

AFFIDAVIT OF HECTOR TORRES

STATE OF FLORIDA }
 } ss:
COUNTY OF BROWARD }

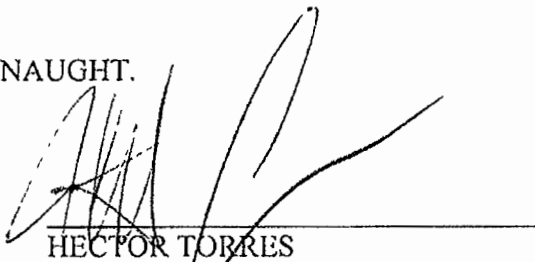
BEFORE ME, the undersigned authority duly authorized to administer oaths and take acknowledgements, on this day personally appeared before me, HECTOR TORRES, who after being first duly sworn, deposes and says:

1. Cabi New River, LLC ("Cabi") was the previous owner of the property currently being developed as Marina Lofts. I was the Director of Construction for Cabi from 2002 to January 2006. As Cabi's Director of Construction, I assisted in developing the site plan for the property
2. Cabi engaged the services of L. Thomas Chancey as one of the consultants on the development team for the property. He was engaged on retainer and was paid by Cabi for at least twelve (12) months prior to my departure from Cabi in January of 2006
3. Specifically, Mr. Chancey was engaged, along with a team of arborists, to advise on the African Rain Tree ("Tree") located on the property and its relocation. Mr. Chancey's focus was in local representation and maintaining the Tree in top health prior to its relocation
4. Previous to his engagement by Cabi, Mr. Chancey expressed his doubts as to whether the Tree could be relocated. Post-engagement, Mr. Chancey not only advised that the Tree could be relocated, he was charged with preparing the Tree for its relocation.
5. During the above-referenced time period, Mr. Chancey reported directly to me at Cabi. I personally discussed with him the life expectancy of the Tree, the estimated age of the Tree, the ability to increase the Tree's life expectancy through the repositioning of its

root system and soils, process for the Tree's relocation, the costs associated with the Tree's relocation and the proposed location for the Tree. In this regard, I spoke with Mr. Chancey at least once a month regarding the Tree and its relocation.

6. In addition to the above-verbal discussions I had with Mr. Chancey, he also provided to me written reports regarding the Tree and its relocation. I do not currently have access to these reports, nor do I have knowledge of their current location.
7. Mr. Chancey's reports advised that the Tree could be relocated, the process necessary to ensure a successful relocation and the estimated cost to relocate (approximately \$500,000.00). For the relocation process, Mr. Chancey recommended a temporary light rail system. In terms of location, Mr. Chancey recommended relocating the Tree to the front of the building as part of the Riverwalk expansion, where the tree would be the Riverwalk showcase.
8. During the above-listed period, Mr. Chancey attended and spoke at a Tarpon River Civic Association meeting and an Esplanade Homeowners Association meeting regarding the project. At these meetings, Mr. Chancey advised that the Tree could be relocated and explained the process for its relocation. I was in attendance at both these meetings.
9. During the above-listed period, Mr. Chancey was tasked with implementing intravenous feedings and monitoring the health of the Tree for purposes of triggering the relocation commencement. A water meter was installed next to the Tree for Mr. Chancey's use in feeding the Tree and inspecting the root system. The meter installed at Mr. Chancey's direction is still on the property today.
10. I left Cabi in January 2006. I have no knowledge of the final plans submitted to the City for the property and whether it included relocation of the Tree.

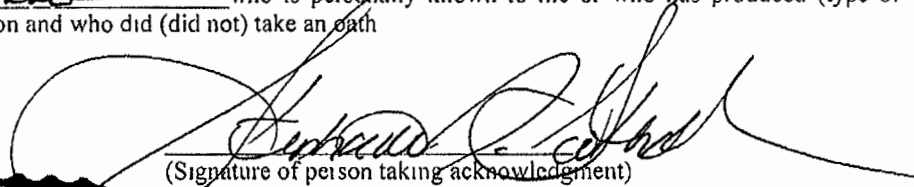
FURTHER AFFIANT SAYETH NAUGHT.


HECTOR TORRES

The foregoing instrument was acknowledged before me this 19TH day of August, 2013, by HECTOR TORRES who is personally known to me or who has produced (type of identification) as identification and who did (did not) take an oath

(SEAL)




(Signature of person taking acknowledgment)

STEPHANIE J. TOOTHAKER
(Name of Officer taking Acknowledgment)
[printed, typed or stamped]

(Title or rank)

(Serial Number, if any)