

February 16, 2023

Brett Tyler Smith The Smith Law Firm 509 Whitehead Street Key West, FL 33040

RE: Brugman Holdings, LLC vs. The City of Key West Order Granting Petition for Writ of Certiorari

Dear Mr. Smith:

The City of Key West received an Order Granting Petition for Writ of Certiorari on March 29, 2022 for Case No. 20-CA-734-K, associated with properties identified as RE# 00002070-000000, RE# 00002100-000000, and RE# 00001850-000000 on Hilton Haven Drive. The conclusion reflects the record did not establish the criteria that the Planning Director and the Board of Adjustment considered in reaching the decision to deny the lawful unit determination. The Sixteenth Judicial Circuit Court in and for Monroe County, Florida Appellate Division could not assess whether the BOA's findings and judgment were supported by competent substantial evidence and whether the essential requirements of the law were observed.

Based upon the above conclusion, the Planning Department performed a subsequent review of the Lawful Unit Determination application and supporting documents for the aforementioned properties. The Department reviewed the Lawful Unit Determination letter dated December 11, 2019, and amended December 20, 2019, signed by former Interim Planning Director Roy Bishop, the associated Notice of Appeal, and performed additional site visits on August 5, 2022 and September 12, 2022.

The table and map below provide parcel numbers, and clarify the location of recognized units and locations of requested units.

Parcel Number	Address of existing units	Recognized units	Unit Type Requested for
00002070-000000	9, 9-A, 9-B, 9-C Hilton Haven Drive	4	Recognition 1 - Non-transient Lock-out Studio
00002100-000000	10-A and 10-B Hilton Haven Drive	2	1- Non-transient RV 1- Non-transient Lock-out
00001850-000000	No units recognized at this time	0	Studio 1 – Non-transient Floating Structure
			2-Non-transient Liveaboards



Recognized Units for Parcels #00001850-000000, #00002100-000000, and #00002070-000000





The City of Key West Code, Section 108-991 (3) states:

Units determined to have been in existence at the time the April 1, 2010, census was prepared are presumed not to be affected by BPAS. The city planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- b. Building permits issued prior to April 1, 2010;
- c. Copies of city directory entries on or about April 1, 2010;
- d. Rental, occupancy, or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- e. Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- f. Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;
- g. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010, (Green Card); and
- h. Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed but cannot be the sole record upon which a decision is based. Provision of documents is the responsibility of the applicant. The City Planner's decision shall be rendered to the Department of Economic Opportunity for a determination of consistency with the principals for guiding development.

Units which are determined not to be affected by the building permit allocation system per this subsection, but which have not been previously acknowledged by the City Planner are presumed to be lawfully established per Chapter 122, Article II, nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back-fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.



d. Applications received after May 2, 2017, must demonstrate that the unit sought to be established hereunder is or has been a legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.

Planning Summary:

The application requested the recognition of an additional six (6) non-transient units at the real property located at 9 Hilton Haven Drive and 10 Hilton Haven Drive. The parcel identified as RE# 00002070-000000 is on the south side of Hilton Haven Drive and includes the proposed units at 9-D and the RV. The parcel identified as RE# 00002100-000000 includes the proposed unit at 10-B2, also on the south side of Hilton Haven Drive. The one proposed floating structure and two proposed liveaboards are requested on the north side of Hilton Haven Drive on the parcel identified as RE# 00001850-000000. There is currently a total of six non-transient unit licenses attributed to these properties, as noted previously. The following is a summary of the documentation by staff and evidence provided by the applicant's attorney to the City:

• Parcel RE# 00002070-000000: Request for recognition of (1) Non-transient lockout studio –

- The applicant submitted affidavits from Edward Brugman and Michael Jansen affirming this unit was in existence in April 2010.
- The applicant submitted an affirmation from Michael Skoglund, Licensed General Contractor, reflecting he inspected this lock-out unit on September 10, 2019. It was his professional opinion that the unit and associated improvements predated 2010.
- Michael Skoglund wrote a letter dated September 6, 2019 to Terrence K. Justice, Building Director, indicating he inspected the structure and determined that it conformed to the building code at the time of the original construction as well as subsequent revisions.
- Photos taken during the August 5, 2022 site visit were consistent with the photos taken on November 7, 2019.
- Parcel RE# 00002070-000000: Request for recognition of (1) Non-transient RV -
 - Exhibit A (unsigned letter) indicates on or about 1990 the RV was rented to a person known as Patrick Nowiki.
 - The applicant submitted a letter from Native Landscape Design dated August 25, 2019 referencing the trailer.



• Photos taken during the August 5, 2022 site visit were consistent with the photos taken on November 7, 2019.

• Parcel RE# 00002100-000000: Request for recognition of (1) Non-transient lockout studio

- The applicant submitted affidavits from Edward Brugman and Michael Jansen affirming this unit was in existence in April 2010.
- The applicant submitted an Age of Structure and Associated Improvements Report from Michael Skoglund which reflects he inspected this lock-out unit on September 10, 2019. It was his professional opinion that the dwelling unit and associated improvements predated 2010.
- Photos taken during the August 5, 2022 site visit were consistent with the photos taken on November 7, 2019.

• Parcel RE# 00001850-000000: Request for recognition of three (3) units (liveaboards and floating structure, per applicant)

- The applicant submitted affidavits from Edward Brugman and Michael Jansen affirming these units were in existence in April 2010.
- The applicant submitted no evidence to suggest the exact floating structures at the dock now are those same structures that were in existence in 2010. A 2006 photo submitted by the applicant (Exhibit K) depicts a liveaboard houseboat and liveaboard sailboat that are no longer at the property. A 2009 aerial photo (Exhibit L) depicts two large vessels and one small vessel, however one of the larger vessels does not appear to be within Parcel RE# 00001850-000000. It is not possible to determine whether these vessels were units, whether they were the same vessels present in 2010, or whether those same vessels or units are there today. The 2019 application also includes a 2019 photo which depicts two different floating structures- not the same as those depicted in 2006. The Code requires in Section 108-991(3), "...Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records: . . .". City staff are not able to document these units through a mandatory site visit, because staff is not able to verify that the vessels there today are the same vessels or floating structures with units in existence in 2010.
- Records from Keys Energy and Florida Keys Aqueduct Authority only reflect seven (7) electric and water accounts for all three properties. Six units have been recognized already for these properties. Records reflect one additional account, for a unit "10-C" through both Keys Energy and FKAA documents; Keys Energy records show that account was established in 1974.



- The applicant submitted a general code complaint dated June 14, 2000, indicating the houseboat was not connected to sanitary sewer system.
- The 2005 Polk County Directory references Judy Bradford at this address with a second reference to 1-2 No Current Listing (2 Apts.).
- The 2008 Polk County Directory references Gary Zimmerman (20) at this address. The notation (20) represents the number of years at this address.
- The 2009 Polk County Directory references Judith Bradford (21) at this address. The notation (21) represents the number of years at this address.
- The 2010 Polk County Directory references Gary Zimmerman (22) at 10 Hilton Haven, no reference to C. The notation (22) represents the number of years at this address.
- The 2011 Polk County Directory references Gary Zimmerman (23) and Judith Bradford (23) at this address, no reference to C. The notation (23) represents the number of years at this address.
- Monroe County Property Appraiser property details dated June 20, 2006, describe the Land Use Code 010C - Residential Canal 9958 SF; there is no reference to any units.
- The applicant's exhibit depicting City of Key West Land Miscellaneous Information Inquiry date June 23, 2006, indicates 2 Houseboats and 1 Shed but they are not at this parcel, they are south of Hilton Haven Drive.
- Photos from the November 7, 2019 site visit identifies two floating structures. The Planner was only able to take photos of the inside of one floating structure.
- Photos from the August 5, 2022 site visit depict the same two floating structures from the November 7, 2019 site visit. In September 2022, there were a total of four floating structures at parcel RE# 00001850-000000, however the westernmost floating structure does not appear to be within the applicant's property line. Planning was not able to gain access to take photos of the interiors of any floating structure during the August 5, 2022, site visit.
- During the August 5, 2022 and September 12, 2022 site visits Planning staff took photographs depicting the floating structures' power sources; power is being provided through outdoor extension cords to the structures. Non-permanent water hoses were also observed, although these may be for auxiliary purposes.



- On September 1, 2022 the property owner's attorney, Brett Tyler Smith, submitted photos of two floating structures.
- One September 12, 2022, the Planning Department performed a third site visit and secured photos of the interior of a floating structure.
- During the September 12, 2022 site visit the long-term property manager intimated that on or about April 2010, there were only two floating structures located at 10-C Hilton Haven Drive.

Conclusion

During Planning's August 5, 2022 site visit, staff observed lock-out units 9-D, 10-B2 and a recreational vehicle with a bathroom, sleeping area and a food prep area.

However, with respect to the RV, the City Code establishes these to be considered *temporary living quarters, not units*. City of Key West Code Section 108-676 – Definitions. Recreational vehicle means an item or tangible personal property designated as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn be another vehicle. In the definitions section of the Land Development Regulations, Section 86-9, recreational vehicles are again identified in the definitions as "transient living accommodations or transient lodging." The City of Key West no longer recognizes any transient units through the Lawful Unit Determination process.

Furthermore, Section 108-681 of the Land Development Regulations state that all trailers and the like occupied for living quarters shall be parked in a regularly licensed trailer park. The subject property is not a licensed trailer park. Therefore, although there is evidence the recreational vehicle existed prior to or on April 1, 2010, the City of Key West does not recognize the recreational vehicle as a unit since this recreational vehicle is parked on a residential parcel and not a regularly licensed trailer park and Section 108-991 states that it must be demonstrated that, "...the unit sought to be established hereunder is or has been a (sic) legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located."

With respect to the request to recognize additional units at Parcel RE# 00001850-000000 (floating structure and liveaboard vessels), the Northwesternmost vessel identified in Exhibits F, K and L is not located on parcel RE# 00001850-000000. Additionally, no evidence was submitted to substantiate that the structures or vessels currently located on the parcel and inspected during the site visits are the original structures or vessels depicted in the photos prior to April 1, 2010.

Separately, Ordinance 18-17 was read and passed on final reading on September 5, 2018. This Ordinance amended Chapter 82 titled "Waterways" in Article II, Vessels, Section 82-37, titled Liveaboard Vessels as follows:



Section 82.37 - Liveaboard Vessels.

(a) Liveaboard vessels within the jurisdictional waters of the city are not subject to the city's BPAS ordinance when such vessels are intended for permanent habitation by docking or mooring. Therefore, liveaboard vessels attempting to be established after the effective date of the BPAS ordinance shall not be limited thereby. Unless otherwise provided in the land development regulations, privately owned bay bottom shall not be recognized as the same as upland property for the purposes of density. Liveaboard vessels shall only be located in marinas duly approved for liveaboards and the number of liveaboard vessels shall not exceed the number of approved slips per any City, State, or Federal approvals.

The proposed units at Parcel RE #00001850-000000 are not located in a duly approved marina, however, the proposed units would not be affected by this 2018 ordinance, given City Staff is required to consider their existence on or around April 2010- prior to adoption of this ordinance.

There is only sufficient evidence to support the existence of two (2) additional units at Parcel RE# 00001850-000000. This determination is based upon the Polk County Directory records reflecting both Judith Bradford and Gary Zimmerman did reside at 10-C Hilton Haven Drive prior to April 1, 2010, along with a historical accounting from the property manager that these two individuals did reside at 10-C Hilton Haven Drive on or before April 1, 2010 and at certain periods did reside in two separate vessels, and Ordinance 18-17 did not pass until September 5, 2018.

The Planning Department of the City of Key West is tasked in Section 108-991(3) to "...review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010." Staff has reviewed this application according to the criteria in Section 108-991 of the City Code of Key West, considered materials submitted by the applicant, and in this case, considered additional information submitted after an initial determination was issued and appealed. In conjunction with all submitted materials, staff research, a second site visit on August 5, 2022, and third site visit on September 12, 2022, it is the determination of the Planning Department that there is a body of evidence to support the existence of one (1) non-transient lock-out unit at Parcel RE# 00002070-000000, one non-transient lock-out unit at Parcel RE# 00001850-000000. This is an increase of non-transient units from six (6) to ten (10).

Furthermore, staff acknowledges the living areas associated with proposed units 9-D and 10-B2 most approximate the definition of a single-room occupancy unit or lock-out unit, and as such considers the following Comprehensive Plan language and Land Development Regulations:



- Section 108-986 Definitions. Accessory units and single room occupancies (SROs) means units that must be deed-restricted as affordable: restricted to occupancy by permanent residents, and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident. An accessory unit or SRO cannot take up more than 40 percent of the principal structure nor can it exceed 600 square feet and the minimum size shall be 300 square feet. SROs by definition shall be restricted to one-room efficiencies. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the planning board. If such variance is approved, the total square footage shall not exceed 600 square feet.
- City of Key West Comprehensive Plan, Glossary of Terms: Single Room Occupancy (SRO) -Means an affordable housing unit which is a multi-room and/or multi-floor facility that offers single rooms-for-lease. An SRO normally provides shared kitchen facilities, but may have a microwave and mini refrigerator but may not have a wet bar or stove, and must have one bathroom facility per unit, and must be no larger than 600 square feet in size and the minimum size shall be 300 square feet.
- Section 66-56. Household means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.
- Lock-out unit means any room or group of rooms which is part of a single family or multi-family dwelling or a transient room, or transient suite of rooms which can be accessed and locked or keyed separately from the principal entry to the dwelling, unit or suite. The access to the lock-out may be by separate door, from a common hallway, foyer or other common area of the units. Lockouts create a separate habitable space, and shall be considered a unit which requires an additional building permit allocation system (BPAS) unit, when such lock-outs are held out for rent barter or lease for either transient or non-transient purposes separately from the principal dwelling, transient room or suite.

All criteria listed below must be met before the SROs/lock-out units and any floating homes can be lawfully established. As noted above, the applicant must also demonstrate compliance with the additional requirements of Section 108-991 (3) pertaining to the Florida Building Code, payment of back fees, and licensing for all recognized units.

• The applicant must submit a recorded deed restriction, reviewed, and approved by the City Attorney, that these SROs/lock-outs units will be affordable (median income) as per Division 10, Work Force Housing- in perpetuity, and that these units cannot be sold separately as condominiums as per Section 108-986.



Additionally, based on our determination, you will need to extinguish the use of one floating structure at Parcel RE# 00001850-000000 and recreational vehicle at Parcel RE# 00002070-000000. This can be accomplished by removing the floating structure and recreational vehicle from each parcel or removing the kitchens (cabinets, sinks, stoves, etc.) within six months. This process would require a demolition permit from the City of Key West Building Department. Non-compliance would result in a code violation.

The City Planner's decision shall be rendered to the Department of Economic Opportunity for a determination of consistency with the principals for guiding development.

If you need assistance or have additional questions, please feel free to contact the Planning Department.

Sincerely,

Katie P. Halloran Planning Director

Dated:

Attachments:

Affidavits - Edward Brugman and Michael Jansen Age of Structure and Associated Improvements Reports As-Built Certification - Michael Skoglund Site Visit Photos Exhibit A – Unsigned letter Letter - Native Landscape Design Records – Keys Energy General Code Complaint Polk County Directory 2005 & 2008 – 2011 Monroe County Property Appraiser City of Key West Land Misc. Information Inquiry Exhibits F, K & L

Exhibit A

AFFIDAVIT

1. Found . Baog M. Swear/affirm the following to be true and correct to the

best of my knowledge:

1. I am the owner of the properties located at 9 & 10 Hilton Haven Road from

1971 until 2019. I have personal knowledge that in April, 2010 the

property contained:

- Upland non-transient units at 9 Hilton Haven; 5
- R/V non-transient unit at 9 Hilton Haven; 1
- Upland non-transient units at 10A & B Hilton Haven; 3
- Floating Structure non-transient unit at 10C Hilton Haven; 1
- Houseboat non-transient unit at 10C Hilton Haven; 1
- Liveaboard non-transient vessel at 10C Hilton Haven; 1
- 2. Each unit was/is individually keyed.

8/22/19 nu Signature

Subscribed and sworn to (or affirmed) before me on <u>August 22, 2019</u> (date) by <u>Edward J. Brugman</u> (name of affiant), he/she is personally known to me or Drivers Licenseas identification. AODE. has presented PUBLIC

Notary's Signature and Seal

Name of Acknowledger printed of Title or Rank	r tangpet
Commission Number, if any	OT OF OF OHIO

Exhibit A

AFFIDAVIT

I, MICHAEL E JANSEN. swear/affirm the following to be true and correct to the best of my knowledge:

 I have been the property manager of the properties located at 9 & 10 Hilton Haven Road from <u>8-i-89</u> until <u>8-1-19</u>. I have personal knowledge that in April, 2010 the property contained:

5 Upland non-transient units at 9 Hilton Haven;

1 R/V non-transient unit at 9 Hilton Haven;

3 Upland non-transient units at 10A & B Hilton Haven;

1 Floating Structure non-transient unit at 10C Hilton Haven;

1 Houseboat non-transient unit at 10C Hilton Haven;

Liveaboard non-transient vessel at 10C Hilton Haven;

2. Each unit was/is individually keyed.

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<u>Muchael &</u> Signature 8-1-19 Date Jam

Subscribed and sworn to (or affirmed) before me on 2<u>h/h</u> (Mate) by Michael (name of affiant), he/she is personally known to me or has pregented as identification. DI

ure and SA

Name of Acknowledger printed or stamped Title or Rank Commission Number, if any

ALVINA COVINGTON Commission # GG 328928 Expires August 27, 2023 Bonded Thru Troy Fain Insurance 800-385-7019

AGE OF STRUCTURE AND ASSOCIATED IMPROVEMENTS REPORT

Exhibit C

l, <u>Michael Skoglund</u> swear/affirm the following to be true and correct to the best of my

knowledge:

- 1. I am a Florida Licensed General Contractor (No. RB0054201).
- I inspected the <u>1</u> unrecognized lockout units located at <u>9 Hilton Haven</u> on <u>9-10-2019</u>.
- 3. Based on my contracting expertise, it is my professional opinion that the dwelling unit and associated improvements <u>predate 2010</u>.
- 4. The dwelling unit was individually keyed.
- 5. Based on my inspection and my professional expertise, this unit was in existence on

and about April 1, 2010.

6. I have no monetary interest in the property.

1 Stehr 9-10-19 Date

Subscribed and sworn to (or affirm Michael Skoglund(n presented	ame of affiant) he she is personally known to me or has as identification.
Notary's Signature and Seal	Ima
particular and a second	Name of Acknowledger printed or stamped
ALVINA COVINGTON	Title or Rank
Expires August 27, 2023	Commission Number, if any
Bonded Thru Tray Fain Insurance 800-385-7019	
000-1013	

AGE OF STRUCTURE AND ASSOCIATED IMPROVEMENTS REPORT

Exhibit C

- l, <u>Michael Skoglund</u> swear/affirm the following to be true and correct to the best of my knowledge:
- 1. I am a Florida Licensed General Contractor (No. RB0054201).
- 2. I inspected the <u>1</u> unrecognized lockout unit located at <u>10B Hilton Haven</u>

9-10-2019 on

- 3. Based on my contracting expertise, it is my professional opinion that the dwelling unit and associated improvements predate 2010.
- 4. The dwelling unit was individually keyed.
- 5. Based on my inspection and my professional expertise, this unit was in existence on and about April 1, 2010.
- 6. I have no monetary interest in the property.

9-10-19 Signature Date

Subscribed and sworn to (or affirmed) before me on 104 Stat <u>ZU19</u>(date) by TiChaz/SK 09/100d(name of affiant) helshe is personally known to me or has presented as identification. NIM Notary's Signature and Seal Name of Acknowledger printed or stamped Title or Rank ALVINA COVINGTON Commission # GG 328928 Commission Number, if any Expires August 27, 2023 Bonded Thru Troy Fain Insurance 800-385-7019

Exhibit C

MICHAEL SKOGLUND, ARCHITECT

AR С Н ITE С T UR E A N D CONTRAC TING Ε S RVICES

September 6, 2019

Terrence K. Justice, Building Director City of Key West Building Department P.O. Box 1409 1300 White Street Key West, Florida 33040

Re: As-Built Certification 9 Hilton Haven – Unrecognized lockout unit

Mr. Justice:

I have inspected the structure in question and have determined that it conforms to the building code at the time of the original construction as well as the subsequent revisions.

Please call me if you have any questions or concerns about this matter.

Sincerely,

Michael Skoglund⁷ Architectural Lic. # FL5322 Contractor Lic. # RB0054201

522 Elizabeth St. Key West, Florida 33040 PHONE (305) 296-2632 LIC. #FL5322 & #RB0054201

Exhibit C

MICHAEL SKOGLUND, ARCHITECT

AR C H T E C T U RE A N D C 0 N T RA TING С S ERVICES

September 6, 2019

Terrence K. Justice, Building Director City of Key West Building Department P.O. Box 1409 1300 White Street Key West, Florida 33040

Re: As-Built Certification 10-B Hilton Haven – Unrecognized lockout unit

Mr. Justice:

I have inspected the structure in question and have determined that it conforms to the building code at the time of the original construction as well as the subsequent revisions.

Please call me if you have any questions or concerns about this matter.

Sincerely,

the

Michael Skoglund Architectural Lic. # FL5322 Contractor Lic. # RB0054201

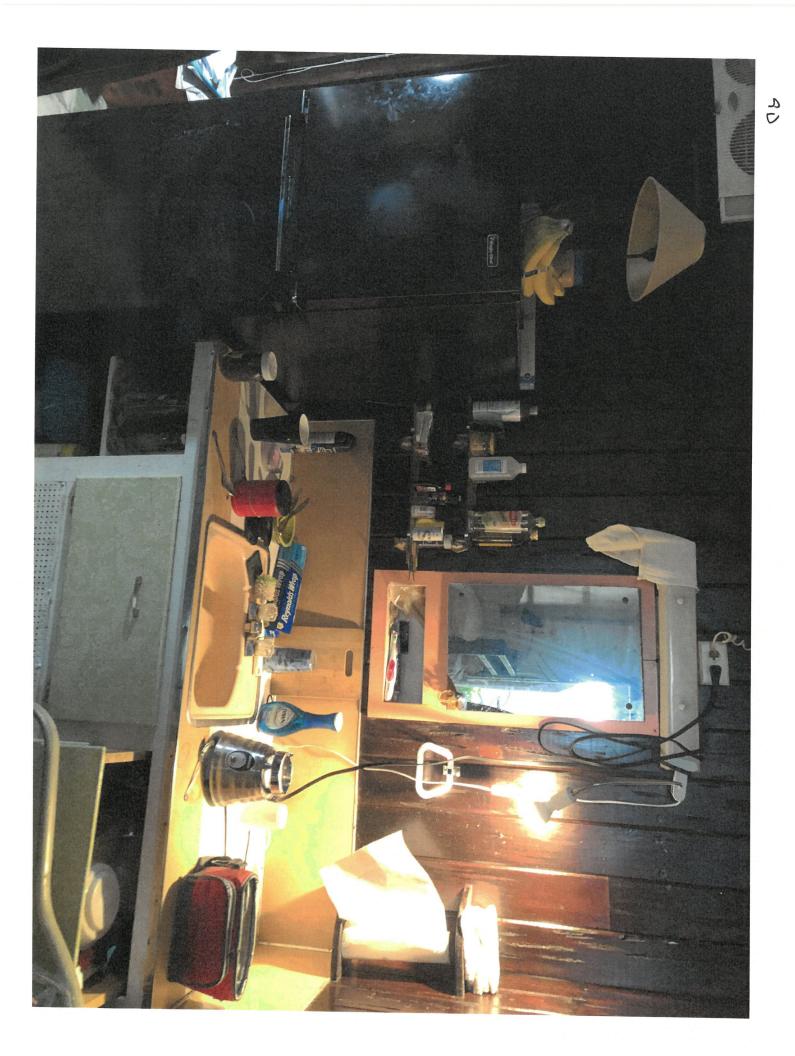
> 522 Elizabeth St. Key West, Florida 33040 PHONE (305) 296-2632 LIC. #FL5322 & #RB0054201

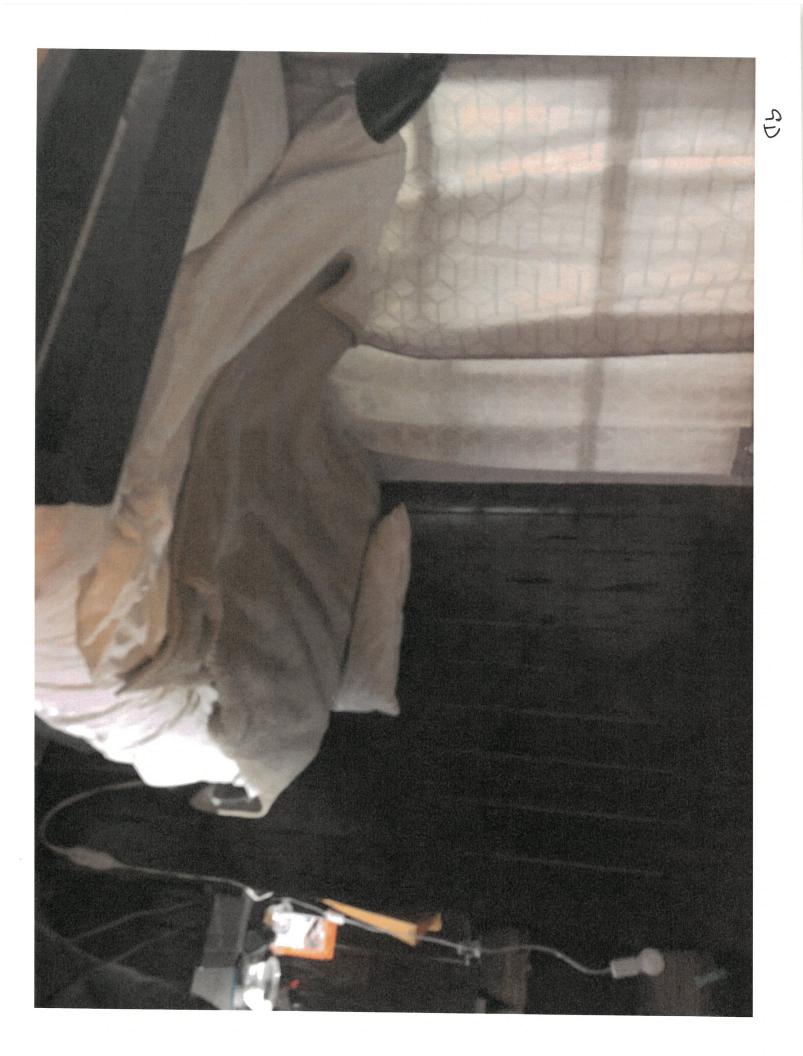


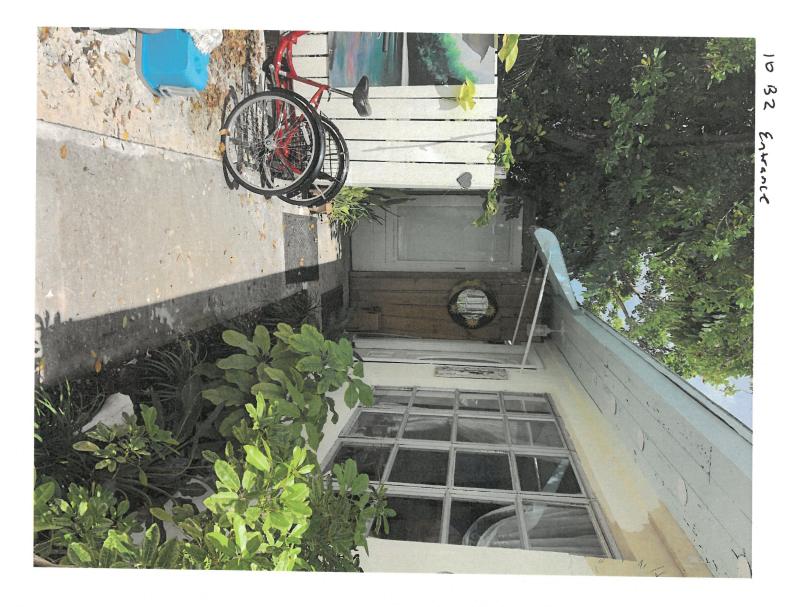








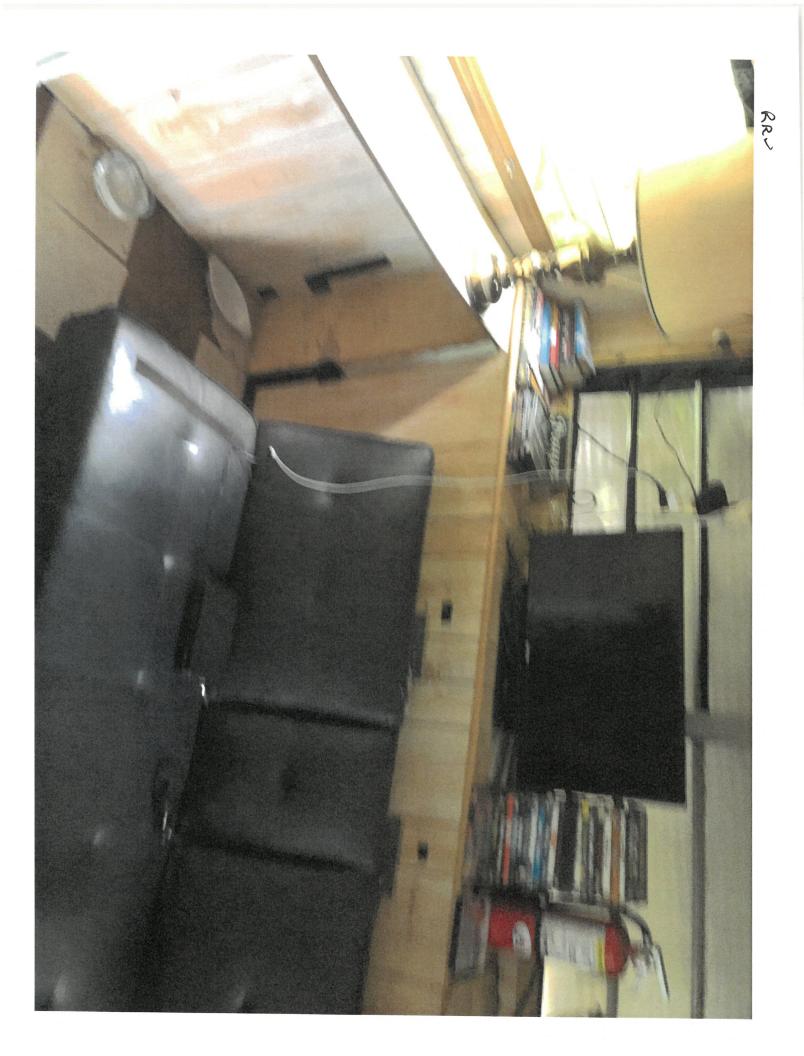






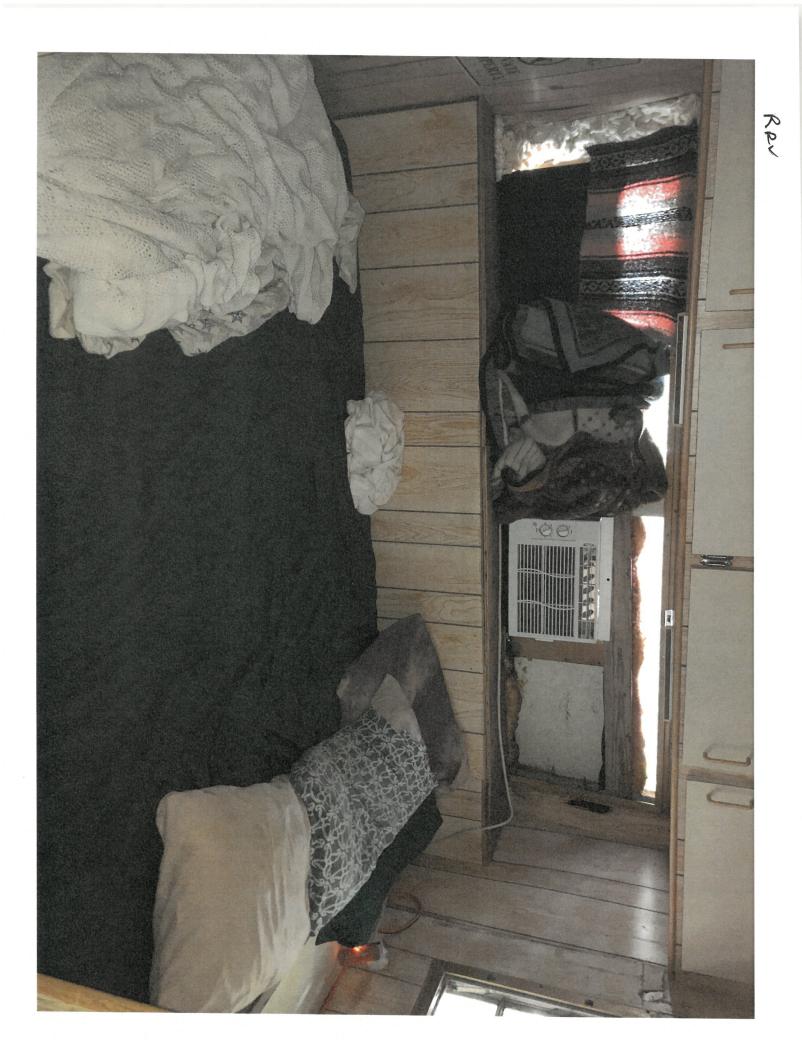






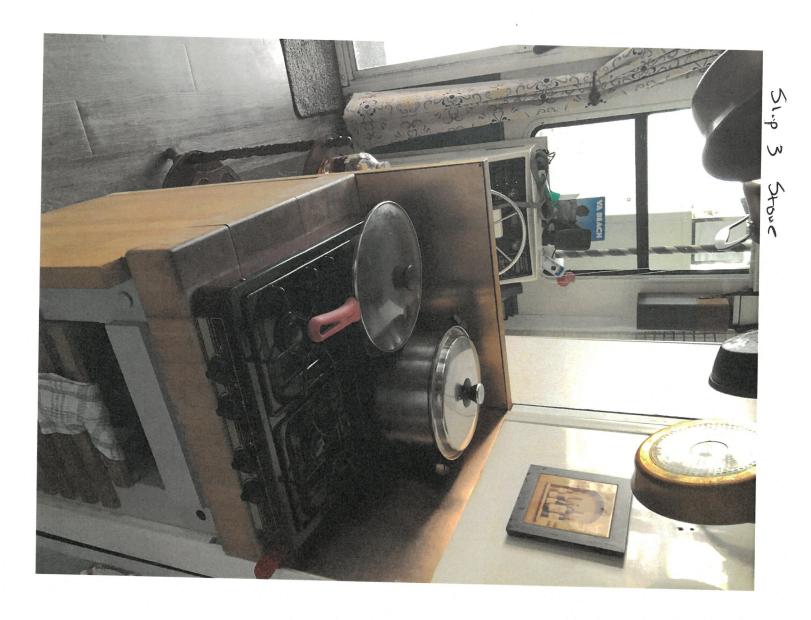


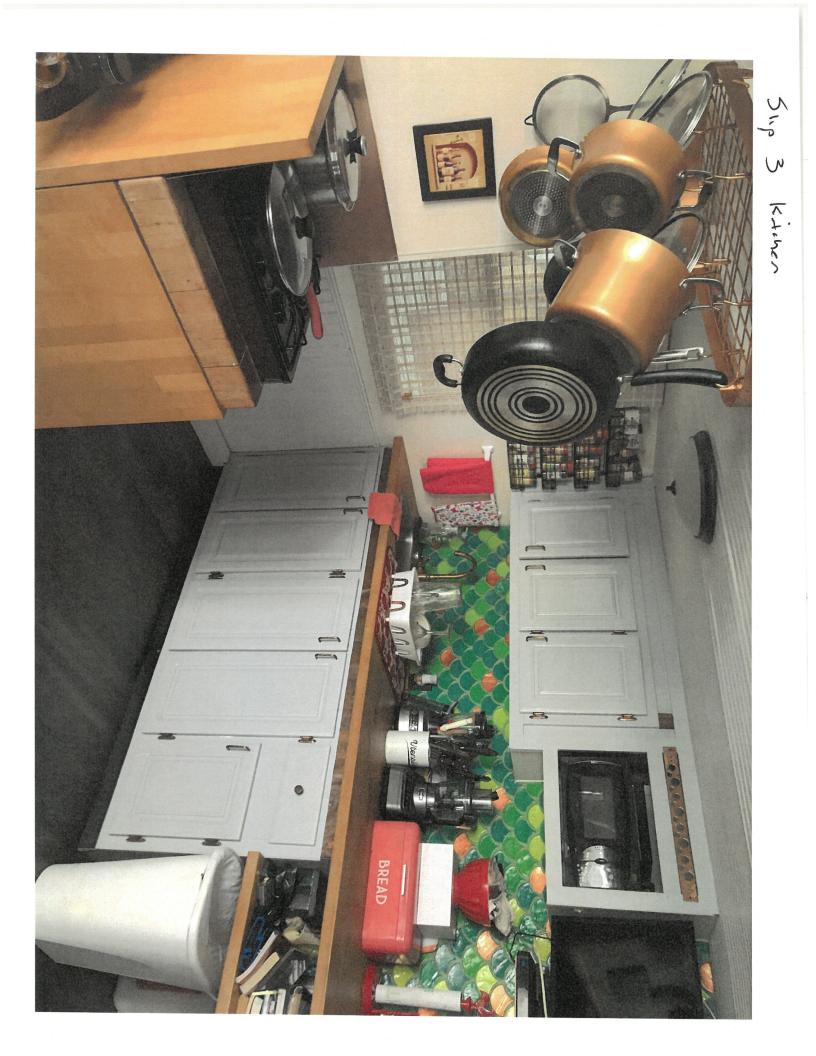






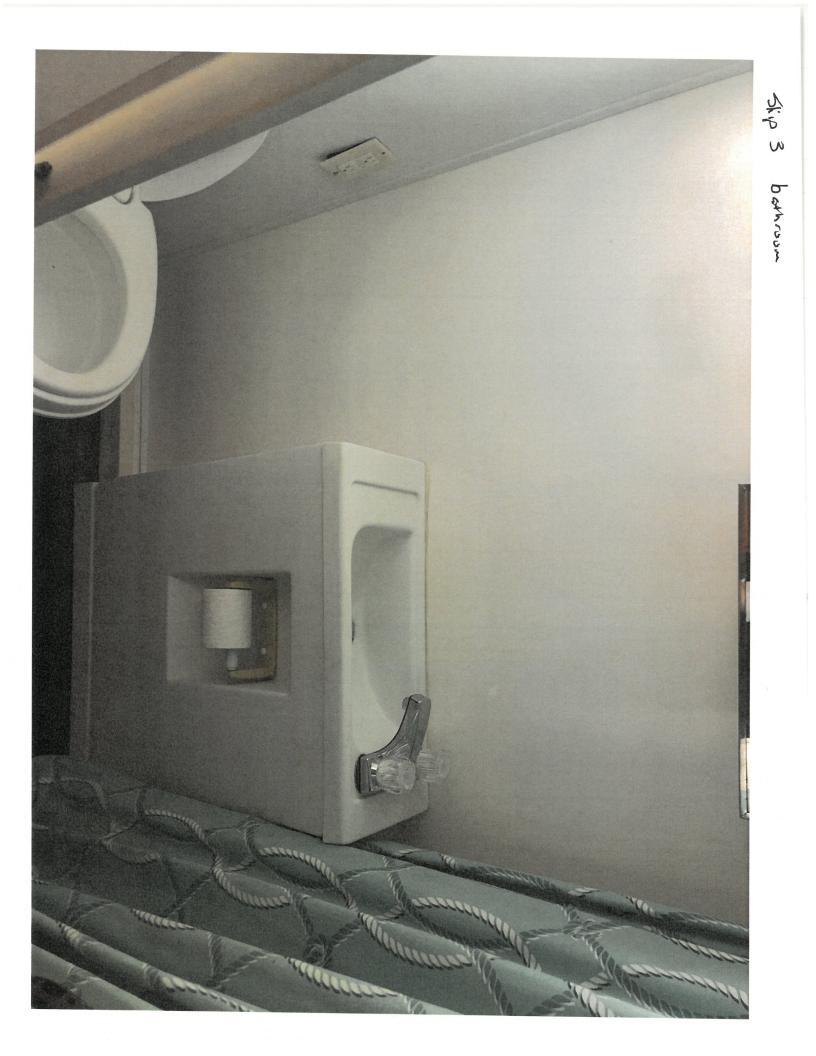




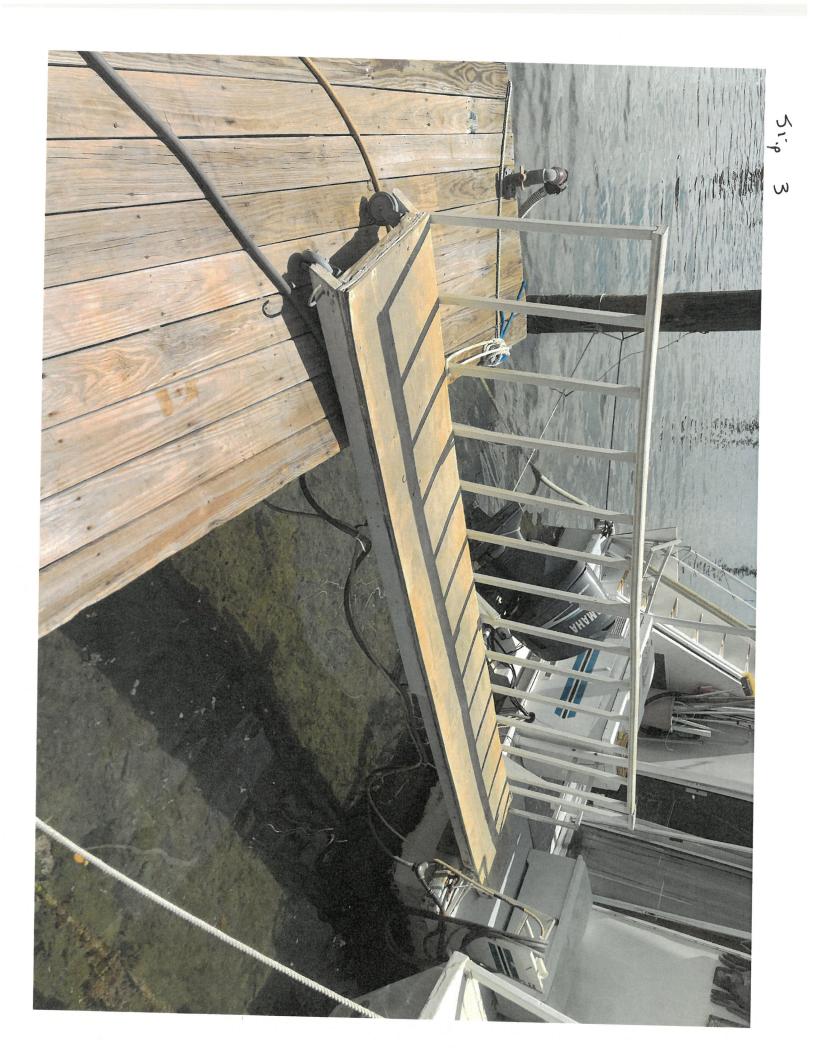


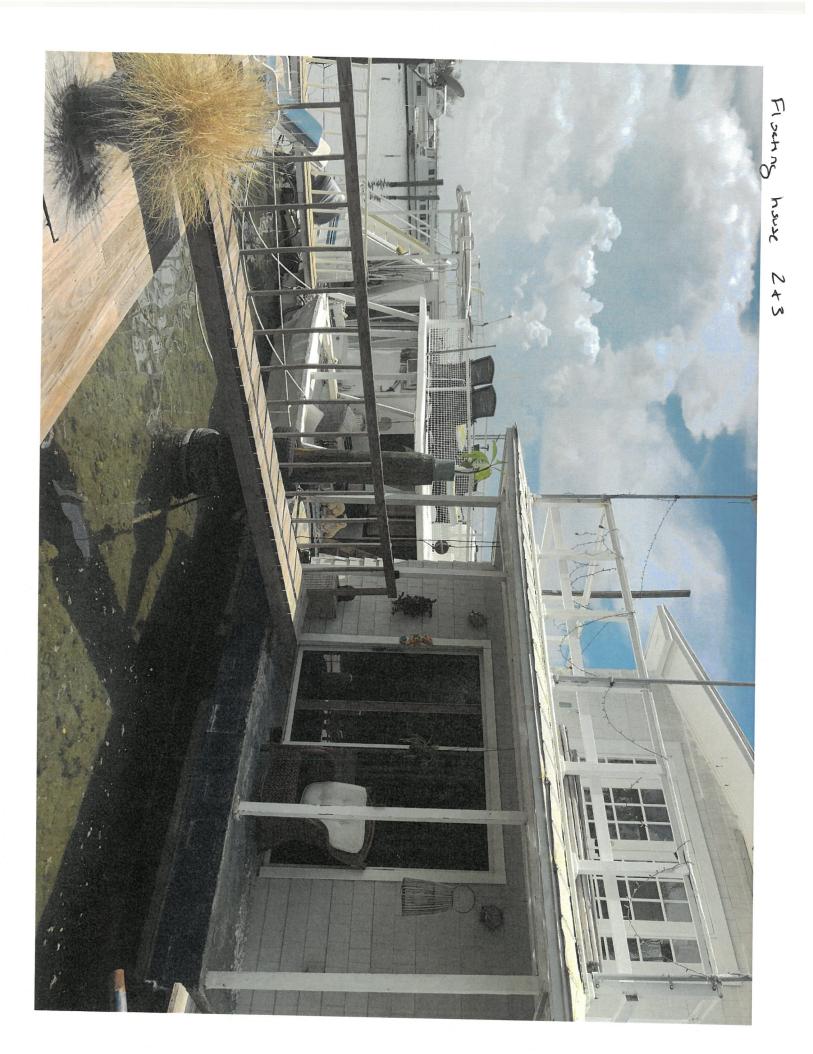


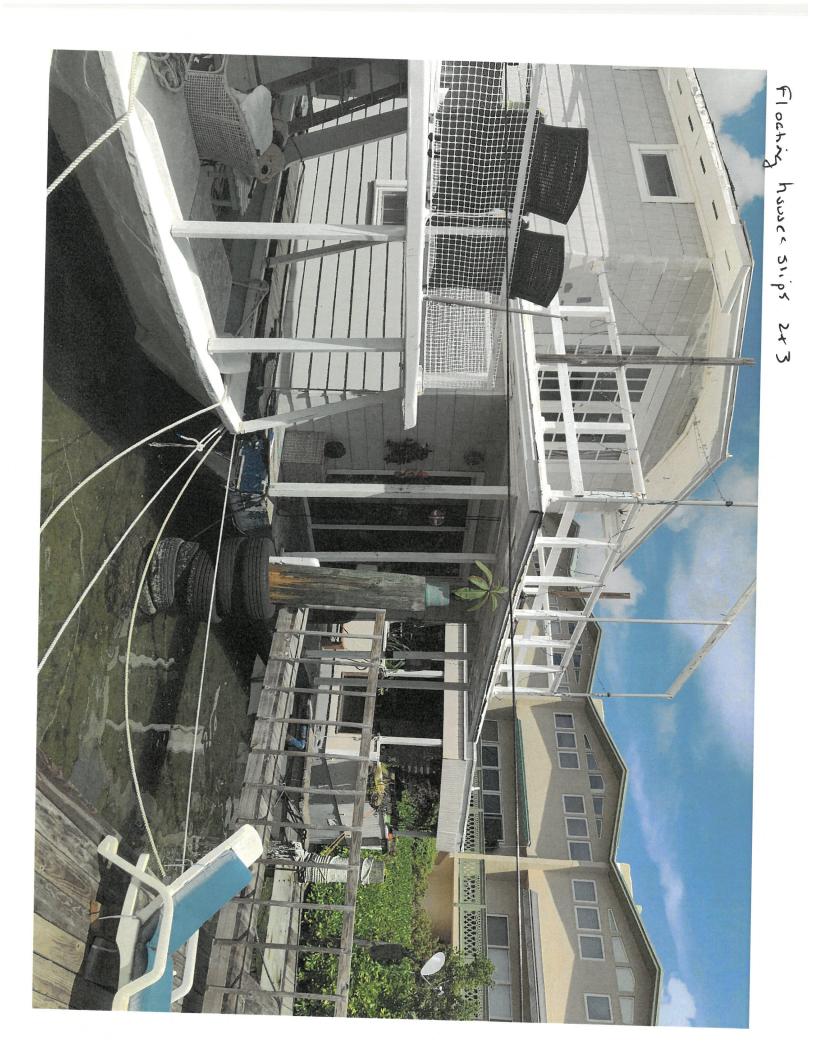




















Power Panel

Exhibit A

10B HISTORY ON OR ABOUT FEB 353 10B WRS OCUPIED BY FRANCES RAY MOND JANSEN he ALSO had Pusesion OF The STUDIO ATTROPOLI (SAME building) AND NOR HILTON HAVEN RID RAY WEST FLA 33040 hE RENTER SAND STUDIO AND IOA TILL APROXIMATLEY 2001 When hp dEFALTER, LEFT AND KEPT THE SECURITY deposits And LAST MONTH RENT OF THE THANTS. THEN THE WHOLE CUMPLEX IDA IOB AND STUDIO WAS LEASED BY DAVID EDWARD CHIDIONI UNTIL huricane IRma - PAM Hobbs WAS ONP OF his TENANTS (10A) . he REITER THE STUDIO TO A PERSON RMOWN ONLY AS TUMMY TO ME. he ALSO LEFT AFTER IRMA. PAM STIL ECOPOS IUA. ON OR ABOUT 1990 The R. U. WAS

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APTS	M9 / have occased #9 since Exhibit A
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9e	ON OR A BOUT 2003 WAS RENTER TO WILLEM
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Landscape Design

Exhibit D

To: Trepanier & Associates Re: 9 Hilton Haven Drive

8/25/19

Dear Owen and Lori-

At your request, I have completed an inspection of the tree at 9 Hilton Haven Drive in Key West. It is a *Schefflera actinophylla*- commonly known as Schefflera. I have observed the tree to be in generally good health overall, and, with a height of 18-20 feet and a DBH of 12 inches, to be 15-20 years old. Due to its location so near the tongue of the adjacent trailer, it does not appear to have been planted, but instead is most likely a volunteer, ie, sprouted from seed in its current location. I observed no apparent disturbance of the landscape in the general vicinity of the tree, and it appears that the area has been generally undisturbed for at least a decade.

If you have any questions at all, please feel free to contact me any time.

Sincerely, Scott Montgomery ISA Certified Arborist FL 6018A

Exhibit E

Gricel Owen

HR & Public Records Coordinator

HR/Communications

To monitor the progress or update this request please log into the Public Records Center



On 4/9/2019 12:04:41 PM, KEYS ENERGY SERVICES Support wrote:

Subject: [Records Center] Public Records Request :: R000240-040919 Body: Hi Alvina,

Units A & B were established in 1972 and Unit C in 1974. Please let me know if you need anything else.

Thank You, Gricel Owen

On 4/9/2019 11:38:04 AM, KEYS ENERGY SERVICES Support wrote:



Dear Alvina Covington:

Thank you for your interest in public records of Keys Energy Services. Your request has been received and is being processed in accordance with Chapter 119 of the Florida Statutes, the Public Records Act. Your request was received in this office on 4/9/2019 and given the reference number R000240-040919 for tracking purposes.

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Exhibit J

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	HARRIS AVE Cont'd	
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	Gibson Jennifer	7
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	2721 Jones Gregory E & Diana S 12 305-292-0371	ł
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	+ 10TH ST CONTINUES	9
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¢	305-296-4821	
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	2931 @ Gerace Gregory J	3
	2932 Mattingley Lee E & Sherry L 6 305-296-1793	
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rard R & Belinda S 34 305-296-7442	2825 Houghton Fiona M 10
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JLFVIEW DR Cont'd 11 Zirilli Anthony C 6 13 Hausman Kenneth J Sr 4 Hausman Robert A 15 Hultgren Bruce W 5 17 Mazurek Andrew S 9305-294-2229 19 Schwartz Steven D 10 23 - 2627 No Current Listing (3 Hses) 29 McIvor Michael E 2 31 Rysman Peter 9 33 SANDER MICHAEL DDS dentists305-292-0202 35 O Leen Kevin J & Mary D 37 - 2639 No Current Listing (2 Hses) 11 Hendrick James T 2 Hendrick Joseph T 45 No Current Listing 47 GUTTENMACHER & BOHATCH attorneys 19 C Beavers David L Geary Kristy K 4 Geary Peter J 51 No Current Listing HOUSEHOLDS 23 SINESSES 2 LSEY DR (KEY WEST) LAGG ST BEGINS **OWERS AVE CONTINUES** IP CODE 33040 CAR-RT C042 13 A No Current Listing 4 Wright David N 4 Wright Elizabeth 15 A - 1049 A No Current Listing (5 Hses) i0 Parish Karla E 15 i1 Hernandez Patrick 3305-293-0628 i5 Broz Tammy E 4 i6 - 1059 No Current Listing (4 Hses) 0 Patterson Barbara 4 11 A - 1415 No Current Listing (4 Hses) **IITSCHER DR ENDS** HOUSEHOLDS 22 MMOCK DR (KEY WEST) IP CODE 33040 CAR-RT C017 Gonzalez Lynn 9 572 No Current Listing (2 Hses) Magnuson Patricia A 4 Perez Desiderio J Jr & Dina M 22 🛔305-294-7765 No Current Listing OCKLAND DR INTERSECTS HOUSEHOLDS 9 RRIET AVE (KEY WEST)-FROM 1351 15TH ST EAST LYNN R ARCHER JR DR CONTINUES P CODE 33040 CAR-RT C030 0 C Kramer Martin E 1 C Palmer Mary L 2 Luaces Nestor J & Linda J 24 🖨305-294-4564 3 Soto William A 6 Soto Amy M
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 6 Valencia Cherise M S ▲

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LEVIEW DR - HARRIS AVE

HARRIET AVE Cont'd Campbell Michele D + 15TH ST INTERSECTS 3300 No Current Listing 3301 Spoto Michael C & Faith M 16 3303 - 3304 No Current Listing (2 Hses) 3305 O Fagan Cheryl A Grom Kenneth C & Wendy L 14 🛔 305-294-2281 3306 Poist Christine M 4 Poist Richard F C Montano Ricardo 3312 Smith Robert J 2 Smith Jerry 3314 Carey Michael H 15 3315 No Current Listing 3316 Mano Yossi 3 📤 3320 No Current Listing 3325 Moffitan Raymond J 2 Moffitan Dana A 3327 No Current Listing 3329 @ Bacher Connie E Bacher Rhonda L HOUSEHOLDS 64 HARRIS AVE (KEY WEST)-FROM 1317 4TH ST NORTHEAST + GEORGE ST CONTINUES ZIP CODE 33040 CAR-RT C009 1831 Lefferts Michael L & Jackie K 2305-293-4548 + 1ST ST INTERSECTS 3 Sakalouski Ihar 2 Hall Linda 14 1908 TARPLEY CONNIE psychotherapists ...305-296-0150 1915 Southcott William R Jr 44 ≜ ______305-296-3041 + 2ND ST INTERSECTS + 2ND ST CONTINUES Broali Michelle Owen Holly J 2009 Milliken Harold R 45 2012 No Current Listing

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 2021 @ Andrews Millchein ⊨ Jr 2025 Gerich Anthony M & Holly K 13 ≜305-296-3497 2026 Green Robert A 47 ≜305-296-8041 + 3RD ST INTERSECTS + 3RD ST CONTINUES ZIP CODE 33040 CAR-RT C031 C AT A 00E 004 0004

2109 O Kilgore Donald F & Donna R 305-293-0907 2113 No Current Listing 2117 Mitchell Stacey C & David W [5 ▲305-294-6115 2118 Alpizar Octavio F Jr & Angela C [44] ▲ 2120 Herzog Theodore W 13 2121 Borders Nidia F 13 A + 4TH ST INTERSECTS 2205 Crane Julie M 6 2206 Atwell Timothy R & Candice M 21 2208 Scarbrough Reed E & Therese R 15 2209 No Current Listing 2212 Bervaldi Hollon R Jr & Cheryl C 17 ▲ 2213 Leary Denise M 5 ▲ 2226 Boza Edward R & Belinda S 35 ≜305-296-2274 2230 Smith Carson L & Valerie J 15 + 5TH ST INTERSECTS 2300 Wright Jeanetta 2 2304 Wood Crain W 4
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 2320 Perina Anne M [2]

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......305-296-4180 2518 Crewe Christopher A Kozak Milan 5 2520 O'Boyle Margaret A 2 + 8TH ST INTERSECTS • ZIP CODE 33040 CAR-RT C007 2 O McCaffrey Owen J 2603 Galvan Jorge E & Raquel P 15 ▲305-292-5985 2609 Schoneck Ben K Sr & Virginia H 47 ▲ .305-296-2158 2612 No Current Listing 2613 Hansen Paul R & Sandra L B 2615 Getz Betty A 10 ▲ 2616 EXPRESS ELECTRIC & CO INC electric contractors © Hruskova Marie 2619 Roberts Alan E & Kathy A [23] ▲ ..305-797-0525 .305-294-3738 + SUNSET DR CONTINUES 205-292-1503

Polk City Directories Now on the Internet @ www.citydirectory.com **© NEW NEIGHBOR** HARRIS AVE Cont'd HILTON HAVEN RD Cont'd 2712 No Current Listing 2718 BAY BUILDERS OF KEY WEST LLC genl 7 B Paulson Terrance L 5 8 O Szymanski Alfons contractors305-292-1522 5 Shepardson Benjamin R 4 O Jacobs Lizelle 9 AFFORDABLE PHONES & CABELING te Vosser Johannes J 2 📤 2721 Jones Gregory E & Diana S 16 🚔305-292-0371 supl Ruf Sheree A 5 2727 No Current Listing VERN'S TMA COMMUNICATIONS telep 2733 @ Karr Tammie 2737 ADVANTAGE APPLIANCE REPAIR appliances-..... household-major-rpr305-294-6010 B Amaddio Teresa M 15 9 B Brooks P J 3 Alley Margo Y 15 + 10TH ST INTERSECTS 10 GHIDONI DAVID surveyors-marine ... + 10TH ST CONTINUES C Bradford Judith L 21 10 D Rinald Ronda 6 11 Vanstaden Nardus 2 C Alzina Mariel 2804 Whittingslow Edward J & Johanna V 24 Vanstaden Lizelle 13 Grosscup William R 10 Howell Marilou K 3 Valdez Ruby R 2808 @ Smith Everett 🛔 13 B O Majic Aron 14 McCabe Lyn F 15 🛔 15 Harris Christine M 3 16 Sabin Ronald G Sr & Rochelle K 3 A Debenedetti Ronald J 3 B Degnan Maureen B 18 B Halloran George R & Marcia E 20 🖨 . C Smith Guy R 10 D O Debenedetti Tiffany D Stewart Richard C 3 E McKinney Josephine S 2 18 Andrews Diane E 6 19 Norwood Christopher R 4 Norwood Michelle A ... 2827 No Current Listing C Rann Jeffrev 2828 O Parker Willard E 20 Witwer George O & Dorothy B 18 21 @ Hutchinson Thomas A 22 NO MORE INC nonclassified establishme Nash Angela R
 11TH ST INTERSECTS 24 Rossi Mark K 16 🛔 25 Arnold William Jr & Dulce M 25 30 1 Gauthier Harvey E 5 2 Williams Doris J 12 ≜ 3 Hyatt Alice M 8 ≜ 3 Hyatt Ali 4 Gullo Kristin A B 5 C Baylis Ray 2911 Kaufman Robert P & Arlene S 3 ▲305-293-7681 2912 Laukkanen John C & Inocenta H 39 ▲ 5 O Grace Gregory P 8 O Sabag Mazal 32 2 O Cohen Haim 3 Biga Donald P 6 4 Clark Wallace E & Sara C 6 2919 Ray Vincent W 11 6 Sinha Sanjiv 9 🌢 Ray Maika G 2920 Russell Joy D & Harry L 28 8 Claus Maria E 3 77 Ferris Alfred J & Louise 7 2923 No Current Listing 88 CHARLES MC COY & ASSOC architects Tapia Josefina McCoy Charles E Jr 33 McCoy Feliciana 2928 Eldridge Lynn 17 BUSINESSES 5 HOEY DR (KEY WEST) ZIP CODE 33040 CAR-RT C018 BUSINESSES 7 HOUSEHOLDS 160 1613 Kraft Justine M 2 HAVANA LN (KEY WEST) + OLIVIA ST CONTINUES • ZIP CODE 33040 CAR-RT C032 HOWE ST (KEY WEST)-FROM 220 JULIA S SOUTHEAST + TRUMAN AVE CONTINUES 4 No Current Listing 5 Perkins Petra 3 • ZIP CODE 33040 CAR-RT C041 2 Banikova Anna 2 1000 Valdez Charnette K 2 Valdez Keith R Jr 8 Delacerda Michael 2 + TRUMAN AVE INTERSECTS 1006 Woods Pamela T 30 Woods Yvette M HOUSEHOLDS 5 1011 No Current Listing HIBISCUS LN (KEY WEST)-FROM 511 GRINNELL ST • ZIP CODE 33040 CAR-RT C004 1012 Sweeting Floyd H Sr & Marva A 38 2 Kaplan Robin M 26 🚔 1013 @ Hull Roy B .305-294-7382 3 Fitzgerald William D & Helen M 5 1015 No Current Listing 917 Ostroff Jonathan B & Lisa M 4 + JULIA ST INTERSECTS 919 No Current Listing 1016 GALLERIA CONDO GUEST HOUSE ho HOUSEHOLDS 4 O Russell John H HIGGS LN (KEY WEST)-FROM 329 ELIZABETH ST SOUTHWEST 1026 Winslow Jonathan P 1027 No Current Listing • ZIP CODE 33040 CAR-RT C020 1031 Koziol Zbigniew M 5 Koziol Tippi H + AMELIA ST INTERSECTS305-296-5568 HOUSEHOLDS 3 BUSINESSES 1 HILTON HAVEN RD (KEY WEST) + N ROOSEVELT BLVD CONTINUES • ZIP CODE 33040 CAR-RT C011 HUNTS LN (KEY WEST)-FROM 922 SOUTH NORTHWEST • ZIP CODE 33040 CAR-RT C004 2 Miller Constance & Robert 7 3 Carow Richard A 14 4 Burr Mary C 4 Odonnell Brian P

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RINNELL ST - HARRIS AVE RINNELL ST Cont'd CASA MARINA CT INTERSECTS HOUSEHOLDS 214 **JSINESSES 12** ULFVIEW DR (KEY WEST) ZIP CODE 33040 CAR-RT C026 11 No Current Listing Schwartz Barbara 321 Raphel Robert D & Lilian M 11
......305-294-0536 323 - 2627 No Current Listing (3 Hses) 329 McIvor Michael E 3 31 Rysman Peter 10 33 SANDER MICHAEL DDS dentists305-292-0202 35 Leen Kevin J & Mary D 2 37 No Current Listing 39 Ameng-Torres Lazara A 10 角 343 Schwemmer Sandra 8305-292-7962 345 Lee Mary K 3 349 Geary Kristy K 5 Geary Peter J 351 No Current Listing **USINESSES 2** HOUSEHOLDS 22 ALSEY DR (KEY WEST) FLAGG ST BEGINS TOWERS AVE CONTINUES ZIP CODE 33040 CAR-RT C042)43 - 1050 No Current Listing (8 Hses))51 @ Narwold Martha)52 - 1063 No Current Listing (12 Hses) MITSCHER DR ENDS **HOUSEHOLDS 21** AMMOCK DR (KEY WEST) ZIP CODE 33040 CAR-RT C017 26 C Bermudez Linet Lioyd Jessica A B 14 Tribou Matthew T 20 🛔305-294-3450 30 Gonzalez Lynn 10 34 No Current Listing 78 Gonzalez Jose R & Rebecca E 16 ROCKLAND DR INTERSECTS HOUSEHOLDS 10 ARRIET AVE (KEY WEST)-FROM 1351 15TH ST EAST GLYNN R ARCHER JR DR CONTINUES ZIP CODE 33040 CAR-RT C030 200 Reese Meghan E 🖲 🌢 201 @ Fedoryshyn Igor M 🌢 203 O'Connor Elizabeth M Soto William A 7 Soto Amy M 204 Frost Thomas J 9 205 Orr Brendan H & Christell A 10 a305-292-0134 206 Valencia Cherise M 6 🚔 207 Soldano Anthony M 24 📤305-295-5559 O Ver Duft Candy 209 No Current Listing 210 @ McGinnis Joseph 211 Witt Lenward C 212 Saunders Steven A 26 214 O Lopez Tara L 216 C Smith Sean A 217 Miller Shawn K 6 218 🕲 Brockner Michael E 🛔 McAlarney Athena 221 @ Rayne Shai 222 Buccacio John C Jr & Anne E 11 223 No Current Listing Wright Dean A 226 Pinnock Shalise R 5 227 Graves Isabelle C 11 228 Rodriguez Monica M 12 229 C McCarthy Dimitrios T Dorazio Penny S 8 231 Campbell William T 3 Campbell Michele D **15TH ST INTERSECTS** 300 O Bracey Christopher S & Carolyn M ...305-294-2057 301 Spoto Faith M 17 302 Enright Cynthia A 9

HARRIET AVE Cont'd 3303 No Current Listing 3304 Celcer Gary G Hernandez Gary H 3308 - 3309 No Current Listing (2 Hses) 3310 Castro Helen M 17 6305-296-4988 3312 No Current Listing 3314 Carey Michael H 16 3315 O Jefferson Michelle A O Savicky Diane L 🌢 3316 Mano Yossi 4 3317 @ Rumbaugh Susan 3318 Slavkovska Jan 7 ≜ 3319 Bice Lourdes C 12 ≜ 3320 Casa Laura A 14 3321 C Lippe Christopher 3323 Valdez Ruben R & Mary E 21 3324 Stroud Timothy W & Carol V 15 ▲ 3325 - 3327 No Current Listing (2 Hses) 3329 Bacher Connie E 2 Bacher Rhonda L 3331 @ Brasch Deborah L 🌢 Kyle Patrick M 2 + 16TH ST INTERSECTS HOUSEHOLDS 65 HARRIS AVE (KEY WEST)-FROM 1317 4TH ST NORTHEAST + GEORGE ST CONTINUES ZIP CODE 33040 CAR-RT C031 1810 Bradley Gregory L & Patricia 8 ▲305-293-6688 C Gant Tracey 1814 Boone Joann W 13 1819 Proctor Jodie 10 Proctor Joanne M A O Plante Michael J Perez Angela N 13 1829 Walker Linda D 31 1831 Lefferts Michael L & Jackie K 3 🛔305-293-2786 + 1ST ST INTERSECTS 1901 Paulik Roman 7 Spooner Jana 🛽 🍙 1908 TARPLEY CONNIE psychotherapists ...305-304-8248 1910 Cambern Craig S & Michelle F B305-296-3134 1911 Salazar Leonard E & Kathleen M 27 1919 Freeling Laurie A 14 1922 Bunting Edward E & Elizabeth J 11 1923 Lones Thomas S & Marie V 25 6305-296-0019 + 2ND ST INTERSECTS + 2ND ST CONTINUES 2000 Conner Patrick L 8 Conner Lynn Santoleri Rosemary T & Gerald W 13 2004 Boza John A & Gilda M 18 2005 Randolph Michelle E 16 Randolph Derek A Jr 2008 Owen Wayne M Sr 14 6 Owen Holly J 2009 O Ahmerova Ulduz @ Burt Jason F Chrastina Lisa A 2013 Pepper-Lamparsky Joseph J 13 ≜305-295-0526 2017 Fiore Joseph D & Joy H 27 ≜305-294-7548 2018 C Lasaponara Angela Mery Angela K Miller Grant E 2021 Hardy Sandra 🖲 📤 + 3RD ST CONTINUES 2100 Romero George E & Gladys G 42 📤 305-294-3831 2101 Barnes Ricardo 2 Torbisco Michael A 2104 Roberson Sheila R 12

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 Sullivan-Artz Kristin K 2406 No Current Listing 2407 Disson Adam J & Joni A 16 2408 No Current Listing 2409 Nelson Joel R & Donna J 24 2410 No Current Listing 2412 Deeley Michael J 2 Mogavero Dee J 2417 Grix Renee D Sivlay Alexandra305-509-7884 2422 No Current Listing 2427 O Marion Andrea L Thrasher Layne W 9 2428 Carter Joseph P 25 2429 Budde Cyril J & Estela L 9 🖨 2433 No Current Listing 2437 Lynch Keith O Jr & Nora M 13 + 7TH ST BEGINS • ZIP CODE 33040 CAR-RT C007 2500 Quesada Mabel P & Oscar 34 2501 Reed Patricia J 7 6 2502 Westenberger Michael P 6 2503 A
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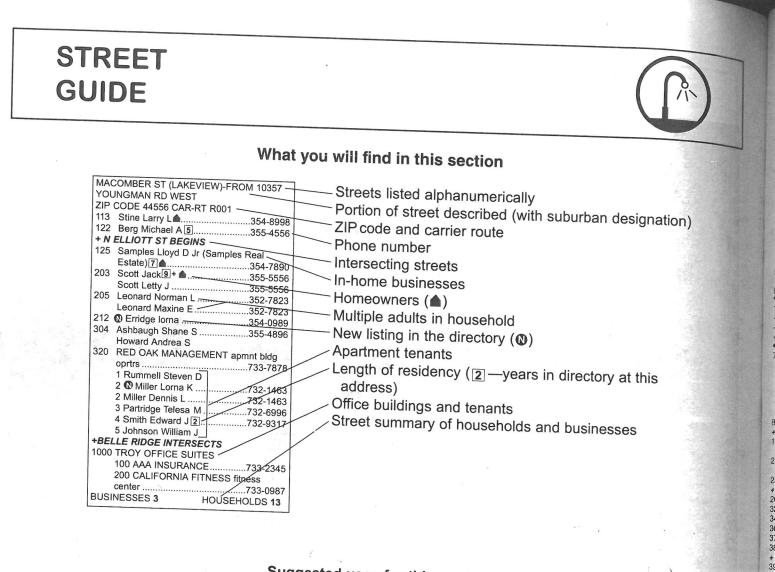
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2300 Learnard Warren A & Abernicker D 등 ▲ 2304 McCourt Michael T & Rose A 2 ▲ 2319 Krutsinger Gerald K 2 Sharpe Thomas D 2320 Adinolfi Steven 6 Perina Anne M 4

2323 Subarsky Alan L 3 2324 Berzellini Michael G Sr 201 &

305-206-2262

40 HARRIS AVE Cont'd 2326 McMahon John C Jr & Gai 2327 C Gould Kelly 2401 Ramirez Jose L 2 2406 No Current Listing 2407 Disson Joni A 17 Disson Madison 2408 C Holland Anne S C Trickey Monica 2409 Nelson Joel R & Donna J 25 2410 No Current Listing 2412 @ Albert Robert 2427 O Marion Andrea L © Usina Samantha 2428 Carter Joseph P 26 ≜ Johnson Matthew K 6 2429 Budde Cyril J & Estela L 10 🛦 2433 @ Martin Robert T 2437 Lynch Keith O Jr & Nora M 14 ≜305-296-1410 + 7TH ST BEGINS ZIP CODE 33040 CAR-RT C007 21P CODE 33040 CAH-RT C00:
 2500 Quesada Mabel P 35 ▲
 2501 Reed Patricia J B ▲
 2502 Westenberger Michael P 7 ▲
 2503 A Lamont Kimberly D 2
 2503 C @ Shoff Bridget
 2507 @ Raulerson Dwayne S Raulerson Jennifer
 ① Tasayon Hunge © Tasayco Hugo 2509 Stapula Ryan C 5 2512 O Garcia Sylvia 2718 C Bentley Zachary T 🌢 Bentley Mary 2721 Jones Gregory E & Diana S 18 ≜305-292-0371 2727 Gentile Adam 8 2733 C Ambosjulie A 2737 ADVANTAGE APPLIANCE REPAIR appliances-+ 10TH ST INTERSECTS + 10TH ST CONTINUES

A HOMEOWNER 2907 Wellet Gregory J 6 2908 @ Lamberson Allan T 2911 Kaufman Robert P & Arlene S 5 1305-293-7681 2912 Laukkanen John C & Inocenta H 41 2915 No Current Listing 2916 Kiltenick Richard M & Kelly J 14 ▲ 2919 Ray Vincent W & Maika G 13 ▲ 2920 Russell Joy D & Harry L 30 ▲ 2923 No Current Listing Eldridge Lynn 19 **BUSINESSES 4** HOUSEHOLDS 171 HAVANA LN (KEY WEST) + OLIVIA ST CONTINUES • ZIP CODE 33040 CAR-RT C034 8 No Current Listing + TRUMAN AVE INTERSECTS HOUSEHOLDS 5 HIBISCUS LN (KEY WEST)-FROM 511 GRINNELL ST • ZIP CODE 33040 CAR-RT C034 HOUSEHOLDS 4 HIGGS LN (KEY WEST)-FROM 329 ELIZABETH ST SOUTHWEST • ZIP CODE 33040 CAR-RT C020 3 Descoteau David A & Judith L 14 🖨305-293-1859 5 Mullins Valerie 2 Stewart John M 18 Stewart Jennifer HILTON HAVEN RD (KEY WEST) + N ROOSEVELT BLVD CONTINUES • ZIP CODE 33040 CAR-RT C032 **5 No Current Listing** 7 B McCoy Peter J 16 ▲ McCoy Joaquin P 8 1 © Evans Christina L 3 Richards Michael D 4 4 Szymanski Alfons 3 5 Shepardson Benjamin R 6 5 Tims Catherine E 9 9 @ Harris Lee A VERN'S TMA COMMUNICATIONS telephone equip & sys-serv/rpr B Amaddio Teresa M [17] C GHIDONI DAVID surveyors-marine305-295-2823 Zimmerman Gary P [23] C Bradford Judith L [23] O Nosal Charles F 16 Sabin Ronald G Sr & Rochelle K 5 24 Possi Mark K TO A 2002-1892



Suggested uses for this section

Sales

Find new movers—they spend more than the average consumer

+ 40 4

42

4

46

Target your sales efforts to the following groups:

Homeowners • Singles or married couples • New Movers
Long-time residents • Neighbors of current customers
Plan sales canvassing or fund-raising routes
Identify titles for correspondence

Determine names of prospects in your sales territory to use

in direct mail, telesales and field sales

Use in conjunction with the Demographic Summary Section to target areas that meet income levels and other criteria that you have established

Identify the precise location of an address from the nearest cross-street

Verify correct addresses for deliveries Locate businesses in office complexes



Deliveries & Service Calls

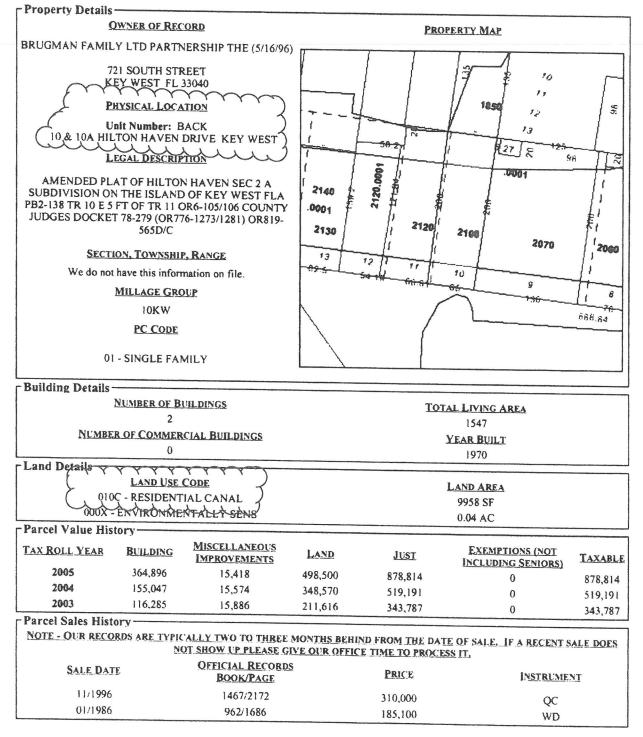
Page 1 of 2

Exhibit K

MONROE COUNTY PROPERTY APPRAISER

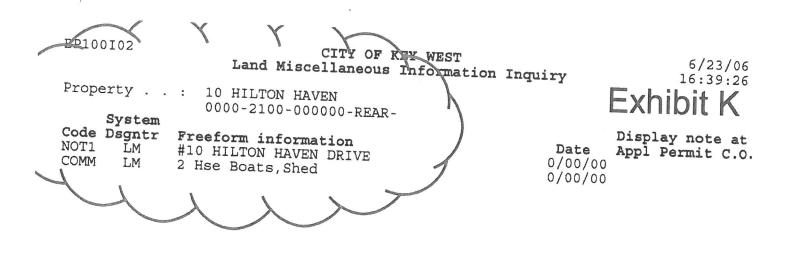
PROPERTY INFORMATION FOR:

Alternate Key: 1002208 RE Number: 00002100-000000



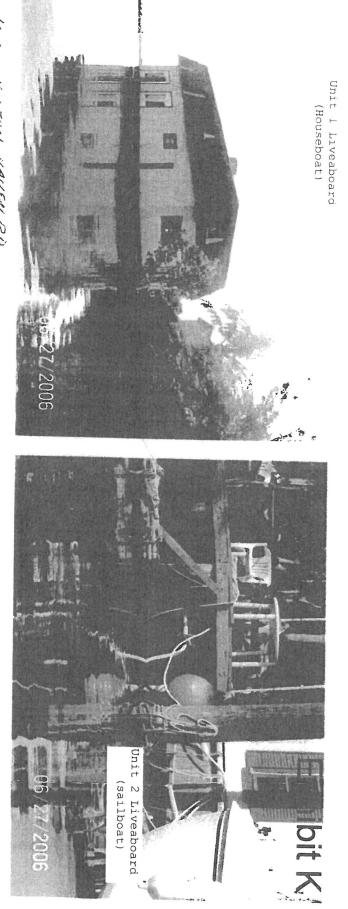
http://www.mcpafl.org/datacenter/search/record.asp

6/20/2006



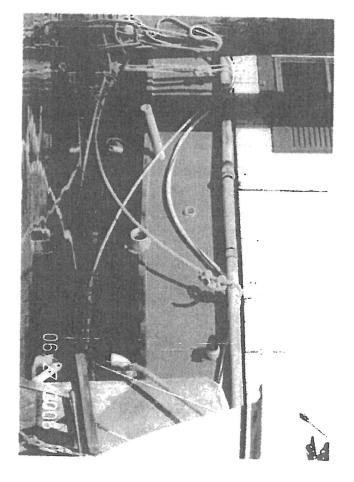
Press Enter to continue. F3=Exit F12=Cancel





- 14

10 C HICTON HAUEN IZD



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