



CLARK PARTINGTON
ATTORNEYS AT LAW

3 AC
QUIET TITLE
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JBF

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MEMORANDUM

TO: FILE

CC: Danny Zimmern (dannyzuf@aol.com)

FROM: Megan F. Fry

DATE: October 28, 2019

RE: Santa Rosa County School Board – Berryhill Road

In preparation for Santa Rosa County School Board's sale of the Berryhill Road property, First American Title Insurance Company identified that there is no deed of record vesting title in Santa Rosa School Board as to a portion of the property, specifically, Lots 1 and 2, as well as the unnumbered lot lying north of lots 1, 2, 7 and 8, all in block 73 of the Town of Milton (the "Subject Property"). A copy of the plat identifying the location of the Subject Property is attached hereto. The school board has been in possession of the entirety of Block 73 since at least 1923. Based upon a memo provided by the school board regarding historical ownership of this property, the 1950 tax record of Santa Rosa County identifies all of block 73 as property of the school board and we have no reason to believe it has not been continuously identified as property of Santa Rosa School Board, and continuously possessed by the school board.

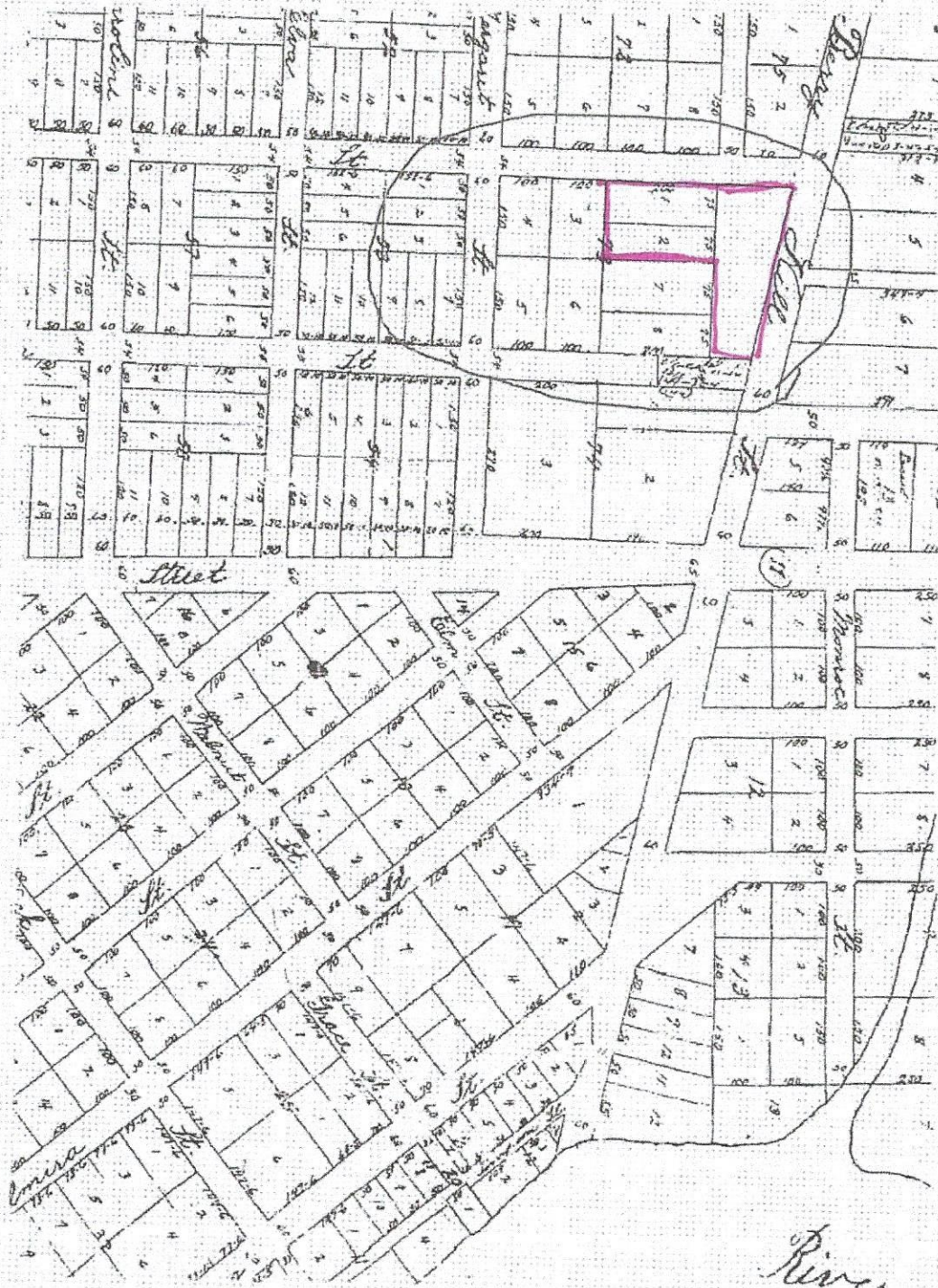
The title company is not able to identify a person or entity that was last in title to the Subject Property. The deeds for these lots may be either mis-indexed or filed in the wrong location, but, in any event, there are no deeds reflecting that any other party may claim ownership of these parcels.

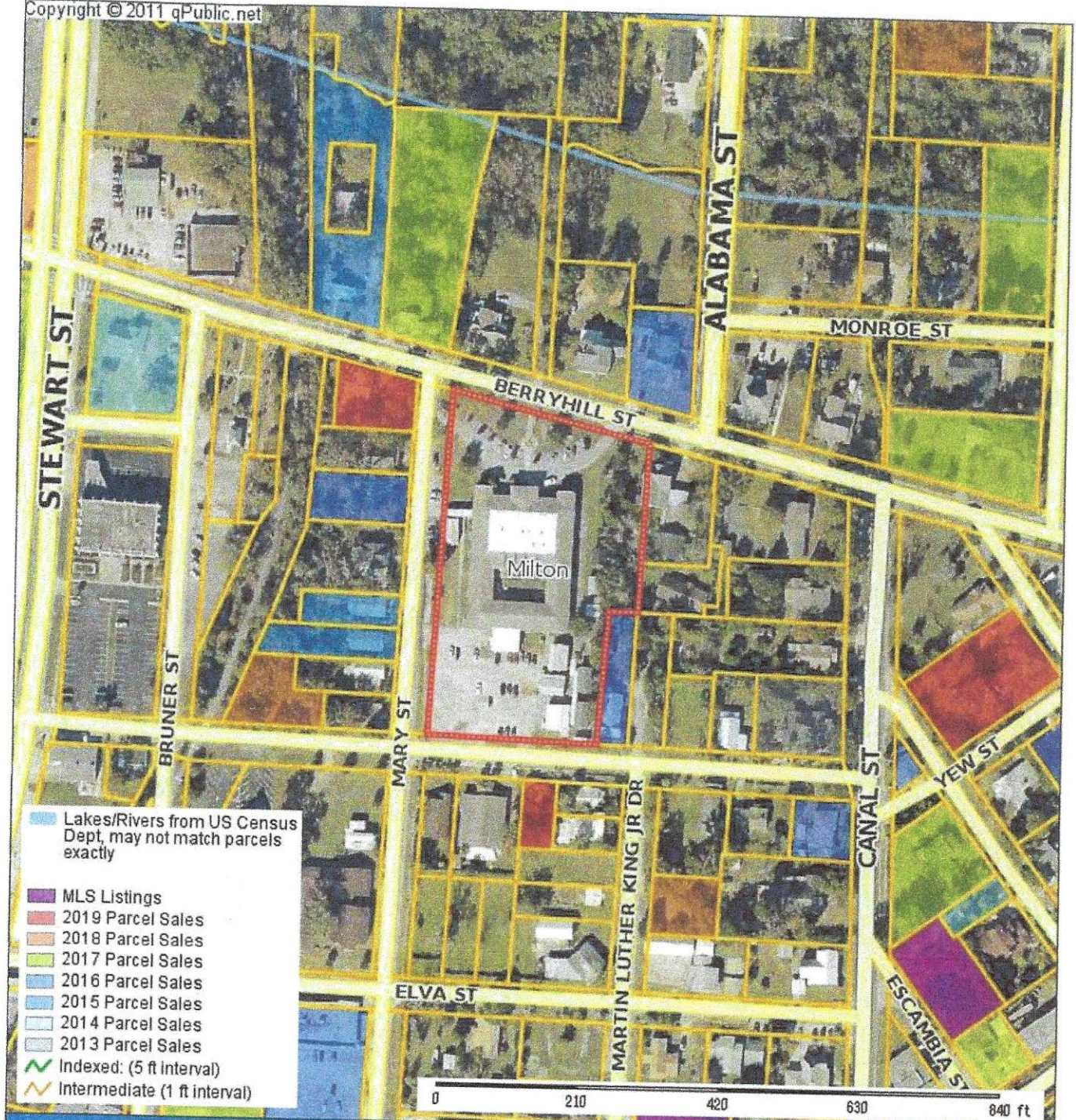
We intend to file a lawsuit to quiet title using a theory of adverse possession without color of title so that record title ownership is confirmed in the school board by way of final judgment. Although we would typically identify the last person or entity in title and, if deceased, identify any known heirs or beneficiaries, as well as those unknown heirs or beneficiaries having a potential interest in the real property, we will not be able to do so in this case because there is nothing of record identifying the last person or entity in title. Therefore, we intend to name unknown defendants having an interest in those identified lots. We will complete the process of diligent search and inquiry to obtain a notice of action that will be published in the newspaper. This will perfect constructive service on the unknown parties. Upon publication, any parties having interest or asserting that they have an interest in the real property should come forward and respond to the suit. To satisfy title insurance requirements, we will have an ad litem appointed to respond to the complaint on behalf of the unknown parties. The ad litem is typically used to identify any procedural defects ie, deficient service of process or notice. We do not anticipate any of these issues.

In short, we do not anticipate any opposition in this case.

The lawsuit can be filed immediately. I anticipate the matter will be concluded by way of final judgment within one hundred eighty (180) days. This is largely dependent on the court's availability to schedule a final hearing. If no one responds or contests the suit, the final hearing will be scheduled relatively quickly and the matter may be completed in a shorter time frame. The estimated fees and costs to complete the matter are \$7,500.00.

We will open a new matter for Santa Rosa County School Board and direct our invoices c/o Danny Zimmern for further payment by the client.

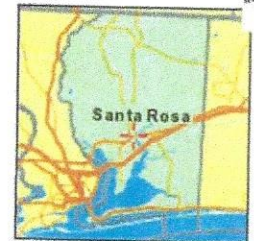




Santarosa County Appraiser

Parcel: 03-1N-28-2530-07300-0010 Acres: 3.094

Name:	SANTA ROSA COUNTY SCHOOL BOARD	Land Value:	122,156
Site:	6751 BERRYHILL ST MILTON	Building Value:	925,847
Sale:		Misc Value:	172,750
	SUPT OF SCHOOLS 0161	Just Value:	1,220,753
	5086 CANAL ST	Assessed Value	1,220,753
Mail:	MILTON, FL 32570	Exempt Value	1,220,753
		Taxable Value	0



Santa Rosa County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The lines on the map are a representation of the property lines and are not nor are they intended to be used as a survey. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll. Greg Brown Santa Rosa County Property Appraiser.

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