

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 issuance of a permit, covering the real property hereinafter described, it is hereby certified that I have examined that certain (a) Owner's Policy of Title Insurance issued by First American Title Insurance Company under Policy Number 5011412-0047958e having an effective date of April 2, 2012 @ 9:48:57 a.m. (the "**Title Policy**"), and (b) Title Search Report ("**Title Update**") issued by Attorneys' Title Fund Services, LLC, under File Number 12147003 covering the period from October 8, 1998 through October 8, 2019, at 11:00 p.m. ("**Current Date**"), all respecting the following described property ("**Property**"):

Lots 1 and 2 of SURPRISE POINT, according to the plat thereof, as recorded in Plat Book 43, Page 77, of the Public Records of Miami-Dade County, Florida.

Based only upon the Title Policy and the Title Update, I am of the opinion that as of the Current Date, the fee simple title to the Property was vested in:

Robert A. Lazenby and Gwen W. Lazenby, as Trustees of 544 Lakeview Court Irrevocable Trust, under Agreement dated February 24, 2012,

subject to the following encumbrances, liens and other exceptions:

A. GENERAL EXCEPTIONS:

1. Taxes for 2019 and taxes or special assessments which are not shown as existing liens by the public records.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easements or claims of easements not shown by the public records.

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5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands and riparian rights and/or littoral rights, if any.
7. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property.
8. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
9. Zoning and other restrictions imposed by governmental authority.
10. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying or formerly lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line or other apparent boundary line separating the publicly used area from the upland private area, or such upland private area as it may have existed prior to the construction, if any, of any seawall or bulkhead hereon.
11. Any portion of the Property lying waterward of the ordinary high water mark of the Atlantic Ocean and/or the Erosion Control Line, recorded in Plat Book 105, at Page 62 of the Public Records of Miami-Dade County, Florida.
12. Those portions of the Property comprising artificially filled land in what was formerly navigable waters are subject to any and all rights of the United States

government arising by reason of the United States government's control over navigable waters in the interest of navigation and commerce.

13. The rights of the State of Florida and the United States of America to regulate the use of the navigable waters.

B. RECORDED MORTGAGES: Mortgage in the original principal amount of \$4,114,540, in favor of Mortgage Electronic Registration Systems, Inc. ("**MERS**"), as nominee for SunTrust Mortgage, Inc., a Virginia corporation ("**SunTrust**"), pursuant to that certain Mortgage dated June 16, 2016, as recorded on July 8, 2016, in Official Record Book 30145, at Page 387, among the Public Records of Miami-Dade County, Florida.

C. OTHER SPECIAL EXCEPTIONS: See Exhibit A attached hereto and made a part hereof.

Therefore, it is my opinion that the following party(ies) must join in the proffered document in order to make it valid and binding on the Property:

<u>Name</u>	<u>Interest</u>
Robert A. Lazenby, as Trustee of 544 Lakeview Court Irrevocable Trust under Agreement dated February 24, 2012	Trustee of Fee Simple Owner
Gwen W. Lazenby, as Trustee of 544 Lakeview Court Irrevocable Trust under Agreement dated February 24, 2012	Trustee of Fee Simple Owner
SunTrust Mortgage, Inc.	Mortgage Holder

Exhibit A

1. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of SURPRISE POINT, as recorded in Plat Book 43, Page(s) 77, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Reservations in favor of the Trustees of the Internal Improvement Fund of the State of Florida recorded in Deed Book 197, Page 464, as to 3/4 interest in all phosphate, mineral and metal rights; 1/2 interest in all petroleum rights. (Note: Right of entry released pursuant to F.S. 270.11).
3. Declaration of Restrictive Covenant recorded in Book 26795, Page 4264, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
4. Riparian and/or littoral rights are not insured.
5. Changes in the boundary of the land resulting from erosion or accretion caused by the flow of Surprise Lake.
6. Matters shown on the survey prepared by Nova Surveyors Inc. dated December 28, 2011 under Survey No. 11-0001105-1, as follows:
 - a. 4.82' encroachment of concrete block wall and column onto a portion of Lot 3.
 - b. Encroachment of 4' iron fence onto a portion of Lots 2 and 3.
 - c. Encroachment of brick paver driveway onto a portion of Lakeview Court but only to the extent such pavers are not expressly permitted pursuant to Declaration of Restrictive Covenant recorded in Official Record Book 26795, Page 4264.
 - d. Encroachment onto Surprise Lake of land ranging approximately 1' to 8' lying outside the southern boundary of the property along the length of such boundary, a 3' wide seawall contiguous to such land along the length thereof, and a wood dock contiguous to a portion of the seawall.
7. Certification of Trust dated, as recorded on July 8, 2016, in Official Record Book 30145, at Page 382.
8. Declaration of Use for Guest House Related to Impact Fees dated September 12, 2016, as recorded on September 13, 2016, in Official Record Book 30227, at Page 4150.
9. Declaration of Restrictive Covenants dated November 14, 2017, as recorded on December 5, 2017, in Official Record Book 30780, at Page 276.

NOTE: All recording references above are to the Public Records of Miami-Dade County, Florida.