

This instrument was prepared by:

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150 West Flagler Street
Suite 2200
Miami, FL 33130

(Space Reserved for Clerk)

Opinion of Title

To: City of Miami Beach

With the understanding that this Opinion of Title is furnished to the City of Miami Beach, as inducement for acceptance of a Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement, or as an inducement for acceptance of a subdivision plat or tentative plat, covering the real property, or other land use approval or application hereinafter described, it is hereby certified that I have examined Fidelity National Title Insurance Company Title Commitment No. 7565133 (05/10/2019-B) covering the period from the beginning to the 22nd of April, 2019 at 11:00 PM, inclusive of the following described property:

Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, in Block 6, of NORMANDY BEACH SOUTH, according to the Plat thereof as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described property was vested in:

Abbott Avenue Partners, LLC, a Delaware limited liability company as to Lots 1, 2, 3, 13, 14, 15, 16, 17 & 18 in Block 6 of NORMANDY BEACH SOUTH, according to the Plat thereof as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida

AND

Pumps at 71, LLC, a Delaware limited liability company and 7433 Collins Ave. Corp., a Florida corporation as to Lots 4, 7, 8, 9, 10, 11 & 12 in Block 6 of NORMANDY BEACH

SOUTH, according to the Plat thereof as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

Based solely upon my review of copies of organizational and trust documents provided to me by Abbott Avenue Partners, LLC, (i) Robert Finvarb, as Manager of Robert Finvarb Family Management, LLC, a Florida limited liability company, the general partner of Robert Finvarb Family Investments LLLP, a Florida limited liability limited partnership, as a member of Abbott Avenue Partners, LLC and (ii) Juliette M. Klepach and Issac Mitrani as Co-Trustees of The Juliette M. Klepach Revocable Trust dated January 29, 2009, as a member of Abbott Avenue Partners, are authorized to execute the application for vacation of the right-of-way on behalf of Abbott Avenue Partners, LLC.

Based solely upon my review of copies of organizational documents provided to me by Pumps at 71, LLC, Robert Finvarb, as Manager of Robert Finvarb Family Management, LLC, a Florida limited liability company, the general partner of Robert Finvarb Family Investments LLLP, a Florida limited liability limited partnership, as sole member of RIF 71, LLC, a Florida limited liability company, as sole member of Pumps at 71, LLC, is authorized to execute the application for vacation of the right-of-way on behalf of Pumps at 71, LLC.

Based solely upon my review of information and documents accessible at www.sunbiz.org, Juliette Klepach, as President of 7433 Collins Ave. Corp., is authorized to execute the application for vacation of the right-of-way on behalf of 7433 Collins Ave. Corp.

Subject to the following encumbrances:

1. **RECORDED MORTGAGES:**

- (a) Mortgage, Assignment of Rents and Security Agreement executed by Pumps at 71, LLC, a Delaware limited liability company and 7433 Collins Ave. Corp., a Florida corporation, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated August 21, 2014, recorded August 26, 2014 in Official Records Book 29285, Page 540, as modified by Mortgage Modification Agreement recorded November 8, 2016 in Official Records Book 30301, Page 1740 (Lots 4, 7, 8, 9 10, 11, and 12); and the following collateral security instrument(s): UCC-1 Financing Statement recorded August 26, 2014, in Official Records Book 29285, Page 593; amended by UCC Amendment form recorded in Official Records Book 30301, Page 1751.
- (b) Mortgage, Assignment of Rents and Security Agreement executed by Abbott Avenue Partners, LLC, a Delaware limited liability company, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated November 1, 2016, recorded November 8, 2016 in Official Records Book 30301, Page 1092 (Lots 17 & 18); and the following collateral security instrument(s): UCC-1 Financing Statement recorded November 8, 2016, in Official Records Book 30301, Page 1120.

- (c) Mortgage, Assignment of Rents and Security Agreement executed by Abbott Avenue Partners, LLC, a Delaware limited liability company, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated November 4, 2016, recorded November 8, 2016 in Official Records Book 30301, Page 1255 (Lots 2, 3, 13, 14, & 15); and the following collateral security instrument(s): UCC-1 Financing Statement recorded November 18, 2016, in Official Records Book 30301, Page 1283.
- (d) Third Mortgage, Assignment of Rents and Security Agreement executed by Pumps at 71, LLC, a Delaware limited liability company and 7433 Collins Ave. Corp., a Florida corporation, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated November 4, 2016, recorded November 8, 2016 in Official Records Book 30301, Page 1288; as Amended and Restated by Amended and Restated Mortgage, Assignment of Rents and Security Agreement recorded August 31, 2017 in Official Records Book 30676, Page 2736, modified by Mortgage Modification Agreement recorded December 4, 2017 in Official Records Book 30779, Page 2125 (Lots 4, 7, 8, 9, 10, 11, and 12); and the following collateral security instrument(s): UCC-1 Financing Statement recorded November 8, 2016, in Official Records Book 30301, Page 1320; amended by UCC-Amendment recorded August 31, 2017 in Official Records Book 30676, Page 2808.
- (e) Mortgage, Assignment of Rents and Security Agreement executed by Abbott Avenue Partners, LLC, a Delaware limited liability company, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated August 28, 2017, recorded August 31, 2017 in Official Records Book 30676, Page 2678, modified by Mortgage Modification Agreement recorded December 4 2017 in Official Records Book 30779, Page 2111 (Lots 17 & 18); and the following collateral security instrument(s): UCC-1 Financing Statement recorded August 31, 2017, in Official Records Book 30676, Page 2798.
- (f) Mortgage, Assignment of Rents and Security Agreement executed by Abbott Avenue Partners, LLC, a Delaware limited liability company, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated August 28, 2017, recorded August 31, 2017 in Official Records Book 30676, Page 2707, modified by Mortgage Modification Agreement recorded December 4, 2017 in Official Records Book 30779, Page 2118 (Lots 2, 3, 13, 14, and 15); and the following collateral security instrument(s): UCC-1 Financing Statement recorded August 31, 2017, in Official Records Book 30676, Page 2803.
- (g) Mortgage, Assignment of Rents and Security Agreement executed by Abbott Avenue Partners, LLC, a Delaware limited liability company, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated August 28, 2017, recorded August 31, 2017 in Official Records Book 30676, Page 2769; affected by Subordination Agreement recorded December 4, 2017 in Official Records Book 30778, Page 3, and Mortgage Modification and Spreader Agreement recorded December 4, 2017 in Official Records Book 30779, Page 2133 (Lots 1 & 16); and the following collateral security instrument(s): UCC-1 Financing Statement recorded August 31, 2017 in Official Records Book 30676, Page 2812.

- (h) Mortgage and Security Agreement executed by Abbott Avenue Partners, LLC, a Delaware limited liability company, Mortgagor, in favor of City National Bank of Florida, Mortgagee, dated August 28, 2017, recorded September 20, 2017 in Official Records Book 30687, Page 1183, modified by Mortgage Modification, Notice of Future Advance and Spreader Agreement recorded in Official Records Book 30777, Page 4998 (Lots 1 & 16); and the following collateral security instrument(s): UCC-1 Financing Statement recorded September 20, 2017, in Official Records Book 30687, Page 1211; amended by UCC-Amendment recorded December 4, 2017 in Official Records Book 30778, Page 1.

2. SPECIAL EXCEPTIONS:

- (a) Restrictions, covenants, conditions, easements and other matters as contained on the Plat of NORMANDY BEACH SOUTH, recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida. (All parcels)
- (b) Resolution No. 93-20699 by the City Commission of the City of Miami Beach, re: "North Beach Streetscape Improvement Project", recorded April 12, 1993 in Official Records Book 15877, Page 745. (All Parcels)
- (c) Terms and Conditions set forth in Unity of Title recorded June 6, 1995 in Official Records Book 16804, Page 3165. (Lots 4, 7, 8, 9, 10, 11, & 12)
- (d) Terms and Conditions set forth in Short Form Lease with Coin Wash Holdings, Inc., a Florida corporation, Tenant, as memorialized by Memorandum of Lease recorded October 7, 2007 in Official Records Book 18301, Page 706. (Lots 13, 14, and 15)
- (e) Terms and Conditions set forth in Unrecorded Lease dated February 1, 1999 between E.B.M.M., Ltd., a Florida limited liability company, Owner/Landlord, and Abbott & 71st Oil & Gas Inc., a Florida corporation, Tenant, as evidenced by Subordination Agreement recorded January 30, 2006 in Official Records Book 24190, Page 469 and Lease Subordination Agreement recorded February 13, 2006 in Official Records Book 24232, Page 2805. (Lots 7, 8, 9, 10, 11, & 12)
- (f) Restrictions, covenants, and conditions as set forth in Declaration of Restrictive Covenants recorded February 5, 2007 in Official Records Book 25337, Page 1530, as may be subsequently amended. (Lot 3)
- (g) Terms and Conditions set forth in Unrecorded Lease dated October 6, 2011 between Pumps at 71, LLC, a Delaware limited liability company and 7433 Collins Ave. Corp., a Florida corporation, Landlord, and Varguza USA, LLC, a Florida limited liability company, Tenant, as evidenced by Subordination, Non-Disturbance and Attornment Agreement recorded August 26, 2014 in Official Records Book 29285, Page 573. (Lots 4, 7, 8, 9, 10, 11, 12)

- (h) Terms and Conditions set forth in Unrecorded Lease dated January 15, 2016 between Abbott Avenue Partners, LLC, a Delaware limited liability company, Landlord, and Clinicare Medical Center, Inc., a Florida corporation, Tenant, as evidenced by Subordination, Non-Disturbance and Attornment Agreement recorded November 8, 2016 in Official Records Book 30301, Page 1129. (Lots 17 & 18)
- (i) Terms and Conditions set forth in Unrecorded Lease dated April 17, 1988 between Abbott Avenue Partners, LLC, a Delaware limited liability company, Landlord, and 7124 Abbott Avenue Laundromat, LLC, Tenant, as evidenced by Subordination, Non-Disturbance and Attornment Agreement recorded November 8, 2016 in Official Records Book 30301, Page 1325. (Lots 2, 3, 13, 14, & 15)
- (j) Terms and Conditions set forth in Unrecorded Lease dated October 6, 2011 between Pumps at 71, LLC, a Delaware limited liability company and 7433 Collins Ave. Corp., a Florida corporation, collectively as Landlord, and BTI Stations LLC, a Florida limited liability company, Tenant, as evidenced by Subordination, Non-Disturbance and Attornment Agreement recorded November 8, 2016 in Official Records Book 30301, Page 1333. (Lots 4, 7, 8, 9, 10, 11, & 12)

Therefore, it is my opinion that the following party(ies) must join in the application for vacation of the right-of-way in order to make it valid and binding on the land described herein.

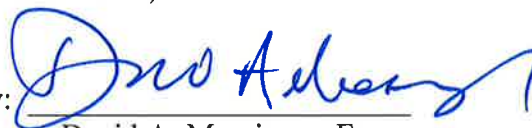
<u>Name</u>	<u>Interest</u>
Abbott Avenue Partners, LLC	Fee Simple
Pumps at 71, LLC	Fee Simple
7433 Collins Ave. Corp.	Fee Simple

In addition, should a recorded document be proffered following the submission of the application, in addition to being joined by the above identified parties, such recorded document may also require the joinder City National Bank of Florida, as mortgagee in order to make it valid and binding on the land described herein.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 10th day of May, 2019.

**STEARNS WEAVER MILLER
WESSLER ALHADEFF &
SITTERSON, P.A.**

By: 

David A. Messinger, Esq.
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Miami, Florida 33130

STATE OF FLORIDA)
):
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 10th day of May, 2019, by David A. Messinger, who is personally known to me.


Notary Public

My Commission Expires:

