

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: October 18, 2002
TO: Division of the Commission Clerk and Administrative Services
FROM: Office of the General Counsel (Gervasi) *DS*
RE: Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Please file the attached facsimiles from William E. Sundstrom, Esquire, dated October 17, 2002 and October 18, 2002, respectively, in the docket file for the above-referenced docket.

RG/dm

cc: Division of Economic Regulation (Brady, Redemann)

1\020640fm.rg

DOCUMENT NUMBER 02-

11365 OCT 18 '02

2002 COMMISSION CLERK

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TELECOPY COVER SHEETDATE: October 17, 2002 OUR FILE NO.: 20989.25 PAGES: 2TO: Kent A. Johanson TELECOPY NUMBER: (239) 948-9169David M. Owen TELECOPY NUMBER: (941) 335-2606Rosanne Gervasi TELECOPY NUMBER: 413-6225Fred Partin TELECOPY NUMBER: (941) 947-7460Don Thomson TELECOPY NUMBER: (941) 498-6225FROM: Bill Sundstrom CONTACT PERSON: JackieSUBJECT: Bonita Springs Utilities, Inc.

MESSAGE: _____

Please notify us immediately if not received properly:

(850) 877-6555

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U. S. Postal Service. We will reimburse you for postage. Thank you.

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October 17, 2002

Kent A. Johanson, Esq.
Johanson Law Office
Bonita Bay Professional Court
3541 Bonita Bay Boulevard, Suite 100
Bonita Springs, FL 34134

Re: Forest Mere and Spring Lake Subdivisions in Lee County

Dear Mr. Johanson:

Thank you for providing me with a copy of your letter of October 10 to Robert Burandt, counsel to Gistro, Inc., which claims title to the wastewater collection system within the Forest Mere and Spring Lake Subdivisions.

As you know, we serve Bonita Springs Utilities, Inc. as special counsel. BSU would like to bring this matter to resolution, by purchasing the subject collection system from whoever owns it. If your client is willing to warrant title, and has a purchase price in mind, I would love to hear it.

Thank you for your kind consideration hereof.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



William E. Sundstrom, P.A.

For the Firm

WES:jmt

cc: Fred Partin
Don Thomson
Rosanne Gervasi
David Owen

Bonita\Johanson letter of October 17

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TELECOPY COVER SHEET

DATE: October 18, 2002 OUR FILE NO.: 20989.25 PAGES: 6

TO: Rosanne Gervasi TELECOPY NUMBER: 413-6225

FROM: Bill Sundstrom CONTACT PERSON: Jackie

SUBJECT: Bonita Springs Utilities, Inc.

MESSAGE: _____

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(850) 877-6555

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MEMORANDUM

TO: Rosanne Gervasi
David Owen

FROM: Wm. Sundstrom

RE: Bonita Springs Utilities, Inc.

DATE: October 16, 2002

=====

Please find attached a copy of a letter from attorney Kent A. Johanson to Robert B. Burandt asserting that legal title to the wastewater facilities of the Forest Mere and Spring Lake Subdivisions in Lee County belong to Rolf Pfaff, and not to Gistro, Inc.



WES:jmt
Attachment

Bonita\gervasi.mem

JOHANSON LAW OFFICE**KENT A. JOHANSON**

ATTORNEY AT LAW

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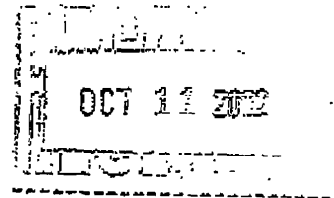
* Also admitted in Iowa

New e-mail: johansonlaw@comcast.net

New Area Code: (239)

October 10, 2002

Robert B. Burandt, Esq.
Roosa, Sutton, Burandt, Adamski & Roland, LLP
1714 Cape Coral Parkway East
Cape Coral, Florida 33904



**Re: Forest Mere & Spring Lake Subdivisions
Wastewater treatment**

Dear Mr. Burandt:

I am the legal counsel for Mr. Rolf Pfaff. It has come to our attention that your client, J. Fritz Holzberg and his company, Gistro, Inc. has been claiming an interest in real estate and the wastewater treatment facilities in the Forest Mere and the Spring Lake Subdivisions in Lee County. The record reflects that my client is the owner of the property. Enclosed with this correspondence is a copy of an "Execution" and "Sheriff's Deed". Unless your client can furnish evidence that he is the legal owner, he is directed to cease further efforts of asserting any claim to the property and the treatment facilities.

Sincerely,

Kent A. Johanson

KAJ/skj

cc: client

J. Stephen Crawford, Esquire
Bonita Springs Utilities c/o G. Donald Thomson, Esquire
c/o William E. Sundstrom, P.A.

IN THE CIRCUIT COURT OF THE 20TH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

ROLF PFAFF and MARK PFAFF,

Plaintiffs,

vs.

FOREST MERE JOINT VENTURE,
consisting of GULF CONSTRUCTION, INC.;
a Florida corporation, and NAPLES
AMERICAN INVESTMENTS, INC., J.
FRITZ HOLZBERG, JUERGEN BAECK,
WILLIAM SCHWEIKHARDT, Trustee of
Trust 94, and LANDVEST TITLE
ASSOCIATES, INC., a Florida Corporation,

Defendants.

CASE NO.: 95-4498-CA-LG

EXECUTION

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to levy on the property subject to execution J. FRITZ
HOLZBERG individually in the sum of one hundred and seventy five thousand, four hundred
and fifteen dollars and eighty two cents (\$175,415.82), plus interest at 10% through December
31, 1998, and at such other interest rate thereafter as set by the Comptroller of the State of
Florida, until paid and to have this writ before the Court when satisfied.

DATED on 11-24, 1998.

CHARLIE GREEN
AS CLERK OF THE COURT,

By: P. Wilson
As Deputy Clerk

cc: Seidensticker & San Filippo
2150 Goodlette Road
Suite 305
Naples, Florida 34102
Telephone: (941) 403-0611
Facsimile: (941) 403-0711

10/15/98

10/15/98

22



SHERIFF'S DEED

THIS INDENTURE, made this 5TH day of October, in the year of our Lord Two Thousand, between John J. McDougall, Sheriff of Lee County, State of Florida, of the first part and Rolf Pfaff, second part, whose permanent address is c/o David Mourick, Esquire, 3551 Bonita Bay Blvd, Suite 3, Bonita Springs, Florida 34134, County of Lee, State of Florida.

WHEREAS, By virtue of a certain execution issued out of and under the seal of the Circuit Court of Lee County aforesaid, tested the 24th day of November 1998, at the suit of Rolf Pfaff and Mark Pfaff Plaintiff, against Forest Mere Joint Venture, A General Partnership, J. Fritz Holzberg, Elfie Holzberg and Euro American Financial Services, Inc., Trustee, et al., defendant, directed and delivered to the said Sheriff, commanding him that the said defendant's property subject to levy, he cause to be made certain moneys in said execution specified, the said Sheriff did levy on and seize property hereinafter described; and on the 5th day of October 2000, at 11:00a.m., being a legal sale day, sold the said property at public auction at 14750 Six Mile Cypress Pkwy., Fort Myers, Florida, in said State and County, having first given public notice of the time and place of such sale, by advertising said property for sale, in manner and form as required by statute in such case made and provided, in the Fort Myers News-Press, an official newspaper published in Fort Myers, Florida, in said County, for thirty days next preceding said day of sale; and that at such sale the said property was struck off to the said party of the second part, for the sum of FIVE DOLLARS AND NO/100, he being the highest bidder therefor, and that being the highest sum bid for the same.

NOW THIS INDENTURE WITNESSETH, That the said party of the first part, Sheriff as aforesaid, by virtue of the said execution, and in pursuance of the statute in such case made and provided, and in consideration of the sum of money so bid as aforesaid, and in hand paid to the said party of the first part by the said party of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said ROLF PFAFF the said party of the second part, all the estate, right, title and interest, which the said defendant had on the 3RD day of March, 1997, or at any time afterward, of, in and to all that certain real estate and, the wastewater treatment plant located hereon, including the existing collection system serving the Forest Mere and Spring Lake Subdivisions, in the County of Florida, known and described as follows:

See Attached Exhibit "A" attached hereto and made a part hereof by reference.

INSR # 5110463 OR BK 3895 PG 0356 RECD 04/16/01 09:57 PM
CHARLIE GREEN, CLERK OF COURT, LEE COUNTY
DOC TAX PD(F.S.201.02) 0.70
DEPUTY CLERK K CARTWRIGHT

EXHIBIT "A"

That portion of land lying in the North 1/2 of the Southeast 1/4 of Section 25, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the East 1/4 corner of Section 25, Township 47 South, Range 25 East, thence run S 89° 14' 12" W a distance of 2381.82 feet to the Point of Beginning;

thence run S 0° 45' 48" E a distance of 114.85 feet to a point on a curve with its center point on a bearing of S 28° 25' 16" E having a radius of 130.00 feet, thence run southwesterly along the arc of said curve 109.08 feet to a point of tangency, thence run S 13° 30' 11" W a distance of 213.79 feet, thence run S 88° 54' 12" W a distance of 141.72 feet, thence run N 1° 05' 48" W a distance of 405.99 feet, thence run N 89° 14' 12" E a distance of 262.41 feet to the Point of Beginning. Containing 1.91 acres more or less.

and, the wastewater treatment plant located thereon including the existing collection system serving the Forest Mere and Spring Lake subdivisions.