

**ITEM 5**

**M E M O R A N D U M**

**TO:** Planning and Zoning Board

**DATE:** December 7, 2020

**PUBLIC HEARING CASE#2020-11-006** – PURSUANT TO BELLE ISLE CODE SEC. 50-33 (2) (D), THE BOARD SHALL REVIEW AND TAKE ACTION FOR RECOMMENDATION TO CITY COUNCIL ON THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.

**Background:**

1. On November 4, 2020, Murphy Development, Inc. submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Friday, November 27, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Monday, November 23, 2020.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

**SAMPLE MOTION TO APPROVE:**

"I move, the criteria of SEC. 50-33 (2) (D) of the Belle Isle Land Development Code having been met **TO RECOMMEND APPROVAL** TO CITY COUNCIL OF THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.

**SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code SEC. 50-33 (2) (D), AND SUBSECTIONS: **having NOT been met TO DENY THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.**

**SUBSECTION (D)**, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

**SUBSECTION (E)**, personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

**SUBSECTION (F)**, the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

# City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 \* Tel 407-851-7730 \* Fax 407-240-2222

## INFORMAL/FORMAL SUBDIVISION APPLICATION

DATE:

11/4/2020

CASE #:

2020-11-006

**A fee of \$1000+ for an Informal Subdivision and \$5000+ for a Formal Subdivision (ORD Sec 54-171). Plus cost of special studies and engineering review fees. Belle Isle, FL Code of Ordinances CH 54, ART IV, DIV 4, SEC 54-171-175**

Address or location of subdivision 7710 Daetwyler Dr Orlando, FL 32812	Owner name Murphy Development, Inc.
	Owner phone 407-256-0957
	Owner address 2601 E Michigan St. Orlando, FL 32806
Engineer's name (Formal Subdivision)	Attorney/Consultant Name N/A
Engineer phone (Formal Subdivision)	Attorney/Consultant phone N/A
Engineer address (Formal Subdivision)	Surveyor (Informal Subdivision) Ireland & Associates Surveying, Inc.
Engineer Email (Formal Subdivision)	Zoning of property Square footage of property R-2 114,634 SQ FT
Belle Isle, FL Code of Ordinances Sub Part B Land Development Code, CH 50 Performance and Designs Regulations, ART II Subdivision Regulations Sec 50-31 through 50-38	

### Information needed for review:

- Application for Informal/Formal Subdivision. **FOR AN INFORMAL SUBDIVISION PLEASE PROVIDE ITEM #2 and #9 ONLY.**
- A plat map drawn to scale and certified by a licensed surveyor or engineer, including the following information:
  - Existing and proposed parcels;
  - Existing structures and their setbacks;
  - Square footage of each parcel;
  - Lot line measurements and bearings;
  - Existing and/or proposed access;
  - Existing and proposed easements;
  - All creeks, streams, wetlands, steep slopes and any other sensitive areas including buffers and setbacks;
  - Existing topography of the land indicated by contours of two-foot intervals for slopes less than 20 percent and five-foot intervals for slopes of 20 percent or greater.
  - Contours must be shown 25 feet past the property line when possible;
  - Appropriate approval and signature blocks;
- A conceptual road, drainage and utility plan;
- A letter from the appropriate water supplier serving the area of the subdivision certifying connections;
- Certificate of sewer availability or alternate sewage disposal plan approved by Orange County Health Department
- Certificate of fire hydrant availability;

- Preliminary drainage report appropriate to the site;
- A statement from the applicant that, if a bond is posted in lieu of completion of required improvements before recording the plat, the applicant grants a right of entry to the bonding company and to the city to complete any work subject to the performance bond;
- FOR FINAL PLAT APPROVAL.** Title certification as required by F.S. Chapter 177, issued within 10 days before final approval is scheduled, and showing that taxes are current and that required easements for private roads, if any, have been established of public record and that the applicant has an ownership interest in the land at the time of granting approval.
- A completed environmental checklist when required.
- Completed applications for other applicable permits if the permits are to be processed with the short subdivision, or copies of issued permits if they have been previously approved.
- Reports and studies from professionals employed by the applicant, providing information on environmentally sensitive areas, as applicable.
- Informal/Formal subdivisions shall proceed according to Chapter 54-Zoning Districts and Regulations of the City of Belle Isle Municipal Code and all applicable state regulations.**

☒ The applicant hereby states that the property for which this hearing is requested has not been the

subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

  X   By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies. Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the

property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

  
APPLICANT'S SIGNATURE

  
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE

\$1,000.00  
Amount

11/05/2020  
Date Paid

6048  
Check/Cash

Hkp  
Rec'd By

Recommendation of Planning Board: Approve: \_\_\_\_\_ Deny: \_\_\_\_\_ Approve with conditions: \_\_\_\_\_

Council Action: Approve: \_\_\_\_\_ Deny: \_\_\_\_\_ Approve with conditions: \_\_\_\_\_

CITY OF BELLE ISLE  
BUILDING DEPARTMENT  
RCD: 

**This instrument was prepared by and  
after recording return to:**

James N. Carlin Jr., Esq  
Fassett, Anthony & Taylor, P.A.  
1325 West Colonial Drive  
Orlando, FL 32804  
7828-2 (dmh)

Parcel ID. No. 29-23-30-0000-00-013

Purchase Price: \$1,700,000.00

State Documentary Stamps: \$ 11,900.00

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, made and executed effective as of this 30th day of October, 2020, by **7710 DAETWYLER, LLC, a Florida limited liability company**, with a mailing address of 6413 Pinecastle Boulevard, Unit #3, Orlando, Florida 32809 (hereinafter referred to as the "**Grantor**") to **MURPHY DEVELOPMENT, INC., a Florida corporation**, with a mailing address of 2601 East Michigan Street, Orlando, Florida 32806 (hereinafter referred to as the "**Grantee**");

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships [including joint ventures], public bodies and quasi-public bodies.)

**WITNESSETH:**

**THAT** the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alienate, remise, release, convey and confirm unto the Grantee all that certain land situate in Orange County, Florida more particularly described as follows:

See Exhibit "A" attached hereto (the "Property").

**TOGETHER** with all of the Grantor's interest in and to all tenements, hereditaments, easements and appurtenances, including riparian rights, if any, belonging or in anywise appertaining to the Property.

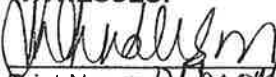
**TO HAVE AND TO HOLD**, the same in fee simple forever.

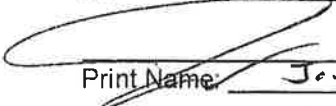
**AND** the Grantor does hereby covenants with the Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey this Property; that the Grantor hereby fully warrants title to the Property and Grantor will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other; and that the Property is free and clear of all encumbrances except for ad valorem taxes, and easements, restrictions, conditions and other matters of record; provided, however, that reference herein shall not act to reimpose the same.

**SIGNATURE PAGE TO SPECIAL WARRANTY DEED**

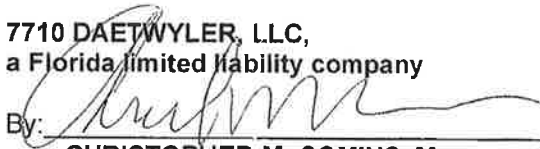
Signed, sealed and delivered in the  
presence of:

**WITNESSES:**

  
Print Name: Deborah M. Henderson

  
Print Name: James N. Comins

**7710 DAETWYLER, LLC,**  
a Florida limited liability company

By:   
**CHRISTOPHER M. COMINS, Manager**

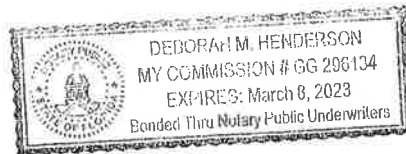
STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 21 day of October, 2020 by Christopher M. Comins, as Manager of 7710 Daetwyler, LLC, a Florida limited liability company. He is ☐ personally known to me or has ☐ produced (type of identification) as identification.

R. Dinkley  
Notary



Notary Public



**EXHIBIT "A"**

**TRACT 1**

That part of the South 75 feet of the North 235 feet of the South One Half of Government Lot 3, of Section 29, Township 23 South, Range 30 East, Orange County, Florida, lying West of the County Paved Road.

**TRACT 2**

Beginning at a point which is 825.5 feet South and 1792.85 feet West of the Northeast corner of Government Lot 3, of Section 29, Township 23 South, Range 30 East, Orange County, Florida, said Point of Beginning, being in the original government meander line of the Easterly Shore of "Lake Conway"; run with the said original government meander line South 3 degrees 57 minutes West, 75.18 feet to a point in the South line of the South 75 feet of the North 235 feet of the South Half of Government Lot 3; thence with the extension of said South line, Westerly 64.0 feet to a 4" x 4" concrete monument set on the 86.4 foot contour line as established from the United States Coast and Geodetic Survey Datum; thence with said 86.4 foot contour line North 0 degrees 29 minutes West, 75.0 feet to a point in the North line of the South 75 feet of the North 235 feet of the South Half of said Government Lot 3, extended Westerly; thence with North line Easterly 70.0 feet to the Point of Beginning.

**TRACT 3**

The North 160 feet of the South One Half of Government Lot 3, of Section 29, Township 23 South, Range 30 East, Orange County, Florida, lying West of the County Road.

**TRACT 4**

Beginning at a point 666.53 feet South and 1784.45 feet West of the Northeast corner of Government Lot 3, Section 29, Township 23 South, Range 30 East, Orange County, Florida, said point being at the intersection of the original government meander line of Lake Conway with the projected South line of Lot 7, Block 2, of Silver Beach Subdivision, as per Plat thereof recorded in Plat Book L, page 72, of the Public Records of Orange County, Florida, said Point of Beginning being Westerly along the projection of the South line of said Lot 7 and 66.9 feet from the original Southwest corner of Lot 7, Block 2 of Silver Beach Subdivision, run thence with the original government meander line South 3 degrees 57 minutes West, 160.38 feet to a concrete monument in the South line of the North 160 feet of the South Half of Government Lot 3; thence with said line West, 70.0 feet to a 4" x 4" concrete monument set in the 86.4 foot contour line as established by the United States Coast and Geodetic Survey datum; thence with the said 86.4 contour line, North 15 degrees 33 minutes East, 166.08 feet to a 4" x 4" concrete monument in the South line of Silver Beach Subdivision; thence with said line East 36.5 feet to the Point of Beginning.

LESS that part of Tracts 3 and 4 being more particularly described as follows:

Land description created: A tract of land situated in Section 29, Township 23 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Beginning at a point at the intersection of the original government meander line of Lake Conway with the projected South line of Lot 7, Block 2 of Silver Beach Subdivision, as per Plat thereof recorded in Plat Book L, page 72, of the Public Records of Orange County, Florida, said Point of Beginning being Westerly along the projection of the South line of said Lot 7 and 66.9 feet from the original Southwest corner of said Lot 7; thence run North 89 degrees 38 minutes 25 seconds West along the North line of the South Half of Government Lot 3 being the projected South line of said Silver Beach Subdivision, for a distance of 45.47 feet to a point of intersection with the normal high water line of Lake Conway; thence along said normal high water line the following course and distance: South 10 degrees 58 minutes 06 seconds West, 7.89 feet; South 26 degrees 24 minutes 46 seconds East, 17.24 feet; South 10 degrees 37 minutes 44 seconds West, 47.43 feet; South 12 degrees 35 minutes 16 seconds West, 17.64 feet; South 13 degrees 16 minutes 08 seconds West, 13.50 feet; thence South 89 degrees 38 minutes 25 seconds East, parallel with said North line of said South Half of Government Lot 3, a distance of 143.52 feet; thence North 10 degrees 37 minutes 44 seconds East, a distance of 101.84 feet to a point of intersection with said North line; thence North 89 degrees 38 minutes 25 seconds West along said North line, 107.31 feet to said Point of Beginning.

#### TRACT 5:

A tract of land situated in Section 29, Township 23 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Beginning at a point at the intersection of the original government meander line of Lake Conway with the projected South line of Lot 7, Block 2 of Silver Beach Subdivision, as per Plat thereof recorded in Plat Book L, page 72, of the Public Records of Orange County, Florida, said Point of Beginning being Westerly along the projection of the South line of said Lot 7 and 66.9 feet from the original Southwest corner of said Lot 7; thence run North 89 degrees 38 minutes 25 seconds West along the North line of the South Half of Government Lot 3, being the projected South line of said Silver Beach Subdivision, for a distance of 45.47 feet to a point of intersection with the normal high water line of Lake Conway; thence along said normal high water line the following course and distance: South 10 degrees 58 minutes 06 seconds West, 7.89 feet; South 26 degrees 24 minutes 46 seconds East, 17.24 feet; South 10 degrees 37 minutes 44 seconds West, 47.43 feet; South 12 degrees 35 minutes 16 seconds West, 17.64 feet; South 13 degrees 16 minutes 08 seconds West, 13.50 feet; thence South 89 degrees 38 minutes 25 seconds East, parallel with said North line of said South Half of Government Lot 3, a distance of 143.52 feet; thence North 10 degrees 37 minutes 44 seconds East, a distance of 101.84 feet to a point of intersection with said North line; thence North 89 degrees 38 minutes 25 seconds West along said North line, 107.31 feet to said Point of Beginning.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Profit Corporation

MURPHY DEVELOPMENT, INC.

### Filing Information

**Document Number** P04000120075

**FEI/EIN Number** 20-1512935

**Date Filed** 08/18/2004

**Effective Date** 08/18/2004

**State** FL

**Status** ACTIVE

### Principal Address

2601 EAST MICHIGAN STREET  
ORLANDO, FL 32806

Changed: 08/27/2012

### Mailing Address

2601 EAST MICHIGAN STREET  
ORLANDO, FL 32806

Changed: 08/27/2012

### Registered Agent Name & Address

JEFF, MURPHY  
2601 EAST MICHIGAN STREET  
ORLANDO, FL 32806

Address Changed: 04/30/2013

### Officer/Director Detail

#### **Name & Address**

Title P

MURPHY, JEFF K  
2601 EAST MICHIGAN STREET  
ORLANDO, FL 32806

Title V/D



MURPHY, TRACY L  
2601 EAST MICHIGAN STREET  
ORLANDO, FL 32806

#### Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2018	04/02/2018
2019	04/18/2019
2020	06/22/2020

#### Document Images

<a href="#"><u>06/22/2020 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/18/2019 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/02/2018 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/24/2017 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
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<a href="#"><u>04/28/2008 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>03/28/2007 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>07/07/2006 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>07/13/2005 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>08/18/2004 -- Domestic Profit</u></a>	<a href="#">View image in PDF format</a>

STEPHEN F. BROOME, P.A.

920 ½ DELANEY AVENUE  
MAILING ADDRESS: P.O. Box 560185  
ORLANDO, FL 32856-0185

STEPHEN F. BROOME  
ATTORNEY AT LAW

TELEPHONE (407) 420-2122  
FACSIMILE (407) 420-2129

November 5, 2020

**TO:** The City of Belle Isle, 1600 Nela Ave, Orlando, Florida 32809

With the understanding that this opinion of title is furnished to the city of Belle Isle as inducement for the platting of the property, it is hereby certified that I have examined the title up to and including **October 30, 2020 at 8:00 a.m.**, inclusive of the following described property:

The Property located at 7710 Daetwyler Drive, Orlando, FL 32812, Parcel Identification number **29-23-30-0000-00-013**, (the "Property") described as follows:

**THE NORTH 235 FEET OF THE SOUTH 1/2 OF GOVERNMENT LOT 3 LYING WEST OF DAETWYLER DRIVE (A.K.A. COUNTY ROAD 528A), AS RECORDED IN LARKINVILLE U.S.A., PLAT BOOK 15, PAGE 16, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, BEING A PORTION OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, RUN NORTH 89°37'28" EAST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2646.65 FEET TO A POINT, SAID POINT BEING THE CALCULATED SOUTH 1/4 CORNER OF SAID SECTION; THENCE DEPARTING AFORESAID SOUTH LINE AND ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION RUN NORTH 00°12'39" WEST, A DISTANCE OF 1763.57 FEET TO A POINT ON SAID EAST LINE OF THE WEST 1/2 OF SAID SECTION; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°47'21" WEST, A DISTANCE OF 1352.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID DAETWYLER DRIVE (A.K.A. COUNTY ROAD 528A), SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LARKINVILLE U.S.A. AND THE POINT OF BEGINNING;**

**THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID LARKINVILLE U.S.A., RUN**

**SOUTH 89°56'19" WEST, A DISTANCE OF 509.00 MORE OR LESS TO THE WATERS EDGE OF LAKE CONWAY, BEING POINT "X";**

**THENCE RETURNING TO THE POINT OF BEGINNING RUN NORTH 00°01'25" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 235.00 FEET TO A POINT; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE RUN SOUTH 89°56'19" WEST, A DISTANCE OF 474.00 MORE OR LESS TO THE WATERS EDGE OF LAKE CONWAY; THENCE ALONG SAID WATERS EDGE RUN SOUTHWESTERLY A DISTANCE OF 238 FEET MORE OR LESS TO AFORE DESCRIBED POINT "X".**

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

**Murphy Development, Inc., a Florida Corporation**

SUBJECT TO the following encumbrances, liens and other exceptions:

**1. RECORDED MORTGAGES, ASSIGNMENTS AND MODIFICATIONS:**

a.) There are no outstanding Mortgages, Assignments of Mortgage or Modifications against the property.

**2. RECORDED CONSTRUCTION LIENS, CONTRACTS, LIENS AND JUDGMENTS:**

There are no outstanding construction liens, contracts, liens or judgments against the property.

**3. UNDERLYING RIGHTS OF WAY, EASEMENTS OR PLATS AFFECTING SAID PROPERTY ARE AS FOLLOWS:**

**A. Easement in favor of Florida Power Corporation recorded November 8, 1967 in Official Records Book 1680, Page 618, Public Records of Orange County, Florida.**

**B. Agreement and Covenant by and between Charles D. Weaver and Roberta A. Weaver and Orange/Seminole Cablevision, a Division of American Television and Communication Corp. recorded August 29, 1980 recorded in Official Records Book 3135, Page 200, Public Records of Orange County, Florida.**

**4. OTHER INFORMATION REGARDING SAID PROPERTY INCLUDES:**

**A. Reservations unto the State of Florida for oil, gas, minerals fissionable materials as contained in deed recorded September 14, 1953 in Deed Book 955, Page**

**660, Public Records of Orange County, Florida; right of entry released pursuant to Florida Statute 270.11.**

**B. 2020 Ad valorem taxes on said property are Payable for Tax Parcel I. D. Number 29-23-30-000000013.**

I HEREBY CERTIFY that I have reviewed all of the aforementioned encumbrances and exceptions. Therefore, it is my opinion that the following party must join in the Agreement in order to make the agreement a valid and binding covenant on the lands described herein:

**Murphy Development, Inc., a Florida corporation**

The following is a description of the aforementioned evidence of title:

**First American Title Insurance Company Property Information Report For The Filing Of A Subdivision Plat In Orange County, Florida, File No. 2037-5038170, effective through October 30, 2020 at 8:00 A.M.,**

I HEREBY CERTIFY that the legal description contained in this opinion is the proper description to be utilized in the recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law, duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 5<sup>th</sup> day of November, 2020.



Stephen F. Broome  
920 ½ Delaney Ave.  
Orlando, FL 32806  
Florida Bar No. 281794  
(407) 420-2122