



LANDMARK TITLE SERVICES, INC.
1130 S. Powerline Road
Suite 103
DEERFIELD BEACH, FL 33442
Phone: 954-777-3703

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Transaction Identification Data for reference only:

Issuing Agent: **LANDMARK TITLE SERVICES, INC.** ALTA Universal ID: _____ Commitment Number: _____ Issuing Office File Number: **16-341**

Issuing Office: **1130 S. Powerline Road
Suite 103
DEERFIELD BEACH, FL 33442** Loan Number: _____ Revision Number: **5** Property Address: **3109 Vistamar Street, Fort
Lauderdale, FL**

Revised Date: May 22, 2017 11:36 am

SCHEDULE A

FILE NO.: 16125162
Agent File # 16-341
Examiner - David Hostyk
dhostyk@oldrepublictitle.com
County: Broward

1. Commitment Date: April 27, 2017 at 8:00am
2. Policy to be issued:

(a) ALTA 2006 OWNER'S POLICY
(with Florida Modifications)
Proposed Insured:

The City of Fort Lauderdale

(b) ALTA 2006 LOAN POLICY
(with Florida Modifications)
Proposed Insured:

N/A

Proposed Amount of Insurance:

Amount: To Be Determined

Premium: \$

Amount: N/A


Premium: \$
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. Title to the estate or interest in the Land is at the Commitment Date vested in:

Barefoot Contessa, LLC, a Delaware limited liability company

5. The Land is described as follows:

Block 10, BIRCH OCEAN FRONT SUBDIVISION NO. 2, according to the Plat thereof, as recorded in Plat Book 21, Page 22, of the Public Records of Broward County, Florida; together with the East Half of that portion of vacated Breakers Avenue lying adjacent to said Block 10, as per Official Records Book 16039, Page 239, of the Public Records of Broward County, Florida.

Issued through the Office of:
LANDMARK TITLE SERVICES, INC.
1130 S. Powerline Road
Suite 103
DEERFIELD BEACH, FL 33442
Phone: 954-777-3703



Authorized Signature

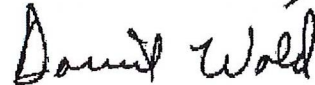
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions.

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SCHEDULE B - I
AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Requirements

All of the following Requirements must be met:

1. ~~The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions. Deleted by S.A. 5.22.17~~
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. ~~Payment of the full consideration to, or for the account of, the grantors or mortgagors. Deleted by S.A. 5.22.17~~
6. Warranty Deed from Barefoot Contessa, LLC, a Delaware limited liability company, to the proposed insured.
7. Other instruments which must be properly executed, delivered and duly filed for record, and/or other matters which must be furnished to the company:
 - a) In order that this Commitment may become effective written authorization from Old Republic Underwriting is required. Authorization will not be finalized before the amount of the transaction is provided.
 - b) ~~Proof of payment of taxes for the year 2016 must be furnished for all five Tax Parcels. Deleted by S.A. 5.22.17~~
 - c) The agent must:
 - i) ~~Determine that Barefoot Contessa, LLC, is in good standing in the state of its formation; and Deleted by S.A. 5.22.17~~
 - ii) Establish that the person(s) executing the deed or mortgage to be insured are authorized by law to execute said instruments on behalf of the company.
 - d) Intentionally deleted. 5.19.2017. DH1
 - e) Satisfaction of the mortgage from Barefoot Contessa, LLC, a Delaware limited liability company to

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Natchez Lender LLC recorded September 30, 2015 and recorded in Instrument 113259083, as modified in Instrument 114029962.

- f) Termination (or release as to the subject property) of the UCC-1 Financing Statement recorded in Instrument 113259085.
 - g) Release of recorded Lis Pendens filed by Natchez Lender, LLC against Barefoot Contessa, LLC, recorded 4/12/2017 as Instrument 114318328.
 - h) Release of that certain Right of First Refusal Agreement between Barefoot Contessa, LLC, and Natchez Lender, LLC, recorded as Instrument 113259084.
 - i) Intentionally deleted. 5.19.2017. DH1
 - j) Intentionally deleted. 5.19.2017. DH1
 - k) ~~Satisfactory survey, in conformity with the minimum standards for land surveys made for title insurance purposes, certified to the company and/or its agents, through a current date, disclosing the nature and extent of any encroachments, overlaps, boundary line discrepancies, or other matters adversely affecting title to the property to be insured. Additional requirements and/or exceptions will be made for matters disclosed by the survey. Deleted by S.A. 5.22.17~~
 - l) Record Surveyor's Affidavit that the legal descriptions of the three parcels described in Special Warranty Deed recorded in Official Records Book 48245, Page 1331, and described by the Property Appraiser as five parcels, comprise the entirety of the subject property - Block 10 - not more and not less.
 - m) ~~Submit proof that all municipal charges and assessments and all municipal service charges for water, sewer and waste collection, if any, are paid. Deleted by S.A. 5.22.17~~
 - n) ~~Determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F.S., or county ordinance. Deleted by S.A. 5.22.17~~
 - o) Provide a satisfactory Owner's Affidavit of Possession and No Liens. Said affidavit, when properly executed at closing by the seller(s) if any and mortgagor's herein will serve to delete the standard lien and possession exceptions for the policy(ies) to be issued.
 - p) ~~Note: Taxes for the year 2017 became a lien on the land January 1st although not due or payable until November 1st of said year. Deleted by S.A. 5.22.17~~
 - q) ~~Taxes for the year 2016 in the amount of \$13,214.96 are NOT PAID for Tax ID Number 50-42-01-06-0100. Deleted by S.A. 5.22.17~~
 - r) ~~Taxes for the year 2016 in the amount of \$11,931.95 are NOT PAID for Tax ID Number 50-42-01-06-0110. Deleted by S.A. 5.22.17~~
 - s) ~~Taxes for the year 2016 in the amount of \$27,429.02 are NOT PAID for Tax ID Number~~
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~~50-42-01-06-0120. Deleted by S.A. 5.22.17~~

t) ~~Taxes for the year 2016 in the amount of \$26,246.78 are NOT PAID for Tax ID Number.~~
~~50-42-01-06-0130. Deleted by S.A. 5.22.17~~

u) ~~Taxes for the year 2016 in the amount of \$17,654.42 are NOT PAID for Tax ID Number.~~
~~50-42-01-06-0140 Deleted by S.A. 5.22.17~~

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Broward County, unless otherwise noted.

SCHEDULE B SECTION II IS CONTINUED ON AN ADDED PAGE

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SCHEDULE B - II
AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. All matters, restrictions, covenants, conditions and easements, contained on the Plat of BIRCH OCEAN FRONT SUBDIVISION NO. 2, as recorded in Plat Book 21, Page 22.
2. Easements, including a 20 foot Pedestrian Easement and a 10 foot Utility Easement, reserved by the City of Fort Lauderdale in that certain Ordinance No. C-88-60 recorded in Official Records Book 16039, Page 239.
3. Easement granted to Selkirk Communications, Inc. recorded in Official Records Book 17420, Page 251.
4. Easement granted to BellSouth Telecommunications, Inc., recorded in Official Records Book 21336, Page 461.
5. Ingress-Egress Easement recorded in Deed Book 740, Page 239.
6. Right of Way to State of Florida re corded in Official Records Book 1336, Page 324.
7. Easement re corded in Official Records book 12440, Page 508.
8. Covenants contained in Conditional Permit for Construction of Sign in Setback Area recorded in Official Records Book 2067, Page 777.
9. Covenants contained in Conditional Permit for Construction of Sign in Setback Area recorded in Official Records Book 2108, Page 356.
10. Resolutions for the Provision of Beach Business Improvement Services recorded in Official Records Book 44715, Page 1566, and Official Records Book 44715, Page 1583.
11. Rights of tenants by virtue of unrecorded leases.
12. Encroachments as shown by that certain survey dated May 3, 2015 , prepared by McLaughlin Engineering Company, Job T-3193, T-4793, T-5997, V-0259 as follows: 1) Pedestrian concrete sidewalk encroaches on 10 foot Utility Easement in vacated Breakers Avenue; 2) several BellSouth Telecommunication concrete pads encroach on the northwest corner of the subject property (in addition to that Easement granted in Official Records Book 21336, Page 463); 3) Concrete block wall encroaches on the property to the north,

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along the entire northern length of the subject property; 4) several wood and concrete power poles appear to encroach on the northern boundary; 5) concrete sidewalk encroaches on the eastern boundary; 6) overhead lines encroach on the northern boundary at the western end of the subject property. Element of coverage No. 4 of the Florida Endorsement Form 9 (Restrictions, Easements, Minerals) shall not apply with respect to the aforesaid encroachment.

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