

PASCO COUNTY, FLORIDA

Office of the County Attorney

Peter Wansboro Bernard M. Telatovich Teresa E. Parrino

Barbara L. Wilhite Gregory A. Hass

Karla A. Stetter County Attorney

July 3, 1997

Director, Division of Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Blanton Lakes Utilities in Pasco County, Florida

Transfer of Water Certificate No. 328-W

Your Docket No. 970.41-WU

Dear Sir:

Very truly yours,

Enclosed please find for your review and file a copy of an Order Granting Pasco County's Motion for Appointment of Permanent Receiver and Directing Transfer of Blanton Lake Utilities to Pasco County which was signed by the Honorable Wayne L. Cobb of the Pasco County Circuit Court on June 30, 1997.

Should you have any questions, or require further information, please feel free to contact the undersigned.

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CK :	The	legel Walker	
FA .	Barb	fa L. Wilhite Assistant County Attorney	
PP.			
AF	BLW:	osure	
UMC			
CTR	- cc:	Douglas S. Bramlett, Assistant County Admini	istrator, Utilities
EAG		Services	s/Special Projects
LEG		Robert J. Sigmond, Utilities Fiscal Service Director	s/special Projects
LIN		Travis Coker, Regulatory Analyst, PSC	
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01	n	7530 Little Road, Suite 340 • New Port Richey, Florida 34654 • PHONE (813) 847-8 TOLL FREE (800) 368-2411, Ext. 8120	FPSC-RECOEDS/REPORTING

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR PASCO COUNTY, FLORIDA

PASCO COUNTY, a political subdivision of the State of Florida, CASE NO. 94-3519CA

DIVISION Y

Petitioner,

vs.

BLANTON LAKE UTILITIES and STEPHEN J. MATALA,

Respondents.

ORDER GRANTING PASCO COUNTY'S MOTION FOR APPOINTMENT OF PERMANENT RECEIVER AND DIRECTING TRANSFER

THIS CAUSE having come on before the Court on June 30, 1997, pursuant to Pasco County's Motion for Appointment of Permanent Receiver. The Court having considered said motion, the record, argument of counsel and the agreement of Respondents, and being duly advised in the premises, hereby finds:

1. Respondents, BLANTON LAKE UTILITIES COMPANY and STEPHEN

J. MATALA, own a Class C private water system within the
jurisdictional boundaries of Pasco County, Florida, pursuant to the
provisions of Chapter 367, Florida Statutes. The utility was
issued a water certificate by the State of Florida, Public Service
Commission, on or about November 12, 1992. On or about May 31,
1994, Respondents formally filed a Notice of Abandonment for the
water system pursuant to Section 367.165, Florida Statutes. As
required by Florida Statutes, Section 367.165, Pasco County filed
its petition to appoint a temporary receiver to take possession of
and operate Respondents' facilities. By Order dated August 1,
1994, this Court appointed PASCO COUNTY as temporary receiver of

- 'Respondents' water stem and facilities.
 - 2. On June 10, 1997, a public hearing was held before the Pasco County Board of County Commissioners wherein the Board approved the transfer of the water system and facilities to PASCO COUNTY.
 - 3. It is in the best interest of the customers of BLANTON LAKE UTILITIES COMPANY that the system be transferred to PASCO COUNTY and service be provided by PASCO COUNTY.

IT IS HEREBY ORDERED AND ADJUDGED:

- 1. PASCO COUNTY'S Motion for Appointment of Temporary Receiver is hereby GRANTED. The Court hereby approves and directs the transfer of the water system and facilities to PASCO COUNTY. STEPHEN J. MATALA is hereby directed to immediately transfer free and clear of all liens and encumbrances the water system, its control and operation, and each and every asset necessary for the control and operation thereof, to PASCO COUNTY. STEPHEN J. MATALA is hereby directed to immediately execute a Quit Claim Deed in the form attached hereto as Exhibit "A," and to execute any other documentation, as required, to evidence conveyance of the water system and facilities to PASCO COUNTY, to include all real and personal property belonging to Respondents and subject to this proceeding.
 - 2. This Order shall be conditioned upon the following:
- a. Approval in a form and manner acceptable to PASCO COUNTY by the State of Florida Public Service Commission of the transfer of the system;

- b. Satisfaction of the Balloon Promissory Note dated December 18, 1989, executed by STEPHEN J. MATALA and recorded at O.R. Book 1866, Page 0605 of the Public Records of Pasco County; and the Mortgage dated December 18, 1989, recorded at O.R. Book 1866, Page 0602 of the Public Records of Pasco County; and
- c. Harry T. Morehead and such other necessary persons properly executing by a form and in a manner satisfactory to PASCO COUNTY a Satisfaction of Mortgage, Warranty Deed and Quit Claim Deed in substantially the forms as attached hereto as Exhibits "B," "C," and "D."
- 3. PASCO COUNTY shall hold the Quit Claim Deed executed by STEPHEN J. MATALA pursuant to this Order in escrow until recordation of the Satisfaction of Mortgage, Warranty Deed and Quit Claim Deed set forth in paragraph 2c. above.
- 4. Within ten (10) days of this Order, Respondents shall turn over and produce to PASCO COUNTY, Utilities Services Branch, all keys, customer lists, customer account records, customer deposits, contracts, agreements, business records, deeds or easements for facilities, construction drawings, record or "asbuilt" drawings, operation and maintenance manuals, permits, operating protocols, and any and all other documentation related to the ownership and operation of the system.
- 5. PASCO COUNTY shall assume full operation and responsibility for the system, and become the lawful owner of all real and personal property of BLANTON LAKE UTILITIES COMPANY and STEPHEN J. MATALA which is the subject of this proceeding,

including easements for system facilities, free and clear of all liens and encumbrances, claims for prior non-compliance with operational standards, or claims of prior creditors of the system.

- 6. Respondents, STEPHEN J. NATALA and BLANTON LAKE UTILITY COMPANY shall remain liable under all applicable laws for any claims, violations, demands, penalties, suits, proceedings, actions or fees occurring prior to August 1, 1994.
- 7. As consideration for PASCO COUNTY assuming the responsibility for the continued operation and maintenance of the BLANTON LAKE UTILITIES COMPANY water system and facilities, PASCO COUNTY and its agents and employees are hereby declared to be held harmless and not legally responsible for any and all claims, liability, demands, damages, expenses, fines, penalties, suits, proceedings, actions and fees, including attorneys' fees, that have aris an or may arise out of the past design, construction, operation, and maintenance of the BLANTON LAKE UTILITIES COMPANY water system and facilities. This immunity shall include but not be limited to: immunity from injury to persons, damage to property or property rights, or violation of any governmental law, rule, regulation or requirement that may arise from the design, construction, operation or maintenance of the BLANTON LAKE UTILITIES COMPANY prior to the date of this Order.
- 8. Upon PASCO COUNTY's filing of a final accounting through
 June 30, 1997, PASCO COUNTY may move for entry of an order, on an
 experte basis and without the need for further hearing, approving
 the final accounting, disbursing the funds held in the restricted

PASCO COUNTY as temporary receiver.

- 9. If STEPHEN J. MATALA does not effectuate transfer in accordance with this Order, the Court will appoint a transfer receiver for the purposes of effectuating the transfer to PASCO COUNTY.
- 10. This Court shall retain jurisdiction in this cause to enter such further orders or take any other action it deems appropriate.

DONE AND ORDERED in Chambers, Dade City, Florida, this _____ day of June, 1997.

JUN 3 0 1997

WAYNE L. COBB Circuit Court Judge

Copies furnished to:

Barbara L. Wilhite, Esq. Stephen J. Matala Travis Coker (Florida Public Service Commission) This Instrument Prepared by: Richard E. Sliz Pasco County Real Estate Division 7530 Little Road, Suite 230 New Port Richey, Fl. 34654

Property Appraisers Percel Identification (Folio) Numberts): 07-24-21-0030-00100-0150 Grantee(s) S.S. #[s]:

PACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECENTANG DATA ..

This Guit-Claim Deed, Executed this

day of

. A.D. 19

, by

STEPHEN J. MATALA

first party, to

. .

PASCO COUNTY, a Political Subdivision of the State of Florida whose post office address is 38053 Live Oak Ave. , Dade City, Fl. 33525

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second party:

(Wherever used havein the besse 'Sing pasty' and 'second pasty' shall include singular and plural, here, legal represen-basigns of includiosis, and the successors and easigns of corporations, wherever the consent so admits or requires;

Witnesseth, That the said first party, for and in consideration of the sum of \$ TEN (\$10.00) in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of , to-wit: State of Florida

THE EAST & OF LOT 14 AND ALL OF LOTS 15,16 & 17, Block 1, LYING SOUTH OF S.R. 41, LESS THE SOUTH 5.00 FEET FOR ROAD RIGHT-OF-WAY, OF BLANTON LAKE PARK, PLAT BOOK 3, PAGE 16 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND ALL LEGAL OWNERSHIP RIGHTS TO THE WATER SYSTEM ON THE ABOVE SAID PROPERTY OF THE BLANTON LAKES UTILITIES CO.

Es Have and to Hold The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Wherent. The said first party has signed and sealed these presents the day and year first above written.

	Granker Signature		
Witness Signature (as to first Greater)	STEPHEN J. MATALA		
Printed Name	P.O. Box 1615, Dade City, Fl. 33526-1615		
Witane Eigeniure (as to first Grantos)	Fast Office Address		
Printed Name	- EP		
Witness Signature (se to Co-Greater, if any)	Co-Granter Signature, if any		
Printed Name	Printed Name		
Witness Signature (us as Co-Granter, if any)	Past Office Alleres		
Printed Name			
STATE OF	I hereby Certify that on this day, before me, an officer duly authorized		
COUNTY OFSTEPHEN J.			
known to me to be the person described in and who execu-	ted the foregoing instrument, who acknowledged before me that		
Executed the same, that the same is	and that an eath (was)(was not) taken.		
HOTARY RUSSER STAMP SEAL	Witness my band and official seal in the County and State last aforesaid this		

EXHIBIT "A"

Printed Notary Eignature

....

Address:

This Instrument Prepared by:

Address

PROOF AROUS THIS LINE FOR RECORDING DATA -

SPACE ABOVE THIS LIME FOR PROCESSING DATA

Satisfaction of Mortgage

Know All Men By These Presents: That I West

HARRY T. MOREHEAD

the owner and holder of a certain mortgage deed executed by STEPHEN J. MATALA

to HARRY T. MOREHEAD

bearing date the 18 day of DECEMBER .A.D. 1989, recorded in Official Records
Book 1866, page 602, in the office of the Clerk of the Circuit Court of Pasco County.

State of Florida, securing certain noise in the principal sum of Twe1ve Thousand and no/100s
(\$12,000.00)

Dollars, and certain promises and obligations set forth in said mortgage deed, upon the property situate in said

State and County described as follows, to-wit:

East 1/2 of Lot 14 and all of Lots 15 through 17, Block 1, lying South of S.R. 41, LESS the South 5.0 feet for road right-of-way of Blanton Lake Park, Plat Book 3, Page 16, Public Records of Pasco County, Florida.

hereby acknowledge full payment and satisfaction of said note and mortgage deed, and surrender the same as cancelled, and hereby direct the Clerk of the said Circuit Court to cancel the same of record.

Witness

hand and seal , this

day of

. A. D. 19

Signed, Sealed and Delivered in Presence of:

HARRY T. MOREHEAD

-

STATE OF FLORIDA,

COUNTY OF

I HEREBY CERTIFY that on this day, before me, an

officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared

HARRY T. MOREHEAD

to me known to be the person described in and who executed the foregoing instrument and he before me that he executed the same.

WITNESS my hand and official seal in the County and State lest aforesaid this A.D. 19 day of

acknowledged

. 19

. by

The Insurance Proposed by: Richard E. Sliz Pasco County Real Estate Division Address: 7530 Little Road, Suite 230 New Port Richey, F1. 34654

07-24-21-0030-00100-0150

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Marranty Deed, Made the

HARRY T. MOREHEAD hereinafter called the Grantor, to PASCO COUNTY, a Political Subdivision of the State of whose post office address is Florida, 38053 Live Oak Ave., Dade City, Fl. 33525

day of

MARKANTY DEED

hereinafter called the Grantes. (Wilesten used her six the terms "Granter" and "Grantes" beliefe all the parties to disk bourament and the beirs, legal represent and sarriess of beliefeleds, and the sestamons and suriges of surposedants, wherever the openess on whole or requires.)

Mitnesueth, That the Grantor, for and in consideration of the sum of \$ Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Passco County, State of Florida . viz:

THE EAST 1/2 OF LOT 14 AND ALL OF LOTS 15 and 17, BLOCK 1, LYING SOUTH of S.R. 41. LESS THE SOUTH 5.0 FEET FOR ROAD RIGHT-OF-WAY OF BLANTON LAKE PARK, PLAT BOOK 3, PAGE 16, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.

Tagetifeet, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Mube und to Hald, the same in fee simple forever.

A sub the Grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the f antor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said In Milities Supereds, the same against the lawful claims of all persons whomsoever; and that said land is free of all

HARRY T. MOREHEAD

Co-Granter Signature, if any

Rational Manage

Post Office Address

written. Signed, sealed and delivered in the presence of:

Witness Signature (us to first Greater)

Witness Signature (so to first Grantur)

Witness Signature (se to Co-Gregist, if earl)

County Huma

Wheest Signature (so to Co-Grantor, if cay)

Printed blams

STATE OF COUNTY OF . I hereby Certify that on this day, before me, an officer duly authorized to administer onthe and take acknowledgments, personally appeared

208 N. ARMENIA AVENUE, TAMPA, FL. 33609

HOTARY RUBBER STAMP HEAL

EXHIBIT "C"

Witness my hand and official seel in the County and State lest aforecaid this day of _

Heisey Bignetiers

Printed Hotary Signature

This instrument Prepared by: Richard E. Sliz Pasco County Real Estate Division 7530 Little Road, Suite 230

New Port Richey, F1. 34654

Property Appraisers Parcel Identification (Folio) Numbertal:

Granteeisi S.S. #[s]:

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This Guit-Claim Beed, Executed this

day of

. A.D. 19

, 67

HARRY T. MOREHEAD

first party, to
PASCO COUNTY, a Political Subdivision of the State of Florida
whose post office address is 38053 Live Oak Ave., Dade City, F1. 33525

second party:

(Phicover used herein the bone "tird party" and "second party" shall include singular and plural, heirs, logid representatives, and sealpre of bulletiums, and the successions and satigns of conjunctions, wherever the contest so admits of requires.)

Witnesseth. That the said first party, for and in consideration of the sum of \$ Ten (\$10.00) in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Pasco , State of Florida , to-wit:

Lot 16, Block 1, lying South of S.R. 41, LESS the South 5.0 feet for road right-of-way of Blanto Lake Park, Plat Book 3, Page 16, Public Records of Pasco County, Florida.

Us Huve and in Hald The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereat, The said first party has signed and sealed these presents the day and year first

above torities.		
Signed, sealed and delivered in the presence	of:	(4)
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Friedd Name	_	Pytolad Waste
Witness Eigenbers (so to Livit Granter)	_	Fact Office Address
Pristed Name	_	(6)
Witness Repositors (on in Co-Greatur, if any)	_	Co-Grander Signature, if any
Filaled Name	_	Pitelad Name
Vilaces Migualiare (ha lo Co-Orantoc, 16 any)	_	First Office Address
Printed Heav		an A to other
STATE OF	_	I hereby Certify that on this day, before me, on officer duly authorize to administer ouths and take acknowledgments, personally appears
COUNTY OF) HARRY	T. MOREHEAD
known to me to be the person described in and who e executed the same, that I relied upon the following form	secuted (of identi	the foregoing instrument, will an acknowledged before me that
NOTARY NUMBER STALES SEAL	¬ wı	ness my hand and official seal in the County and State last aforesaid the

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EXHIBIT "D"

Printed Hotory Biguiday

Pasco County Real Estate Division Moon: 7530 Little Road, Suite 230 New Port Richey, F1. 34654

07-24-21-0030-00100-0150

This Marranty Beed, Made the

day of

. 19

, by

HARRY T. MOREHEAD hereinafter called the Grantor, to PASCO COUNTY, a Political Subdivision of the State of whose post office address is Florida, 38053 Live Oak Ave., Dade City, Fl. 33525 hereinafter called the Granton.

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And the Grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encuminances, except taxes according subsequent to Decumber 31, 1996.

In Mitness Mireseaf, the said Grantor has signed and sealed these presents the day and year first above

Signed, sealed and delivered in the presence of:

Witness Signature (us to first Greater)	HARRY T. MOREHEAD
Printed Huma	208 N. ARMENIA AVENUE, TAMPA, FL. 33609
W Hause Signature (us to first Granist)	Pust Office Address
Printed Natur	-
Witness Signature (as to Co-Granter, M step)	Co-Counse Signature, If any
Princed Name	Printed Minna Paut Gilles Address
Wite-eas Signature (as to Co-Genetice, if emp)	
Printed House	-
STATE OF	I baceby Certify that on this day, before me, an officer duly authorized to administer onthe and take acknowledgments, personally appeared
COUNTY OF	
hnown to me to be the persondescribed in and who execute executed the rame, and an each was not taken. (Check cost) D Saltype of identification:	ted the foregoing instrument, who accourages underson(s) provided the following id person(s) in/are personally known to ms. C: Said person(s) provided the following
HOTART RUBBER STAND SEAL	Witness my hand and official s all in the County and State last aforesaid this
EXHIBIT "C"	Hotory Eigenhers
	Printed Notery Signature
	· ·

Pasco County Real Estate Division
Address: 7530 Little Road, Suite 230
New Port Richey, F1. 34654

Property Appraisers Parcel Identification (Folio) Number(s):

Granteels) S.S. #[s]:

BINGE AGOVE THIS LINE FOR PICCORDING DATA . J.D. 19 , J.T.

This Quit-Cieim Beed, Executed this

day of

HARRY T. MOREHEAD

first party, to
PASCO COUNTY, a Political Subdivision of the State of Florida
whose post office address is 38053 Live Oak Ave., Dade City, F1. 33525

second party:

Minerous upod heepin the tourn "list pody" and "opcord pady" shall include singular and plural, hole, topal representatives, and making of includuats, and the truscoplast and ostigms of corpositions, wherever the context so admits of requires.)

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Lot 16, Block 1, lying South of S.R. 41, LESS the South 5.0 feet for road right-of-way of Blanto Lake Park, Plat Book 3, Page 16, Public Records of Pasco County, Florida.

Os Huve and is Hold The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereat, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence	of:	
Wilasso Mignature (us to Erol Granter)	HARRY T. MOREHEAD	
Printed Name	Friand Ham	
Witness Riginalizes (as to Ered Greeker)	Fusi Office Address	
Frinted Hams		
Witness Signature (as to Co-Ornator, if step)	Ca-Creator Expeters, If any	
Fried Riss	Filadel Russ	
Wilcom Signature (in to Co-Uranter, W may)	Fast Office Address	
Printed Nume		
STATE OF	i hereby Certify that on this day, before me, an officer duly authorize to administer caths and take acknowledgments, personally appears HARRY T. MOREHEAD	
known to me to be the person described in and who ex	cocuted the foregoing in strument, who acknowledged before me that	
executed the same. that I ruled upon the tonowing torin	and that an eath (was)(was not) taken	
NOTARY PURSER STAMP REAL	Witness my hand and official seel in the County and State last aforecald this day of	
	Day to	

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EXHIBIT "D"