

The State of Florida

Florida Housing Finance Corporation

In Re: Park Richey Apartments, Ltd
DBA Regency Palms Apartments

To: Florida Housing Finance Corporation
C/O Maelene Tyson
Florida Housing Finance Corporation Clerk

**PETITION FOR WAIVER OF RULE 28-104 OF THE FLORIDA
ADMINISTRATIVE CODE**

Park Richey Apartments, Ltd., a Florida limited partnership, hereby submits this Petition for waiver of Rule 28-104 of the Florida Administrative Code (Florida Statute 120.542).

The Petitioner

Park Richey Apartments, Ltd. (Park Richey) received SAIL Loan # 99S-079 and does business as Regency Palms Apartments.

Park Richey Apartments, Ltd. DBA Regency Palms Apartments
1637 East Vine Street, Suite E
Kissimmee, Florida 34744

The Rule from Which the Variance is Sought is Rule 28-104 promulgated under (Florida Statute 120.542)

Regency Palms Apartments has struggled financially as a result of poor occupancy and high operating costs. Park Richey timely submitted its 2003 Annual SAIL Cash Flow report along with a draft copy of its audited financial statements. Park Richey's limited partners were studying their options and discussing the reporting issues with their auditors Deloitte & Touche on how best to proceed with Park Richey due to the poor operating results before deciding on how they wanted to present their finalized 2003 audited statements. There were auditor opinion concerns that if not satisfactorily resolved could have caused a default in both the first mortgage and the SAIL loan. Therefore, the delayed audit report, was in part for the benefit of the SAIL loan lender.

Park Richey submitted the audited financial statements as soon as they were finalized. The final statements did not differ from the draft statements originally submitted.

Demonstration of Substantial Hardship or Violation of Principles of Fairness

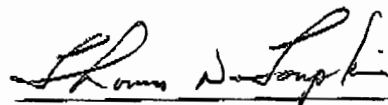
The imposition of the \$500 fine would cause an undue hardship to Park Richey. Currently, the owners are funding monthly shortfalls in excess of \$20,000/month to avoid foreclosure of the property. Park Richey Apartments, Ltd. took all possible steps to provide timely accurate reporting pursuant to the SAIL loan requirements. The timely reports were accurate and did not change from the draft report originally submitted.

Reason Variance or Waiver Requested would serve the purposed of the underlying statute

The grant of the Waiver or Variance would serve the purpose of not creating additional hardship of the property and possible foreclosure of the first mortgage resulting in the foreclosure of the SAIL second mortgage. The property is providing the required housing to low income households as required by the SAIL mortgage. The imposition of the \$500 fine will be a financial burden on an already financially struggling property.

The request for this waiver is for the imposition of the 2003 SAIL loan fine only.

Respectfully Submitted:



Thomas N Tompkins
Vice President, General Partner