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.116
REFERENCE NO. PARCEL S1-4

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF 266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N.12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 405.85 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°00'27"W., FOR A DISTANCE OF 8.50 FEET; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 297.29 FEET; THENCE RUN N.11°24'57"E., FOR A DISTANCE OF 39.56 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION; THENCE RUN S.00°59'33"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 335.92 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.062 ACRE, MORE OR LESS.

HM PROJECT #1997079M  
9/29/2006  
REF. DWG. #E-44  
Page 2 of 2

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

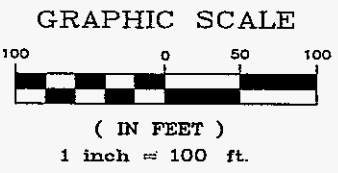
HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA





CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3175.00'	04°48'36"	266.46'	S 77°11'36" W	266.54'
C2	1040.00'	39°01'52"	694.85'	N 06°10'20" E	708.47'
C3	1853.89'	26°40'48"	855.50'	N 12°20'52" E	863.28'

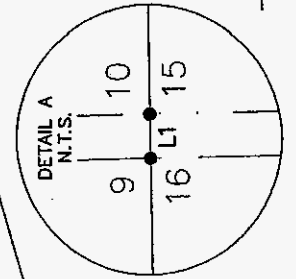
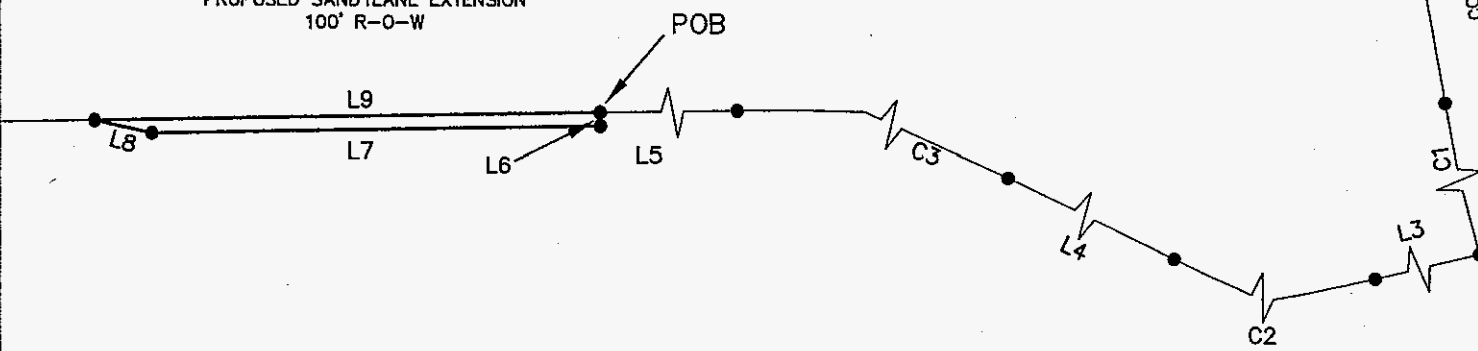


LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 79°35'53" W	263.07'
L3	N 13°20'36" W	151.04'
L4	N 25°41'16" E	342.09'
L5	N 00°59'33" W	405.85'
L6	S 89°00'27" W	8.50'
L7	N 00°59'33" W	297.29'
L8	N 11°24'57" E	39.56'
L9	S 00°59'33" E	335.92'

Page 6 of 13

POC  
SOUTHEAST CORNER OF  
THE SOUTHEAST QUARTER  
SECTION 9-47-25

PROPOSED SANDYLANE EXTENSION  
100' R-0-W



LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

H:\1997\1997079\DW\0003180\SKETCHES\PARCEL S1-5.dwg Tab: Model Sep 29, 2008 - 11:25am Plotted by: JerryRheinmeyer

SEC-TWN-RGE: 9 & 4-47-25	
DRAWN BY: AK	DATE 08/05
CHECKED BY: JR	DRAWING NO. E-44



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Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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THE SIGNATURE AND  
THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.116
REFERENCE NO. PARCEL S1-5

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF 266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE RUN NORTHEASTERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 03°28'42", SUBTENDED BY A CHORD OF 112.53 FEET AT A BEARING OF N.23°56'55"E., FOR A DISTANCE OF 112.54 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.67°47'26"W., FOR A DISTANCE OF 8.50 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.67°47'26"W., A DISTANCE OF 1,845.39 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,845.39 FEET, THROUGH A CENTRAL ANGLE OF 09°01'57", SUBTENDED BY A CHORD OF 290.62 FEET AT A BEARING OF N.17°41'36"E., FOR A DISTANCE OF 290.92 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°49'37"E., FOR A DISTANCE OF 40.04 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.78°02'06"W., A DISTANCE OF 1,853.89 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 10°14'40", SUBTENDED BY A CHORD OF 331.03 FEET AT A

HM PROJECT #1997079M

9/29/2006

REF. DWG. #E-43

Page 2 of 2

BEARING OF S.17°05'14"W., FOR A DISTANCE OF 331.48 FEET, TO THE POINT OF BEGINNING;  
CONTAINING 0.062 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION  
9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

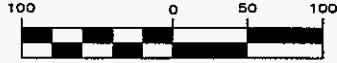
  
JERRY L. RIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA



GRAPHIC SCALE

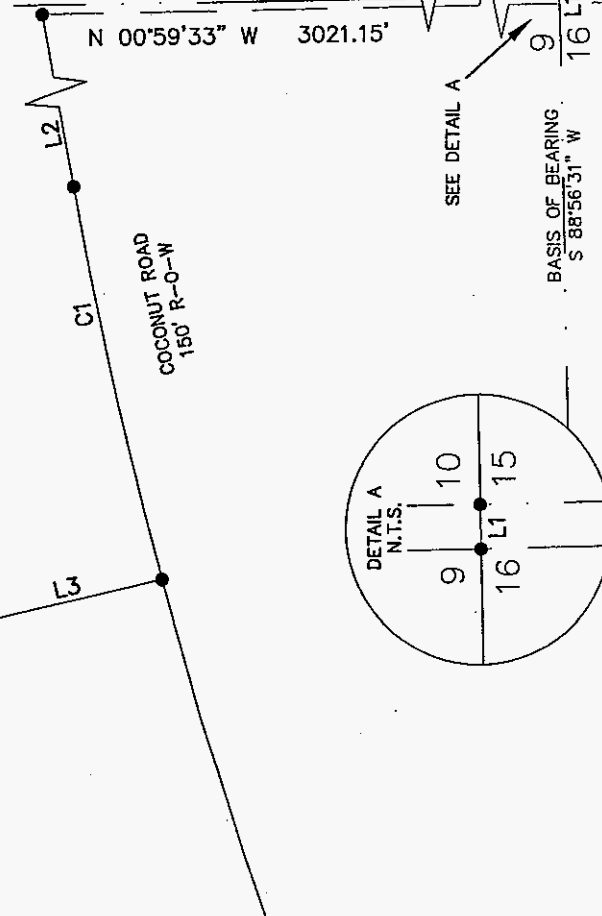


( IN FEET )  
1 inch = 100 ft.

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3175.00'	04°48'36"	266.46'	S 77°11'36" W	266.54'
C2	1040.00'	39°01'52"	694.85'	N 06°10'20" E	708.47'
C3	1853.89'	03°28'42"	112.53'	N 23°56'55" E	112.54'
C4	1845.39'	09°01'57"	290.62'	N 17°41'36" E	290.92'
C5	1853.89'	10°14'40"	331.03'	S 17°05'14" W	331.48'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 79°35'53" W	263.07'
L3	N 13°20'36" W	151.04'
L4	N 25°41'16" E	342.09'
L5	N 67°47'26" W	8.50'
L6	N 24°49'37" E	40.04'

POC  
SOUTHEAST CORNER OF  
THE SOUTHEAST QUARTER  
SECTION 9-47-25



Page 9 of 13

LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

H:\1997\097079\DW\2003180\SKETCHES\PARCEL S1-6.dwg Tab: Model\_Sep 29, 2008 - 11:27am Plotted by: Jerry Giffelmeicher

SEC-TWN-RGE: 9-47-25	
DRAWN BY: AK	DATE 08/05
CHECKED BY: JLR	DRAWING NO. E-43



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.116
REFERENCE NO. PARCEL S1-6



HM PROJECT #1997079M

9/29/2006

REF. DWG. #E-42

Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF 266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 00°40'17", SUBTENDED BY A CHORD OF 37.20 FEET AT A BEARING OF S.74°27'10"W., FOR A DISTANCE OF 37.20 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°23'11"E., FOR A DISTANCE OF 41.48 FEET; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 122.50 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,048.50 FEET, THROUGH A CENTRAL ANGLE OF 23°26'57", SUBTENDED BY A CHORD OF 426.13 FEET AT A BEARING OF N.01°37'07"W., FOR A DISTANCE OF 429.12 FEET TO THE END OF SAID CURVE; THENCE RUN N.21°51'28"E., FOR A DISTANCE OF 46.66 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A RIGHT-OF-WAY WIDTH OF 100.00 FEET, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.77°22'35"E., A DISTANCE OF 1,040.00 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 25°58'01", SUBTENDED BY A CHORD OF 467.31 FEET AT A BEARING OF S.00°21'36"E., FOR A DISTANCE OF 471.34 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.127 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

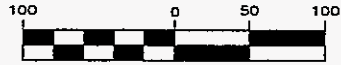
HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Jerry L. Riffelmacher P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3175.00'	4°48'36"	266.46'	S 77°11'36" W	266.54'
C2	3175.00'	0°40'17"	37.20'	S 74°27'10" W	37.20'
C3	1048.50'	23°26'57"	426.13'	N 01°37'07" W	429.12'
C4	1040.00'	25°58'01"	467.31'	S 00°21'36" E	471.34'

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 79°35'53" W	263.07'
L3	N 30°23'11" E	41.48'
L4	N 13°20'36" W	122.50'
L5	N 21°51'28" E	48.66'
L6	S 13°20'36" E	151.04'

POC  
SOUTHEAST CORNER OF  
THE SOUTHEAST QUARTER  
SECTION 9-47-25

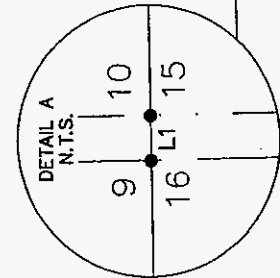
N 00°59'33" W 3021.15'

COCONUT ROAD  
150' R-0-W

PROPOSED SANDYLANE EXTENSION  
100' R-0-W

SEE DETAIL A

BASIS OF BEARING  
S 88°56'31" W



Page 11 of 13

LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

H:\1997\169709\DW\2003\160\SKETCHES\PARCEL S1-7.dwg Tab: Model Sep 29, 2008 - 11:28am Plotted by: Jerry Riffelmecher

SEC-TWN-RGE:	
9-47-25	
DRAWN BY:	DATE
AK	08/05
CHECKED BY:	DRAWING NO.
JLR	E-42



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO.
03.116
REFERENCE NO.
PARCEL S1-7

HM PROJECT #1997079M  
9/29/2006  
REF. DWG. #E-41  
Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 02°16'17", SUBTENDED BY A CHORD OF 125.86 FEET AT A BEARING OF S.78°27'45"W., FOR A DISTANCE OF 125.87 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 00°44'01", SUBTENDED BY A CHORD OF 40.65 FEET AT A BEARING OF S.76°57'36"W., FOR A DISTANCE OF 40.65 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 149.35 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 44.80 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.64°18'44"E., A DISTANCE OF 1,017.11 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,017.11 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 679.56 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 692.88 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 105.81 FEET; THENCE RUN S.58°00'32"E., FOR A DISTANCE OF 42.18 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.180 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

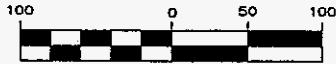
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130  
JERRY RIFFELMACHER STATE OF FLORIDA



GRAPHIC SCALE



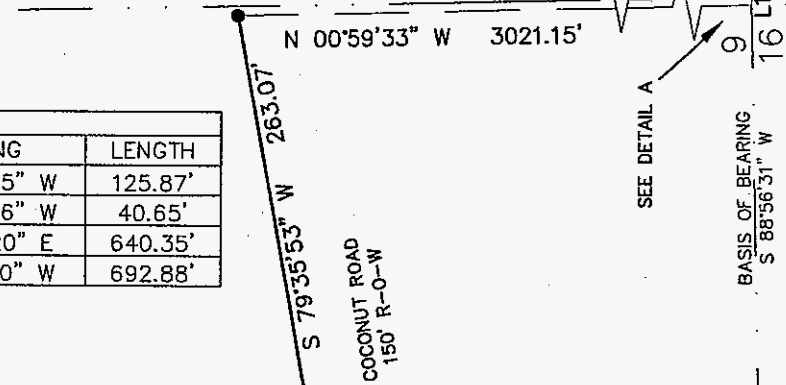
( IN FEET )

1 inch = 100 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	N 13°20'36" W	149.35'
L3	N 25°41'16" E	44.80'
L4	S 13°20'36" E	105.81'
L5	S 58°00'32" E	42.18'

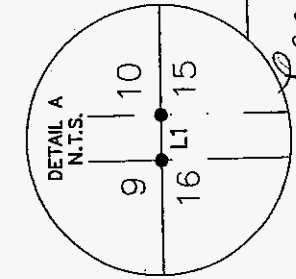
CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3175.00'	02°16'17"	125.86'	S 78°27'45" W	125.87'
C2	3175.00'	00°44'01"	40.65'	S 76°57'36" W	40.65'
C3	940.00'	39°01'52"	628.04'	N 06°10'20" E	640.35'
C4	1017.11'	39°01'52"	679.56'	S 06°10'20" W	692.88'

POC  
SOUTHEAST CORNER OF  
THE SOUTHEAST QUARTER  
SECTION 9-47-25

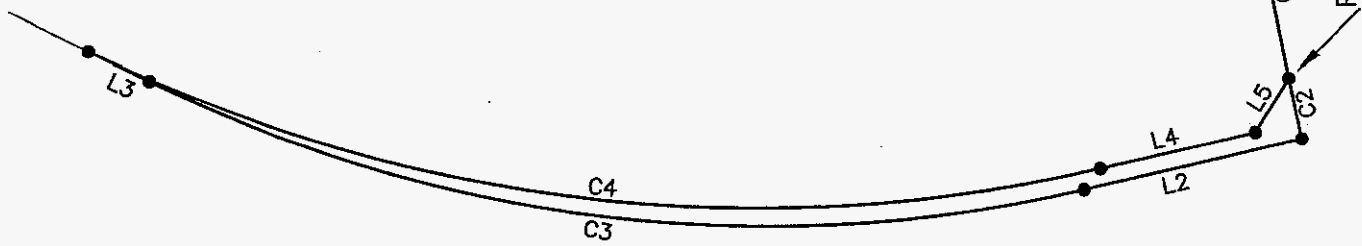


SEE DETAIL A

BASIS OF BEARING.  
S 88°56'31" W



Page 13 of 13



LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

PROPOSED SANDYLANE EXTENSION  
100' R-O-W

**\* NOT A SURVEY \***

H:\1987\1987079\DW\20031108\SKETCHES\PARCEL S1-8.dwg Tab: Model Sep 29, 2006 - 11:29am Plotted by: JerryRheinmocher

SEC-TWN-RGE: 9-47-25	
DRAWN BY: AK	DATE 08/05
CHECKED BY: JLR	DRAWING NO. E-41



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.116
REFERENCE NO. PARCEL S1-8



PREPARED BY:  
Richard G. Cherry, Esquire  
CHERRY & EDGAR, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

RETURN TO:  
Dawn E. Perry-Lehnert, Esq.  
Assistant County Attorney  
Lee County  
2115 Second Street  
Fort Myers, FL 33901

Property Control No.: 33-46-25-00-00019.0000

WARRANTY DEED

THIS WARRANTY DEED made the 2<sup>ND</sup> day of OCTOBER, 2006, by NORTH POINT LAKE, LLC, a Delaware limited liability company, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal descriptions.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Vicki Pearson

NORTH POINT LAKE, LLC,  
a Delaware limited liability  
company

VICKI PIERSON

(Print Name)

Marianne Jannetti  
MARIANNE JANNETTI

(Print Name)

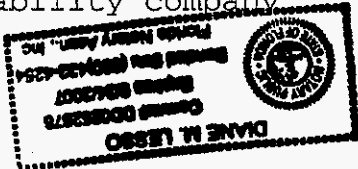
By: ESTERO LAKES DEVELOPMENT  
III, INC., a Delaware  
corporation, Manager

By: [Signature]  
Ned Dewhirst, Vice President

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this  
2 day of October, 2006, by NED DEWHIRST, as VICE  
PRESIDENT of ESTERO LAKES DEVELOPMENT III, INC., a Delaware  
corporation, MANAGER of NORTH POINT LAKE, LLC, a Delaware limited  
liability company



Diane M. Lesso  
Notary Public  
Diane M. Lesso  
(Print Name)

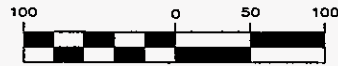
My Commission Expires: 9/24/2007

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

# EXHIBIT "A"

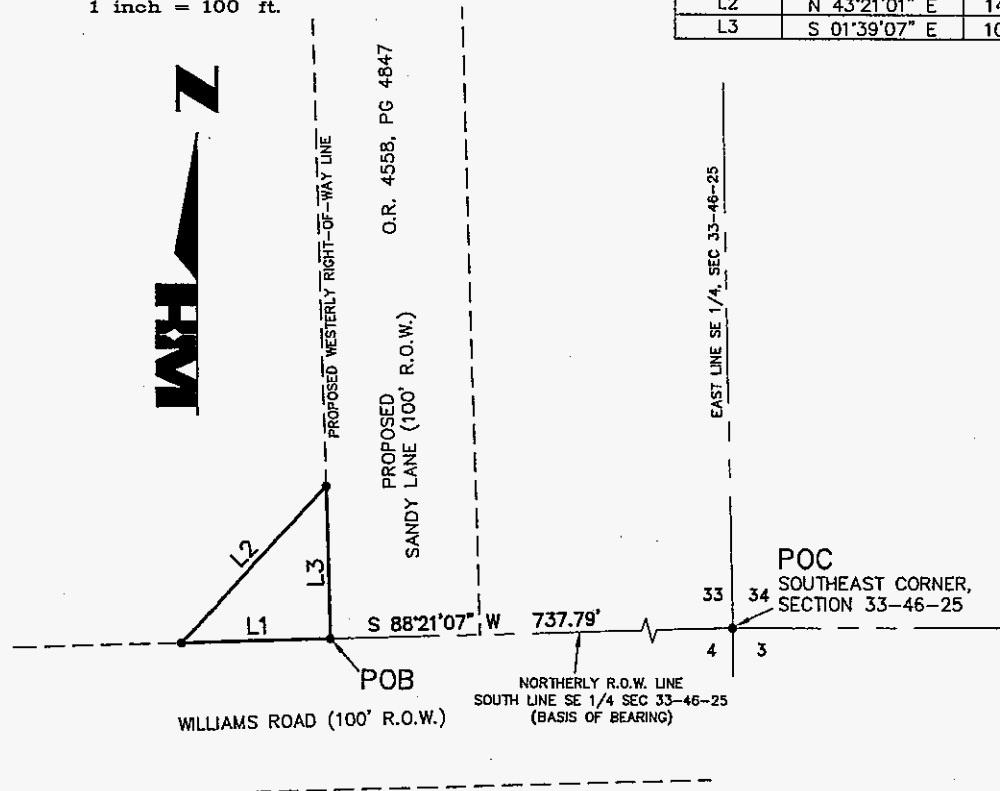
H:\1997\1997079\DR\SANDY LANE SKETCHES-AUDREY\ROW TAKES\ROWFSL.dwg Job: Model Sep 29, 2006 - 11:30am Plotted by: Jerry Riffelmacher

## GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°21'07" W	100.00'
L2	N 43°21'01" E	141.42'
L3	S 01°39'07" E	100.00'



### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 737.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.43°21'01"E., FOR A DISTANCE OF 141.42 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4847 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.01°39'07"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.115 ACRE, MORE OR LESS.

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY *Jerry Riffelmacher*  
JERRY RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

Page 1 of 2

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

**\* NOT A SURVEY \***

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AM	DATE 08/05
CHECKED BY: JLR	DRAWING NO. B-5560



950 Encore Way  
Naples, FL. 34110  
Phone: (239) 254-2000  
Florida Certificate of  
Authorization No.1772

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

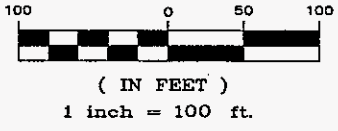
## SKETCH AND LEGAL DESCRIPTION

PROJECT NO. <b>03.046</b>
REFERENCE NO. ROWFSL

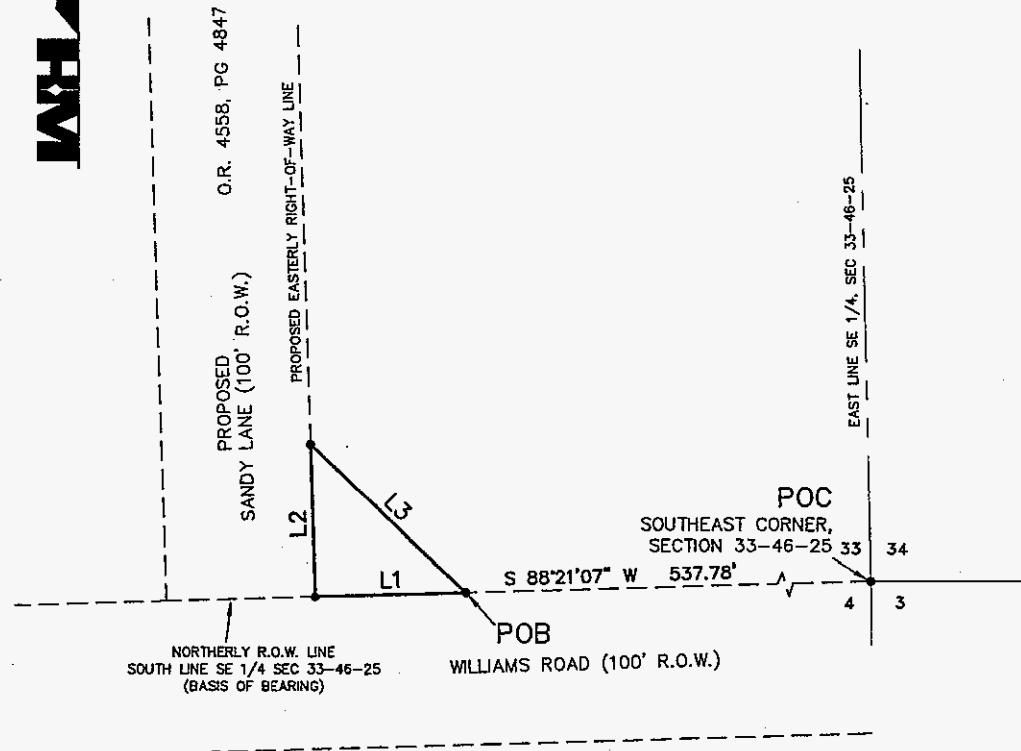
52-1



GRAPHIC SCALE



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°21'07" W	100.00'
L2	N 01°39'07" W	100.00'
L3	S 46°39'00" E	141.43'



LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 537.78 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4847 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°39'07"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.46°39'00"E., FOR A DISTANCE OF 141.43 FEET TO THE POINT OF BEGINNING; CONTAINING 0.115 ACRE, MORE OR LESS.

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY   
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AM	DATE 08/05
CHECKED BY: JLR	DRAWING NO. B-5561



950 Encore Way  
Naples, FL. 34110  
Phone: (239) 254-2000  
Florida Certificate of  
Authorization No.1772

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

SKETCH AND LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. ROWGSL

52-2

H:\1997\199709\DW\SANDY LANE SKETCHES-AUDREY\ROW TAKES\ROWGSL.dwg Tab: Moral Sep 29, 2006 - 11:32am Plotted by: Jerry Riffelmacher

PREPARED BY:  
Richard G. Cherry, Esquire  
CHERRY & EDGAR, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

RETURN TO:  
Dawn E. Perry-Lehnert, Esq.  
Assistant County Attorney  
Lee County  
2115 Second Street  
Fort Myers, FL 33901

Property Control Nos.: 09-47-25-00-00001.0010

WARRANTY DEED

THIS WARRANTY DEED made the 3rd day of October, 2006, by EDWARD J. McARDLE, individually and as TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal descriptions.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Rodney A. Weitz

(Print Name)

[Signature]  
Anna M. Ruehl

(Print Name)

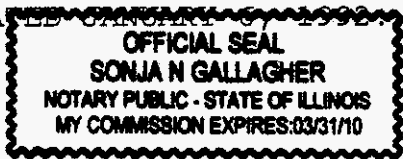
[Signature]

EDWARD J. McARDLE, individually and TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992  
1600 E. Main Street, Suite B  
St. Charles, IL 60174

STATE OF ILLINOIS

COUNTY OF Kane

The foregoing instrument was acknowledged before me this 3rd day of October, 2006, by EDWARD J. McARDLE, individually and as TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992.



[Signature]  
Notary Public

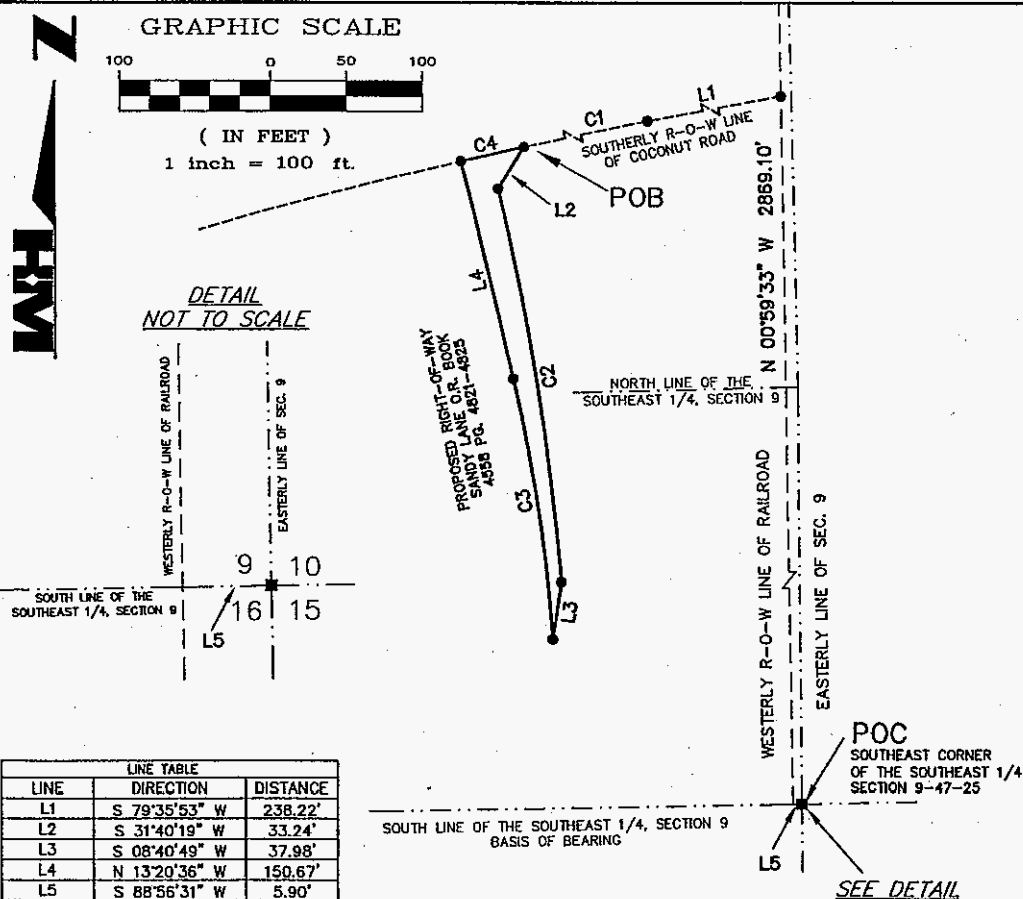
[Signature]  
(Print Name)

My Commission Expires:

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

EXHIBIT "A"

H:\1997\1997079\DW\1997079\PARCEL S3-1.dwg Tab: Model Oct 02, 2008 - 3:07pm Plotted by: JerryL/Riffelmacher



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 79°35'53" W	238.22'
L2	S 31°40'19" W	33.24'
L3	S 08°40'49" W	37.98'
L4	N 13°20'36" W	150.67'
L5	S 88°56'31" W	5.90'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3025.00'	02°11'36"	115.80'	S 78°30'05" W	115.81'
C2	1794.49'	08°30'05"	266.02'	S 09°07'30" E	266.26'
C3	1060.00'	09°25'32"	174.18'	N 08°37'50" W	174.38'
C4	3025.00'	00°48'53"	43.01'	N 76°59'51" E	43.01'

**LEGEND**

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

SEC-TWN-RGE: 9-47-05	
DRAWN BY: AK	DATE 10/05
CHECKED BY: JLR	DRAWING NO. E-40



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

\* NOT A SURVEY \*

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY OF 130.00 FEET; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,869.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A RIGHT-OF-WAY OF 150.00 FEET; THENCE RUN S.79°35'53"W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, FOR A DISTANCE OF 238.22 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 02°11'36", SUBTENDED BY A CHORD OF 115.80 FEET AT A BEARING OF S.78°30'05"W., FOR A DISTANCE OF 115.81 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.31°40'19"W., FOR A DISTANCE OF 33.24 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.76°37'27"W., A DISTANCE OF 1,794.49 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,794.49 FEET, THROUGH A CENTRAL ANGLE OF 08°30'05", SUBTENDED BY A CHORD OF 266.02 FEET AT A BEARING OF S.09°07'30"E., FOR A DISTANCE OF 266.26 FEET TO THE END OF SAID CURVE; THENCE RUN S.08°40'49"W., FOR A DISTANCE OF 37.98 FEET TO A POINT ON THE PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AS DESCRIBED IN O.R. BOOK 4558 AT PAGES 4821 THROUGH 4825 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.86°04'56"W., A DISTANCE OF 1,060.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 09°25'32", SUBTENDED BY A CHORD OF 174.18 FEET AT A BEARING OF N.08°37'50"W., FOR A DISTANCE OF 174.38 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 150.67 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.13°24'36"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 00°48'53", SUBTENDED BY A CHORD OF 43.01 FEET AT A BEARING OF N.76°59'51"E., FOR A DISTANCE OF 43.01 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.109 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'31"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Jerry L. Riffelmacher  
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

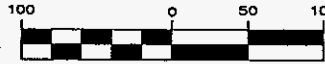
**SKETCH AND LEGAL DESCRIPTION**

PROJECT NO. <b>97.079M</b>
REFERENCE NO. PARCEL S3-1

Page 1 of 4



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

PROPOSED RIGHT-OF-WAY  
SANDY LANE O.R. BOOK 4558 PG. 4821-4825

SOUTH LINE OF THE SOUTHEAST 1/4, SECTION 9  
BASIS OF BEARING

WESTERLY R-O-W LINE OF RAILROAD  
EASTERLY LINE OF SEC. 9

POC  
SOUTHEAST CORNER  
OF THE SOUTHEAST 1/4  
SECTION 9-47-25

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	670.00'	04°01'20"	47.02'	N 17°33'14" E	47.03'
C2	770.00'	43°55'13"	575.90'	N 02°23'43" W	590.25'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 88°56'31" W	316.87'
L3	N 19°33'54" E	216.00'
L4	N 24°21'19" W	169.24'
L5	N 10°01'58" E	43.36'
L6	N 24°21'19" W	156.95'
L7	S 71°00'49" E	43.00'
L8	S 24°21'19" E	81.74'
L9	S 10°01'58" W	55.37'

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY OF 130.00 FEET; THENCE CONTINUE S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 316.87 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.74°27'26"E., A DISTANCE OF 670.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20", SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF N.17°33'14"E., FOR A DISTANCE OF 47.03 FEET TO THE END OF SAID CURVE; THENCE RUN N.19°33'54"E., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF N.02°23'43"W., FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 169.24 FEET; THENCE RUN N.10°01'58"E., FOR A DISTANCE OF 43.36 FEET TO A POINT ON THE PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AS DESCRIBED IN O.R. BOOK 4558 AT PAGES 4821 THROUGH 4825 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.24°21'19"W., ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 156.95 FEET; THENCE RUN S.71°00'49"E., FOR A DISTANCE OF 43.00 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 81.74 FEET; THENCE RUN S.10°01'58"W., FOR A DISTANCE OF 55.37 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.086 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'31"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY   
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

SEC-TWN-RGE:	9-47-25
DRAWN BY:	AK
DATE:	10/05
CHECKED BY:	JLR
DRAWING NO.:	E-39



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

SKETCH AND LEGAL DESCRIPTION

PROJECT NO.	97.079M
REFERENCE NO.	PARCEL S3-2

H:\1997\1997079\97079M\PARCEL S3-2.dwg Job: Model Oct 02, 2008 - 3:08pm Plotted by: Jerry Riffelmacher

Page 2 of 4





HM PROJECT #1997079M  
10/2/2006  
REF. DWG. #E-37  
Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

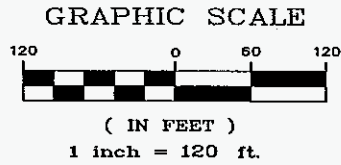
COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 322.77 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 103.75 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.76°39'49"E., A DISTANCE OF 770.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 06°13'42", SUBTENDED BY A CHORD OF 83.66 FEET AT A BEARING OF N.16°27'03"E., FOR A DISTANCE OF 83.70 FEET TO THE END OF SAID CURVE; THENCE RUN N.19°33'54"E., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 501.11 FEET AT A BEARING OF N.02°23'43"W., FOR A DISTANCE OF 513.59 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 169.24 FEET; THENCE RUN N.68°09'33"W., FOR A DISTANCE OF 102.28 FEET; THENCE RUN N.14°05'33"W., FOR A DISTANCE OF 101.63 FEET; THENCE RUN N.21°23'37"E., FOR A DISTANCE OF 107.75 FEET TO A POINT ON THE PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AS DESCRIBED IN O.R. BOOK 4558 AT PAGES 4821 THROUGH 4825 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 325.18 FEET; THENCE RUN N.65°38'41"E., ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 75.51 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 93.06 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF S.02°23'43"E., FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN S.19°33'54"W., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20", SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF S.17°33'14"W., FOR A DISTANCE OF 47.03 FEET, TO THE POINT OF BEGINNING; CONTAINING 2.536 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'31"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA



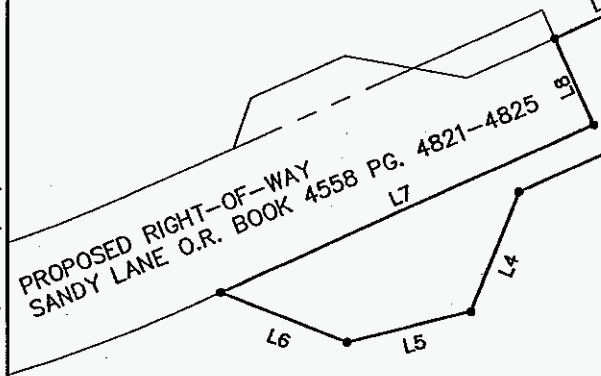
POC  
SOUTHEAST CORNER  
OF THE SOUTHEAST 1/4  
SECTION 9-47-25

EASTERLY LINE OF SEC. 9  
WESTERLY R-O-W LINE OF RAILROAD

SOUTH LINE OF THE SOUTHEAST 1/4, SECTION 9  
BASIS OF BEARING

Page 4 of 4

H:\1997\1997079\DW\1997079A\PARCEL S3-3.dwg Tce: Model: Oct 02, 2005 - 3:09pm Plotted by: JerryGiffillmacher



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	103.75'
L2	N 19°33'54" E	216.00'
L3	N 24°21'19" W	169.24'
L4	N 68°09'33" W	102.28'
L5	N 14°05'33" W	101.63'
L6	N 21°23'37" E	107.75'
L7	S 24°21'19" E	325.18'
L8	N 65°38'41" E	75.51'
L9	S 24°21'19" E	93.06'
L10	S 19°33'54" W	216.00'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	770.00'	06°13'42"	83.66'	N 16°27'03" E	83.70'
C2	670.00'	43°55'13"	501.11'	N 02°23'43" W	513.59'
C3	770.00'	43°55'13"	575.90'	S 02°23'43" E	590.25'
C4	670.00'	04°01'20"	47.02'	S 17°33'14" W	47.03'

LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

SEC--TWN--RGE: 9-47-25	
DRAWN BY: AK	DATE 10/05
CHECKED BY: JLR	DRAWING NO. E-37



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

SKETCH AND LEGAL DESCRIPTION

PROJECT NO. 97.079M
REFERENCE NO. PARCEL S3-3

PREPARED BY:  
Richard G. Cherry, Esquire  
CHERRY & EDGAR, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

RETURN TO:  
Dawn E. Perry-Lehnert, Esq.  
Assistant County Attorney  
Lee County  
2115 Second Street  
Fort Myers, FL 33901

Property Control Nos.: 09-47-25-00-00001.0010

WARRANTY DEED

THIS WARRANTY DEED made the 3<sup>rd</sup> day of October, 2006, by EDWARD J. McARDLE, individually and as TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal description.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

*Rodney A. Welby*  
Rodney A. Welby

(Print Name)

*Anna M. Ruehl*  
Anna M. Ruehl

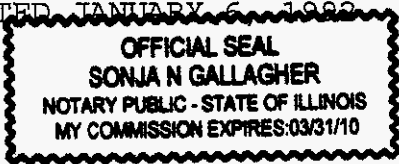
(Print Name)

*Edward J. McCardle*  
EDWARD J. McARDLE, individually and TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992  
1600 E. Main Street, Suite B  
St. Charles, IL 60174

STATE OF ILLINOIS

COUNTY OF Kane

The foregoing instrument was acknowledged before me this 3rd day of October, 2006, by EDWARD J. McARDLE, individually and as TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992

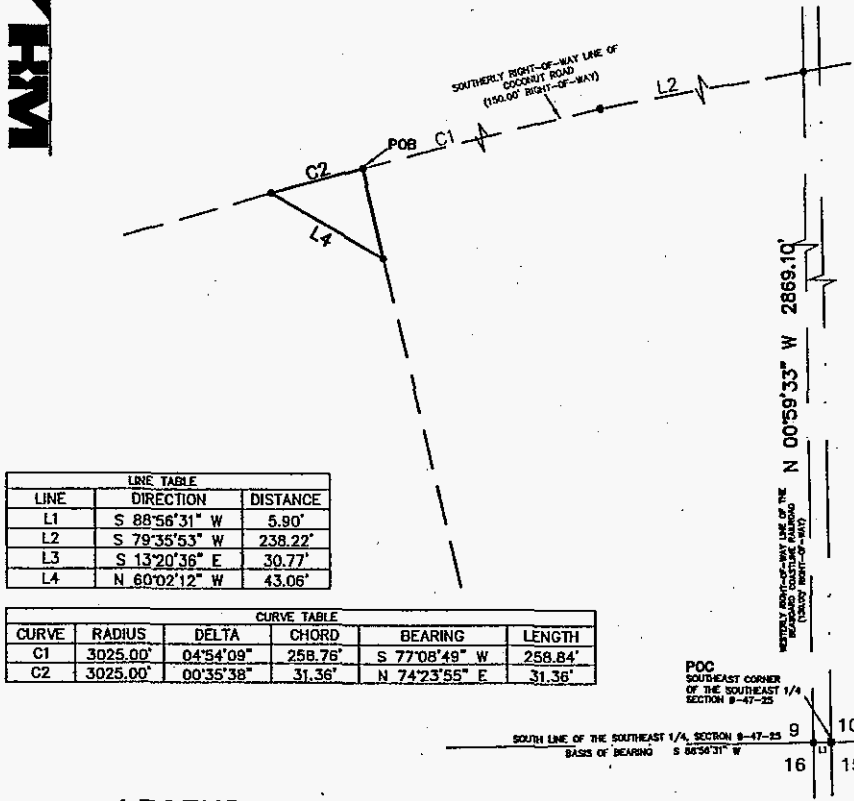
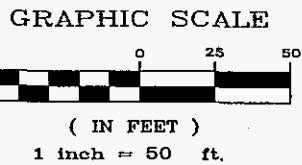


*Sonja N. Gallagher*  
Notary Public  
*Sonja N. Gallagher*  
(Print Name)

My Commission Expires:

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

EXHIBIT "A"



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 79°35'53" W	238.22'
L3	S 13°20'36" E	30.77'
L4	N 60°02'12" W	43.06'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3025.00'	04°54'09"	258.76'	S 77°08'49" W	258.84'
C2	3025.00'	00°35'38"	31.36'	N 74°23'55" E	31.36'

POC  
SOUTHEAST CORNER  
OF THE SOUTHEAST 1/4  
SECTION 9-47-25

SOUTH LINE OF THE SOUTHEAST 1/4, SECTION 9-47-25  
BASE OF BEARING S 88°56'31" W

10  
15  
16

**LEGEND**

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

**\* NOT A SURVEY \***

DRAWN BY: AK		DATE 10/05	
CHECKED BY: JLR		DRAWING NO. E-218	



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

**SKETCH AND LEGAL DESCRIPTION**

PROJECT NO. <b>97.079M</b>
REFERENCE NO. PARCEL S3-5

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'33"W, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,869.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN S.79°35'53"W, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, FOR A DISTANCE OF 238.22 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 04°54'09", SUBTENDED BY A CHORD OF 258.76 FEET AT A BEARING OF S.77°08'49"W, FOR A DISTANCE OF 258.84 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.13°20'36"E, FOR A DISTANCE OF 30.77 FEET; THENCE RUN N.60°02'12"W, FOR A DISTANCE OF 43.06 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.15°53'54"E, A DISTANCE OF 3025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 00°35'38", SUBTENDED BY A CHORD OF 31.36 FEET AT A BEARING OF N.74°23'55"E, FOR A DISTANCE OF 31.36 FEET TO THE POINT OF BEGINNING; CONTAINING 483 SQUARE FEET, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER, OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S. 88°56'31" W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY   
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

S3-4

H:\1997\197079M.DWG\197079M.PARCEL S3-5.dwg Tab: Model Oct 02, 2008 - 3:53pm Plotted by: JerryRiffelmacher

PREPARED BY AND RETURN TO:  
Richard G. Cherry, Esquire  
CHERRY & EDGAR, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

Property Control No.: 33-46-25-00-00019.0000

WARRANTY DEED

THIS WARRANTY DEED made the 28 day of September, 2006, by ALV COCONUT POINT, LLLP, a Florida limited liability limited partnership, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal descriptions.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered  
in the presence of:

ALV COCONUT POINT, LLLP,

Olga L Ramos  
Olga L Ramos  
(Print Name)

B Walter Pierce  
B WALTER PIERCE  
(Print Name)

a Florida limited liability  
limited partnership

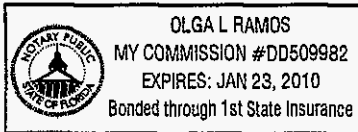
By: TP&D DEVELOPMENT, LLC  
a Florida limited liability  
company, its General Partner

By: Peter T. Flood  
Peter T. Flood, Manager

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this  
28 day of September, 2006, by PETER T. FLOOD, MANAGER  
of TP&D DEVELOPMENT, LLC, a Florida limited liability company,  
GENERAL PARTNER of ALV COCONUT POINT, LLLP, a Florida limited  
liability limited partnership.



Olga L Ramos  
Notary Public  
Olga L Ramos  
(Print Name)

My Commission Expires: 1/23/10

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

# EXHIBIT "A"

H:\1997\19970729.DW\19970729\PARCEL\_S3-6.dwg Job: Model Oct. 02, 2008 - 3:53pm Plotted by: JerrylHammacher

SEC-TM-RGE:	9-47-05
DATE:	10/05
DRAWN BY:	AK
CHECKED BY:	JR
DRAWING NO.	E-219



6202F Presidential Court  
 Ft. Myers, FL 33919  
 Phone: (239) 985-1200  
 Florida Certificate of  
 Authorization No. 1772

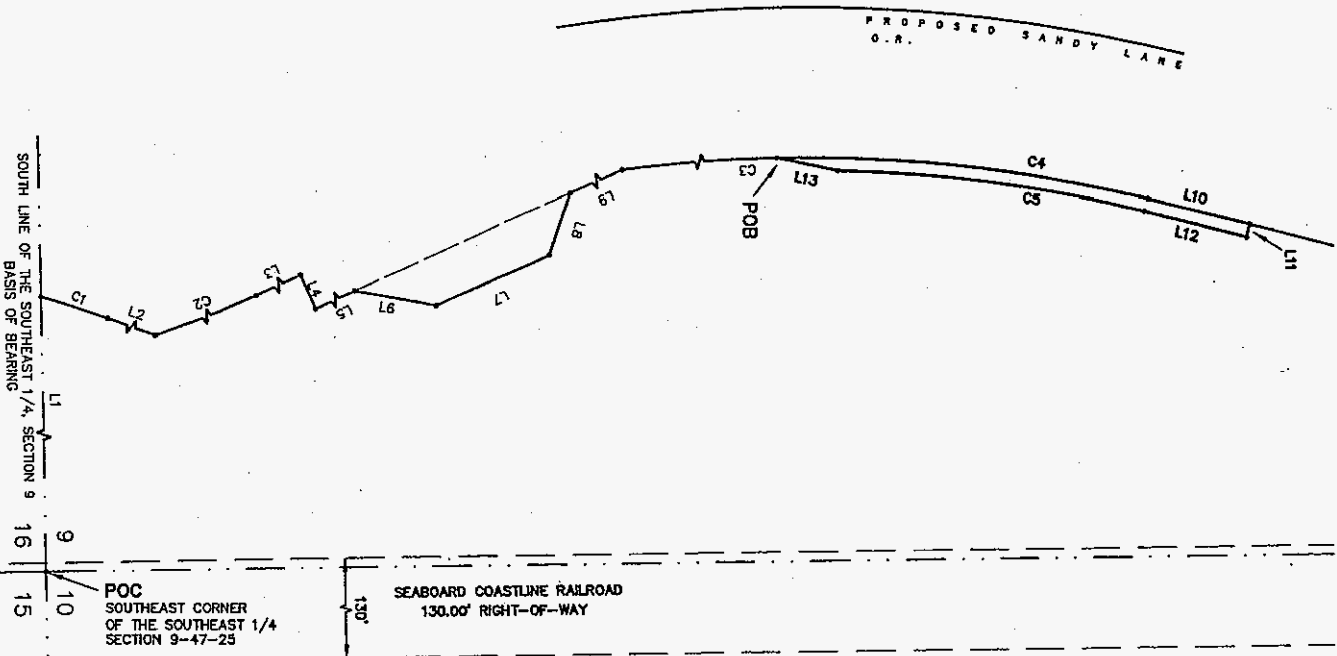
NOT VALID WITHOUT  
 THE SIGNATURE AND  
 SEAL OF A FLORIDA  
 LICENSED SURVEYOR  
 AND MAPPER.

## SKETCH AND LEGAL DESCRIPTION

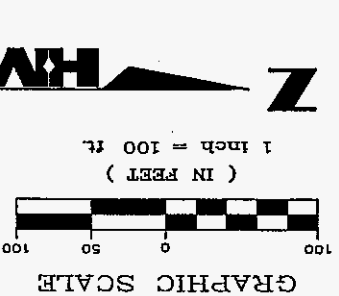
PROJECT NO.	97.079M
REFERENCE NO.	PARCEL S3-6

PCC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

### LEGEND



LEGAL DESCRIPTION:  
 A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, 1ST  
 COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF  
 SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, 1ST COUNTY, FLORIDA,  
 THENCE N 58°55'37" W, ALONG THE SOUTH LINE OF THE SOUTHWEST  
 QUARTER OF SECTION 9, FOR A DISTANCE OF 222.77 FEET TO A POINT  
 ON A CIRCULAR CURVE, CONVEX EASTWARD, WHOSE RADIUS POINT BEARS  
 S 74°27'26" E, A DISTANCE OF 87.00 FEET THEREFROM, THENCE RUN  
 NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A  
 RADIUS OF 87.00 FEET, THROUGH A CENTRAL ANGLE OF 0°27'42" E,  
 S 74°27'26" E, A DISTANCE OF 47.02 FEET AT A BEARING OF 84°12'57" E,  
 FOR A DISTANCE OF 47.02 FEET TO THE BEGINNING OF A  
 TANGENTIAL CIRCULAR CURVE, CONVEX WESTWARD, THENCE RUN NORTHERLY  
 11.9135° E, FOR A DISTANCE OF 218.00 FEET TO THE BEGINNING OF A  
 TANGENTIAL CIRCULAR CURVE, CONVEX WESTWARD, THENCE RUN NORTHERLY  
 67.90 FEET AT A BEARING OF 82°23'37" W, FOR A DISTANCE OF  
 67.90 FEET TO THE END OF SAID CURVE, THENCE RUN N 24°21'18" W,  
 FOR A DISTANCE OF 1822.37 FEET TO A POINT ON THE SOUTHWEST CORNER  
 OF SAID SECTION 9, HAVING A RIGHT-OF-WAY WIDTH OF  
 100.00 FEET, AS DESCRIBED IN O.R. BOOK 4558, PAGE 4521 THROUGH  
 4525 OF THE PUBLIC RECORDS OF 1ST COUNTY, FLORIDA, THENCE RUN  
 N 24°21'18" W, FOR A DISTANCE OF 24.49 FEET, THENCE RUN  
 PROPOSED SANDY LANE, FOR A DISTANCE OF 24.49 FEET, THENCE RUN  
 N 12°42'19" W, ALONG THE EASTERN RIGHT-OF-WAY LINE OF SAID  
 PROPOSED SANDY LANE, FOR A DISTANCE OF 114.97 FEET, THENCE RUN  
 14°09'38" E, FOR A DISTANCE OF 65.37 FEET, THENCE RUN N 24°21'18" W,  
 FOR A DISTANCE OF 81.74 FEET, THENCE RUN N 21°00'49" W, FOR A  
 LINE OF SAID PROPOSED SANDY LANE, THENCE RUN N 24°21'18" W, ALONG  
 THE EASTERN RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A  
 DISTANCE OF 87.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR  
 CURVE, CONVEX EASTWARD, THENCE RUN NORTHERLY, ALONG THE  
 EASTERN RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG  
 THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 84.00 FEET,  
 THROUGH A CENTRAL ANGLE OF 27°02'10", S 75°39'52" E, FOR A DISTANCE  
 OF 375.39 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN  
 DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONVEX  
 EASTWARD, THENCE RUN NORTHERLY, ALONG THE EASTERN  
 RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC  
 OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 247.03 FEET TO  
 THE END OF SAID CURVE, THENCE RUN N 43°53'13" E, ALONG THE EASTERN  
 RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF  
 89.14 FEET, THENCE RUN S 74°27'26" E, FOR A DISTANCE OF 4.90 FEET  
 TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONVEX EASTWARD,  
 THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A  
 RADIUS OF 89.14 FEET, THROUGH A CENTRAL ANGLE OF 12°40'18",  
 THENCE RUN S 13°46'53" W, FOR A DISTANCE OF 69.14 FEET TO THE  
 END OF SAID CURVE, THENCE RUN N 13°46'53" E, ALONG THE EASTERN  
 RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF  
 208.60 FEET TO A POINT ON THE SOUTH LINE OF SECTION 9, TOWNSHIP 47  
 SOUTH, RANGE 25 EAST, 1ST COUNTY, FLORIDA, HAVING A DISTANCE  
 CONTAINING 0.896 ACRES MORE OR LESS.  
 THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS  
 OF RECORD.  
 BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHWEST  
 QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, 1ST  
 COUNTY, FLORIDA, AS BEING S 88°56'31" W.  
 HOLE MONTES, INC.  
 CERTIFICATE OF AUTHORIZATION NUMBER LB 1772  
 BY: JERRY L. HAMMACHER  
 LICENSED SURVEYOR  
 STATE OF FLORIDA



LINE TABLE

LINE	SECTION	DISTANCE
L1	S 88°56'31" W	322.77
L2	N 13°46'53" E	218.00
L3	N 24°21'18" W	93.06
L4	N 65°39'52" E	24.49
L5	N 24°21'18" W	111.87
L6	N 10°15'08" E	55.37
L7	N 24°21'18" W	81.74
L8	N 21°00'49" W	43.00
L9	N 24°21'18" W	97.00
L10	N 13°46'53" E	69.14
L11	S 74°27'26" E	4.90
L12	S 13°46'53" W	69.14
L13	S 11°59'06" W	40.57

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	67.90	0°27'42" E	47.02	N 12°53'14" E	47.02
C2	770.00	43°53'13" E	576.80	N 02°23'43" W	590.25
C3	840.00	27°02'10" E	375.39	N 12°50'15" W	377.93
C4	440.00	15°06'03" E	247.03	N 05°13'52" E	247.74
C5	931.50	12°40'18" E	205.59	S 07°55'44" W	206.01



Attachment  
2

This Instrument Prepared by:

Dawn E. Perry-Lehnert  
Lee County Attorney's Office  
Post Office Box 398  
Fort Myers, FL 33902-0398

STRAP No.

THIS SPACE FOR RECORDING

COUNTY DEED

THIS DEED, executed this \_\_\_\_ day of \_\_\_\_\_, 2006, by LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 Grantor, to ALV Coconut Point, LLLP, a Florida limited liability limited partnership, whose address is 125 North Airport Road, Suite 202, Naples, Florida 34104, Grantee.

Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

See attached Exhibit "A"

In accordance with Florida Statutes §270.11, the COUNTY hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and is not be deemed to warrant the title or to represent any state of facts concerning the same.

**IN WITNESS WHEREOF** Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairwoman

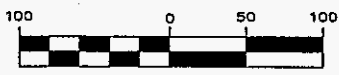
APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Dawn E. Perry-Lehnert  
Office of County Attorney

EXHIBIT "A"



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	670.00'	04°01'20"	47.02'	N 17°33'14" E	47.03'
C2	770.00'	43°55'13"	575.90'	N 02°23'43" W	590.25'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	S 88°56'31" W	316.87'
L3	N 19°33'54" E	216.00'
L4	N 24°21'19" W	93.06'
L5	N 24°21'19" W	76.18'
L6	N 10°01'58" E	43.36'
L7	S 24°21'19" E	111.97'
L8	S 65°38'41" W	24.49'

LEGAL DESCRIPTION:

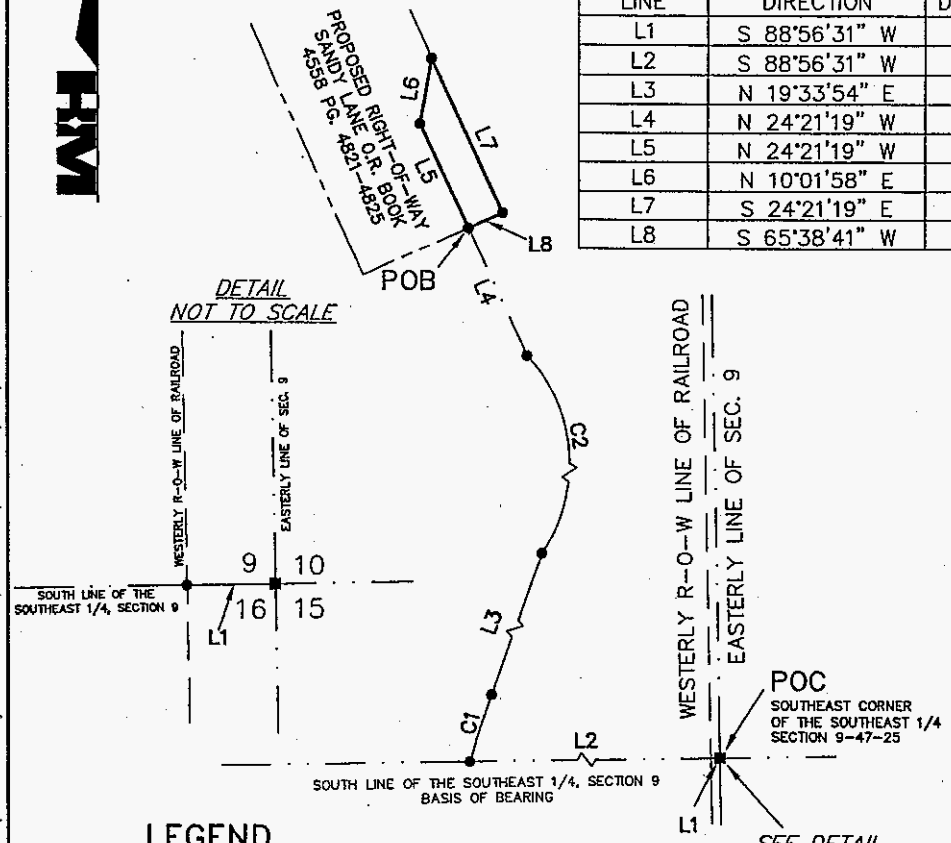
A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY OF 130.00 FEET; THENCE CONTINUE S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 316.87 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.74°27'26"E., A DISTANCE OF 670.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20", SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF N.17°33'14"E., FOR A DISTANCE OF 47.03 FEET TO THE END OF SAID CURVE; THENCE RUN N.19°33'54"E., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF N.02°23'43"W., FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 93.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.24°21'19"W., FOR A DISTANCE OF 76.18 FEET; THENCE RUN N.10°01'58"E., FOR A DISTANCE OF 43.36 FEET TO A POINT ON THE PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AS DESCRIBED IN O.R. BOOK 4558 AT PAGES 4821 THROUGH 4825 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.24°21'19"E., ALONG THE SAID RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 111.97 FEET; THENCE RUN S.65°38'41"W., ALONG THE SAID RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 24.49 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.053 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'31"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772



**LEGEND**  
POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

BY Jerry L. Ruppelmacher  
JERRY L. RUFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

SEC-TWN-RGE:	9-47-25
DRAWN BY:	DATE
AK	10/05
CHECKED BY:	DRAWING NO.
JLR	E-38



6202F Presidential Court  
Ft. Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No.1772

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

SKETCH AND LEGAL DESCRIPTION

PROJECT NO.	97.079M
REFERENCE NO.	PARCEL S3-4

H:\1997\1997079.DWG\1997079SHA.PARCEL\_S3-4.dwg Tab: Model Oct 02, 2008 - 3:10pm. Plotted by: JerryRuppelmacher

S3-4

Attachment  
3

# CHICAGO TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

FLAGLER TITLE COMPANY  
1897 Palm Beach Lakes Boulevard, Suite 125  
West Palm Beach, FL 33409-3509

(561) 686-7611



Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary

## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10\_cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "A"**

1. Effective Date: December 30, 2005 @ 11:00 p.m.
2. Policy or policies to be issued:  
  
ALTA Owner's Policy (10-17-92)                      Amount: \$"To Be Determined"  
  
Proposed Insured:  
  
Lee County, a political subdivision of the State of Florida
3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple**.
4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:  
  
Edward J. McArdle, Trustee, under the Declaration of Trust date January 6, 1992, and known as the Edward J. McArdie Grantor Trust, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the property pursuant to Florida State 689.071, Warranty Deed to Trustee from Edward J. McArdle in favor of Edward J. McArdle, Trustee, dated June 21, 2002 and recorded June 26, 2002 in Official Records Book 3674, Page 4804 {See Tab 2}, of the Public Records of Lee County, Florida.
5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:  
  
SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

(Page 1 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10.cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements**

- I. The following are the requirements to be complied with simultaneously or prior to closing:
1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
    - a) Deed from Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, in favor of Lee County, a political subdivision of the State of Florida, conveying the subject property.
  2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following:
    - a) Modified and Restate Mortgage, Security Agreement and Assignment of Rents, Leases and Profits Edward J. McArdle in favor of LaSalle National Bank, a national banking association, dated February 11, 1998 and recorded March 23, 1998 in Official Records Book 2935, Page 3110 {See Tab 3}, modified by Mortgage Spreader Agreement by and between LaSalle National Bank, a national banking association, and Edward J. McArdle, Trustee of the Trust dated January 6, 1992 known as the Edward J. McArdle Trust, dated February 17, 2003 and recorded February 26, 2003 in Official Records Book 3854, Page 2251 {See Tab 4}, Mortgage Spreader Agreement by and between LaSalle National Bank, a national banking association, and Edward J. McArdle, Trustee of the Trust dated January 6, 1992, dated March 1, 2005 and

Continued...

(Page 2 of 11 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161a (ROW S1 R1-R3)**  
**Escrow No.: I-1161a/pg1**

*Sandy Lane Additional ROW S1 R1-R3 10\_cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...
  - a. recorded March 15, 2005 in Official Record Book 4626, Page 3616 {See Tab 5}, and Mortgage Spreader Agreement by and between LaSalle National Bank, a national banking association, and Edward J. McArdle, Trustee of the Trust dated January 6, 1992, dated March 1, 2005 and recorded March 15, 2005 in Official Record Book 4626, Page 3622 {See Tab 6}, all of the Public Records of Lee County, Florida, in the original principal amount of \$172,000,000.00.
  - b) UCC-1 Financing Statement from Edward J. McArdle Trust in favor of LaSalle National Bank, a national banking association, recorded April 24, 2003 in Official Records Book 3912, Page 654 {See Tab 7}, of the Public Records of Lee County, Florida.
  - c) UCC-1 Financing Statement from Edward J. McArdle in favor of LaSalle National Bank, a national banking association, recorded March 15, 2005 in Official Records Book 4626, Page 3632 {See Tab 8}, of the Public Records of Lee County, Florida.

Continued...

(Page 3 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10.cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

3. This item is intentionally deleted.
4. A recordable Affidavit, that the Edward J. McArdle Grantor Trust has not been amended or modified, and that the Trust is still in full force and effect. Said Affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to executed the conveyance of the insured land.
5. This item is intentionally deleted.
6. This item is intentionally deleted.
7. This item is intentionally deleted.
8. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
9. Owner's Affidavit.
10. Standard Gap Indemnity.
11. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.

Continued...

(Page 4 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10.cmt.*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

12. Termination or Release of record as to the subject property ONLY, of the following:
- a) This item is intentionally deleted.
  - b) Terms, covenants, conditions, restrictions, and possible liens created by and set forth in the Declaration of Protective Covenants, Conditions and Restrictions by Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3926 {See Tab 13}, of the public records of Lee County, Florida.
  - c) Terms, covenants, conditions, restrictions, easements and possible liens created by and set forth in the Declaration of Protective Covenants, Conditions, Easements and Restrictions by Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, dated January 31, 1996 and recorded February 1, 1996 in Official Records Book 2672, Page 3942 {See Tab 14}, as affected by Affidavit of Re-Recording recorded in Official Records Book 2677, Page 583 {See Tab 15}, and Amendment to Declaration of Protective Covenants, Easements and Restrictions Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, dated December 2, 1996 and recorded February 1, 1996 in Official Records Book 2801, Page 3084 {See Tab 16}, all of the public records of Lee County, Florida.
  - d) This item is intentionally deleted.
  - e) This item is intentionally deleted.

Continued...

(Page 5 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

12. Termination or Release of record as to the subject property ONLY, of the following, Continued...:

f) This item is intentionally deleted.

g) Declaration of Covenants for Coconut Point, North Village by Oakbrook Properties, Inc., a Delaware corporation, dated May 27, 2004 and recorded June 1, 2004 in Official Record Book 4318, Page 4704 {See Tab 36}. Amendment Withdrawing Property by Oakbrook Properties, Inc., a Delaware corporation, dated June 21, 2004 and recorded July 9, 2004 in Official Record Book 4360, Page 626 {See Tab 37}. Amendment to Declaration by Oakbrook Properties, Inc., a Delaware corporation, dated August 23, 2004 and recorded September 2, 2004 in Official Record Book 4417, Page 1480 {See Tab 38}. Amendment to Declaration by Oakbrook Properties, Inc., a Delaware corporation, dated August 23, 2004 and recorded September 2, 2004 in Official Record Book 4475, Page 28 {See Tab 39}, all of the Public Records of Lee County, Florida. (As to S1-R1, R2 and R3)

h) Affidavit of Facts, in recordable form, from Edward J. McArdle, Trustee, under the Declaration of Trust date January 6, 1992, and known as the Edward J. McArdie Grantor Trust, confirming that the following Tenant Subordination Lease from Edward J. McArdle, Lessor, in favor of Comer Taylor, lessee, as evidenced by Tenant Subordination Agreement, recorded March 15, 2005 in Official Record Book 4626, Page 3638 {See Tab 49}, of the Public Records of Lee County, Florida has terminated by its own terms and that the tenant has vacated the premises.

We hereby reserve the right to update this commitment prior to closing.

(Page 6 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161a (ROWS1 R1-R3)**  
**Escrow No.: I-1161a/pg1**

*Sandy Lane Additional ROW S1 R1-R3 10\_cmt*

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

*Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.*

Continued...

(Page 7 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

**3. Special Exceptions**

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID # 04-47-25-30-000R1.0000

Note: Property Tax ID #04-47-25-30-000R2.0000

Note: Property Tax ID #04-47-25-30-000R3.0000

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. This item is intentionally deleted.
3. This item is intentionally deleted.
4. This item is intentionally deleted.
5. This item is intentionally deleted.
6. This item is intentionally deleted.
7. This item is intentionally deleted.
8. This item is intentionally deleted.
9. This item is intentionally deleted.

Continued...

(Page 8 of 11 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10.cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

10. This item is intentionally deleted.
11. This item is intentionally deleted.
12. Grant of Utility Easement by and between Edward J. McArdle, Trustee, and Bonita Springs Utilities, Inc., a Florida not-for-profit corporation, dated May 21, 2002 and recorded June 15, 2002 in Official Record Book 3706, Page 4462 **{See Tab 31}**, of the Public Records of Lee County, Florida. (As to S1-R1 and R2)
13. Covenant of Unified Control for property known as Simon Suncoast, for application for planned development zoning, recorded January 31, 2001 in Official Record Book 3840, Page 2938 **{See Tab 32}**, of the Public Records of Lee County, Florida. (As to S1-R1, R2 and R3)
14. Notice of Adoption of the Coconut Point DRI Development Order, recorded February 18, 2003 in Official Record Book 3849, Page 835 **{See Tab 33}**, and Notice of Adoption of the Coconut Point DRI Development Order Amendment, recorded April 27, 2005 in Official Record Book 4684, Page 4420 **{See Tab 34}**, both of the Public Records of Lee County, Florida. (As to S1-R1, R2 and R3)
15. Coconut Point DRI Development Agreement by and between Edward J. McArdle, Trustee of the Edward J. McArdle under Declaration dated January 6, 1992, Simon Property Group, L.P., a Delaware limited partnership, Oakbrook Properties, Inc., and Lee County, a political subdivision of the State of Florida, recorded February 26, 2004 in Official Record Book 4210, Page 2807 **{See Tab 35}**, of the Public Records of Lee County, Florida. (As to S1-R1, R2 and R3)

Continued...

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 R1-R3 10 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 R1-R3)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

16. This item is intentionally deleted and moved to Schedule B, Section 1.
17. Plat of Coconut Point Area 1, recorded in Plat Book 83, Page 1 {See Tab 40}, Consent to Plat in Official Record Book 4774, Page 54 {See Tab 41}, Official Record Book 4774, Page 56 {See Tab 42}, and in Official Record Book 4774, Page 57 {See Tab 43}, all of the Public Records of Lee County, Florida. (As to S1-R1, R2 and R3)
18. This item is intentionally deleted.

**LEASES and Other Leasehold Interest Instruments:**

19. This item is intentionally deleted and moved to Schedule B, Section 1.
20. This item is intentionally deleted.

**FOLLOWING IS FOR INFORMATION ONLY AND WILL NOT APPEAR IN THE POLICY TO BE ISSUED HEREUNDER:**

Notice of Development Order Approval issued to Edward J. McArdle, recorded June 1 & 2000 in Official Records Book 3009, Page 3567 {See Tab 47}, and in Official Records Book 3255, Page 3106 {See Tab 48}, both of the Public Records of Lee County, Florida.

(Page 10 of 11 Pages)



***Interstate Title Services, Inc.***

*Sandy Lane Additional ROWS1 R1-R3 10 cmt*

***as Agent for Chicago Title Insurance Company***

***Date Revised: June 21, 2006***

***Commitment No.: I-1161a (ROWS1 R1-R3)***

***Escrow No.: I-1161a/pg1***

**EXHIBIT "A", Legal Description**

**PARCEL I - Fee Simple:**

Tract R-1, Tract R-2 and Tract R-3, Coconut Point Area 1 in Plat Book 83, Page 1 {**See Tab 40**}, of the Public Records of Lee County, Florida.

(Page 11 of 11 Pages)

# CHICAGO TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

FLAGLER TITLE COMPANY  
1897 Palm Beach Lakes Boulevard, Suite 125  
West Palm Beach, FL 33409-3509

(561) 686-7611

  
\_\_\_\_\_  
Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary

## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg 1**

**SCHEDULE "A"**

1. Effective Date: May 16, 2006 @ 11:00 p.m.
2. Policy or policies to be issued:  
  
ALTA Owner's Policy (10-17-92) Amount: \$"To Be Determined"  
  
Proposed Insured:  
  
Lee County, a political subdivision of the State of Florida
3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple** as to Parcel I.
4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:  
  
Edward J. McArdle, Trustee, under the Declaration of Trust date January 6, 1992, and known as the Edward J. McArdle Grantor Trust, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the property pursuant to Florida Statute 689.071, Warranty Deed to Trustee from Edward J. McArdle in favor of Edward J. McArdle, Trustee, dated June 21, 2002 and recorded June 26, 2002 in Official Records Book 3674, Page 4804 {See Tab 2}, of the Public Records of Lee County, Florida.
5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:  
  
**SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.**

(Page 1 of 13 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements**

I. The following are the requirements to be complied with simultaneously or prior to closing:

1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

a) Trustee's Deed from Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, in favor of Lee County, a political subdivision of the State of Florida, conveying the subject property.

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following:

a) Mortgage, Assignment of Rents and Security Agreement from Edward J. McArdle, a married person to NFS Mortgage Corporation, a Florida corporation, dated March 28, 1983 and recorded April 4, 1983 in Official Records Book 1664, Page 4259 {See Tab 3}; as assigned by Assignment of Mortgage to Naples Federal Savings and Loan Association, recorded in Official Records Book 1685, Page 1735 {See Tab 4}; modified by Mortgage Modification Agreements, recorded in Official Records Book 1718, Page 2911 {See Tab 5}; Loan Modification Agreement by and between Edward J. McArdle, a married person, and Naples Federal Savings and Loan Association, dated March 17, 1986 and recorded March 24, 1986 in Official Records Book 1836, Page 118 {See Tab 6}; Loan Modification Agreement and between Edward J. McArdle, a married person, and BancFlorida, a federal savings bank, dated March 14, 1989 and recorded April 4, 1989 in Official Records Book 2060, Page 1075 {See Tab 7}; Loans Modification

Continued...

(Page 2 of 13 Pages)



**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...:

- a) Continued....

Agreement by and between BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), and Edward J. McArdle, a married person, dated November 5, 1992 and recorded November 10, 1992 in Official Records Book 2339, Page 4241 {See Tab 8}; Loans Modification Agreement by and between BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), and Edward J. McArdle, a married person, dated December 28, 1993 and recorded January 4, 1994 in Official Records Book 2459, Page 4035 {See Tab 9}; and as further modified by Mortgage Modification and Extension Agreement by and between First Union National Bank of Florida, a national banking association of Jacksonville, Florida, and Edward J. McArdle, a married person, dated December 28, 1995 and recorded January 24, 1996 in Official Records Book 2670, Page 1482 {See Tab 10}; Note and Mortgage Assumption Agreement by and between Edward J. McArdle, as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), and Edward J. McArdle, individually, dated October 30, 1996 and recorded in November 1, 1996 in Official Records Book 2759, Page 2447 {See Tab 11}; Mortgage Modification and Spreading Agreement by Edward J. McArdle, individually, and as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of First Union National Bank

Continued...

(Page 3 of 13 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...:

- a) Continued....

of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), dated October 30, 1996 and recorded November 1, 1996 in Official Records Book 2759, Page 2453 {See Tab 12}; and Mortgage Modification and Spreading Agreement by Edward J. McArdle, individually, and as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), dated October 30, 1996 and recorded November 1, 1996 in Official Records Book 2759, Page 2458 {See Tab 13}; restated by Restated Consolidated Mortgage and Security Agreement and Notice of Future Advance by and between Edward J. McArdle, individually, and as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), dated October 30, 1996 and recorded November 1, 1996 in recorded in Official Records Book 2759, Page 2463 {See Tab 14}; and as further assigned by Assignment of Mortgage First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), in favor of LaSalle National Bank, a national banking association, dated March 17, 1998 and recorded March 23, 1998 in Official Records Book 2935, Page 3103 {See Tab 15}; Modified and Restated Mortgage, Security Agreement and Assignment of Rents, Leases and Profits

Continued...

(Page 4 of 13 Pages)



**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...:

- a) Continued....

Edward J. McArdle in favor of LaSalle National Bank, a national banking association, dated February 11, 1998 and recorded March 23, 1998 in Official Records Book 2935, Page 3110 {See Tab 16}, modified by Mortgage Spreader Agreement by and between LaSalle National Bank, a national banking association, and Edward J. McArdle, Trustee of the Trust dated January 6, 1992 known as the Edward J. McArdle Trust, dated February 17, 2003 and recorded February 26, 2003 in Official Records Book 3854, Page 2251 {See Tab 17}; all of the Public Records of Lee County, Florida.

- b) Mortgage, Assignment of Rents and Security Agreement from Edward J. McArdle, a married person, to Naples Federal Savings and Loan Association, dated March 26, 1984 and recorded March 28, 1984 in Official Records Book 1718, Page 2901 {See Tab 18}; modified by Mortgage Modification Agreements, recorded in Official Records Book 1718, Page 2911 {See Tab 5}; Loan Modification Agreement by and between Edward J. McArdle, a married person, to Naples Federal Savings and Loan Association, dated March 17, 1986 and recorded March 24, 1986 in Official Records Book 1836, Page 114 {See Tab 19}; Loan Modification Agreement by and between Edward J. McArdle, a married person, and BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), dated March 14, 1989 and recorded April 4, 1989 in Official Records Book 2060, Page 1071 {See Tab 20}; Loans Modification Agreement by and between BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan

Continued...

(Page 5 of 13 Pages)





**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

*as Agent for Chicago Title Insurance Company*

*Date Revised: June 19, 2006*

*Commitment No.: I-1161a (Parcel 4 S1-4A)*

*Escrow No.: I-1161a/pg1*

**SCHEDULE "B", SECTION 1  
Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...:

b) Continued...

Association), and Edward J. McArdle, a married person, dated November 5, 1992 and recorded November 10, 1992 in Official Records Book 2339, Page 4241 {See Tab 8}; Loans Modification Agreement by and between BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), and Edward J. McArdle, a married person, dated December 28, 1993 and recorded January 4, 1994 in Official Records Book 2459, Page 4035 {See Tab 9}; and as further modified by Mortgage Modification and Extension Agreement by and between First Union National Bank of Florida, a national banking association of Jacksonville, Florida, and Edward J. McArdle, a married person, dated December 28, 1995 and recorded January 24, 1996 in Official Records Book 2670, Page 1482 {See Tab 10}; Mortgage Modification and Spreading Agreement by Edward J. McArdle, individually, and as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), dated October 30, 1996 and recorded November 1, 1996 in Official Records Book 2759, Page 2453 {See Tab 12}; and Mortgage Modification and Spreading Agreement by Edward J. McArdle, individually, and as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), dated October 30, 1996

Continued...

(Page 6 of 13 Pages)



**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**as Agent for Chicago Title Insurance Company**

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1  
Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...:

b) Continued...

and recorded November 1, 1996 in Official Records Book 2759, Page 2458 {See Tab 13}; Note and Mortgage Assumption Agreement by and between Edward J. McArdle, as Trustee under Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), and Edward J. McArdle, individually, dated October 30, 1996 and recorded in November 1, 1996 in Official Records Book 2759, Page 2447 {See Tab 11}, and assigned by Assignment of Mortgage First Union National Bank of Florida, successor by merger to BancFlorida, a federal savings bank (f/k/a Naples Federal Savings and Loan Association), in favor of LaSalle National Bank, a national banking association, dated March 17, 1998 and recorded March 23, 1998 in Official Records Book 2935, Page 3103 {See Tab 15}; Mortgages partially released by Partial Release of Mortgage by LaSalle National Bank, a national banking association, dated May 24, 204 and recorded June 1, 2004 in Official Records Book 4318, Page 4695 {See Tab 21}, and Partial Release of Mortgage by LaSalle National Bank, a national banking association, dated May 24, 204 and recorded June 1, 2004 Official Records Book 4318, Page 4700 {See Tab 22}, both of the Public Records of Lee County, Florida.

Continued...

(Page 7 of 13 Pages)



**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1  
Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of LaSalle National Bank, a national banking association, as to the following, Continued...:

b) Continued...

Mortgages modified by Mortgage Spreader Agreement by and between LaSalle Bank National Association, a national banking association and Edward J. McArdle, dated March 1, 2005 and recorded March 15, 2005 in Official Records Book 4626, Page 3616 {See Tab 23}, and Mortgage Spreader Agreement by and between LaSalle National Bank, a national banking association, and Edward J. McArdle, Trustee of the Trust dated January 6, 1992, dated March 1, 2005 and recorded March 15, 2005 in Official Record Book 4626, Page 3622 {See Tab 24}, all of the Public Records of Lee County, Florida.

c) UCC-1 Financing Statement from Edward J. McArdle in favor of LaSalle National Bank, a national banking association, recorded March 15, 2005 in Official Records Book 4626, Page 3632 {See Tab 25}, of the Public Records of Lee County, Florida.

3. A recordable Affidavit, that the Edward J. McArdle Grantor Trust has not been amended or modified, and that the Trust is still in full force and effect. Said Affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to execute the conveyance of the insured land.
4. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
5. Owner's Affidavit.

Continued...

(Page 8 of 13 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 19, 2006**  
**Commitment No.: I-1161a (Parcel 4 S1-4A)**  
**Escrow No.: I-1161a/pg1**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

6. Standard Gap Indemnity.
7. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.
8. Termination or Release of record as to the subject property ONLY, of the following:
  - a) Declaration of Covenants for Coconut Point, North Village by Oakbrook Properties, Inc., a Delaware corporation, dated May 27, 2004 and recorded June 1, 2004 in Official Record Book 4318, Page 4704 {See Tab 30}. Amendment Withdrawing Property by Oakbrook Properties, Inc., a Delaware corporation, dated June 21, 2004 and recorded July 9, 2004 in Official Record Book 4360, Page 626 {See Tab 31}. Amendment to Declaration by Oakbrook Properties, Inc., a Delaware corporation, dated August 23, 2004 and recorded September 2, 2004 in Official Record Book 4417, Page 1480 {See Tab 32}. Amendment to Declaration by Oakbrook Properties, Inc., a Delaware corporation, dated August 23, 2004 and recorded September 2, 2004 in Official Record Book 4475, Page 28 {See Tab 33}, all of the Public Records of Lee County, Florida.
  - b) Community Appearance and Maintenance Covenants by and between Coconut Point-North Village Association, Inc., a Florida corporation, Oakbrook Properties, Inc., a Delaware corporation and Coconut Point Developers, LLC, a Delaware limited liability company, dated June 9, 2004 and recorded September 8, 2004 in Official Record Book 4459, Page 2800 {See Tab 34}, of the Public Records of Lee County, Florida.

We hereby reserve the right to update this commitment prior to closing.

(Page 9 of 13 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW Parcel 4 SI-4A 05 cmt*

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 SI-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

***Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.***

Continued...

(Page 10 of 13 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

**3. Special Exceptions**

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006 and are not delinquent until April 1, 2007.

Note : Property Tax ID # 04-47-25-30-000R4.0000

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. Covenant of Unified Control for property known as Simon Suncoast, for application for planned development zoning, recorded January 31, 2001 in Official Record Book 3840, Page 2938 {See Tab 26}, of the Public Records of Lee County, Florida.
3. Notice of Adoption of the Coconut Point DRI Development Order, recorded February 18, 2003 in Official Record Book 3849, Page 835 {See Tab 27}, and Notice of Adoption of the Coconut Point DRI Development Order Amendment, recorded April 27, 2005 in Official Record Book 4684, Page 4420 {See Tab 28}, of the Public Records of Lee County, Florida.
4. Coconut Point DRI Development Agreement by and between Edward J. McArdle, Trustee of the Edward J. McArdle Trust under Declaration dated January 6, 1992, Simon Property Group, L.P., a Delaware limited partnership, Oakbrook Properties, Inc., and Lee County, a political subdivision of the State of Florida, recorded February 26, 2004 in Official Record Book 4210, Page 2807 {See Tab 29}, of the Public Records of Lee County, Florida.

Continued...

(Page 11 of 13 Pages)



**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**as Agent for Chicago Title Insurance Company**

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg 1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

5. This item is intentionally deleted and moved to Schedule "B", Section 1.
6. This item is intentionally deleted and moved to Schedule "B", Section 1.
7. Notice, recorded as Instrument No. 2005000110134 {See Tab 35}, of the Public Records of Lee County, Florida.
8. Plat of Coconut Point Area 1, recorded in Plat Book 83, Page 1 {See Tab 36}, Consent to Plat in Official Record Book 4774, Page 54 {See Tab 37}, Official Record Book 4774, Page 56 {See Tab 38}, and in Official Record Book 4774, Page 57 {See Tab 39}, all of the Public Records of Lee County, Florida.

**FOLLOWING IS FOR INFORMATION ONLY AND WILL NOT APPEAR IN THE POLICY TO BE ISSUED HEREUNDER:**

Notice of Development Order Approval issued to Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, and Long Bay Partners, LLC, a Florida limited liability company, recorded in Official Records Book 3009, Page 3567 {See Tab 40}, and Notice of Development Order Approval issued to Edward J. McArdle, recorded June 16, 2000 in Official Records Book 3255, Page 3106 {See Tab 41}, both of the Public Records of Lee County, Florida.

(Page 12 of 13 Pages)



**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW Parcel 4 S1-4A 05 cmt*

**as Agent for Chicago Title Insurance Company**

**Date Revised: June 19, 2006**

**Commitment No.: I-1161a (Parcel 4 S1-4A)**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description**

**PARCEL I - Fee Simple:**

Parcel R-4 of Coconut Point Area 1, according to the Plat thereof as recorded in Plat Book 83, Pages 1-13 {See Tab 36}, of the Public Records of Lee County, Florida.

(Page 13 of 13 Pages)

S:\Coconut Point\SANDY LANE ADDITIONAL ROW I-1161\Phase 1 I-1161a\wp docs\Parcel 4 S1-4A\wp docs\05 CMT Phase 1 Parcel 4 S1-4A Sandy Lane jess proofed jhfp w mark up jana.wpd August 3, 2005 (1:57pm)





**AMERICAN LAND  
TITLE ASSOCIATION  
STANDARD FORM  
COMMITMENT**



CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

FLAGLER TITLE COMPANY  
1897 Palm Beach Lakes Boulevard, Suite 125  
West Palm Beach, FL 33409-3509

(561) 686-7611



Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary

## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) II cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "A"**

1. Effective Date: February 16, 2006 @ 11:00 p.m.

2. Policy or policies to be issued:

ALTA Owner's Policy (10-17-92)

Amount: \$"To Be Determined"

Proposed Insured:

Lee County, a political subdivision of the State of Florida

3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple** as to Parcel I, Parcel II, Parcel III, Parcel IV and Parcel V.

4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

Coconut Point Developers, LLC, a Delaware limited liability company by virtue of that certain Trustee's Deed from Edward J. McArdle, individually and as Trustee, under that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Trust to Coconut Point Developers, LLC, dated June 6, 2004 and recorded June 18, 2004 in Official Records Book 4339, Page 1857 {See Tab 2}, of the Public Records of Lee County, Florida.

5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:

**SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.**

(Page 1 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements**

I. The following are the requirements to be complied with simultaneously or prior to closing:

1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

a) Deed from Coconut Point Developers, LLC, a Delaware limited liability company, in favor of Lee County, a political subdivision of the State of Florida, conveying the subject property.

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of PNC Bank, National Association, a national banking association, as to the following:

a) Real Estate Mortgage, Assignment and Security Agreement from Coconut Point Developers, LLC, a Delaware limited liability company in favor of PNC Bank, National Association, a national banking association, as Agent, dated May 20, 2005 and recorded May 24, 2005 in Official Records Book 4723, Page 2379 {See Tab 3}, of the Public Records of Lee County, Florida, in the original principal amount of \$172,000,000.00.

b) Absolute Assignment of Leases and Rents from Coconut Point Developers, LLC, a Delaware limited liability company in favor of PNC Bank, National Association, a national banking association, as agent, dated May 24, 2005 and recorded May 24, 2005 in Official Records Book 4723, Page 2415 {See Tab 4}, of the Public Records of Lee County, Florida.

Continued...

(Page 2 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161a (ROW S1 (4-8))**  
**Escrow No.: I-1161a/pg 1**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of PNC Bank, National Association, a national banking association, as to the following, Continued...:
  - c) UCC-1 Financing Statement from Coconut Point Developers, LLC, a Delaware limited liability company (Debtor), in favor of PNC Bank, National Association, a national banking association, as agent (Secured Party), recorded May 24, 2005 in Official Records Book 4723, Page 2431 {See Tab 5}, of the Public Records of Lee County, Florida.
  
3. Indemnification or termination from Coconut Point Developers, LLC, a Delaware limited liability company of the following Notice of Commencements:
  - a) This item intentionally deleted.
  
  - b) Notice of Commencement by Coconut Point Developers, LLC, Owner/Fee Title Holder and Bovis Lend Lease, Contractor, recorded May 8, 2005 in Official Records Book 4701, Page 671 {See Tab 7}, in the Public Records of Lee County, Florida, for the mass grading of the Property.
  
  - c) Notice of Commencement by Coconut Point Developers, LLC, Owner/Fee Title Holder and Bovis Lend Lease, Contractor, recorded August 4, 2005 in Official Record Book 4830, Page 2326 {See Tab 8}, in the Public Records of Lee County, Florida, for shell building construction commercial/retail.

Continued...

(Page 3 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161a (ROWS1 (4-8))**  
**Escrow No.: I-1161a/pg1**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

4. This item intentionally deleted.
5. Satisfactory evidence must be furnished to the effect the following named company is in good standing in the State of Delaware: Coconut Point Developers, LLC, a Delaware limited liability company.
6. Proof of Coconut Point Developers, LLC, a Delaware limited liability company's, authorization to do business in the State of Florida, must be furnished.
7. Resolution authorizing the transaction to be insured and the person signing for Coconut Point Developers, LLC, a Delaware limited liability company.
8. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
9. Owner's Affidavit.
10. Standard Gap Indemnity.
11. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.

Continued...

(Page 4 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

*Date Revised: June 21, 2006*

*Commitment No.: I-1161a (ROW S1 (4-8))*

*Escrow No.: I-1161a/pg1*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

12. Termination or Release of record as to the subject property ONLY, of the following:
  - a) This item is intentionally deleted.
  - b) Declaration of Protective Covenants, Conditions, and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3942 {See Tab 11}, as affected by Affidavit of Re-Recording, dated February 15, 1966 and recorded February 15, 1996 in Official Records Book 2677, Page 583 {See Tab 12}, and Amendment to Declaration of Protective Covenants, Easements and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated December 2, 1996 and recorded in Official Records Book 2801, Page 3084 {See Tab 13}, and as further amended by Amendment to Declaration of Protective Covenants, Easements and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, and Long Bay Partners LLC, a Florida limited liability company, dated March 14, 2005 and recorded May 19, 2005 in Official Records Book 4716, Page 1416 {See Tab 14}, all of the Public Records of Lee County, Florida.

Continued...

(Page 5 of 22 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161a (ROWS 1 (4-8))**  
**Escrow No.: I-1161a/pg1**

*Sandy Lane Additional ROWS 1 (4-8) 11 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

12. Termination or Release of record as to the subject property ONLY, of the following, Continued...:
- c) Grant of Easement by and between Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, Grantor, and Long Bay Partners, LLC, a Florida limited liability company, Grantee, dated January 31, 1996 and recorded in Official Records Book 2801, Page 3091 {See Tab 15}, as affected by Partial Assignment of and Declaration of Easement by and between Long Bay Partners, LLC, a Florida limited liability company, and all owners of property within the Plat of Shadow Wood at the Brooks Unit One, dated May 12, 1998 and recorded July 6, 1998 in Official Records Book 2963, Page 2187 {See Tab 16}, Assignment of Easement by and between Long Bay Partners, LLC, a Florida limited liability company, Grantor, and Brooks of Bonita Springs, Community Development District, Grantee, dated July 2, 1998 and recorded in Official Records Book 2981, Page 2953 {See Tab 17}, Confirmatory Grant of Easement by and between Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, Grantor, and Long Bay Partners, LLC, a Florida limited liability company, Grantee, dated December 3, 1998 and recorded January 4, 1999 in Official Records Book 3057, Page 2589 {See Tab 18}, and Partial Release of Easement by Brooks of Bonita Springs, Community Development District, CDD, recorded March 17, 1999 in Official Records Book 3090, Page 732 {See Tab 19}, all of the Public Records of Lee County, Florida. (As to S1-7 and S1 8 only)

Continued...

(Page 6 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

12. Termination or Release of record as to the subject property ONLY, of the following, Continued...:
- d) Trustee's Deed from Edward J. McArdle, individually and as Trustee, under that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Trust to Coconut Point Developers, LLC, dated June 6, 2004 and recorded June 18, 2004 in Official Records Book 4339, Page 1857 {See Tab 2}, of the Public Records of Lee County, Florida.
  - e) Community Appearance and Maintenance Covenants, by and between Coconut Point-North Village Association, Inc., a Florida corporation, Oakbrook Properties, Inc., a Delaware corporation and Coconut Point Developers, LLC, a Delaware limited liability company, dated June 9, 2004 and recorded September 8, 2004 in Official Record Book 4459, Page 2800 {See Tab 33}, of the Public Records of Lee County, Florida.

We hereby reserve the right to update this commitment prior to closing.

(Page 7 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

***Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.***

Continued...

(Page 8 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

**3. Special Exceptions**

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID # 04-47-25-00-00001.0130 (51-4&5)

Note: Property Tax ID \$ 09-47-25-00-00001.0020(51-6-8)

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. This item is intentionally deleted.
3. This item is intentionally deleted.
4. This item is intentionally deleted.
5. Easement by and between Long Bay Partners, LLC, a Florida limited liability company, and Florida Power & Light Company, a Florida corporation, dated December 17, 1997 and recorded December 18, 1997 in Official Records Book 2900, Page 3568 {See Tab 20}, as affected by Partial Release of Easement by Florida Power & Light Company, a Florida corporation, recorded March 17, 1999 in Official Records Book 3090, Page 752 {See Tab 21}, both of the Public Records of Lee County, Florida. (As to S1-8 and S1-7)

Continued...

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

*Date Revised: June 21, 2006*

*Commitment No.: I-1161a (ROW S1 (4-8))*

*Escrow No.: I-1161a/pg1*

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

6. **Note: The following is for information only and will not appear in the policy to be issued hereunder:** Notice of Development Order Approval issued to Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January a, 1992, and known as the Edward J, McArdle Grantor Trust and Long Bay Partners, LLC, a Florida limited liability company, recorded in Official Records Book 3009, Page 3567 **{See Tab 22}**, and Notice of Development Order Approval issued to Edward J. McArdle, recorded June 1 & 2000 in Official Records Book 3255, Page 3106 **{See Tab 23}**, both of the Public Records of Lee County, Florida. (As to S1-7 and 8)
7. This item is intentionally deleted.
8. This item is intentionally deleted.
9. Covenant of Unified Control for property known as Simon Suncoast, for application for planned development zoning, recorded January 31, 2001 in Official Record Book 3840, Page 2938 **{See Tab 29}**, of the Public Records of Lee County, Florida. (As to All)
10. Notice of Adoption of the Coconut Point Dri Development Order, recorded February 18, 2003 in Official Record Book 03849, Page 0835 **{See Tab 30}**, and as amended by Notice of Adoption of the Coconut Point Dri Development Order Amendment, recorded April 27, 2005 in Official Record Book 4684, Page 4420 **{See Tab 31}**, both of the Public Records of Lee County, Florida. (As to All)

Continued...

(Page 10 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

*Date Revised: June 21, 2006*

*Commitment No.: I-1161a (ROW S1 (4-8))*

*Escrow No.: I-1161a/pg1*

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

11. Coconut Point DRI Development Agreement by and between Edward J. McArdle, Trustee of the Edward J. McArdle under Declaration dated January 6, 1992, Simon Property Group, L.P., a Delaware limited partnership, Oakbrook Properties, Inc., and Lee County, a political subdivision of the State of Florida, recorded February 26, 2004 in Official Record Book 4210, Page 2807 **{See Tab 32}**, of the Public Records of Lee County, Florida. (Note: Exhibit A and Exhibit D-1 of the above instrument affect the subject property) (As to All)
12. This item is intentionally deleted.
13. This item is intentionally deleted.
14. Notice of Development Order by and between Lee County Land Development Code, and David Simon, Coconut Point Developers, LLC, a Delaware limited liability company, recorded March 16, 2005 in Official Record Book 4628, Page 1513 **{See Tab 34}**, of the Public Records of Lee County, Florida. (As to S1-8 and S1-7, and S1-6)

(Page 11 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

*Date Revised: June 21, 2006*

*Commitment No.: I-1161a (ROW S1 (4-8))*

*Escrow No.: I-1161a/pg1*

**EXHIBIT "A", Legal Description**

**PARCEL I (S1 - 4) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF 266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR

Continued...

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**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued...**

PARCEL I (S1 - 4) - Fee Simple, Continued...

CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAYLINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N. 12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 1,140.97 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°00'27"W., FOR A DISTANCE OF 8.50 FEET; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 310.44 FEET; THENCE RUN N11°24'55"E., FOR A DISTANCE OF 18.29 FEET; THENCE RUN S.62°45'51"E., TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 5.19 FEET; THENCE RUN S.00°59'33"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 325.85 FEET, TO THE POINT OF BEGINNING CONTAINING 0.063 ACRE, MORE OR LESS.

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**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued...**

**PARCEL I (S1 - 4) - Fee Simple, Continued...:**

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31"W.

All references to acreage and square footage is for informational purposes only.

**PARCEL II (S1 - 5) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF

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(Page 14 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued...**

PARCEL II (S1- 5) - Fee Simple, Continued...

266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N.12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 405.85 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°00'27"W., FOR A DISTANCE OF 8.50 FEET; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 297.29 FEET; THENCE RUN N. 11°24'57"E., FOR A DISTANCE OF 39.56 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION; THENCE RUN S.00°59'33"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 335.92 FEET, TO THE POINT OF BEGINNING CONTAINING 0.062 ACRE, MORE OR LESS.

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(Page 15 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

Date Revised: June 21, 2006

Commitment No.: I-1161a (ROWS1 (4-8))

Escrow No.: I-1161a/pg1

**EXHIBIT "A", Legal Description, Continued...**

PARCEL II (S1 - 5) - Fee Simple, Continued....:

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

All references to acreage and square footage is for informational purposes only.

**PARCEL III (S1 - 6) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59' 33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF

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**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued...:**

PARCEL III (S1 - 6) - Fee Simple, Continued...:

266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE RUN NORTHEASTERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 03°28'42", SUBTENDED BY A CHORD OF 112.53 FEET AT A BEARING OF N.23°56'55"E., FOR A DISTANCE OF 112.54 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.67°47'26"W., FOR A DISTANCE OF 8.50 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.67°47'26"W., A DISTANCE OF 1,845.39 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,845.39 FEET, THROUGH A CENTRAL ANGLE OF 09°01'57", SUBTENDED BY A CHORD OF 290.62 FEET AT A BEARING OF N.17°41'36"E., FOR A DISTANCE OF 290.92 FEET TO THE END OF SAID

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**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg 1**

**EXHIBIT "A", Legal Description, Continued...**

PARCEL III (S1 - 6) - Fee Simple, Continued...

CURVE; THENCE RUN N.24°49'37"E., FOR A DISTANCE OF 40.04 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.78°02'06"W., A DISTANCE OF 1,853.89 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 10°14'40", SUBTENDED BY A CHORD OF 331.03 FEET AT A BEARING OF S. 17°05'14"W., FOR A DISTANCE OF 331.48 FEET, TO THE POINT OF BEGINNING.

CONTAINING 0.062 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

All references to acreage and square footage is for informational purposes only.

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(Page 18 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued...**

**PARCEL IV (S1 - 7) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 04°48'36", SUBTENDED BY A CHORD OF 266.46 FEET AT A BEARING OF S.77°11'36"W., FOR A DISTANCE OF 266.54 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 00°40'17", SUBTENDED BY A CHORD OF 37.20 FEET AT A BEARING OF S.74°27'10"W., FOR A DISTANCE OF 37.20 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°23'11", FOR A DISTANCE OF 41.48 FEET; THENCE RUN N.74°27'60"W.,

Continued...

(Page 19 of 22 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued....:**

PARCEL IV (S1 - 7)- Fee Simple, Continued....:

FOR A DISTANCE OF 122.50 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,048.50 FEET, THROUGH A CENTRAL ANGLE OF 23°26'57", SUBTENDED BY A CHORD OF 426.13 FEET AT A BEARING OF N 01°37'07"W., FOR A DISTANCE OF 429.12 FEET TO THE END OF SAID CURVE; THENCE RUN N.21°51'28"E, FOR A DISTANCE OF 46.66 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A RIGHT-OF-WAY WIDTH OF 100.00 FEET, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.77°22'35"E., A DISTANCE OF 1,040.00 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 25°58'01", SUBTENDED BY A CHORD OF 467.31 FEET AT A BEARING OF S.00°21'36"E., FOR A DISTANCE OF 471.34 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 151.04 FEET, TO THE POINT OF BEGINNING CONTAINING 0.127 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

All references to acreage and square footage is for informational purposes only.

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**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

*Date Revised: June 21, 2006*

*Commitment No.: I-1161a (ROW S1 (4-8))*

*Escrow No.: I-1161a/pg1*

**EXHIBIT "A", Legal Description, Continued...**

**PARCEL V (S1 - 8) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 02°16'17", SUBTENDED BY A CHORD OF 125.86 FEET AT A BEARING OF S.78°27'45"W., FOR A DISTANCE OF 125.87 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 00°44'01", SUBTENDED BY A CHORD OF 40.65 FEET AT A BEARING OF

Continued...

(Page 21 of 22 Pages)



**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW S1 (4-8) 11 cmt*

**as Agent for Chicago Title Insurance Company**

**Date Revised: June 21, 2006**

**Commitment No.: I-1161a (ROW S1 (4-8))**

**Escrow No.: I-1161a/pg1**

**EXHIBIT "A", Legal Description, Continued...**

PARCEL V (S1 - 8) - Fee Simple, Continued....

S.76°57'36"W., FOR A DISTANCE OF 40.65 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 149.35 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 44.80 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.64°18'44"E., A DISTANCE OF 1,017.11 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,017.11 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 679.56 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 692.88 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 105.81 FEET; THENCE RUN S58°00'32"E., FOR A DISTANCE OF 42.18 FEET, TO THE POINT OF BEGINNING CONTAINING 0.180 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

All references to acreage and square footage is for informational purposes only.

(Page 22 of 22 Pages)

# CHICAGO TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

FLAGLER TITLE COMPANY  
1897 Palm Beach Lakes Boulevard, Suite 125  
West Palm Beach, FL 33409-3509

(561) 686-7611



Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary

## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

***Interstate Title Services, Inc.***  
***as Agent for Chicago Title Insurance Company***

*Sandy Lane Additional ROW S2 (1-2) 06.cmt*

***Date Revised: March 10, 2006***

***Commitment No.: I-1161b ROW S2 (1-2)***

***Escrow No.: I-1161b/pg1***

**SCHEDULE "A"**

1. Effective Date: February 16, 2006 @ 11:00 pm.
  
2. Policy or policies to be issued:  
  
ALTA Owner's Policy (10-17-92) Amount: "\$To Be Determined"  
  
Proposed Insured:  
  
To Be Determined
  
3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple**.
  
4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:  
  
North Point Lake, LLC, a Delaware limited liability by virtue of that certain Warranty Deed by and between Spanish Lakes, Inc., a Florida corporation, and North Point Lake, LLC, a Delaware limited liability company, dated October 26, 2004 and recorded October 27, 2004 in Official Record Book 4476, Page 2910 {See Tab 2}, of the Public Records of Lee County, Florida.
  
5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:  
  
**SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.**

(Page 1 of 7 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S2 (1-2) 06 cmt*

**Date Revised: March 10, 2006**

**Commitment No.: I-1161b ROW S2 (1-2)**

**Escrow No.: I-1161b/pg1**

**SCHEDULE "B", SECTION 1  
Title Requirements**

- I. The following are the requirements to be complied with simultaneously or prior to closing:
1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
    - a) Deed from North Point Lake, LLC, a Delaware limited liability company, in favor of "To Be Determined", conveying the subject property.
  2. This item intentionally deleted.
  3. Proof of payment of the 2005 real estate taxes and special assessments must be paid in the amount of \$300.07.
  4. Satisfactory evidence must be furnished to the effect the following named company is in good standing in the State of Delaware: North Point Lake, LLC, a Delaware limited liability.
  5. Proof of North Point Lake, LLC, a Delaware limited liability's, authorization to do business in the State of Florida, must be furnished.
  6. Resolution authorizing the transaction to be insured and the person signing for North Point Lake, LLC, a Delaware limited liability.

Continued...

(Page 2 of 7 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S2 (1-2) 06 cmt*

**Date Revised: March 10, 2006**

**Commitment No.: I-1161b ROW S2 (1-2)**

**Escrow No.: I-1161b/pg1**

**SCHEDULE "B", SECTION 1  
Title Requirements, Continued...**

7. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
8. Owner's Affidavit.
9. Standard Gap Indemnity.
10. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.

We hereby reserve the right to update this commitment prior to closing.

(Page 3 of 7 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S2 (1-2) 06 cmt*

**Date Revised: March 10, 2006**

**Commitment No.: I-1161b ROW S2 (1-2)**

**Escrow No.: I-1161b/pg1**

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

*Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.*

Continued...

(Page 4 of 7 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S2 (1-2) 06 cmt*

**Date Revised: March 10, 2006**

**Commitment No.: I-1161b ROW S2 (1-2)**

**Escrow No.: I-1161b/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

**3. Special Exceptions**

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID 33-46-25-00-00019.0000 (S2-1&2)

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. Order of Adoption of a DRI Development Order by North Point Development of Regional Impact, dated March 22, 2004 and recorded March 24, 2004 in Official Record Book 4638, Page 2725 {See Tab 4}, of the Public Records of Lee County, Florida.

(Page 5 of 7 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S2 (1-2) 06 cmt*

**Date Revised: March 10, 2006**

**Commitment No.: I-1161b ROW S2 (1-2)**

**Escrow No.: I-1161b/pg1**

**EXHIBIT "A", Legal Description**

**PARCEL 1 (S2 - 2) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W, ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 737.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.43°21'01"E., FOR A DISTANCE OF 141.42 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN OR. BOOK 4558 AT PAGE 4847 {See Tab 5} OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.01°39'07"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.115 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

Continued...

(Page 6 of 7 Pages)

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S2 (1-2) 06 cmt*

**Date Revised: March 10, 2006**

**Commitment No.: I-1161b ROW S2 (1-2)**

**Escrow No.: I-1161b/pg1**

**EXHIBIT "A", Legal Description, Continued...**

**PARCEL 2 (S2 - 1) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 537.78 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4847 {See Tab 5}, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°39' 07"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.46°39'00"E., FOR A DISTANCE OF 141.43 FEET TO THE POINT OF BEGINNING CONTAINING 0.115 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

(Page 7 of 7 Pages)

# CHICAGO TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Interstate Title Services, Inc.  
5 Harvard Circle, Suite 110  
West Palm Beach, Florida 33406  
(561) 687-1300

CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary



Authorized Signatory

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S3 - (1-3) 13.cmt*

**Date Revised: June 22, 2006**

**Commitment No.: I-1161c ROW S3 - (1-3)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "A"**

1. Effective Date: May 18, 2006 @ 11:00 p.m.
2. Policy or policies to be issued:  
  
ALTA Owner's Policy (10-17-92) Amount: \$"To Be Determined"  
  
Proposed Insured:  
  
Lee County, a political subdivision of the State of Florida
3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple**.
4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:  
  
Edward J. McArdle, Trustee as trustee of the trust created by that certain Declaration of Trust dated January 6, 1992 and known as the Edward J. McArdle Grantor Trust, with fully power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the property pursuant to Florida Statute 689.071.
5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:  
  
**SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.**

(Page 1 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements**

I. The following are the requirements to be complied with simultaneously or prior to closing:

1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
  - a) Warranty Deed from Edward J. McArdle, **individually** and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, in favor of Lee County, a political subdivision of the State of Florida .

NOTE: If the Grantor(s) is/are individuals and the property is homestead property, the spouse(s) of said Grantor(s) must join in the execution of the Deed. If not homestead, then a statement to the effect must be reflected on the Deed.

2. Trust Affidavit in recordable form stating that the Edward J. McArdle Grantor Trust has not been amended or modified, and that the Trust is still in full force and effect. Said Affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to execute the conveyance of the insured land.
3. Proof of payment of the 2005 real estate taxes and special assessments must be paid in the amount of \$200.13.
4. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
5. Owner's Affidavit.
6. Standard Gap Indemnity.

Continued...

(Page 2 of 17 Pages)



**Date Revised: June 22, 2006**

**Commitment No.: I-1161c ROW S3 - (1-3)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

7. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.
8. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of Bank of America, N.A., a national banking association, as to the following:
  - a) Real Estate Mortgage, Assignment and Security Agreement, by Edward J. McArdle, Trustee of the Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of Bank of America, N.A., a national banking association, dated August 23, 2005 and recorded September 8, 2005 as Instrument No. 2005000014598 {See Tab 23}, affected by that certain Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated September 13, 2005 and recorded September 22, 2005 as Instrument No. 2005000036105 {See Tab 24}, and Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated October 12, 2005 and recorded October 28, 2005 as Instrument No. 2005000091872 {See Tab 25}, all the Public Records of Lee County, Florida.
  - b) UCC-1 Financing Statement, by Edward J. McArdle, Trustee of the Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, Debtor, in favor of Bank of America, N.A., a national banking association, Secured Party, recorded September 8, 2005 as Instrument No. 2005000014599 {See Tab 26}, affected by that certain Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated September 13, 2005

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**Date Revised: June 22, 2006**

**Commitment No.: I-1161c ROW S3 - (1-3)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

8. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of Bank of America, N.A., a national banking association, as to the following, Continued...:

b) Continued...

and recorded September 22, 2005 as Instrument No. 2005000036105 {See Tab 24}, and Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated October 12, 2005 and recorded October 28, 2005 as Instrument No. 2005000091872 {See Tab 25}, all of the Public Records of Lee County, Florida.

9. This item intentionally deleted.

10. Termination or Release of record as to the subject property ONLY, of the following:

a) Declaration of Protective Covenants, Conditions, and Restrictions, by Edward J. McArdle, Individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3926 {See Tab 2}, of the Public Records of Lee County, Florida. (As to All Parcels)

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

Sandy Lane Additional ROW S3 - (1-3) 13 cmt

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

10. Termination or Release of record as to the subject property ONLY, of the following, Continued...:
  - b) Declaration of Protective Covenants, Conditions, and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3942 {See Tab 3}, as affected by Affidavit of Re-Recording, dated February 15, 1966 and recorded February 15, 1996 in Official Records Book 2677, Page 583 {See Tab 4}, and Amendment to Declaration of Protective Covenants, Easements and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated December 2, 1996 and recorded in Official Records Book 2801, Page 3084 {See Tab 5}, and amended by Amendment to Declaration of Protective Covenants, Conditions, Easements and Restrictions by and between Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, and Long Bay Partners LLC, a Florida limited liability company, dated March 14, 2005 and recorded May 19, 2005 in Official Records Book 4716, Page 1416 {See Tab 27}, all of the Public Records of Lee County, Florida. (As to S3 - 1 and 3)

Continued...

(Page 5 of 17 Pages)





Date Revised: June 22, 2006

Commitment No.: I-1161c ROW S3 - (1-3)

Escrow No.: I-1161c/pg1

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

10. Termination or Release of record as to the subject property ONLY, of the following, Continued...:
  - c) Grant of Easement by and between Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, Grantor, and Long Bay Partners, LLC, a Florida limited liability company, Grantee, dated January 31, 1996 and recorded in Official Records Book 2801, Page 3091 {See Tab 6}, as affected by Partial Assignment of and Declaration of Easement by and between Long Bay Partners, LLC, a Florida limited liability company, and all owners of property within the Plat of Shadow Wood at the Brooks Unit One, dated May 12, 1998 and recorded July 6, 1998 in Official Records Book 2963, Page 2187 {See Tab 7}, Assignment of Easement by and between Long Bay Partners, LLC, a Florida limited liability company, Grantor, and Brooks of Bonita Springs, Community Development District, Grantee, dated July 2, 1998 and recorded in Official Records Book 2981, Page 2953 {See Tab 8}, Confirmatory Grant of Easement by and between Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, Grantor, and Long Bay Partners, LLC, a Florida limited liability company, Grantee, dated December 3, 1998 and recorded January 4, 1999 in Official Records Book 3057, Page 2589 {See Tab 9}, and Partial Release of Easement by Brooks of Bonita Springs, Community Development District, CDD, recorded March 17, 1999 in Official Records Book 3090, Page 732 {See Tab 10}, amended by Landscape

Continued...

(Page 6 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

10. Termination or Release of record as to the subject property ONLY, of the following, Continued...:

c) Continued...

Maintenance Agreement by and between Coconut Point-South Village Association, Inc., a Florida corporation, Brooks of Bonita Springs, Community Development District, and Shadow Wood Community Association, Inc., a Florida corporation, dated March 15, 2006 and recorded May 16, 2006 as Instrument No. 2006000199478 {See Tab 28}, and Landscape Maintenance Agreement by and between Coconut Point-South Village Association, Inc., a Florida corporation, Brooks of Bonita Springs, Community Development District, and Shadow Wood Community Association, Inc., a Florida corporation, dated March 15, 2006 and recorded May 16, 2006 as Instrument No. 2006000199479 {See Tab 29}, all of the Public Records of Lee County, Florida. (As to S3 - 1)

d) Community Appearance and Maintenance Covenants by and between Coconut Point-North Village Association, Inc., a Florida corporation not-for-profit, Oakbrook Properties, Inc., a Delaware corporation, and Coconut Point Developers, LLC, a Delaware limited liability company, dated June 9, 2004 and recorded October 7, 2004 in Official Record Book 4459, Page 2800 {See Tab 32}, of the Public Records of Lee County, Florida. (As to All Parcels)

We hereby reserve the right to update this commitment prior to closing.

(Page 7 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

Sandy Lane Additional ROW S3 - (1-3) 13 cmt

**Date Revised: June 22, 2006**

**Commitment No.: I-1161c ROW S3 - (1-3)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

***Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.***

Continued...

(Page 8 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

**3. Special Exceptions**

- 1.** Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID #09-47-25-00-00001.0010

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. This item is intentionally deleted and moved to Schedule "B", Section 1.
3. This item is intentionally deleted and moved to Schedule "B", Section 1.
4. This item is intentionally deleted and moved to Schedule "B", Section 1.
5. **Note: The following is for information only and will not appear in the policy to be issued hereunder:** Notice of Development Order Approval issued to Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January a, 1992, and known as the Edward J, McArdle Grantor Trust and Long Bay Partners, LLC, a Florida limited liability company, recorded in Official Records Book 3009. Page 3567 {See Tab 11}, of the Public Records of Lee County, Florida. (As to S3 - 1)

Continued...

(Page 9 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

6. This item is intentionally deleted and moved to Schedule "B", Section 1.
7. This item is intentionally deleted.
8. Covenant of Unified Control for property known as Simon Suncoast, for application for planned development zoning, recorded January 31, 2001 in Official Record Book 3840, Page 2938 {See Tab 18}, of the Public Records of Lee County, Florida. (As to All Parcels)
9. Notice of Adoption of the Coconut Point Dri Development Order, recorded February 18, 2003 in Official Record Book 03849, Page 0835 {See Tab 19}, and as amended by Notice of Adoption of the Coconut Point Dri Development Order Amendment, recorded April 27, 2005 in Official Record Book 4684, Page 4420 {See Tab 20}, both of the Public Records of Lee County, Florida. (As to All Parcels)
10. Coconut Point DRI Development Agreement by and between Edward J. McArdle, Trustee of the Edward J. McArdle under Declaration dated January 6, 1992, Simon Property Group, L.P., a Delaware limited partnership, Oakbrook Properties, Inc., and Lee County, a political subdivision of the State of Florida, recorded February 26, 2004 in Official Record Book 4210, Page 2807 {See Tab 21}, of the Public Records of Lee County, Florida. (Note: Exhibit A and Exhibit D-1 of the above instrument affect the subject property) (As to All Parcels)
11. Grant of Easement by and between Edward J. McArdle, Trustee of the Edward J. McArdle under Declaration dated January 6, 1992, and Long Bay Partners LLC, a Florida limited liability company, dated January 31, 1996 and recorded February 1, 1996 in Official Record Book 2672, Page 4002 {See Tab 30}, of the Public Records of Lee County, Florida. (As to S3 - 3<sup>rd</sup> only)

Continued...

*Remove  
Survey says  
Not located on  
Subject Property*

*Verified located on  
Property - city allows  
remains as an easement*

(Page 10 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13.cmt*

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

12. This item intentionally deleted.
13. This item is intentionally deleted and moved to Schedule "B", Section 1.

(Page 11 of 17 Pages)



**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**as Agent for Chicago Title Insurance Company**

**Date Revised: June 22, 2006**

**Commitment No.: I-1161c ROW S3 - (1-3)**

**Escrow No.: I-1161c/pg1**

**EXHIBIT "A", Legal Description**

**PARCEL 1 (S3 - 3) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY OF 130.00 FEET; THENCE CONTINUE S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 316.87 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 103.75 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.76°39'49"E., A DISTANCE OF 770.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 06°13'42", SUBTENDED BY A CHORD OF 83.66 FEET AT A BEARING OF N.16°27'03"E., FOR A DISTANCE OF 83.70 FEET TO THE END OF SAID CURVE; THENCE RUN N. 19°33'54"E., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 501.11 FEET AT A BEARING OF N.02°23'43"W.,

Continued...

(Page 12 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**EXHIBIT "A", Legal Description, Continued...**

PARCEL 1 (S3 - 3) - Fee Simple, Continued...:

FOR A DISTANCE OF 513.59 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 169.24 FEET; THENCE RUN N.68°09'33"W., FOR A DISTANCE OF 102.28 FEET; THENCE RUN N.14°05'33"W., FOR A DISTANCE OF 101.63 FEET; THENCE RUN N.21°23'37"E., FOR A DISTANCE OF 107.75 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 325.18 FEET; THENCE RUN N.65°38'41"E., FOR A DISTANCE OF 75.51 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 93.06 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF S.02°23'43"E., FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN S.19°33'54"W., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20" SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF S.17°33'14"W., FOR A DISTANCE OF 47.03 FEET, TO THE POINT OF BEGINNING CONTAINING 2.536 ACRES, MORE OR LESS.

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BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'31"W.

HOLE MONTES, INC. CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

Continued...

(Page 13 of 17 Pages)

S:\Coconut Point\SANDY LANE ADDITIONAL ROW I-1161\Phase 3 I-1161c\wp docs\13 cmt Phase 3 1-3 pfd BM MS jhfp  
w upd w rev jess with mark up jana.wpd August 3, 2005 (1:57pm)





**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**EXHIBIT "A", Legal Description, Continued...**

**PARCEL 2 (S3 - 1) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY OF 130.00 FEET; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,869.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A RIGHT-OF-WAY OF 150.00 FEET; THENCE RUN S.79°35'53"W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, FOR A DISTANCE OF 238.22 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 02°11'36", SUBTENDED BY A CHORD OF 115.80 FEET AT A BEARING OF S.78°30'05"W., FOR A DISTANCE OF 115.81 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.31°40'19"W., FOR A DISTANCE OF 33.24 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.76°37'27"W., A DISTANCE OF 1,794.49 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT,

Continued...

(Page 14 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**EXHIBIT "A", Legal Description, Continued...**

PARCEL 2 (S3 - 1) - Fee Simple, Continued....:

HAVING A RADIUS OF 1,794.49 FEET, THROUGH A CENTRAL ANGLE OF 08°30'05", SUBTENDED BY A CHORD OF 266.02 FEET AT A BEARING OF S.09°07'30"E., FOR A DISTANCE OF 266.26 FEET TO THE END OF SAID CURVE; THENCE RUN S.08°40'49"W., FOR A DISTANCE OF 37.98 FEET TO A POINT ON THE PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AS DESCRIBED IN OR. BOOK 4558 AT PAGES 4821 THROUGH 4825 {See Tab 22}, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.86°04'56"W., A DISTANCE OF 1,060.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 09°25'32", SUBTENDED BY A CHORD OF 174.18 FEET AT A BEARING OF N.08°37'50"W., FOR A DISTANCE OF 174.38 FEET TO THE END OF SAID CURVE; THENCE RUN N. 13°20'36"W., ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 150.67 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS. 13°24'36"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3025.00 FEET, THROUGH A CENTRAL ANGLE OF 00°48'53", SUBTENDED BY A CHORD OF 43.01 FEET AT A BEARING OF N.76°59'51" E, FOR A DISTANCE OF 43.01 FEET, TO THE POINT OF BEGINNING CONTAINING 0.109 ACRE, MORE OR LESS.

Continued....

(Page 15 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 22, 2006**  
**Commitment No.: I-1161c ROW S3 - (1-3)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**EXHIBIT "A", Legal Description, Continued...**

PARCEL 2 (S3 - 1) - Fee Simple, Continued...:

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'31"W.

PARCEL 3 (S3 - 2) - Fee Simple:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY OF 130.00 FEET; THENCE CONTINUE S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 316.87 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.74°27'26"E., A DISTANCE OF 670.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20", SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF N.17°33'14"E., FOR A DISTANCE OF 47.03 FEET TO THE END OF SAID CURVE; THENCE RUN N.19°33'54"E., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 770.00 FEET, THROUGH A

Continued...

(Page 16 of 17 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S3 - (1-3) 13 cmt*

**Date Revised: June 22, 2006**

**Commitment No.: I-1161c ROW S3 - (1-3)**

**Escrow No.: I-1161c/pg1**

**EXHIBIT "A", Legal Description, Continued...**

PARCEL 3 (S3 - 2) - Fee Simple, Continued...:

CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF N.02°23'43"W., FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 169.24 FEET; THENCE RUN N.10°01'58"E., FOR A DISTANCE OF 43.36 FEET TO A POINT ON THE PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE AS DESCRIBED IN O.R. BOOK 4558 AT PAGES 4821 THROUGH 4825 {See Tab 22} OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.24°21'19"W., ALONG THE SAID PROPOSED RIGHT-OF-WAY LINE OF SANDY LANE, FOR A DISTANCE OF 156.95 FEET; THENCE RUN S.71°00'49"E., FOR A DISTANCE OF 43.00 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 81.74 FEET; THENCE RUN S.10°01'58"W., FOR A DISTANCE OF 55.37 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.086 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'31"W.

HOLE MONTES, INC. CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

(Page 17 of 17 Pages)



## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

AMERICAN LAND  
TITLE ASSOCIATION  
STANDARD FORM  
COMMITMENT



# CHICAGO TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Interstate Title Services, Inc.  
5 Harvard Circle, Suite 110  
West Palm Beach, Florida 33409  
(561) 687-1300

  
\_\_\_\_\_  
Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary

## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c (ROW S3 - 4)**

**Escrow No.: I-1161c/pg 1**

**SCHEDULE "A"**

1. Effective Date: May 18, 2006 @ 11:00 p.m.

2. Policy or policies to be issued:

ALTA Owner's Policy (10-17-92)

Amount: "\$"To Be Determined"

Proposed Insured:

To Be Determined

3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple**.

4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

Edward J. McArdle, Trustee as trustee of the trust created by that certain Declaration of Trust dated January 6, 1992 and known as the Edward J. McArdle Grantor Trust, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the property pursuant to Florida Statute 689.071.

5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:

**SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.**



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c (ROW S3 - 4)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements**

I. The following are the requirements to be complied with simultaneously or prior to closing:

1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
  - a) Deed from Edward J. McArdle, **individually** and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, in favor of "To Be Determined".

NOTE: If the Grantor(s) is/are individuals and the property is homestead property, the spouse(s) of said Grantor(s) must join in the execution of the Deed. If not homestead, then a statement to the effect must be reflected on the Deed.

2. Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of Bank of America, N.A., a national banking association, as to the following:
  - a) Real Estate Mortgage, Assignment and Security Agreement, by Edward J. McArdle, Trustee of the Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, in favor of Bank of America, N.A., a national banking association, dated August 23, 2005 and recorded September 8, 2005 as Instrument No. 2005000014598 {See Tab 2}, affected by that certain Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated September 13, 2005 and recorded September 22,

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

Date Revised: June 21, 2006

*Commitment No.: I-1161c (ROW S3 - 4)*

*Escrow No.: I-1161c/pg1*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. a) Partial Release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of Bank of America, N.A., a national banking association, as to the following, Continued...:

2005 as Instrument No. 2005000036105 {See Tab 31}, and Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated October 12, 2005 and recorded October 28, 2005 as Instrument No. 2005000091872 {See Tab 32}, all the Public Records of Lee County, Florida.

- b) UCC-1 Financing Statement, by Edward J. McArdle, Trustee of the Trust dated January 6, 1992, known as the Edward J. McArdle Grantor Trust, Debtor, in favor of Bank of America, N.A., a national banking association, Secured Party, recorded September 8, 2005 as Instrument No. 2005000014599 {See Tab 3}, affected by that certain Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated September 13, 2005 and recorded September 22, 2005 as Instrument No. 2005000036105 {See Tab 31}, and Partial Release of Mortgage by Bank of America, N.A., a national banking association, dated October 12, 2005 and recorded October 28, 2005 as Instrument No. 2005000091872 {See Tab 32}, all of the Public Records of Lee County, Florida.

3. A recordable Affidavit, that the Edward J. McArdle Grantor Trust has not been amended or modified, and that the Trust is still in full force and effect. Said Affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to executed the conveyance of the insured land.

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161c (ROW S3 - 4)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

4. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
5. Owner's Affidavit.
6. Standard Gap Indemnity.
7. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.
8. Termination or Release of record as to the subject property ONLY, as to the following:
  - a) This item intentionally deleted.
  - b) Declaration of Protective Covenants, Conditions and Restrictions by Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3926 {See Tab 6}, of the Public records of Lee County, Florida.

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161c (ROW S3-4)**  
**Escrow No.: I-1161c/pg1**

Sandy Lane Additional ROW (S3 - 4) 10 cmt

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

8. Termination or Release of record as to the subject property ONLY, as to the following, Continued...:
- c) Declaration of Protective Covenants, Conditions, Easements and Restrictions by Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, dated January 31, 1996 and recorded February 1, 1996 in Official Records Book 2672, Page 3942 {See Tab 7}, as affected by Affidavit of Re-Recording recorded in Official Records Book 2677, Page 583 {See Tab 8}, and Amendment to Declaration of Protective Covenants, Easements and Restrictions Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, dated December 2, 1996 and recorded February 1, 1996 in Official Records Book 2801, Page 3084 {See Tab 9}, and amended by Amendment to Declaration of Protective Covenants, Conditions, Easements and Restrictions by and between Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, and Long Bay Partners LLC, a Florida limited liability company, dated March 14, 2005 and recorded May 19, 2005 in Official Records Book 4716, Page 1416 {See Tab 33}, all of the Public records of Lee County, Florida.
  - d) Grant of Easement by and between Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, Grantor, and Long Bay Partners, LLC, a Florida limited liability company, Grantee, dated January 31, 1996 and recorded in Official Records Book 2801, Page 3091 {See Tab 15}, as affected by Partial Assignment of and

Continued...



**Date Revised: June 21, 2006**

**Commitment No.: I-1161c (ROW S3 - 4)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

8. Termination or Release of record as to the subject property ONLY, as to the following, Continued...:

d) Continued...

Declaration of Easement by and between Long Bay Partners, LLC, a Florida limited liability company, and all owners of property within the Plat of Shadow Wood at the Brooks Unit One, dated May 12, 1998 and recorded July 6, 1998 in Official Records Book 2963, Page 2187 {See Tab 16}, Assignment of Easement by and between Long Bay Partners, LLC, a Florida limited liability company, Grantor, and Brooks of Bonita Springs, Community Development District, Grantee, dated July 2, 1998 and recorded in Official Records Book 2981, Page 2953 {See Tab 17}, Confirmatory Grant of Easement by and between Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, Grantor, and Long Bay Partners, LLC, a Florida limited liability company, Grantee, dated December 3, 1998 and recorded January 4, 1999 in Official Records Book 3057, Page 2589 {See Tab 18}, and Partial Release of Easement by Brooks of Bonita Springs, Community Development District, CDD, recorded March 17, 1999 in Official Records Book 3090, Page 732 {See Tab 19}, amended by Landscape Maintenance Agreement by and between Coconut Point-South Village Association, Inc., a Florida corporation, Brooks of Bonita Springs, Community Development District, and Shadow Wood Community Association, Inc., a Florida corporation, dated March 15, 2006 and recorded May 16, 2006 as Instrument No. 2006000199478 {See Tab 34}, and Landscape Maintenance Agreement by and between Coconut Point-South Village Association, Inc., a Florida corporation, Brooks of Bonita Springs, Community Development District, and Shadow Wood Community Association, Inc., a Florida corporation, dated March 15, 2006

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161c (ROW S3 - 4)**  
**Escrow No.: I-1161c/pg 1**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

8. Termination or Release of record as to the subject property ONLY, as to the following, Continued...:

d) Continued...

and recorded May 16, 2006 as Instrument No. 2006000199479 {See Tab 35}, all of the Public Records of Lee County, Florida.

e) Community Appearance and Maintenance Covenants by and between Coconut Point-North Village Association, Inc., a Florida corporation not-for-profit, Oakbrook Properties, Inc., a Delaware corporation, and Coconut Point Developers, LLC, a Delaware limited liability company, dated June 9, 2004 and recorded October 7, 2004 in Official Record Book 4459, Page 2800 {See Tab 28}, of the Public Records of Lee County, Florida.

We hereby reserve the right to update this commitment prior to closing.



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161c (ROW S3 - 4)**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

***Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.***

Continued...





**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

Sandy Lane Additional ROW (S3 - 4) 10 cmt

Date Revised: June 21, 2006

Commitment No.: I-1161c (ROW S3 - 4)

Escrow No.: I-1161c/pg 1

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

3. Special Exceptions

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID #09-47-25-00-00001.0010

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. This item is intentionally deleted.
3. This item is intentionally deleted and moved to Schedule "B", Section 1.
4. This item is intentionally deleted and moved to Schedule "B", Section 1.
5. This item is intentionally deleted.
6. This item is intentionally deleted.
7. This item is intentionally deleted.
8. This item is intentionally deleted and moved to Schedule "B", Section 1..
9. This item is intentionally deleted.
10. This item is intentionally deleted.
11. This item is intentionally deleted and Moved to Schedule "B", Section 1..

Continued...



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

Sandy Lane Additional ROW (S3 - 4) 10 cmt

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c (ROW S3 - 4)**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

12. Covenant of Unified Control for property known as Simon Suncoast, for application for planned development zoning, recorded January 31, 2001 in Official Record Book 3840, Page 2938 {See Tab 24}, of the Public Records of Lee County, Florida.
13. Notice of Adoption of the Coconut Point DRI Development Order, recorded February 18, 2003 in Official Record Book 3849, Page 835 {See Tab 25}, and Notice of Adoption of the Coconut Point DRI Development Order Amendment, recorded April 27, 2005 in Official Record Book 4684, Page 4420 {See Tab 26}, of the Public Records of Lee County, Florida.
14. Coconut Point DRI Development Agreement by and between Edward J. McArdle, Trustee of the Edward J. McArdle under Declaration dated January 6, 1992, Simon Property Group, L.P., a Delaware limited partnership, Oakbrook Properties, Inc., and Lee County, a political subdivision of the State of Florida, recorded February 26, 2004 in Official Record Book 4210, Page 2807 {See Tab 27}, of the Public Records of Lee County, Florida.
15. This item is intentionally deleted and Moved to Schedule "B", Section 1..

**FOLLOWING IS FOR INFORMATION ONLY AND WILL NOT APPEAR IN THE POLICY TO BE ISSUED HEREUNDER:**

Notice of Development Order Approval issued to Edward J. McArdle, recorded in Official Records Book 3009, Page 3567 {See Tab 29}, of the Public Records of Lee County, Florida.



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW (S3 - 4) 10 cmt*

Date Revised: June 21, 2006

Commitment No.: I-1161c (ROW S3 - 4)

Escrow No.: I-1161c/pg1

**EXHIBIT "A", Legal Description**

**PARCEL 1 (S3 - 4) - Fee Simple:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 88° 56' 31" W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N. 00° 59' 33" W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,869.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN S. 79° 35' 53" W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, FOR A DISTANCE OF 238.22 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 04° 54' 09", SUBTENDED BY A CHORD OF 258.76 FEET AT A BEARING OF S. 77° 08' 49" W., FOR A DISTANCE OF 258.84 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S. 13° 20' 36" E., FOR A DISTANCE OF 30.77 FEET; THENCE RUN N. 60° 02' 12" W., FOR A DISTANCE OF 43.06 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S. 15° 53' 54" E., A DISTANCE OF 3025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 00° 35' 38", SUBTENDED BY A CHORD OF 31.36 FEET AT A BEARING OF N. 74° 23' 55" E., FOR A DISTANCE OF 31.36 FEET TO THE POINT OF BEGINNING CONTAINING 483 SQUARE FEET, MORE OR LESS.

(Page 11 of 11 Pages)



AMERICAN LAND  
TITLE ASSOCIATION  
STANDARD FORM  
COMMITMENT



**Table of Contents**  
Escrow File #I-1161c

**Sandy Lane Additional Right-of-Way S3-4; Lee County, Florida**

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
1.	I-1161c/pg1	Commitment for Title Insurance

**SCHEDULE "B", SECTION 1, Requirements**

2.	2.a)	Instrument No. 2005000014598	Real Estate Mortgage, Assignment and Security Agreement
31.	2.a)	Instrument No. 2005000036105	Partial Release of Mortgage
32.	2.a)	Instrument No. 2005000091872	Partial Release of Mortgage
3.	2.b)	Instrument No. 2005000014599	UCC-1 Financing Statement
31.	2.b)	Instrument No. 2005000036105	Partial Release of Mortgage
32.	2.b)	Instrument No. 2005000091872	Partial Release of Mortgage
23.	8.a)	This item intentionally deleted.	
6.	8.b)	Book 2672, Page 3926	Declaration of Protective Covenants, Conditions, and Restrictions

Continued...



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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-4; Lee County, Florida

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
SCHEDULE "B", SECTION 1, Requirements, Continued...		
7.	8.c) Book 2672, Page 3942	Declaration of Protective Covenants, Conditions, and Restrictions
8.	8.c) Book 2677, Page 583	Affidavit of Re-Recording
9.	8.c) Book 2801, Page 3084	Declaration of Protective Covenants, Easements and Restrictions
33.	8.c) Book 4716, Page 1416	Amendment to Declaration of Protective Covenants, Conditions, Easements and Restrictions
15.	8.d) Book 2801, Page 3091	Grant of Easement
16.	8.d) Book 2963, Page 2187	Partial Assignment of and Declaration of Easement
17.	8.d) Book 2981, Page 2953	Assignment of Easement
18.	8.d) Book 3057, Page 2589	Confirmatory Grant of Easement

Continued...



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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-4; Lee County, Florida

<b>Tab Number</b>	<b>Document Number and Recording Information</b>	<b>Description of Instrument</b>
<b>SCHEDULE "B", SECTION 1, Requirements, Continued...</b>		
19.	8.d) Book 3090, Page 732	Partial Release of Easement
34.	8.d) Instrument No. 2006000199478	Landscape Maintenance Agreement
35.	8.d) Instrument No. 2006000199479	Landscape Maintenance Agreement
28.	8.e) Book 4459, Page 2800	Community Appearance and Maintenance Covenants

### SCHEDULE "B", SECTION 2, Exceptions

4.	3.2.	This item is intentionally deleted.
5.	3.2.	This item is intentionally deleted.
6.	3.3	This item is intentionally deleted and moved to Schedule "B", Section 1.
7.	3.4.	This item is intentionally deleted and moved to Schedule "B", Section 1.
8.	3.4.	This item is intentionally deleted and moved to Schedule "B", Section 1.

Continued...



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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-4; Lee County, Florida

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
<b>SCHEDULE "B", SECTION 2, Exceptions, Continued...</b>		
9.	3.4.	This item is intentionally deleted and moved to Schedule "B", Section 1.
10.	3.5.	This item is intentionally deleted.
11.	3.6.	This item is intentionally deleted.
12.	3.6.	This item is intentionally deleted.
13.	3.6.	This item is intentionally deleted.
14.	3.7.	This item is intentionally deleted.
15.	3.8.	This item is intentionally deleted and moved to Schedule "B", Section 1.
16.	3.8.	This item is intentionally deleted and moved to Schedule "B", Section 1.
17.	3.8.	This item is intentionally deleted and moved to Schedule "B", Section 1.
18.	3.8.	This item is intentionally deleted and moved to Schedule "B", Section 1.
19.	3.8.	This item is intentionally deleted and moved to Schedule "B", Section 1.

Continued...





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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-4; Lee County, Florida

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
<b>SCHEDULE "B", SECTION 2, Exceptions, Continued...</b>		
20.	3.9.	This item is intentionally deleted.
21.	3.9.	This item is intentionally deleted.
22.	3.10.	This item is intentionally deleted.
23.	3.11.	This item is intentionally deleted and moved to Schedule "B", Section 1.
24.	3.12.	Book 3840, Page 2938 Covenant of Unified Control
25.	3.13.	Book 03849, Page 0835 Notice of Adoption of the Coconut Point Dri Development Order
26.	3.13.	Book 4684, Page 4420 Notice of Adoption of the Coconut Point Dri Development Order Amendment
27.	3.14.	Book 4210, Page 2807 Coconut Point DRI Development Agreement
28.	3.15.	This item is intentionally deleted and moved to Schedule "B", Section 1.

Continued...



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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-4; Lee County, Florida

<b>Tab Number</b>	<b>Document Number and Recording Information</b>	<b>Description of Instrument</b>
<b>SCHEDULE "B", SECTION 2, Exceptions, Continued...</b>		
29.	15. Book 3009, Page 3567	Notice of Development Order Approval
30.	15. This item is intentionally deleted.	



# CHICAGO TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Interstate Title Services, Inc.  
5 Harvard Circle, Suite 110  
West Palm Beach, Florida 33409  
(561) 687-1300

CHICAGO TITLE INSURANCE COMPANY  
By:



*[Handwritten Signature]*

President

By:

ATTEST

*[Handwritten Signature]*

Secretary

*[Handwritten Signature]*

Authorized Signatory

## STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

## CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S3 - 6 04 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c ROW S3 - 6**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "A"**

1. Effective Date: May 18, 2006 @ 11:00 p.m.

2. Policy or policies to be issued:

ALTA Owner's Policy (10-17-92)

Amount: \$"To Be Determined"

Proposed Insured:

Lee County, a political subdivision of the State of Florida

3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple** as to Parcel I.

4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

ALV Coconut Point LLLP, a Florida limited liability limited partnership by virtue of that certain Trustee's Deed from Edward J. McArdle, Trustee as trustee of the trust created by that certain Declaration of Trust dated January 6, 1992 and known as the Edward J. McArdle Grantor Trust, to ALV Coconut Point LLLP, a Florida limited liability limited partnership, dated October 21, 2005 and recorded October 28, 2005 as Instrument No. 2005000091875 {See Tab 2}, of the Public Records of Lee County, Florida.

5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:

**SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.**

(Page 1 of 10 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161c ROW S3 - 6**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - 6 04 cmt*

**SCHEDULE "B", SECTION 1**  
**Title Requirements**

- I. The following are the requirements to be complied with simultaneously or prior to closing:
  1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
    - a) Warranty Deed from ALV Coconut Point LLLP, a Florida limited liability limited partnership, in favor of Lee County, a political subdivision of the State of Florida.
  2. Satisfaction of release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of National City Bank, a national banking association, as to the following:
    - a) Mortgage, Security Agreement and Assignment of Rents and Leases (Senior Mortgage) from ALV Coconut Point LLLP, a Florida limited liability limited partnership, to National City Bank of the Midwest, a national banking association, dated October 31, 2005 and recorded November 8, 2005 as Instrument No. 2005000107844 {See Tab 3}, of the Public Records of Lee County, Florida.
    - b) Mortgage, Security Agreement and Assignment of Rents and Leases (Second Mortgage) from ALV Coconut Point LLLP, a Florida limited liability limited partnership, to National City Bank, a national banking association, dated October 31, 2005 and recorded November 8, 2005 as Instrument No. 2005000107845 {See Tab 4}, of the Public Records of Lee County, Florida.

Continued...

(Page 2 of 10 Pages)



**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

2. Satisfaction of release of record as to insured lands, of that certain Mortgage and mortgage instruments in favor of National City Bank, a national banking association, as to the following, Continued...:
  - c) UCC-1 Financing Statement from ALV Coconut Point LLLP, a Florida limited liability limited partnership, Debtor, to National City Bank, a national banking association, Secured Party, recorded November 8, 2005 as Instrument No. 2005000107846 {See Tab 5}, of the Public Records of Lee County, Florida.
3. This item intentionally deleted.
4. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
5. Proof of ALV Coconut Point LLLP, a Florida limited liability limited partnership, continued status to do business in the State of Florida, must be furnished.
6. Resolution authorizing the transaction to be insured and the person signing for ALV Coconut Point LLLP, a Florida limited liability limited partnership.
7. Partnership Affidavit from ALV Coconut Point LLLP, a Florida limited liability limited partnership, confirming all current general partners.
8. Owner's Affidavit.
9. Standard Gap Indemnity.

Continued...

(Page 3 of 10 Pages)



**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

10. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.
  
11. Termination or Release of record as to the subject property ONLY, as to the following:
  - a) Declaration of Protective Covenants, Conditions, and Restrictions, by Edward J. McArdle, Individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3926 {See Tab 8}, of the Public Records of Lee County, Florida.
  
  - b) Declaration of Protective Covenants, Conditions, and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated January 31, 1996 and recorded February 1, 1996, in Official Records Book 2672, Page 3942 {See Tab 9}, as affected by Affidavit of Re-Recording, dated February 15, 1996 and recorded February 15, 1996 in Official Records Book 2677, Page 583 {See Tab 10}, and Amendment to Declaration of Protective Covenants, Easements and Restrictions by Edward J. McArdle, individually and as Trustee of the trust created by that certain Declaration of

Continued...





**SCHEDULE "B", SECTION 1**  
**Title Requirements, Continued...**

10. Termination or Release of record as to the subject property ONLY, of the following, Continued...:

b) Continued...

Trust dated January 6, 1992, and known as the Edward J. McArdle Grantor Trust, EJM, dated December 2, 1996 and recorded in Official Records Book 2801, Page 3084 {See Tab 11}, and amended by Amendment to Declaration of Protective Covenants, Conditions, Easements and Restrictions by and between Edward J. McArdle, as trustee of the Edward J. McArdle Grantor Trust, dated January 6, 1992, and Long Bay Partners LLC, a Florida limited liability company, dated March 14, 2005 and recorded May 19, 2005 in Official Records Book 4716, Page 1416 {See Tab 12}, all of the Public Records of Lee County, Florida.

c) Deed Restrictions by and between Oakbrook Properties, Inc., a Delaware corporation, and Edward J. McArdle, Trustee as trustee of the trust created by that certain Declaration of Trust dated January 6, 1992 and known as the Edward J. McArdle Grantor Trust, recorded September 22, 2005 as Instrument No. 2005000036106 {See Tab 17}, of the Public Records of Lee County, Florida.

d) Deed Restrictions by and between Oakbrook Properties, Inc., a Delaware corporation, and Edward J. McArdle, Trustee as trustee of the trust created by that certain Declaration of Trust dated January 6, 1992 and known as the Edward J. McArdle Grantor Trust, recorded October 28, 2005 as Instrument No. 2005000091873 {See Tab 18}, of the Public Records of Lee County, Florida.

We hereby reserve the right to update this commitment prior to closing.

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**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**  
**Date Revised: June 21, 2006**  
**Commitment No.: I-1161c ROW S3 - 6**  
**Escrow No.: I-1161c/pg1**

*Sandy Lane Additional ROW S3 - 6 04 cmt*

**SCHEDULE "B", SECTION 2**  
**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

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.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

***Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.***

Continued...

(Page 6 of 10 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S3 - 6 04 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c ROW S3 - 6**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

**3. Special Exceptions**

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note :           Property Tax ID for 2005 was #09-47-25-00-00001.0010  
                  Property Tax ID for 2006 is #09-47-25-00-00001.0030

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. This item intentionally deleted and moved to Schedule B, Section 1.
3. This item intentionally deleted and moved to Schedule B, Section 1
4. Covenant of Unified Control for property known as Simon Suncoast, for application for planned development zoning, recorded January 31, 2001 in Official Record Book 3840, Page 2938 {See Tab 13}, of the Public Records of Lee County, Florida.
5. Notice of Adoption of the Coconut Point Dri Development Order, recorded February 18, 2003 in Official Record Book 03849, Page 0835 {See Tab 14}, and as amended by Notice of Adoption of the Coconut Point Dri Development Order Amendment, recorded April 27, 2005 in Official Record Book 4684, Page 4420 {See Tab 15}, both of the Public Records of Lee County, Florida.

Continued...

(Page 7 of 10 Pages)



**Interstate Title Services, Inc.**

*Sandy Lane Additional ROW S3 - 6 04 cmt*

**as Agent for Chicago Title Insurance Company**

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c ROW S3 - 6**

**Escrow No.: I-1161c/pg1**

**SCHEDULE "B", SECTION 2, Exceptions, Continued...**

6. Coconut Point DRI Development Agreement by and between Edward J. McArdle, Trustee of the Edward J. McArdle under Declaration dated January 6, 1992, Simon Property Group, L.P., a Delaware limited partnership, Oakbrook Properties, Inc., and Lee County, a political subdivision of the State of Florida, recorded February 26, 2004 in Official Record Book 4210, Page 2807 {See Tab 16}, of the Public Records of Lee County, Florida.
7. This item intentionally deleted and moved to Schedule B, Section 1.
8. This item intentionally deleted and moved to Schedule B, Section 1.

(Page 8 of 10 Pages)



**Interstate Title Services, Inc.**  
as Agent for Chicago Title Insurance Company  
Date Revised: June 21, 2006  
Commitment No.: I-1161c ROW S3 - 6  
Escrow No.: I-1161c/pg1

Sandy Lane Additional ROW S3 - 6 04 cmt

**EXHIBIT "A", Legal Description**

**PARCEL I (S3 - 6) - Fee Simple:**

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 322.77 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.74°27'26"E., A DISTANCE OF 670.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20", SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF N.17°33'14"E., FOR A DISTANCE OF 47.03 FEET TO THE END OF SAID CURVE; THENCE RUN N.19°33'54"E., FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF N.02°23'43"W., FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 93.06 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE, HAVING A RIGHT-OF-WAY WIDTH OF 100.00 FEET, AS DESCRIBED IN OR. BOOK 4558 PAGES 4821 THROUGH 4825 {See Tab 19}, OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE RUN N.65°38'41"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 24.49 FEET; THENCE RUN N.24°21'19"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 111.97 FEET; THENCE RUN N. 10°01'58"E., FOR A DISTANCE OF 55.37 FEET; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 81.74 FEET; THENCE RUN

Continued...

(Page 9 of 10 Pages)



**Interstate Title Services, Inc.**  
**as Agent for Chicago Title Insurance Company**

*Sandy Lane Additional ROW S3 - 6 04 cmt*

**Date Revised: June 21, 2006**

**Commitment No.: I-1161c ROW S3 - 6**

**Escrow No.: I-1161c/pg1**

**EXHIBIT "A", Legal Description, Continued...**

PARCEL I (S3 - 6) - Fee Simple , Continued...

N.71°00'49"W., FOR A DISTANCE OF 43.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE; THENCE RUN N.24°21'19"W., ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 97.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 23°02'10", SUBTENDED BY A CHORD OF 375.39 FEET AT A BEARING OF N.12°50'15"W., FOR A DISTANCE OF 377.93 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.88°40'50"E. A DISTANCE OF 940.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 15°06'03", SUBTENDED BY A CHORD OF 247.03 FEET AT A BEARING OF N.06°13'52"E., FOR A DISTANCE OF 247.74 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°46'53"E., ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 69.14 FEET; THENCE RUN S.76°13'07"E., FOR A DISTANCE OF 8.50 FEET; THENCE RUN S.13°46'53"W., FOR A DISTANCE OF 69.14 FEET TO THE BEGINNING OF TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 931.50 FEET, THROUGH A CENTRAL ANGLE OF 12°40'18", SUBTENDED BY A CHORD OF 205.59 FEET AT A BEARING OF S.07°26'44"W., FOR A DISTANCE OF 206.01 FEET TO THE END OF SAID CURVE; THENCE RUN S.11°59'06"W., FOR A DISTANCE OF 40.57 FEET, TO THE POINT OF BEGINNING CONTAINING 0.058 ACRE, MORE OR LESS.

(Page 10 of 10 Pages)



AMERICAN LAND  
TITLE ASSOCIATION  
STANDARD FORM  
COMMITMENT



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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-6; Lee County, Florida

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
1.	I-1161c/pg1	Commitment for Title Insurance

### SCHEDULE "A"

2.	4.I	Instrument No. 2005000091875 Trustee's Deed
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### SCHEDULE "B", SECTION 1, Requirements

3.	2.a)	Instrument No. 2005000107844 Mortgage, Security Agreement and Assignment of Rents
4.	2.b)	Instrument No. 2005000107845 Mortgage, Security Agreement and Assignment of Rents and Leases (Second Mortgage)
5.	2.c)	Instrument No. 2005000107846 UCC-1 Financing Statement
6.	3.	This item intentionally deleted.
7.	3.	This item intentionally deleted.
8.	11.a)	Book 2672, Page 3926 Declaration of Protective Covenants, Conditions, and Restrictions

Continued...





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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-6; Lee County, Florida

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
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### SCHEDULE "B", SECTION 1, Requirements, Continued...

9.	11.b) Book 2672, Page 3942	Declaration of Protective Covenants, Conditions, and Restrictions
10.	11.b) Book 2677, Page 583	Affidavit of Re-Recording
11.	11.b) Book 2801, Page 3084	Amendment to Declaration of Protective Covenants, Easements and Restrictions
12.	11.b) Book 4716, Page 1416	Amendment to Declaration of Protective Covenants, Conditions, Easements and Restrictions
17.	11.c) Instrument No. 2005000036106	Deed Restrictions
18.	11.d) Instrument No. 2005000091873	Deed Restrictions

### SCHEDULE "B", SECTION 2, Exceptions

8.	2.	This item intentionally deleted and moved to Schedule B, Section 1.
9.	3.	This item intentionally deleted and moved to Schedule B, Section 1.

Continued...



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Escrow File #I-1161c

## Sandy Lane Additional Right-of-Way S3-6; Lee County, Florida

<u>Tab Number</u>	<u>Document Number and Recording Information</u>	<u>Description of Instrument</u>
<b>SCHEDULE "B", SECTION 2, Exceptions, Continued...</b>		
13.	4. Book 3840, Page 2938	Covenant of Unified Control
14.	5. Book 03849, Page 0835	Notice of Adoption of the Coconut Point Dri Development Order
15.	5. Book 4684, Page 4420	Notice of Adoption of the Coconut Point Dri Development Order Amendment
16.	6. Book 4210, Page 2807	Coconut Point DRI Development Agreement
17.	7.	This item intentionally deleted and moved to Schedule B, Section 1.
18.	8.	This item intentionally deleted and moved to Schedule B, Section 1.

### EXHIBIT "A", Legal Description

19.	LGL BOOK 4558 PAGES 4821-4825 Deed
-----	------------------------------------



Attachment  
4

**M E M O R A N D U M**  
**FROM**  
**COUNTY LANDS**

RECEIVED BY  
LEE CO. ATTORNEY  
2006 OCT 19 AM 11:22

Date: October 18, 2006

To: Dawn Perry-Lehnert  
Assistant County Attorney

From: Karen L. W. Forsyth  
Director of County Lands

**RE: APPRAISAL REVIEW**

**Project:** Sandy Lane Extension – Coconut Point DRI – Road Impact Credit

Based the information in your memorandum to Robert Clemens dated October 3, 2006, regarding the above subject, the estimated adjusted value due to the affects of the easement are as follows:

Per square foot value of subject per memorandum	\$2.50 per sq. ft.
Subject Area	2.536 ac. or 110,468 sq. ft.
Unencumbered Area	108,911.75 sq. ft.
Easement area	1556.25 sq. ft. (approx.)
Unencumbered fee value – (\$2.50 X 108,911.75)	\$272,279.38
Estimated value of easement – 50% of fee	\$ 1,945.31
Estimated value of Subject	\$274,225(rd)

The credit due for the subject area is estimated at \$274,225. This estimate is based upon previous acquisitions and settlements by Lee County for this DRI.

Attachments:  
Copy of referenced memorandum  
Copy of easement