

**FLORIDA HOUSING FINANCE CORPORATION**

MADISON HIGHLANDS, LLC and  
AMERICAN RESIDENTIAL  
DEVELOPMENT, LLC,

Petitioners,

vs.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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CASE NO.: 2016-006BP

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FLORIDA HOUSING FINANCE CORPORATION

**SP GARDEN'S NOTICE OF APPEARANCE AS A NAMED PARTY**

SP Gardens LLC (SP Gardens), pursuant to Rule 28-106.205(3), Florida Administrative Code, hereby enters this notice of appearance as a named party.

1. SP Gardens is specifically named in Paragraphs 16 and 37 of the Formal Written Protest of Award filed by Petitioners. SP Gardens' substantial interests will be adversely affected if the relief requested by Petitioners, is granted because Petitioners erroneously seek a determination that the SP Gardens application for the Labernum Gardens development (Application 2016-137C). is ineligible for funding.

2. SP Gardens disagrees with and disputes Petitioners' claims regarding the Labernum Gardens application and, in particular, the claims regarding compliance with the provision in the RFA that requires that the contract "specifically state that the buyer's remedy for default on the part of the seller includes or is specific performance." The contract submitted in connection with the Labernum Gardens application (as Attachment 15) plainly shows that it complies with this requirement, as it expressly states that Purchaser may "enforce specific

complies with this requirement, as it expressly states that Purchaser may "enforce specific performance of this Agreement against the Seller, including the right to recover attorneys' fees." Purchase and Sale Agreement at Para. 18.1 on page 3 of 6.

3. SP Gardens supports the preliminary agency action (FHFC's Intended Decision), including as it scores the Labernum Gardens application. Accordingly, SP Gardens requests the entry of a final order that rejects Petitioners' claims.

Respectfully submitted this 17th day of February, 2016.



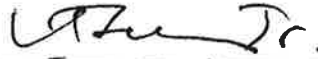
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*Attorney for*  
**SP Gardens LLC**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing SP Gardens, LLC Notice of Appearance As a Named Party was provided by e-mail to Kate Flemming, Clerk, e-mail: [kate.flemming@floridahousing.org](mailto:kate.flemming@floridahousing.org), Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, and by e-mail to J. Timothy Schulte, Esq., e-mail [tschulte@zkslawfirm.com](mailto:tschulte@zkslawfirm.com) all on this 17th day of February, 2016.



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Lawrence E. Sellers, Jr.