SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2010 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO INTERVENE IN THE LAWSUIT STYLED U.S BANK, N.A., AS SUCCESSOR TRUSTEE V. MARGARET FROGGATT, MICHELLE HARPER, AND DONNIE HARPER, JR. A/K/A DONNIE HARPER, ET AL., CASE NUMBER 2009 CA 0029 FILED IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT IN AND FOR OKEECHOBEE COUNTY OR TO FILE SUIT TO QUIET TITLE, PURSUE ANY APPROPRIATE DAMAGES AND REMEDIES, AND TAKE ALL APPROPRIATE ACTION, INCLUDING THE AUTHORITY TO SETTLE THE MATTER, SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, AGAINST MARGARET M. FROGGATT, MICHELLE H. HARPER, AND DONNIE HARPER, JR. AND OTHER APPROPRIATE OR NECESSARY PARTIES, IN THE 19TH JUDICIAL CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 373.083(1) and 373.129, Florida Statutes, authorize the South Florida Water Management District (hereinafter "District") to bring suit;

WHEREAS, on September 15, 2009 the District issued its determination of title for the northern boundary line of its Okeechobee Field Station property which expands the size of the Okeechobee Field Station property and places the actual boundary line thirty to sixty feet north of the current fence line previously believed to be the northern boundary line for the Okeechobee Field Station Property;

WHEREAS, the legal description in the warranty deed for the northern abutting property and the legal description for the northern abutting property contained in the public records for Okeechobee County appear to contain a scrivener's error which mistakenly places the northern boundary line of the District's Okeechobee Field Station property at the existing fence line;

WHEREAS, all parties concerned have relied upon the scrivener's error in the legal description for tax purposes and for purposes of describing property pledged as security for a mortgage;

WHEREAS, an action to foreclose on the mortgage for which District-owned property was pledged as security based on a scrivener's error in the legal description is pending;

WHEREAS, the District seeks to correct the scrivener's error and prevent District-owned property from being inadvertently sold to a third party via a foreclosure sale;

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1 The Governing Board of the South Florida Water Management District hereby authorizes District staff to intervene in the lawsuit styled U.S Bank, N.A., as successor trustee v. Margaret Froggatt, Michelle Harper, and Donnie Harper, Jr. a/k/a Donnie Harper, et al., Case No. 2009 CA 0029 filed in the Circuit Court of the 19th Judicial Circuit in and for Okeechobee County or to file suit to quiet title, pursue any appropriate damages or remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Margaret M. Froggatt, Michelle Harper, and Donnie Harper, Jr. and any other appropriate or necessary parties, in the Okeechobee County Circuit Court or other appropriate forum.

Section 2 This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of January 2010.

Approved as to form:

BY: _____

Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairperson

ATTEST:

_____

District Clerk