



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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MAY 16 11:16 AM '01
PSC

DATE: May 11, 2001

TO: Division of Records Reporting

FROM: Patricia Brady, Division of Regulatory Oversight *pb*
Alice Crosby, Division of Legal Services *asm* *JP*

RE: Docket No. 001145-SU, Application for transfer of majority organizational control of San Sebastian Utilities, Inc., holder of Certificate No. 439-W in Brevard County, and name change on certificate to San Sebastian Water, LLC.

By Order No. PSC-01-0426-FOF-WU, issued February 22, 2001, Docket No. 001145-WU was to remain open pending receipt of proof of ownership or continued use of the land upon which the utility's facilities are located. Upon receipt of the evidence and upon verification by the Commission staff that such evidence meets the requirements as set forth in Rule 25-30.037(3)(i), Florida Administrative Code, the docket was to be administratively closed.

By letter dated April 30, 2001, the utility provided the attached copy of the Special Warranty Deed between Howbert, L.C. and San Sebastian Water, LLC. Staff has verified that the document meets the requirements of Rule 25-30.037(3)(i), Florida Administrative Code. Therefore, there are no remaining matters in Docket No. 001145-SU and staff recommends that the docket be administratively closed. Since this is a transfer of majority organizational control, the certificate is not transferring. However, the effective date of the name change should be the date of the issuance of Order No. PSC-01-0426-FOF-WU on February 22, 2001.

Attachment

cc: Division of Legal Services (Crosby)
Division of Records and Reporting (Grant)
Division of Records and Reporting (Security File)

OK
sm
5/16/01

FRESE, NASH & HANSEN, P.A.

ATTORNEYS AT LAW

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◇ Board Certified in Real Estate Law
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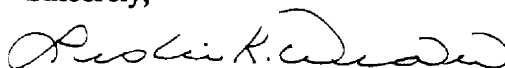
April 30, 2001

Ms. Pat Brady
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Dear Ms. Brady:

With regard to my telephone conversation with Bill McCain, enclosed please find a certified copy of the Special Warranty Deed between Howbert, L.C. and San Sebastian Water, LLC. If you need anything further or have any questions, please do not hesitate to contact me.

Sincerely,



Leslie K. Weaver
Secretary to Gary B. Frese

/lkw

Enclosure as stated

cc: Mr. Bill McCain - *via facsimile* - 561/770-1508

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MAY 04 2001

Florida Public Service Commission
Division of Regulatory Oversight

CFN 2001076028 04-18-2001 01:52 pm
OR Book/Page: 4326 / 0695

PREPARED BY AND RETURN TO:
Gary B. Frese, Esquire
FRESE, NASH & HANSEN, P.A.
930 S. Harbor City Blvd., Suite 505
Melbourne, Florida 32901
PARCEL ID #30-38-14-00-519

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 2 #Names: 2 Serv: 0.00
Trust: 1.50 Rec: 9.00 Excise: 0.00
Mig: 0.00 Int Tax: 0.00

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, executed this 18 day of April, 2001, by HOWBERT, L.C., a Florida limited liability company, (hereinafter referred to as "GRANTOR"), to SAN SEBASTIAN WATER, LLC, a Florida limited liability company, whose address is 7900 Fox Creek Trail, Franktown, CO 80116, (hereinafter referred to as "GRANTEE").

Witnesseth that the Grantor, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEES' heirs and assigns forever, the following described land, situate, lying and being in the County of BREVARD, State of FLORIDA, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This deed was prepared without a review or examination of the title to the above described property and no opinions or representations are being made either expressly or impliedly by Gary B. Frese, Esquire, or FRESE, NASH & HANSEN, P.A.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in aenaeus appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 18 day of April, 2001.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

HOWBERT, L.C.
a Florida limited liability company
BY Michael F. Howard
MICHAEL F. HOWARD, Manager
6921 Vicki Circle
Melbourne, FL 32904

Gary B. Frese
Witness
Printed Name: GARY B. FRESE
Melanie Chastain
Witness
Printed Name: MELANIE CHASTAIN

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 18 day of April, 2001, by MICHAEL F. HOWARD, Manager of HOWBERT, L.C., a Florida limited liability company, on behalf of the company, who is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 18 day of April, 2001.

Melanie Chastain
Notary Public
My Commission Expires: March 28, 2004
Melanie Chastain
My Commission CC812057
Expires March 28, 2004

LEGAL DESCRIPTION

BEING AT THE INTERSECTION OF THE EXTENSION OF THE SOUTHERLY RIGHT OF WAY OF 13TH STREET, AS PER PLAT NO. 1 OF SAN SEBASTIAN, AS RECORDED IN PLAT BOOK 8, PAGE 15, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THE EASTERLY RIGHT OF WAY LINE OF FLORIDA EAST COAST RAILWAY; RUN NORTH 02° 14' 24" WEST, ALONG THE SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 200.00 FEET; THENCE RUN SOUTH 89° 38' 15" EAST, A DISTANCE OF 155.0 FEET; THENCE RUN SOUTH 02° 14' 24" EAST, A DISTANCE OF 200.00 FEET; THENCE RUN NORTH 89° 38' 15" WEST, A DISTANCE OF 155.0 FEET TO THE POINT OF BEGINNING.



CFN 2001076028
OR Book/Page: 4326 / 0696

CLERK OF BREVARD COUNTY, FLORIDA
THOMAS J. YOUNG, CLERK OF BREVARD COUNTY, FLORIDA
SCOTT ELLIS, CLERK OF BREVARD COUNTY, FLORIDA
Dated 4-30-01 By [Signature] S.D.C.