

BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

PINNACLE POINTE, LTD.,

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Agency Case No. 2002-072B

Respondent.

**PETITION REQUESTING INFORMAL HEARING
AND GRANT OF THE RELIEF REQUESTED**

Pursuant to Sections 120.569 and 120.57, Florida Statutes ("F.S."), Rule 67-21.0035, Florida Administrative Code ("FAC") and Rule 28-106.301, FAC, Petitioner, PINNACLE POINTE, LTD. ("Petitioner") requests an informal hearing concerning the scoring by Florida Housing Finance Corporation ("FHFC") of Petitioner's Application No. 2002-072B, and to then grant the relief requested. In support of this Petition, Petitioner states as follows:

AGENCY AFFECTED

1. The name and address of the agency affected is Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Agency's file or identification number with respect to this matter is 2002-072B.

PETITIONER

2. The Petitioner is Pinnacle Pointe, Ltd., a Florida limited partnership. The address of the Petitioner is c/o Pinnacle Housing Group, Inc., 9400 S. Dadeland Boulevard, Suite 100, Miami, Florida 33156, telephone number (305) 854-7100. Petitioner's representative is Gary J. Cohen, Esq., whose address is c/o Shutts & Bowen LLP, 201 S. Biscayne Boulevard, Suite 1500, Miami, Florida 33131, telephone number (305) 347-7308.

PETITIONER'S SUBSTANTIAL INTERESTS

3. Petitioner's substantial interests will be affected by the determination of FHFC as follows:

(a) Petitioner has applied for an allocation of multi-family bonds and non-competitive 4% low-income housing tax credits under the FHFC Multifamily Mortgage Revenue Bond ("MMRB") program. FHFC permits applicants (such as Petitioner) to apply for non-competitive 4% Federal low-income housing tax credits ("HC") in conjunction with an application under the MMRB program. The MMRB program is set forth in Florida Statutes Section 420.509 and Florida Statutes Chapter 159, Part IV.

(b) An MMRB application is comprised of numerous forms which request information of each applicant. FHFC adopted the forms by reference in Rule 67-21.002(97), FAC.

(c) On or about April 15, 2002, Petitioner submitted to FHFC a MMRB and non-competition HC application in the Large County set-aside for the 2002 funding cycle. The application was submitted in an attempt to assist in the financing of the construction of a 268 unit apartment complex in Orlando, Florida.

(d) The application was scored by FHFC in accordance with the provisions of Rule 67-21, FAC. By letter dated on or about May 13, 2002, FHFC advised Petitioner that its preliminary score was 71 points, together with 5.75 proximity tie-breaker points. As a result of Notices of Potential Scoring Errors ("NOPSE's") filed against Petitioner, FHFC notified Petitioner on or about June 10, 2002 that its score of 71 points remained the same, but that its total proximity tie-breaker points had been reduced from 5.75 to 2 proximity tie-breaker points, as a result of a determination that the subject application should lose 3.75 proximity tie-breaker points due to its proximity to another FHFC development (Pinnacle Cove) located on the FHFC Development Proximity list.

(e) On or about June 26, 2002, Petitioner submitted "cure" documentation to FHFC contending that (i) Petitioner should receive an additional 1.25 proximity tie-breaker points for proximity to a public school, (ii) that Petitioner should receive an additional .5 proximity tie-breaker points for proximity to a bus stop, and (iii) that Petitioner should receive an additional 3.75 proximity tie-breaker points due to lack of proximity to Pinnacle Cove (2000-038C), because Pinnacle Cove was "contiguous" to the subject property.

(f) On or about July 22, 2002, FHFC advised Petitioner that its total points remained at 71, and that Petitioner's proximity tie-breaker points had been increased from 2 to 2.5 proximity tie-breaker points. FHFC, in the 2002 Universal Scoring Summary attached as Exhibit "A" accepted Petitioner's argument that 1.25 additional proximity tie-breaker points should be awarded for proximity to a public school, deducted .75 proximity tie-breaker points (rather than awarding an additional .5 proximity tie-breaker points as requested by Petitioner) for proximity to a bus stop, and denied Petitioner's arguments pertaining to the award of 3.75 proximity tie-breaker points due to proximity to the Pinnacle Cove transaction. FHFC's scoring

of Petitioner's proximity tie-breaker points pertaining to proximity to a bus stop is the subject matter of this Petition.

(g) Under the MMRB program, the MMRB applications are scored by FHFC. A finite amount of bonds are allocated to applicants in certain geographic areas (large county, medium county and small county areas as defined by FHFC) and pursuant to certain set-aside classifications. Only those applications receiving the highest scores are awarded MMRB's. Petitioner's ability to finance its proposed project will be jeopardized if MMRB's (and non-competitive HC) are not obtained; accordingly, Petitioner's substantial interests are affected by this proceeding.

NOTICE OF AGENCY DECISION

4. Petitioner received notice of FHFC's notice of its "cure" documentation by Federal Express delivery on or about July 22, 2002. Attached as Exhibit "A" is a copy of the Universal Scoring Summary setting forth the scoring, which scoring gives rise to this Petition.

ULTIMATE FACTS ALLEGED

5. In Petitioner's initial MMRB application submitted on or about April 15, 2002, Petitioner indicated (in Part III Section A. Subsection 11.b(4), and Exhibit 21) that the development site was located between .2 and .3 miles of a public bus stop, thereby entitling Petitioner to receive .75 proximity tie-breaker points. In fact, .75 proximity tie-breaker points were awarded to Petitioner for proximity to a bus stop in the initial scoring received by Petitioner on or about May 13, 2002.

6. On or about June 26, 2002, Petitioner submitted "cure" documentation to FHFC. The portion of such "cure" documentation pertaining to the award of proximity tie-breaker points for proximity to a bus stop is attached as Exhibit "B".

7. In the “cure” documentation submitted with respect to the award of proximity tie-breaker points for proximity to a public bus stop, Petitioner submitted new documentation (Revised Exhibit 21, revised separate Surveyor Certification, a revised Land Survey Map, and revised Part III A.11.b(4)), indicating the location of a new public bus stop within .07 miles of the tie breaker measurement point, thereby entitling Petitioner to the award of an additional .5 proximity tie-breaker points (for a total of 1.25 proximity tie-breaker points) for proximity to a public bus stop.

8. In the 2002 Universal Scoring Summary (attached as Exhibit “A”), FHFC determined that the newly designated public bus stop was not located within .5 miles of the tie breaker measurement point, and as a result decreased Petitioner’s proximity tie-breaker points for the bus stop from .75 to 0. For the reasons set out herein, this conclusion as a matter of law by FHFC is incorrect.

**FACTS WHICH WARRANT REVERSAL
OF AGENCY'S PROPOSED ACTION**

The specific facts which warrant reversal of FHFC's proposed action are as follows:

9. FHFC has incorrectly determined that the newly-designated public bus stop included in Petitioner’s “cure” documentation is located more than .5 miles away from the tie breaker measurement point. FHFC apparently reaches this conclusion because of a scrivener’s error contained within Exhibit 21 and the separate “Surveyor Certification” submitted as part of the “cure” documentation. In both Exhibit 21 and the separate “Surveyor Certification”, the “Longitude” of the bus stop is incorrectly identified as 81 Degrees, 00.525 Minutes. The correct Longitude for the bus stop was 81 Degrees, 22.005 Minutes. The correct Longitude is set forth on the revised Land Survey Map submitted as part of the "cure" documentation (in Exhibit "B").

On the revised Land Survey Map, the Longitude of the bus stop is indicated as 81 Degrees, 22 Minutes, 00.308 Seconds. The surveyor's methodology for computing the latitude and longitude points on the revised Land Survey Map, when compared to the latitude and longitude measurements contained on Exhibit 21, results in slightly different coordinates for the following reason. Since Exhibit 21 does not permit a surveyor to accurately depict the "seconds" as part of the "minutes" for latitude and longitude, the surveyor takes the latitude and longitude "seconds" as part of the "minutes" indicated on the land survey map and divides them by 60, in order to represent (on Exhibit 21) what percentage of a minute the "seconds" represent. For example, the "minutes" of the latitude measurement of the tie breaker measurement point on the revised Land Survey Map (21 Minutes, 57.365 Seconds) is re-calculated (for purposes of Exhibit 21) by dividing the "seconds" (57.365) by 60, resulting in ".960" Seconds); hence the latitude measurement for the tie breaker measurement point on Exhibit 21 of 21.960 Minutes, .960 representing 57.365 divided by 60.

10. On the revised Land Survey Map, the longitude of the bus stop is indicated as 81 Degrees, 22 Minutes, 00.309 Seconds; dividing the 00.309 Seconds by 60 results in a longitude of 81 Degrees 22.005 Minutes. However, the Surveyor (due to scrivener's error) inserted an incorrect longitude for the bus stop on revised Exhibit 21 and the separate revised "Surveyor Certification"; the correct longitude is as indicated on the revised Land Survey Map. Attached as Exhibit "C" is an explanatory letter from the land surveyor explaining this scrivener's error.

Notwithstanding the foregoing, the statement contained in the revised Surveyor's Certification submitted as part of the "cure" documentation is correct in stating that the new bus stop is located within .07 miles of the tie breaker measurement point (as is indicated in Section 5 of the revised Surveyor's Certification); the only error is the scrivener's error in transcribing the

longitude of the public bus stop on revised Exhibit 21 and the revised Surveyor's Certification. The correct longitude is included within the "cure" documentation on the revised Land Survey Map. It is a simple matter for FHFC to verify (utilizing Street Atlas 9.0) that the correct coordinates for the bus stop (included within the "four corners" of the application on the revised Land Survey Map) locate such bus stop less than .1 mile from the tie-breaker measurement point.

Combining the correct information contained in the revised Land Survey Map and the letter from the Surveyor attached as Exhibit "C", FHFC should determine that 1.25 proximity tie breaker points should be awarded for proximity to a public bus stop, rather than the 0 points currently awarded. FHFC can independently verify this by utilizing the bus stop coordinates contained in the revised Land Survey Map.

FHFC's policy (as is clearly illustrated by the elimination of penalty points from the 2002 Universal Application, in stark contrast to penalty points assessed for scrivener's-type errors in prior years) is that scrivener-type error should not be penalized, particularly in the case (such as here) where the correct information can be gleaned from other information contained within the "four corners" of the application. Such is the case here; the correct information is readily available from the revised Land Survey Map and easily verifiable by FHFC utilizing Street Atlas 9.0.

RELEVANT RULES AND STATUTES

11. Rule 67-21.002(97), FAC, specifically incorporates the MMRB application, and the forms referenced therein. The instructions to Part III Section A Subsection 11.b. (incorporated by the aforementioned Rule) provide, in relevant part, that proximity tie-breaker points will be awarded if the forms are fully and accurately completed. Petitioner has complied with the instructions for Part III Section A Subsection 11.b. and provided evidence (in its "cure"

documentation) that 1.25 additional proximity tie-breaker points should be awarded for proximity to a public bus stop.


RELIEF SOUGHT

12. The specific action which Petitioner wishes FHFC to take is to reverse its previous decisions and add 1.25 proximity tie-breaker points to Petitioner's score.

WHEREFORE, Petitioner respectfully requests FHFC:

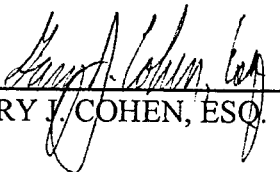
1. To add 1.25 proximity tie-breaker points to Petitioner's score, resulting in 3.75 total proximity tie-breaker points.

Respectfully submitted,

By: 
GARY J. COHEN, ESQ.
Florida Bar No. 353302
Shutts & Bowen LLP
201 South Biscayne Boulevard
1500 Miami Center
Miami, Florida 33131
(305) 347-7308 telephone
(305) 347-7308 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing have been filed with Kerey Carpenter, Deputy Development Officer, Attn: Corporation Clerk of the Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301, on this 13 day of August, 2002.



GARY J. COHEN, ESQ.

EXHIBIT A

--

2002 Universal Scoring Summary

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit *	SAIL as Percentage of Total Development Cost
07 - 22 - 2002	71	Y	2.5	\$59,011.19	%
Preliminary	71	Y	5.75	\$59,011.19	%
NOPSE	71	Y	2	\$59,011.19	%
Final	71	Y	2.5	\$59,011.19	%
Post-Appeal	0	Y	0		0

*Corporation funding includes Local Government-issued tax-exempt bond financing

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
1S	III	A	2b	If SAIL Application for Development in one of these counties where no SAIL Application has ever been funded: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie or Santa Rosa	2	0	0	0	0
Optional Features & Amenities:									
2S	III	B	2a	New Construction	9	9	9	9	0
2S	III	B	2b	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
3S	III	B	2c	All Developments Except SRO	12	12	12	12	0
3S	III	B	2d	SRO Developments	12	0	0	0	0
4S	III	B	2e	Energy Conservation Features	9	9	9	9	0
Demographic or Area Commitment:									
5S	III	D	1.	Florida Keys Area	7	0	0	0	0
5S	III	D	2.	RD 515 or RD 514/516	5	0	0	0	0
5S	III	D	3.	Elderly	5	0	0	0	0
5S	III	D	4.	Farmworker/Commercial Fishing Worker	5	0	0	0	0
5S	III	D	5.	Homeless	5	0	0	0	0
5S	III	D	6.	Urban In-Fill	5	0	0	0	0
5S	III	D	7.	Large Family	5	5	5	5	0
5S	III	D	8.	HOPE VI	5	0	0	0	0
5S	III	D	9.	Front Porch Florida	5	0	0	0	0

2002 Universal Scoring Summary

As of: 07/22/2002

File # 2002-072B

Development Name: Pinnacle Pointe

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
Set-Aside Commitment:									
6S	III	E	2.	Commitment to Serve Lower AMI	5	5	5	5	0
7S	III	E	3.	Total Set-Aside Commitment	3	3	3	3	0
8S	III	E	4.	Affordability Period	5	5	5	5	0
Resident Programs:									
9S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
9S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
9S	III	F	3.	Programs for Elderly	6	0	0	0	0
10S	III	F	4.	Programs for All Developments	8	8	8	8	0
Local Government Support									
11S	IV		a.	Contributions	5	5	5	5	0
12S	IV		b.	Incentives	4	4	4	4	0

Reason(s) Scores Not Maxed:

Reason(s)

Item #	Reason(s)	Created As Result	Rescinded as Result
1S	Applicant did not request SAIL.	Preliminary	
5S	The proposed Development is not located in the Florida Keys Area.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1).	Grocery Store	1.25	1.25	1.25	1.25	0
2P	III	A	11.b.(2).	Public School	1.25	0	0	1.25	0
2P	III	A	11.b.(3).	Medical Facility	1.25	0	0	0	0
3P	III	A	11.b.(4).	Bus Stop or Metro-Rail Stop	1.25	0.75	0.75	0	0
4P	III	A	11.c.	Address/location on FHFC Development Proximity List	3.75	3.75	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of

2002 Universal Scoring Summary

As of: 07/22/2002

File # 2002-072B

Development Name: Pinnacle Pointe

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
2P	Public School Address supplied by Applicant is not included on Street Atlas USA, Version 9.0, and the Applicant did not provide latitude and longitude coordinates.	Preliminary	Final
3P	Proximity Tie-Breaker Points selected by Applicant were adjusted based on FHFC verification.	Final	
4P	Pinnacle Pointe and Pinnacle Cove are not contiguous; they are separated by a road. See Q & A #38.	NOPSE	

Additional Application Comments:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	III	A	11	Proximity	Final	
				Pinnacle Pointe and Pinnacle Cove are not contiguous; they are separated by State Road 417, Central Florida Greenway.	Final	

EXHIBIT B

2002 CURE FORM

(Submit a SEPARATE form for EACH reason
relative to EACH Application Part, Section, Subsection and Exhibit)

This cure form is being submitted with regard to Application No. 2002-072B and pertains to:

Part III Section A Subsection 11.6.(4) Exhibit No: 21 (if applicable)

The attached information is submitted in response to the 2002 Universal Scoring Summary or Home Rental Scoring Summary because:

- I. Preliminary Scoring and/or a NOPSE resulted in the imposition of a failure to achieve maximum points, a failure to achieve tie-breaker points selected, and/or failure to achieve threshold relative to this form. Check applicable item(s) below:

	2002 Universal or HOME Rental Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. ____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (Universal Application Only)	Item No. <u>3</u> P	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OR

- II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a "cure" to Part ____ Section ____ Subsection ____ Exhibit ____, as applicable).

Brief Statement of Explanation for Cure
For Application 2002 – 072B

Provide a separate brief statement for each Cure.

Applicant received .75 proximity tie-breaker points (of a possible 1.25) for proximity to a bus stop. Attached is a revised Surveyor Certification and land survey map (Exhibit 21) together with revised Universal Application Part III.A.11.b(4), indicating that the bus stop is located within .1 mile of the Tie-Breaker Measurement Point.

As a result, .5 proximity tie-breaker points should be added.

REVISED

SURVEYOR CERTIFICATION

Name of Applicant: Pinnacle Pointe, Ltd.
Name of Development: Pinnacle Pointe
Address: Intersection of Landstar Blvd. and Central FL Greenway Service Road, Orlando, FL 32824

The undersigned Florida licensed surveyor confirms the following:

	Latitude		Longitude	
State the Tie-Breaker Measurement Point. Tie-Breaker Measure Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.	28 Degrees	21.460 Minutes (truncated after 3 decimals)	-081 Degrees	22.029 Minutes (truncated after 3 decimals)
Location of closest public bus stop or metro-rail stop	28 Degrees	21.905 Minutes (truncated after 3 decimals)	-081 Degrees	00.325 Minutes (truncated after 3 decimals)
A land survey map (no larger than 11" x 17") must be provided which clearly shows the following information: 1. Boundaries of the proposed Development site; 2. Location of the Tie-Breaker Measurement Point; and 3. The scale of the map.				
If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates should be made at the main entrance used by the general public.				
	Latitude		Longitude	
Name of grocery store	___ Degrees	___ Minutes (truncated after 3 decimals)	___ Degrees	___ Minutes (truncated after 3 decimals)
Name of public school Oakshire Elementary School	28 Degrees	21.275 Minutes (truncated after 3 decimals)	-081 Degrees	22.457 Minutes (truncated after 3 decimals)
Name of medical facility	___ Degrees	___ Minutes (truncated after 3 decimals)	___ Degrees	___ Minutes (truncated after 3 decimals)

If Florida Housing discovers that there are any false statements made in this certification, Florida Housing will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct.
Signature: [Signature] Date: 6/18/02 Name of Surveyor: Ganung-Belton Associates, Inc.
W. Brian Belton 1275 East Robinson Street
Print or Type Name Address
Vice-President Orlando, FL 32801
Print or Type Title
4132 407-894-6656
Florida License Number Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

Exhibit 21

Surveyor Certification

Under penalties of perjury, I declare that the foregoing statements are true and correct:

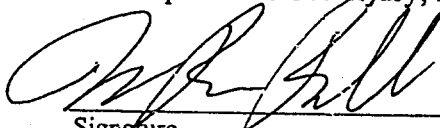
- 1) The name of the Applicant is Pinnacle Pointe, Ltd.
- 2) The name of the Development is Pinnacle Pointe.
- 3) The address of the development is the intersection of Landstar Blvd. and Central Florida Greenway Service Road, Orlando, FL 32824.
- 4) The Tie- Breaker Measurement Point selected by the Applicant (28 Degrees, 21.960 Minutes Latitude; -081 Degrees, 22.029 Minutes Longitude) is located on the proposed development site. However, when those coordinates are entered into Street Atlas USA, Version 9.0, the Tie Breaker Measurement Point appears outside the Development Site.
- 5) The Distance between the Tie Breaker Measurement Point selected by the Applicant and the bus stop located at 28 Degrees, 21.905 Minutes Latitude,; -081 Degrees, 00.525 Minutes Longitude is 0.07 miles, notwithstanding the distance shown on Street Atlas USA, Version 9.0.
- 6) The Distance between the Tie Breaker Measurement Point selected by the Applicant and Oakshire Elementary School located at 28 Degrees, 21.275 Minutes Latitude,; -081 Degrees, 22.457 Minutes Longitude is 0.90 miles, notwithstanding the distance shown on Street Atlas USA, Version 9.0.



If Florida Housing Finance Corporation discovers that there are any false statements made in this certification; Florida Housing will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

Certification

Under penalties of Perjury, I declare that the foregoing statement is true and correct.

	6/18/02	Ganung-Belton Associates, Inc.
Signature	Date	Name of Surveyor
W. Brian Belton		1275 East Robinson Street
Print or Type Name		Address
Vice President		Orlando, FL 32801
Print or Type Title		
4132		407/894-6656
Florida License Number		Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Application, or by Principals or Financial Beneficiaries of the Applicant, If the certification is inappropriately signed, the Application will not receive proximity tie breaker points. If this certification contains corrections of 'white out', or if it is scanned, imaged altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.



miles of a medical facility?

- Yes (check only ONE applicable distance) No

Proximity of Proposed Development to a medical facility

Proximity Tie-Breaker Points

- > 0 and < or equal to 1.0 mile 1.25
- > 1.0 and < or equal to 2.0 miles 1
- > 2.0 and < or equal to 3.0 miles .75
- > 3.0 and < or equal to 4.0 miles .5
- > 4.0 and < or equal to 5.0 miles .25

Name of medical facility:

Address of medical facility:

Street:

City:

State:

Zip Code:

(4) Will the proposed Development be located within .5 mile of a City/County public bus or metro-rail stop?

- Yes (check only ONE applicable distance) No

Proximity of Proposed Development to a public bus stop or metro-rail stop

Proximity Tie-Breaker Points

- > 0 and < or equal to 0.1 mile 1.25
- > 0.1 and < or equal to 0.2 mile 1
- > 0.2 and < or equal to 0.3 mile .75
- > 0.3 and < or equal to 0.4 mile .5
- > 0.4 and < or equal to 0.5 mile .25

Latitude and longitude must be stated on the Surveyor Certification Form.

c. Proximity to closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 Tie-Breaker Points) :

Is the closest Development included on the FHFC Development Proximity List, which serves the same demographic group as the proposed Development, located within 2.5 miles of the proposed Development?

- Yes (check only ONE applicable distance) No

Proximity of Proposed Development to Developments on the FHFC Development Proximity List which serve the same demographic group

Proximity Tie-Breaker Points

- > 0 and < or equal to 0.5 mile 0
- > 0.5 and < or equal to 1.0 mile .75
- > 1.0 and < or equal to 1.5 miles 1.5

EXHIBIT C

**GANUNG - BELTON ASSOCIATES, INC.***professional surveyors and mappers*

August 9, 2002

Mr. David Deutch
Pinnacle Housing
9400 S. Dadeland Boulevard
Suite 100
Miami, FL. 33156

Dear Sir:

This Letter is to address the Special Purpose Survey, dated June 15, 2002, that was completed for the development referred to as "Pinnacle Pointe". A signed and sealed survey was submitted and labeled as a "Special Purpose Survey" along with two Surveyor's Certifications (Exhibit 21 and a separate Surveyor's Certification). The purpose of this survey was to establish Latitude and Longitude on a Tie Breaker Measurement Point, the closest Bus Stop and the Oakshire Elementary School. In doing so, there was a scrivener's error on Exhibit 21 and on the separate Surveyor's Certificate. The Longitude of the Bus Stop was incorrectly stated as being 81 Degrees 00.525 Minutes. The correct Longitude should have been stated as 81 Degrees 22.005 Minutes. In the Surveyor's Certifications, it was stated that the Bus Stop was 0.07 miles away from the Tie Breaker Measurement Point. When inverting between the Tie Breaker Measurement Point and the corrected Longitude on the Bus Stop, it calculates to 0.07 miles or 370 feet.

On the signed and sealed drawing, which graphically shows the development site, the Tie Breaker and the Bus Stop are labeled with the Northing and Easting of their respective locations in State Plane Coordinates with the correct Latitude and Longitude. The Latitude and Longitude is labeled in Degrees, Minutes and Seconds. In order to convert to Minutes and Decimal form, the Seconds is divided by sixty (the Seconds shown on the drawing needs to be carried to eight places to equal the Decimal stated on the Surveyor's Certification).

W. Brian Belton
P.L.S. 4132

1275 E. Robinson Street
Orlando, Florida 32801

(407) 894-6656 / Fax (407) 894-6391