



**ZONING MEETING**  
**Board of County Commissioners**  
**October 4, 2007**

Prepared by: Jill Thornton

**EXHIBITS LIST**

<b>NO.</b>	<b>DATE</b>	<b>ITEM #</b>	<b>DESCRIPTION</b>
1	10/4/2007		KITS- Listing of Zoning Hearings
2	10/4/2007		Zoning Action Sheet
3	10/4/2007		Exhibits List – of exhibits received by the Clerk’s office
4	10/4/2007	A	Declaration of Restrictions
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# KITS

8-27-2007 Version # 1



BOARD OF COUNTY COMMISSIONERS  
ZONING HEARINGS  
COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER -  
2ND FLOOR  
111 NW 1 Street, Miami  
Thursday, October 4, 2007 at 9:30 a.m.

PREVIOUSLY DEFERRED

DISTRICT

✓ A. 06-5-CZ12-1 MICHAEL MUSKAT (APPEAL) 05-167 03-55-40 N 8

APPEALS

DISTRICT

✓ 1. 07-5-CZ8-4 CONLEY JOHNSON 07-5 10-53-41 N 2

2. 07-4-CZ14-1 MIGUEL A. BRIZUELA 05-285 31-55-40 N 9

CURRENT

DISTRICT

3. 07-10-CC-1 DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING 07-125 15-53-41 N 2

4. 07-10-CC-2 DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING 07-127 15-53-41 N 2

5. 07-10-CC-3 DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING 07-128 15-53-41 N 2

6. 07-10-CC-4 DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING 07-129 15-53-41 N 2

7. 07-10-CC-5 DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING 07-135 15-53-41 N 2



**BOARD OF COUNTY COMMISSIONERS**  
**ZONING HEARINGS**  
**COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER -**  
**2ND FLOOR**  
**111 NW 1 Street, Miami**  
**Thursday, October 4, 2007 at 9:30 a.m.**

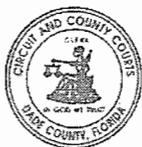
**CURRENT**

8.	07-10-CC-6	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-136	15-53-41	N	2
9.	07-10-CC-7	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-139	10-53-41	N	2
10.	07-10-CC-8	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-175	15-53-41	N	2
11.	07-10-CC-9	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-176	15-53-41	N	2
12.	07-10-CC-10	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-177	15-53-41	N	2
13.	07-10-CC-11	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-178	15-53-41	N	2
14.	07-10-CC-12	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-179	15-53-41	N	2
15.	07-10-CC-13	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-180	15-53-41	N	2

**ZONING ACTION**

**MEMORANDUM**

Harvey Ruvin  
 Clerk of the Circuit and County Courts  
 Clerk of the Board of County Commissioners  
 (305) 375-5126  
 (305) 375-2484 FAX  
 www.miami-dadeclerk.com



**DATE:** 10/04/07

**#Z-36-07**

**APPLICANT:** A. MICHAEL MUSKAT

**MOTION:** APPROVED THE APPEAL AND APPLICATION AS FOLLOWS: APPROVED REQUESTS #3 THROUGH #8; SUBJECT TO THE BOARD'S ACCEPTANCE OF THE PROFFERED COVENANT; AND WITHDREW REQUESTS #1 AND #2 WITHOUT PREJUDICE, AS REQUESTED BY THE APPLICANT.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle		X		
Seijas				X
Sorenson	M	X		
Sosa		X		
Souto		X		
Vice Chairman Moss	S	X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE:** 10/04/2007

**#Z- 38-07**

**APPLICANT:** 2. MIGUEL BRIZUELA

**MOTION:** SUSTAINED THE DECISION OF THE CZAB AND APPROVED THE APPLICATION AS FOLLOWS: APPROVED REQUEST #1 TO REZONE THE PROPERTY TO EU-M AND DENIED REQUEST #2 WITHOUT PREJUDICE.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez	S	X		
Heyman				X
Jordan		X		
Rolle		X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss	M	X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE:** 10/04/07

**#Z-37-07**

**APPLICANT:** 1. CONLEY JOHNSON

**MOTION:** SUSTAINED THE DECISION OF THE CZAB AND DENIED THE APPEAL AND APPLICATION WITHOUT PREJUDICE.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss	S	X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE:** 10/04/2007

**#Z- 39-07**

**APPLICANT:** 3. DIRECTOR, DEPT OF P&Z

**MOTION:** APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson	S	X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**ZONING ACTION**

**MEMORANDUM**

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 Clerk of the Circuit and County Courts  
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**DATE: 10/04/07**

**#Z-40-07**

**APPLICANT: 4. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa	S	X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE: 10/04/07**

**#Z-42-07**

**APPLICANT: 6. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa	S	X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE: 10/04/07**

**#Z-41-07**

**APPLICANT: 5. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson	S	X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE: 10/04/07**

**#Z-43-07**

**APPLICANT: 7. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson	S	X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**ZONING ACTION**



MEMORANDUM  
 Harvey Ruvin  
 Clerk of the Circuit and County Courts  
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 www.miami-dadeclerk.com

DATE: 10/04/07

#Z-44-07

APPLICANT: 8. DIRECTOR, DEPT OF P&Z

MOTION: APPROVED THE APPLICATION  
 W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV)  
 AND DENIAL WITHOUT PREJUDICE UNDER  
 SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c)  
 (ANUV)

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

DATE: 10/04/07

#Z-46-07

APPLICANT: 10. DIRECTOR, DEPT OF P&Z

MOTION: APPROVED THE APPLICATION  
 W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV)  
 AND DENIAL WITHOUT PREJUDICE UNDER  
 SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c)  
 (ANUV)

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

DATE: 10/04/07

#Z-45-07

APPLICANT: 9. DIRECTOR, DEPT OF P&Z

MOTION: APPROVED THE APPLICATION  
 W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV)  
 AND DENIAL WITHOUT PREJUDICE UNDER  
 SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c)  
 (ANUV)

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

DATE: 10/04/07

#Z-47-07

APPLICANT: 11. DIRECTOR, DEPT OF P&Z

MOTION: APPROVED THE APPLICATION  
 W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV)  
 AND DENIAL WITHOUT PREJUDICE UNDER  
 SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c)  
 (ANUV)

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**ZONING ACTION**

**MEMORANDUM**

Harvey Ruvin  
 Clerk of the Circuit and County Courts  
 Clerk of the Board of County Commissioners  
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 www.miami-dadeclerk.com



**DATE: 10/04/07**

**#Z-48-07**

**APPLICANT: 12. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE: 10/04/07**

**#Z-50-07**

**APPLICANT: 14. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE: 100407**

**#Z-49-07**

**APPLICANT: 13. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3

**DATE: 10/04/07**

**#Z-51-07**

**APPLICANT: 15. DIRECTOR, DEPT OF P&Z**

**MOTION: APPROVED THE APPLICATION W/CONDITIONS UNDER SECTION 33-311(A)(4)(b) (NUV) AND DENIAL WITHOUT PREJUDICE UNDER SECTIONS 33-311 (A)(14)(ASDO) AND 33-311 (A)(4)(c) (ANUV)**

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson				X
Gimenez		X		
Heyman				X
Jordan		X		
Rolle	M	X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
<b>TOTAL</b>		10	0	3



**ZONING MEETING**  
Board of County Commissioners  
October 4, 2007

Prepared by: Nelson Diaz

**EXHIBITS LIST**

NO.	DATE	ITEM #	DESCRIPTION
1	10/4/2007	2-A	<u>MIGUEL A. BRIZUELA (07-4-CZ 14-1/05-285)</u> -Letter submitted by Cecelia A. Jones urging for denial of the request for modification in the current zoning.
2	10/4/2007	2-B	Poster board of Zoning Map- depicting the area between State Road 821 and Richmond Drive divide by Zoning Districts.
3	10/4/2007	2-C	Poster board colored map showing square footage of individual properties in red, orange, and yellow.
4	10/4/2007	2-D	Poster board depicting a Waiver of Plat.
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Submitted for the record this 15 day of OCTOBER, 2007

ATTEST:



HARVEY RUVIN, Clerk  
Clerk of Circuit and County Courts

By

  
Deputy Clerk

**TRANSFERRED TO THE CARE, CUSTODY AND CONTROL OF THE DEPARTMENT OF PLANNING AND ZONING.**

RECEIVED BY:

Earl Jones      10/15/07      Earl Jones  
(SIGN)                      (DATE)                      (PRINT)

BCC ——— October 4, 2007  
Item # A ——— 05-167  
Michael Muskat

**This instrument was prepared by:**  
Santiago D. Echemendia, Esq.  
Tew Cardenas LLP  
Four Seasons Tower  
1441 Brickell Avenue, 15th Floor  
Miami, Florida 33131

**Received by**  
**Zoning Agenda Coordinator**

OCT 03 2007

TO:  
2:20 PM

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*IN ORDER TO ASSURE* the **County** that the representations made by the owner during consideration of Public Hearing No. 05-167 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed with no more and no less than seven (7) single family homes; and
- (2) The Property shall be developed substantially in accordance with the plans, entitled "Dice Point Single Family Homes for: Mr. Phillip & Michael Muskat," dated stamped received 8/27/07, consisting of 11 sheets, as prepared by Puig & Associates, Architects & Planners, on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. Said plans may be further modified at the public hearing on the Application.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dada County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.



(Space reserved for Clerk)

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**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant In charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

(Space reserved for Clerk)

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**Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, If any appeal is filed, and the disposition of such appeal results in the denial of the application, In Its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in Its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or In the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, In recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to



**JOINDER BY MORTGAGEE**

The undersigned, Washington Mutual Bank, Mortgagee under that certain mortgage from Michael Muskat, Individually, in favor of Washington Mutual Bank dated June 14, 2007 recorded June 27, 2007 in Official Records Book 25737 at Page 3848 of the Public Records of Miami-Dade County, FL (as to Lots 13 and 14), under Loan Number 0773362835, does hereby acknowledge that the terms of this Agreement are and shall be binding upon the undersigned, its successors and/or assigns.

IN WITNESS WHEREOF, these presents have been executed this 25<sup>th</sup> day of September, 2007.

Signed, sealed and delivered  
in the presence of:

MORTGAGE:  
WASHINGTON MUTUAL BANK

[Signature]  
Print Name: Colleen M. Mold

By: [Signature]  
Name: Lorraine Sumulong  
Title: First Vice President

[Signature]  
Print Name: Kathleen L. Croll

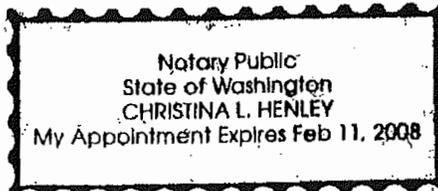
Address: 1301 Second Ave, WMC 3504  
Seattle, WA 98101

STATE OF Washington )  
COUNTY OF King )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September, 2007, by Lorraine Sumulong who is the First Vice President of Washington Mutual Bank and who is personally known to me or who has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public

My Commission Expires: 2-11-2008



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lots 13 and 14 in Block 1 of HINSONS ADDITIONAL TO KENDALL, according to the Plant thereof, as recorded in Plat Book 5, at Page 1 and including the closed 12' alley per R-440-02 of the Public Records of Miami-Dade County, Florida (the "Property").