

Prepared by and Return to:

Daniel R. Lozier

LOZIER, THAMES & FRAZIER, P.A.

Attorneys at Law

125 W. Romana Street, Suite 224

Pensacola, Florida 32501

(850) 469-0202

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

**BEFORE ME**, this day personally appeared **RAY D. RUSSENBERGER**, President of **SEVILLE HARBOUR, INC.**, a Florida Corporation, formerly known as **SOUTH FLORIDA MARINE INVESTORS, INC.**, a Florida corporation and (hereinafter referred to as "Affiant") who, after first being duly cautioned and sworn upon oath, deposes and says:

1. That he as the duly authorized President of Seville Harbour, Inc., has personal knowledge of the matters stated herein, and is competent to give this affidavit.

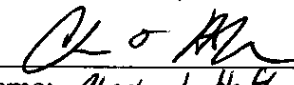
2. That Seville Harbour, Inc. is the current owner of the leasehold interests in that certain real property located at 600 South Barracks Street, Pensacola, Escambia County, Florida which property is described in Exhibit "A" attached and incorporated by reference.

3. That Articles of Amendment were filed with the Secretary of State on September 30, 1997, which Amendment changed the name of South Florida Marine Investors to Seville Harbour, Inc. A true and correct copy of the Articles of Amendment are attached hereto as Exhibit "B".

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and accurate. Dated this 20<sup>th</sup> day of April, 2000.

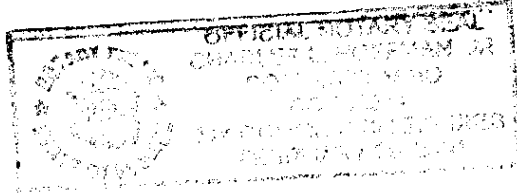
  
Print Name: Daniel R. Lozier

  
RAY D. RUSSENBERGER, President

  
Print Name: Charles L. Hooper Jr.

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April 2000, by **RAY D. RUSSENBERGER**, as authorized President of Seville Harbour, Inc. and who ( ) is personally known to me or who ( ) has produced a driver's license as identification and has taken an oath.



  
\_\_\_\_\_  
NOTARY PUBLIC

Commission No. \_\_\_\_\_

My Commission Expires: 2/24/01

**EXHIBIT "A"**

**PARCEL I:**

BEGIN AT THE SOUTHWEST CORNER OF BLOCK 8, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, SAID POINT ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) AND THE NORTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W) ; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 175.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 280.00 FEET; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 135.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 30.00 FEET; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 827.08 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 310.00 FEET; THENCE GO SOUTH 59 DEGREES 34 MINUTES 30 SECONDS WEST A DISTANCE OF 191.38 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 347.08 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 95.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 123.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 100.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 487.00 FEET TO THE NORTHWEST CORNER OF BLOCK 17, WATERFRONT GRANT, ACCORDING TO THE AFORESAID MAP OF THE CITY OF PENSACOLA, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W) AND THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 8.529 ACRES, LESS AND EXCEPT THAT PORTION OF A DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT IN A PORTION OF CEDAR AND ALCANIZ STREET; AND

**PARCEL I-A:**

ALL OF LOTS 1-10, 21 AND 22, AND THE WEST 20 FEET OF LOTS 11-20, BLOCK 8, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF BLOCK 8, WATERFRONT GRANT ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON COPYRIGHTED IN 1906, SAID POINT ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) AND THE SOUTH RIGHT-OF-WAY LINE OF CEDAR STREET (60' R/W); THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE NORTH LINE OF THE AFORESAID BLOCK 8 A DISTANCE OF 175.00 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID BLOCK 8; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST ALONG THE AFORESAID SOUTH LINE A DISTANCE OF 175.00 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 1.004 ACRES; AND

**PARCEL III:**

ALL OF LOTS 1-4, 11-14 AND A PORTION OF LOT 21, BLOCK 17, ALL OF LOTS 1-4 AND A PORTION OF LOTS 11-14, BLOCK 18, AND A PORTION OF ADAMS STREET, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF BLOCK 17, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, SAID POINT ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF BARRACKS STREET (60' R/W) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W); THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W) A DISTANCE OF 487.00 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 100.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 487.00 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY OF BARRACKS STREET (60' R/W); THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 1.118 ACRES.

# State of Florida



Department of State

OR BK 4551 PG0316  
Escambia County, Florida  
INSTRUMENT 00-728108

I certify the attached is a true and correct copy of the Articles of Amendment, filed on September 30, 1997, to Articles of Incorporation for SOUTH FLORIDA MARINE INVESTORS, INC. which changed its name to SEVILLE HARBOUR, INC., a Florida corporation, as shown by the records of this office.

The document number of this corporation is P96000045832.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Sixth day of October, 1997



CR2EO22 (2-95)

Sandra B. Northam  
Secretary of State

FILED

97 SEP 30 PM 12:32

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF AMENDMENT TO  
ARTICLES OF INCORPORATION

OF

SOUTH FLORIDA MARINE INVESTORS, INC.

THE UNDERSIGNED, for the purpose of amending the Articles of Incorporation of South Florida Marine Investors, Inc., a Florida corporation, filed on May 23, 1996, and assigned charter number P96000045832, hereby adopts the following Articles of Amendment to Articles of Incorporation.

- A. Article I is deleted in its entirety and replaced with the following:

ARTICLE I

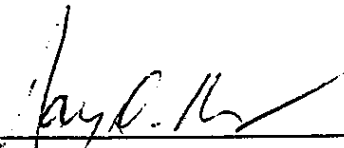
NAME

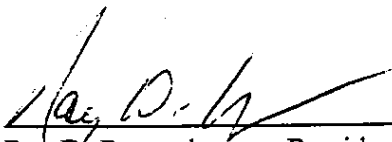
The name of this corporation is Seville Harbour, Inc.

- B. The aforesaid amendment was adopted and approved by all of the Shareholders and all of the Directors by written consent in lieu of meeting on the 12th day of August, 1997.

IN WITNESS WHEREOF, I subscribe my name this 12<sup>th</sup> day of August, 1997.

ATTEST:

  
Ray D. Russenberger, Secretary

  
Ray D. Russenberger, President

RCD Apr 26, 2000 12:51 pm  
Escambia County, Florida

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Ernie Lee Magaha  
Clerk of the Circuit Court  
INSTRUMENT 00-728108

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of August, 1997, as  
President of the corporation, who is personally known to me or who has produced a driver's license  
as identification and has not taken an oath.

Susan W Forehand

NOTARY PUBLIC

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



SUSAN W FOREHAND  
My Commission CC348829  
Expires Feb. 06, 1998  
Bonded by HAI  
800-422-1555