

State of Florida



Public Service Commission

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

DATE: August 28, 2002
TO: Division of the Commission Clerk and Administrative Services
FROM: Patricia Brady, Division of Economic Regulation *pb* *ljo*
RE: Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Please add to the docket file the attached facsimile dated 8/22/02 from J. Fritz Holzberg, applicant, to Rosanne Gervasi, Commission staff, which transmits two documents offered as proof of Mr. Holzberg's ownership of the collection system.

Attachment

cc: Division of Economic Regulation (Redemann)
Office of the General Counsel (Gervasi)
Division of the Commission Clerk and Administrative Services (Security File)

DOCUMENT NUMBER-DATE

09085 AUG 28 02

FPSC-COMMISSION CLERK

ROBERT T. MAHER, ESQ.

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SUITE 201
FORT MYERS, FLORIDA 33901
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(941) 337-1907 FAX
rmaherbob@aol.com

October 6, 1999

**J. Fritz Holzberg
P.O. Box 366762
Bonita Springs, Florida 34136**

Dear Fritz:

As I previously discussed with you, I have found nothing in the development documents, covenants and restrictions that obligates the developer or the Association to provide sewer service to the properties.

The documents do require surface water management, which by statute is different from sewer service.

Sincerely yours,



Robert T. Maher

RTM/taw

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION**

**FRATERNAL ORDER OF
EAGLES AERIE 4002, INC.,
Daniel Gnazzo, Chairman
of the Trustees**

Plaintiff,

vs.

CASE NO: 99-8612 CA LG

**J. FRITZ HOLZBERG,
JOHN NEWBERRY, and
FOREST MERE JOINT VENTURE**

Defendants.

FINAL JUDGMENT

This action was tried before the Court. On the evidence presented;

IT IS ADJUDGED that:

**Plaintiff's Application for Injunction is denied and Plaintiff Fraternal Order of
Eagles Aerie 4002, Inc. take nothing by this action and that Defendants J. Fritz Holzberg,
John Newberry and Forest Mere Joint Venture, whose respective addresses are noted
below, go hence without day.**

DONE AND ORDERED in Chambers in Fort Myers, Lee County, Florida on this

11th day of July 2000.

**/S/ LYNN GERALD, JR.
Honorable Lynn Gerald, Jr.
Circuit Court Judge**

Conformed copies to:

**Robert T. Maher, Esq.
1601 Jackson Street, # 201
Fort Myers, Florida 33901**

**David Garber, Esq.
1170 3rd Street South
Suite B-205
Naples, Florida 34102**

**J. Fritz Holzberg
P.O. Box 366762
Bonita Springs, Florida 34136**

**Forest Mere Joint Venture
P.O. Box 366762
Bonita Springs, Florida 34135**

**John Newberry
6017 Pine Ridge Road # 276
Naples, Florida 34119**