

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA

RESOLUTION NO. 88-101

WHEREAS, DUNES CLUB PARTNERS, as Owner, has applied to the Board of County Commissioners of St. Johns County, Florida, for approval to record a subdivision plat known as KINGSTON DUNES and,

WHEREAS, the Owner and Mortgagee have dedicated certain roads, streets, easements, rights-of-way or other areas as shown on the subdivision plat for the uses and purposes thereon stated,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above-described subdivision plat is conditionally approved by the Board of County Commissioners of St. Johns County, Florida, subject to Section #6.

Section 2. The dedicated roads, streets, easements, rights-of-way and other areas shown on the plat are conditionally accepted by the Board of County Commissioners of St. Johns County on behalf of the beneficiaries to the dedication. This acceptance shall not be deemed an acceptance requiring construction or maintenance of the roads, streets, easements, rights-of-way or other areas by the County. This acceptance is subject to Section #6.

Section 3. The Construction Bond is set in the amount of \$ 210,000 and shall be submitted to the Clerk of Courts for his approval prior to recording the plat.

Section 4. The Warranty Bond is set in the amount of \$ 10,500 and the record title owner has agreed that it will, upon request, provide such Bond.

Section 5. The Clerk is instructed to file the title ORIGINAL.

Section 6. The approval described in Section #1 and the Acceptance described in Section #2 shall not take effect until the plat has been signed by each of the following departments, persons or offices;

- a) Chairman or Vice-Chairman of the Board of County Commissioners of St. Johns County, Florida
- b) County Attorney
- c) County Planning Department or Office
- d) County Zoning Department of Office
- e) Clerk of Courts

The Clerk shall not sign or accept the plat for recording until it has been signed by each of the above persons or entities described in a) through d) above and the construction bond, unless waived, has been delivered to the Clerk and approved by him. If the plat is not signed and accepted by the Clerk for recording within 14 days from the date hereof, then the above-described conditional approval and acceptance shall automatically terminate. If the plat is signed by the Clerk on or before such time, the conditions described herein shall be deemed to have occurred.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 12th day of April , 198 ..

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Lawrence O. Hartley  
Its Chairman

Carl "Bud" Markel, Clerk

ATTEST: Lynn M. McDonald  
Deputy Clerk

# BUSCHMAN AND AHERN

ATTORNEYS AT LAW  
2215 SOUTH THIRD STREET, SUITE 101  
POST OFFICE BOX 50006  
JACKSONVILLE BEACH, FLORIDA 32240-0006

904/246-9894

FAX NO. 904/246-6680

ALBERT E. BUSCHMAN, JR.

March 31, 1988

FRED L. AHERN, JR.

Board of County Commissioners  
Planning and Zoning Department  
P.O. Box 349  
St. Johns County Courthouse  
St. Augustine, Florida 32085

Re: Kingston Dunes

To Whom it May Concern:

Pursuant to the request of Dunes Club Partners, a Florida General Partnership, I have examined the record title to the property located in St. Johns County, Florida, described as:

A part of Section 20, Township 6 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows: for a point of reference, commence at the Southwest corner of said Section 20; thence North 00°41'06" West, along the West line of said Section 20, a distance of 971.68 feet to the point of beginning; thence continue North 00°41'06" West, along said West line of Section 20, a distance of 500.00 feet; thence North 89°15'30" East, parallel to the South line of said Section 20, a distance of 1216.07 feet; thence South 17°11'30" East, a distance of 126.33 feet to the Westerly right of way of State Road A-1-A (a 66 foot right of way as now established); thence South 14°25'00" East, along said Westerly right of way line, a distance of 390.1 feet; thence South 89°15'30" West, a distance of 1345.29 feet to the point of beginning. Containing 14.73 acres, more or less.

as disclosed by title insurance policy number AW 187631 issued by Title Insurance Company of Minnesota, a copy of which is attached hereto, and based on such title evidence, and a search of the public records subsequent to the effective dates of such evidence, it is my opinion that as of March 23, 1988, good insurable title to the above described property is vested in Dunes Club Partners, a Florida General Partnership; and subject however, to the following matters and things:

1. Taxes for the year 1987 were paid in the amount of \$20,324.41. Receipt No. 42-043840. (RE#142290-0000.)

Board of County Commissioners  
Planning and Zoning Department  
P.O. Box 349  
St. Johns County Courthouse  
St. Augustine, Florida 32085

Page Two

2. Rights and interest of any person or persons who may be in possession of this property, if other than the record titleholders.

3. Mechanic's and materialmen's liens not of record.

4. Any state of facts which an accurate survey or inspection of the property might disclose.

5. Any action by any municipal or governmental agency (heretofore or hereafter taken) for the purpose of regulating the use, occupancy or zoning of the above described property or of any building or structure thereon.

6. Riparian and Littoral rights and title to that portion of subject property lying below the mean high water mark of the marshlands are hereby accepted.

7. Title to any portion of the subject property lying below the high water line of the Marsh is hereby excepted.

8. Mortgage and Security Agreement from Dunes Club Partners, a Florida General Partnership, to Caribank, a banking association existing under the laws of the State of Florida, dated November 8, 1985, and recorded November 12, 1985, in Official Records Book 688, page 1928, of the public records of St. Johns County, Florida, to secure indebtedness of \$3,650,000.00.

9. Mortgage Extension Agreement from Dunes Club Partners, a Florida General Partnership to Caribank, a banking association existing under the laws of the State of Florida, dated April 28, 1987 and recorded May 15, 1987 in Official Records Book 744, page 1986, of the public records of St. Johns County, Florida.

10. Assignment of Rents and Leases from Dunes Club Partners, a Florida General Partnership, to Caribank, a Florida banking association, dated November 8, 1985, and recorded November 12, 1985, in Official Records Book 688, page 1945, of the public records of St. Johns County, Florida.

11. UCC-1 Financing Statement between Dunes Club Partners, a Florida General Partnership, and Caribank,

Board of County Commissioners  
Planning and Zoning Department  
P.O. Box 349  
St. Johns County Courthouse  
St. Augustine, Florida 32085

Page Three

recorded November 12, 1985, in Official Records Book 688, page 1951, of the public records of St. Johns County, Florida.

12. Mortgage from Dunes Club Partners, a Florida General Partnership, to Ponte Vedra Dunes Club Developers, a Florida General Partnership, dated November 8, 1985, and recorded November 12, 1985, in Official Records Book 688, page 1958, of the public records of St. Johns County, Florida, to secure indebtedness of \$550,000.00.

13. Conditional Collateral Assignment of Ponce De Leon Utility Company of St. Johns County, Inc. Utility Service Agreement between Dunes Club Partners, a Florida General Partnership, Caribank, a banking association existing under the laws of the State of Florida, and Ponce De Leon Utility Company of St. Johns County, Inc., a Florida Corporation, dated November 23, 1987 and recorded December 22, 1987 in Official Records Book 768, page 873, of the public records of St. Johns County, Florida.

Yours truly,



Fred L. Ahern, Jr.

FLA, Jr.:kf  
pc: Ed Burr



POLICY NO. AW 187631

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY  
FORM A - 1970 (Amended 10-17-70)



TITLE INSURANCE COMPANY OF MINNESOTA

a Stock Company, of Minneapolis, Minnesota

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF.

TITLE INSURANCE COMPANY OF MINNESOTA herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title; or
3. Lack of a right of access to and from the land.

IN WITNESS WHEREOF, the said Title Insurance Company of Minnesota has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company.

TITLE INSURANCE COMPANY OF MINNESOTA

President

Countersigned:

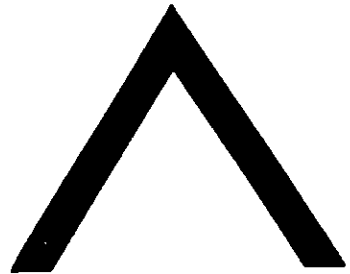
\_\_\_\_\_  
Authorized Officer or Agent

Secretary

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy:

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. The refusal of any person to purchase, lease or lend money on the estate or interest covered hereby in the land described in Schedule A.



®

File No. 07692

Policy No. AW-187631

Policy Amount \$ 1,650,000.00

## SCHEDULE A

1. Policy Date November 12, 1985 at 3:34 PM. o'clock.

2. The Insured hereunder, in whom title to the fee simple estate is vested at the date hereof, is:

DUNES CLUB PARTNERS, a Florida General Partnership

3. The land referred to in this policy is situated in the County of St. Johns  
State of Florida and is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART  
HEREOF FOR LEGAL DESCRIPTION

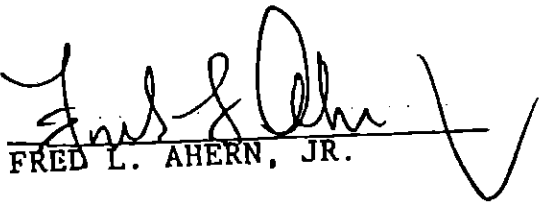


This policy valid only if Exhibit A is attached.

EXHIBIT A

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, TO WIT:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE RUN NORTH 00 DEGREES 41' 06" WEST ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 971.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO RUN NORTH 00 DEGREES 41' 06" WEST ALONG SAID WEST LINE OF SECTION 20, A DISTANCE OF 500.0 FEET; THENCE RUN NORTH 89 DEGREES 15' 30" EAST, PARALLEL TO THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 1487 FEET, MORE OR LESS TO THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN; THENCE MEANDER SOUTHERLY ALONG SAID MEAN HIGH WATER, A DISTANCE OF 515 FEET, MORE OR LESS TO THE INTERSECTION WITH A LINE THAT BEARS NORTH 89 DEGREES 15' 30" EAST, FROM THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 15' 30" WEST, A DISTANCE OF 1600 FEET, MORE OR LESS TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PART OF SAID PROPERTY LYING WITHIN STATE ROAD A-1-A, BEING THE SAME LAND AS DESCRIBED IN OFFICIAL RECORDS VOLUME 604, PAGES 775 AND 776 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY.

  
FRED L. AHERN, JR.



File No. 07692

Policy No. AW-187631

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

- ~~1. Taxes and other taxes disclosed by a mortgage or other lien on the premises herein described.~~  
~~2. Members of the community or other persons who have a claim against the insured or the insured's estate.~~  
~~3. Repairs and maintenance of the premises.~~
1. Taxes for the year 1986 (which will not become a lien on the property until January 1, 1986, and will not become due and payable until November 1, 1986) and any taxes and assessments levied subsequent to the date hereof.
  2. Riparian and Littoral rights and title to that portion of subject property lying below the mean high water mark of Atlantic Ocean and Marshlands are hereby excepted.
  3. The rights, if any, of the public acquired by previous adverse use or by virtue of local custom to use any part of the property seaward of the natural line of vegetation or of the extreme high water line.
  4. Setback requirements from the line of mean high water pursuant to Chapter 161, Florida Statutes.
  5. Title to any portion of the subject property lying below the high water line of the Atlantic Ocean and Marsh are hereby excepted.
  6. Mortgage and Security Agreement from Dunes Club Partners, a Florida general partnership, to Caribank, a banking association existing under the laws of the State of Florida, dated November 8, 1985, and recorded November 12, 1985, at 3:33 PM in Official Records Book 688, page 1928, of the current public records of St. Johns County, Florida, to secure indebtedness of \$3,650,000.00.
  7. Assignment of Rents and Leases from Dunes Club Partners, a Florida general partnership, to Caribank, a Florida banking association, dated November 8, 1985, and recorded November 12, 1985, at 3:33 PM in Official Records Book 688, page 1945, of the current public records of St. Johns County, Florida.
  8. UCC-1 Financing Statement between Dunes Club Partners, a Florida general partnership, and Caribank, recorded November 12, 1985, at 3:33 PM in Official Records Book 688, page 1951, St. Johns County records.
  9. Mortgage from Dunes Club Partners, a Florida general partnership, to Ponte Vedra Dunes Club Developers, a Florida general partnership, dated November 8, 1985, and recorded November 12, 1985, at 3:34 PM in Official Records Book 688, page 1958, of the current public records of St. Johns County, Florida.



11031953 1987 TAX NOTICE/RECEIPT ST. JOHNS COUNTY REAL ESTATE

1

			DUE NOV	DUE DEC	DUE JAN	DUE FEB	DUE MAR
			19,511.43	19,714.68	19,917.92	20,121.17	20,324.41
EX-TYPE	SECTION CODE	MILLAGE CODE	TAXES LEVIED		MILLAGE	MAKE CHECK TO:	
		4500	GEN CO	9582.52	7.3560	DENNIS W. HOLLINGSWORTH	
			SCHOOL	9635.92	7.3970	TAX COLLECTOR	
			SJRWD	269.65	0.2070	PO DRAWER A	
			F.I.N.D	87.28	0.0670	ST. AUGUSTINE	
			MSOTO	475.48	0.3650	FL 32085-0638	
			AIRPORT	273.56	0.2100	DUNES CLUB PARTNERS	
			SC TN RG	ACRES		2249 SOUTH 3RD ST STE 201	
			20 06 30	0.00		JACKSONVILLE BEACH FL 32250-4020	
			7 8 PT LOT 2	515FT ON OCEAN (EX R/W)			
			SR A1A) GR688/1925	GR690/138			
			(RE-RECORD)				

(SEE REVERSE SIDE FOR INSTRUCTIONS) THIS TAX NOTICE BECOMES A RECEIPT WHEN VALIDATED BY TAXPAYER FOR 142290-0000

39654

**BUSCHMAN AND AHERN**

ATTORNEYS AT LAW  
2215 SOUTH THIRD STREET, SUITE 101  
POST OFFICE BOX 50006  
JACKSONVILLE BEACH, FLORIDA 32240-0006

904/246-9994  
FAX NO. 904/246-6680

ALBERT E. BUSCHMAN, JR.

FRED L. AHERN, JR.

April 11, 1988

Board of County Commissioners  
Planning and Zoning Department  
P.O. Box 349  
St. Johns County Courthouse  
St. Augustine, FL 32084

Re: Opinion Letter dated March 31, 1988,  
on Kingston Dunes

To Whom It May Concern:

This letter shall serve as an addendum to that certain title opinion letter dated March 31, 1988, addressed to the Board of County Commissioners in regards to Kingston Dunes.

As of April 11, 1988, at 2:30 P.M., there have been no changes and all terms and exceptions contained in the letter of March 31, 1988, remain the same and are unaffected by this addendum.

Yours very truly,



Fred L. Ahern, Jr.

FLA, Jr:lk  
pc: Ed Burr