

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

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,

Petitioner

v.

CAMILLE B. SNYDER, et al.,

Respondents.

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CASE NO.: 04-CA-1334

TRACT NO.: 003-778

**STIPULATION FOR FINAL JUDGMENT AND ATTACHED STIPULATED  
FINAL JUDGMENT FOR TRACT NO. 003-778**

The Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, (hereinafter "SFWMD" or "District" or "Petitioner"), by and through its undersigned attorney, and the Respondent, WAYNE J. RINKENBACK, individually and as Trustee of the Albert F. Rinkenback Grantor Living Trust dated March 18, 1993 (hereinafter collectively referred to as "Respondent"), by and through his undersigned attorney, hereby stipulate and agree as follows, subject to the approval of the Governing Board of the District at its meeting scheduled to take place on or about October 14, 2010, or as soon thereafter as the Governing Board can consider the matter, wherein the undersigned will recommend approval by the Governing Board:

1. On or about May 25, 2004, an Order of Taking was entered in the above referenced case pertaining to numerous tracts, including Tract No. 003-778.
2. On or about June 14, 2004, the District filed its Notice of Deposit and in fact deposited on said date the total sum of Forty Three Thousand Five Hundred Dollars (\$43,500.00), for Tract No. 003-778, whereby fee simple title and all interests in Respondent's property vested in the District. Respondent has already withdrawn said funds less taxes owed

the Tax Collector and/or any applicable liens.

3. The District and Respondent hereby stipulate and agree that a valuation trial with respect to Respondent's tract is no longer necessary. Respondent waives any and all rights to a valuation trial/hearing by way of the parties' full, complete and final settlement of this matter, and this agreement by Respondent for the Court to enter the Stipulated Final Judgment set forth below. The District and Respondent further agree that the total compensation paid by the District is fair, just, and reasonable for all parties concerned. The parties agree that this Stipulation may be executed in counterparts.

4. The District and Respondent agree to a total settlement amount of ONE HUNDRED FORTY SIX THOUSAND NINE HUNDRED DOLLARS (\$146,900.00) for all of the Respondent's land, structures, improvements, prejudgment or other interest claims, real or personal property of any kind, mobile homes, other property interests or claims of any type, including, but not limited to, mining interests, fill dirt, aggregate, minerals, earth materials, mining business claims, and/or any other damages and/or claims involving Tract No. 003-778. Accordingly, the District shall pay the Respondent the additional sum of ONE HUNDRED THREE THOUSAND FOUR HUNDRED DOLLARS (\$103,400.00) (after deducting the \$43,500.00 previously paid into the Court Registry pursuant to the prior Order of Taking from the agreed total settlement amount of \$146,900.00).

5. In addition, the District and Respondent agree that the District shall pay Respondent's statutory attorneys' fees in the amount FORTY ONE THOUSAND EIGHT HUNDRED SEVENTY SEVEN DOLLARS (\$41,877.00) as full and final payment of any and all Respondent's and Respondent's attorneys claims for attorneys' fees, including any claims for apportionment attorneys' fees, and THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) as full and final payment of any and all Respondent's and Respondent's

attorneys claims for experts' fees and costs in this matter, including any claims for apportionment expert fees and costs.

6. Accordingly, The District shall deposit the balance due in the total sum of ONE HUNDRED FIFTY EIGHT THOUSAND SEVEN HUNDRED SEVENTY SEVEN DOLLARS (\$158,777.00) which is inclusive of all claims for land, improvements, structures, property of any kind, mobile homes, damages, prejudgment or other interest claims, other property interests or claims of any type, including, but not limited to, mining interests, fill dirt, aggregate, minerals, earth materials, mining business claims, and/or any other damages and/or claims involving Tract No. 003-778, as well as any claims for attorneys' fees, experts' fees and costs, or any other claims, pursuant to paragraphs four (4) and five (5) above, with the Court Registry within twenty (20) days of the entry of the attached Stipulated Final Judgment as and for full and final payment as set forth above. The Respondent, by and through their counsel, shall thereafter withdraw said funds, less taxes owed the tax collector and/or any applicable liens or claims, for proper payment and disbursement by Respondent's counsel for Respondent and any anyone claiming an interest to, by, or through Respondent.

7. The Respondent hereby stipulates and represents, as a material condition of this Stipulation, that Respondent has authority to enter into this Stipulation on behalf of the Trust and bind the Trust to all of the terms and conditions of this Stipulation, and that neither he, nor the Trust have assigned any rights concerning the subject property and/or compensation for the subject property, and that there are no claims and/or liens by, because, through, or resulting from Respondent or anyone else against Tract 003-778, and that Respondent is the only party having any interest or claim in or to Tract 003-778 and the settlement proceeds pursuant to this Stipulation. The Respondent, and his undersigned counsel, waive any and all claims against the District as to Tract No. 003-778, (including the

State of Florida, the U.S. Department of Interior, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and any of their and the District's employees, agents, legal representatives, attorneys, Governing Board Members, and their successor and assigns), including but not limited to claims for land, improvements, structures, prejudgment or other interest claims, real or personal property of any kind, mobile homes, other property interests or claims of any type, including, but not limited to, mining interests, fill dirt, aggregate, minerals, earth materials, mining business claims, trespass claims, torts of any kind, and/or any other damages and/or claims involving Tract No. 003-778, as well as any claims for attorneys' fees, experts' fees and costs, or any other claims, and fully release the District and the above-referenced included governmental parties from any and all such claims. The parties agree to submit the attached Stipulated Final Judgment for entry by the Court after approval by the District's Governing Board. Respondent agrees to provide the District with a completed Beneficial Interest Disclosure Document for Tract 003-778 upon execution of this Stipulation.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Edward Artau - Florida Bar No.: 764353  
South Florida Water Management District  
Office of Counsel  
3301 Gun Club Road, MSC 1410  
West Palm Beach, FL 33406  
Tel.: (561) 682-6431  
Fax: (561) 682-6276

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S. William Moore - Florida Bar No.: 0157268  
Attorney for Respondent  
Brigham Moore, LLP  
3277 Fruitville Road, Unit E  
Sarasota, FL 34237  
Tel.: (941) 365-3800  
Fax: (941) 952-1414

Signature line for Landowner:

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Landowner (WAYNE J. RINKENBACK,  
individually and as Trustee of the Albert F. Rinkenback  
Grantor Living Trust dated 3-18-93)

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

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,

CASE NO.: 04-CA-1334

Petitioner

v.

TRACT NO.: 003-778

CAMILLE B. SNYDER, et al.,

Respondents.

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**STIPULATED FINAL JUDGMENT FOR TRACT NO. 003-778**

This matter having come before the Court upon the Stipulation for Final Judgment for Tract No.: 003-778 entered between the Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, (hereinafter "SFWMD" or "District") and the Respondent, WAYNE J. RINKENBACK, individually and as Trustee of the Albert F. Rinkenback Grantor Living Trust dated March 18, 1993 (hereinafter collectively referred to as "Respondent"), by and through his duly authorized attorney, and this Court otherwise being fully advised of the premises therein, and finding that the compensation to be paid by District is fair, just and reasonable for all parties concerned, it is hereby:

1. **CONSIDERED, ORDERED and ADJUDGED**, that the Stipulation for Final Judgment for Tract No.: 003-778 has been entered into freely and voluntarily by the District and Respondent, and is adopted and approved by this Court in its entirety, and the parties are ordered to comply with the terms therein.

2. The Respondent, shall recover from Petitioner the total sum of ONE HUNDRED FORTY SIX THOUSAND NINE HUNDRED DOLLARS (\$146,900.00), \$43,500.00 of which has been previously paid into the Court Registry by the District and withdrawn from the Court

Registry by the Respondent, less any taxes owed the tax collector, and/or any applicable liens, leaving a balance due, as payable pursuant to paragraph 3, below, of ONE HUNDRED THREE THOUSAND FOUR HUNDRED DOLLARS (\$103,400.00) in full and final compensation for Tract No.: 003-778 (See Exhibit "A" for legal description), and for all damages and claims of any nature, including, but not limited to all real and personal property claims of any kind, prejudgment or other interest claims, land, improvements, structures, mobile homes, and any other property interests or claims of any type, including, but not limited to, mining interests, fill dirt, aggregate, minerals, earth materials, mining business claims, and/or any other damages and/or claims involving Tract No. 003-778; and shall also recover as payable pursuant to paragraph 3, below, the amount of FORTY ONE THOUSAND EIGHT HUNDRED SEVENTY SEVEN DOLLARS (\$41,877.00), which constitutes the total amount of statutory attorneys' fees, as full and final compensation for all Respondent's and Respondent's attorneys' claims for attorneys fees of any kind, including any claims for apportionment attorneys fees; and shall also recover, as payable pursuant to paragraph 3, below, the amount of THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00), which constitutes the total amount of expert fees and costs, as full and final compensation for all of Respondent's and Respondent's attorneys' claims for expert fees and costs of any kind, including any claims for apportionment expert fees and costs.

3. ORDERED AND ADJUDGED that Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, as set forth above, shall pay to Respondent, by depositing into the Registry of the Court, for payment to Respondent made payable in the name of BRIGHAM MOORE, LLP, TRUST ACCOUNT, attorney for Respondent, for proper disbursement, within twenty (20) days from entry of the Stipulated Final Judgment, ONE HUNDRED FIFTY EIGHT THOUSAND SEVEN HUNDRED SEVENTY SEVEN DOLLARS (\$158,777.00), in full payment

of the balance after deducting the FORTY THREE THOUSAND FIVE HUNDRED DOLLARS (\$43,500.00) previously paid into the Court Registry by the District, for all land, improvements, structures, prejudgment or other interest claims, real or personal property of any kind, mobile homes, other property interests or claims of any type, including, but not limited to, mining interests, fill dirt, aggregate, minerals, earth materials, mining business claims, and/or any other damages and/or claims involving Tract No. 003-778, as well as any claims for attorneys' fees, experts' fees and costs, apportionment attorneys fees, apportionment expert fees and costs and/or any other claims in this matter, without which let execution issue.

4. The Clerk of the Circuit Court/Registry is hereby directed to mail a check payable to "BRIGHAM MOORE, LLP", c/o S. William Moore, Esq., 3277 Fruitville Road, Unit E, Sarasota, FL 34237, for the total sum ordered pursuant to paragraph 3, above, in the amount of ONE HUNDRED FIFTY EIGHT THOUSAND SEVEN HUNDRED SEVENTY SEVEN DOLLARS (\$158,777.00), less taxes owed the tax collector, and/or any applicable liens, if any, without further motion or order of the Court.

5. On June 24, 2004, this Court entered a default against Beach Road Development Co., LLC, for failure to file or serve any answer or other paper in this case as required by law. Accordingly, this Final Judgment also serves as a Final Judgment after Default in favor of Petitioner, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, and against Beach Road Development Co., LLC, 9990 Coconut Road, Suite 200, Bonita Springs, FL 34135. Any interest of Beach Road Development Co., LLC, or of anyone claiming an interest by, or behalf of, because of, or through Beach Road Development Co., LLC, in Tract No. 003-778, described in the attached and incorporated Exhibit "A", including, but not limited to any such interest in an Easement in favor of Beach Road Development Co., LLC, recorded in official Record Book 3491, Page

2184, of the Public Records of Lee County, Florida, is hereby extinguished and Beach Road Development Co., LLC shall take nothing by this action.

6. It is further ORDERED and ADJUDGED that the District's fee simple title and ownership interest, including but not limited to all previous right, title and interest of the Respondent to the property (Tract No. 003-778), described in the attached and incorporated Exhibit "A", also including as set forth in paragraph 5, above, but not limited to, all previous right, title and interest of Beach Road Development Co., LLC in Tract No. 003-778, including any such interest in an Easement in favor of Beach Road Development Co., LLC, recorded in Official Record Book 3491, Page 2184, of the Public Records of Lee County, Florida, which has been extinguished, and all of which vested in the Petitioner pursuant to the Order of Taking and deposit of money heretofore made, is hereby *approved, ratified and confirmed*.

**DONE and ORDERED** in Chambers in Lee County, Fort Myers, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Circuit Court Judge

Copies furnished to:

Edward Artau, Esq., South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33401

S. William Moore, Esq., Brigham Moore, LLP, 3277 Fruitville Road, Unit E, Sarasota, FL 34237

Ann Dalton, Esq., 2044 Bayside Parkway, Fort Myers, FL 33901-3102

Ann Dalton, Esq., P.O. Box 850, Fort Myers, FL 33902-0850

Beach Road Development Co., LLC, 9990 Coconut Road, Ste. 200, Bonita Springs, FL 34135

Bob Duncan, Collier Resources Co., 2600 Golden Glade Pkwy, Ste. 112, Naples, FL 34105

Beach Road Development Co., LLC, 9990 Coconut Road, Ste. 101, Bonita Springs, FL 34135

Lee County Department of Community Development, Division of Environmental Sciences, 1857 Jackson Street, Fort Myers, FL 33901

Gary Heiser, Esq., 3900 Commonwealth Boulevard, MS-35, Tallahassee, FL 32399

Lee County Tax Collector, P.O. 1609, Fort Myers, FL 33902-1609

Lee County Tax Collector, 2480 Thompson Street, Fort Myers, FL 33901

U.S. Capital Energy, Inc., c/o CT Corp. System, 1200 S. Pine Island Road, Plantation, FL 33324

**Exhibit "A"**  
**Tract No. CS-003-778**

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 47 South, Range 26 East, Lee County, Florida, excepting the North 25 feet thereof reserved for county roadway right of way; and excepting also the East 20 feet and the South 20 feet thereof reserved for canal easement.

Description taken from Official Records Book 2378, Page 3949, Public Records of said Lee County.

Containing 5.0 acres per Lee County Tax Rolls.

CREW\Rinkenback

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February 13, 1997