

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

SP MORGAN PLACE LP,

File No. 2008-260BS

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

PETITION FOR FORMAL HEARING

Petitioner, SP MORGAN PLACE LP ("SP"), pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and Rules 28-106.201 and 67-48.005, Florida Administrative Code, requests a formal administrative hearing to contest the final ranking score awarded to Applicant 2008-260BS, Fairview Cove II, Ltd. Specifically, SP contests the award of 1.25 proximity tie-breaker points for proximity to an alleged "Grocery Store." In support thereof, SP states:

Identification of Agency Affected

1. The name, address and telephone number of the agency affected is:

Florida Housing Finance Corporation, Inc. ("FHFC")
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301-1329
(850) 488-4197
The agency's file or identification number is 2008-260BS.

Identification of Petitioner and Petitioner's Representative

2. The name, address and telephone number of SP is:

SP Morgan Place LP
2430 Estancia Blvd., Suite 101
Clearwater, FL 33761
(727) 669-3360

3. The name, address and telephone number of SP's representative, which shall be the address for service purposes during the course of these proceedings, is:

Lawrence E. Sellers, Jr.
HOLLAND & KNIGHT, LLP
315 South Calhoun Street, Suite 600
Post Office Drawer 810
Tallahassee, FL 32301-0801
(850) 425-5670

Background

4. FHFC has established a competitive application process for the award of funds (the "Universal Application Cycle") under various state programs, including SAIL, HOME or HC. The State Apartment Incentive Loan ("SAIL"), a state-funded program, provides mortgage loans or loan guarantees to sponsors to provide housing affordable to very low income persons. See Section 420.507(22) and 420.5087, Florida Statutes.

5. Applicants compete for the limited financing provided under these programs by submitting a Universal Application. This application requests information from each applicant regarding the proposed project. The Application and related Application Instructions are adopted by rule. See Rule 67-48.004, Florida Administrative Code.

6. Among other things, the Application Instructions provide for the award of proximity tie-breaker points, as follows:

- (2) Proximity to services (Maximum 3.75 proximity tie-breaker points):
Applications will be awarded proximity tie-breaker points based on:
_ the Demographic Commitment selected and qualified for by the Applicant at Part III.D. of the Application, and
_ the size of the County (Large, Medium or Small) where the proposed Development will be located, and

_ the proximity of the proposed Development's Tie-Breaker Measurement Point to eligible services.

7. The eligible services are:

(a) Grocery Store - For purposes of proximity tie-breaker points, a Grocery Store means a retail establishment, open to the public, regardless of a requirement of a membership fee, consisting of 4,500 square feet or more of contiguous air conditioned space available to the public, which as its major retail function sells groceries, including foodstuffs, fresh and packaged meats, produce and dairy products, which are intended for consumption off-premises, and household supplies, such as Publix Super Markets, Winn Dixie Stores, Super Wal-Mart Stores, etc. "Grocery Store" does not include any retail establishment which sells groceries in addition to its major retail function, such as the sale of gasoline, drugs, or sundries, where the sale of groceries is not a major retail function, based on allocated space or on gross sales, such as CVS Drug Stores, Walgreen Drug Stores, Dollar General Stores, Family Dollar Stores, etc.

Application Instructions, Part III. A.10.b (2)(a) at page 15.

8. Fairview Cove II, Ltd. submitted an application for a proposed development in Hillsborough County, Fairview Cove - Phase II. The preliminary scoring summary noted that Fairview Cove's Application failed to achieve maximum proximity points for items 1, 2, 5 and 6P. See Exhibit 1.

9. As a cure to these items, Fairview Cove submitted a surveyor certification form and certain sketches. The "grocery store" identified on the form is "Joe's New York Deli." See Exhibit 2.

10. SP submitted a Notice of Alleged Deficiencies (NOAD) form, explaining in detail why "Joe's New York Deli," is not a "Grocery Store" as described in the Application Instructions. See Exhibit 3.

11. Nonetheless, by its final scoring summary dated July 16, 2008, FHFC awarded Fairview Cove the maximum proximity tie-breaker points (7.5), including 1.25 proximity tie-breaker points for proximity to a "Grocery Store." See Exhibit 4.

SP's Substantial Interests

12. SP submitted an application for its Morgan Place development in this same Universal Cycle, Application No. 2008-281BS. Both the SP and the Fairview Cove applications describe developments to be constructed in Hillsborough County, and both applications received the same score—66 points and 7.5 proximity tie-breaker points. See Exhibits 4 and 5. Both are on the waiting list and would be eligible for funding if, as happens, one or more of those initially determined to be eligible for funding do not ultimately qualify for or request funding. Solely by virtue of a lower order tie-breaker, Fairview Cove is the "first" of the two that would be eligible for funding in such circumstances. See Application Instructions, Ranking and Selection Criteria, B. 5.c. and f. at pages 80-81 (compare c. proximity to services, to f. SAIL request amount per SAIL set-aside unit).

13. If, however, Fairview Cove does not receive the proximity tie-breaker points awarded because of its proximity to the alleged "Grocery Store," then SP instead would be the first on the waiting list, and would have a good chance of being eligible for funding. Accordingly, SP's substantial interests will be affected by FHFC's determination of Fairview Cove's score.

Receipt of Notice of Agency Decision

14. SP received notice of FHFC's decision as to the scoring and ranking of its Morgan Place Application on or after September 29, 2008. By email dated October 3, 2008, FHFC advised that the 2008 MMRB, SAIL and HC Ranked Waiting List has been posted on the FHFC website.

Disputed Issues of Material Fact

15. The disputed issues of material fact include: whether "Joe's New York Deli" is a "Grocery Store" as that term is defined in the Application Instructions.

Statement of Ultimate Facts

16. "Joe's New York Deli" is not a "Grocery Store" as that term is defined in the Application Instructions, and the Fairview Cove Application does not qualify for an award of 1.25 proximity tie-breaker points for proximity to a "Grocery Store."

Specific Rules that Require Reversal or Modification

17. SP is entitled to a determination that the Fairview Cove Application does not qualify for an award of 1.25 proximity tie-breaker points for proximity to an alleged "Grocery Store," and thus a reversal or modification of agency action, by the following statutes and rules: Chapter 120, including Sections 120.569 and 120.57(1), Florida Statutes, and Chapter 67-48, including Rules 67-48.004 and 67-48.005, Florida Administrative Code, and the referenced Application Instructions.

Requested Relief

18. SP requests entry of recommended and final orders determining: (1) that "Joe's New York Deli" is not a "Grocery Store;" (2) that the Fairview Cove Application No. 2008-260BS does not qualify for an award of 1.25 proximity tie-breaker points for proximity to a "Grocery Store; " and (3) that the Waiting List shall be revised accordingly.

Respectfully submitted,



Lawrence E. Sellers, Jr.
Florida Bar No. 300241
HOLLAND & KNIGHT LLP
Post Office Drawer 810
Tallahassee, FL 32302-0810
(850) 224-7000
larry.sellers@hklaw.com
Attorneys for Petitioner
SP Morgan Place LP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been delivered by hand to Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329; and that a true and correct copy has been provided by electronic mail to Wellington H. Meffert, General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329; all on this 20th day of October, 2008.



Lawrence E. Sellers, Jr.

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
05 - 07 - 2008	66	N	0
Preliminary	66	N	0
NOPSE	0	N	0
Final	0	N	0
Final-Ranking	0	N	0

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	0	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	0	0	0
4S	III	B	3	Green Building	5	5	0	0	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	0	0	0
6S	III	E	3.	Affordability Period	5	5	0	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	0	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	0	0	0
Local Government Support									
9S	IV		A.	Contributions	5	5	0	0	0
10S	IV		B.	Incentives	4	4	0	0	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	2	B	5.b.	Attorney	The Applicant failed to provide the required Attorney Certification form for Housing Credit Applications (Competitive HC and Non-Competitive HC).	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	0	0	0	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	0	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	0	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
1P	The Applicant did not provide the required sketch.	Preliminary	
2P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
2P	The Applicant did not provide the required sketch.	Preliminary	
5P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
6P	The Applicant did not submit the Surveyor Certification form.	Preliminary	

2008 MMRB, SAIL & HC Scoring Summary

As of: 06/04/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
06 - 04 - 2008	66	N	0
Preliminary	66	N	0
NOPSE	66	N	0
Final	0	N	0
Final-Ranking	0	N	0

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	0	0
4S	III	B	3	Green Building	5	5	5	0	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	3	0	0
6S	III	E	3.	Affordability Period	5	5	5	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	0	0
Local Government Support									
9S	IV		A.	Contributions	5	5	5	0	0
10S	IV		B.	Incentives	4	4	4	0	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 06/04/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	2	B	5.b.	Attorney	The Applicant failed to provide the required Attorney Certification form for Housing Credit Applications (Competitive HC and Non-Competitive HC).	Preliminary	
2T				Financial Arrears	Pursuant to subsection(s) 67-48.004(5) and/or 67-21.003(5), F.A.C., NOPSE scoring may include financial obligations for which an Applicant or Principal, Affiliate or Financial Beneficiary of an Applicant or the Developer is in arrears to the Corporation or an agent or assignee of the Corporation as of the due date for NOPSE filing (May 15, 2008). As provided in paragraph(s) 67-48.004(13)(d) and/or 67-21.003(13)(d), F.A.C., following the submission of the "Cures," the Corporation shall reject an Application if the Applicant fails to satisfy any arrearages described in subsection(s) 67-48.004(5) and/or 67-21.003(5), F.A.C. A party to this Application (the Applicant or Principal, Affiliate or Financial Beneficiary of the Applicant or the Developer) is listed on the May 15, 2008 Past Due Report as being in arrears to the Corporation as a related party (the Applicant or Principal, Affiliate or Financial Beneficiary of the Applicant or the Developer) of Northbridge @ Millenia. The May 15, 2008 Past Due Report is posted to the FHFC Website at http://www.floridahousing.org/Home/PropertyOwnersManagers/PastDueReports.htm . A portion of the arrearage was satisfied prior to issuance of the NOPSE Scoring Summary; however, \$221.67 is still due and owing as of May 15, 2008. Payments and questions should be addressed to the servicer and not to Florida Housing.	NOPSE	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	0	0	0	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	0	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	0	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not submit the Surveyor Certification form.	Preliminary	

2008 MMRB, SAIL & HC Scoring Summary

As of: 06/04/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not provide the required sketch.	Preliminary	
2P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
2P	The Applicant did not provide the required sketch.	Preliminary	
5P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
6P	The Applicant did not submit the Surveyor Certification form.	Preliminary	

2008 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2008-260BS** and pertains to:

Part III Section A Subsection 10 Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2008 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2008 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Proximity Points Not Maxed	Item No. 1,2,5&6P	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).

Brief Statement of Explanation regarding Cure for
Application No. 2008-260BS

Provide a separate brief statement for each Cure

Attached hereto is the Surveyor Certification along with the required service sketches, to
be placed behind Exhibit 25 of the original submitted Application.

2008 UNIVERSAL CYCLE - SURVEYOR CERTIFICATION

Name of Development: Fairview Cove - Phase II

Development Location: East side of Orient Road, approximately 500' south of the intersection of Orient Road and S. R. 574, Tampa, Florida 33619

(As a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or the address has not yet been assigned, provide the street name, closest designated intersection and city)

* If the Development consists of Scattered Sites, the Development Location stated above must reflect the site where the Tri-Broader Measurement Point is located.

The undersigned Florida licensed surveyor certifies that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

State the Tri-Broader Measurement Point. The Broader Measurement Point means a single point selected by the Applicant on the proposed Development as to their lot located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprises the Development as to their lot located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tri-Broader Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	Latitude		Longitude	
	North	West	West	North
<p>If the Development consists of Scattered Sites, is a part of the boundary of each the located within 1/2 mile of the Tri-Broader Measurement Point? <input type="checkbox"/> Yes or <input type="checkbox"/> No (After check one if Development consists of Scattered Sites.)</p> <p>Scattered Sites for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous ("non-contiguous parts") or (ii) any part of which is divided by a street or easement ("divided parts") and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development. (See Rules 67-48.002 and 67-21.002, F.A.C.)</p> <p>To be eligible for proximity-to-broader-point, Degrees and Minutes must be stated as whole numbers and Seconds must be rounded after 1 decimal place. The Corporation will utilize Street Atlas USA 2004, published by DeLorme, to determine the proximity of an eligible service to the proposed Development's Tri-Broader Measurement Point.</p>	N 27	58	W 82	22

Location of closest Public Bus Stop or Metro Rail Stop	Latitude		Longitude	
	North	West	West	North
Public Bus Stop	N 27	58	W 82	22

Name of nearest, Address and latitude and longitude coordinates of the closest service(s) on the street below. The location and longitude coordinates for each service must represent a point that is on the driveway threshold of an entrance to that provides direct public access to the building where the service is located. If there is no entrance public entrance to the service, then a point should be used that is the exterior entrance driveway threshold that is the closest walking distance to the driveway threshold of the interior public entrance to the service.	Latitude		Longitude		
	North	West	West	North	
Grocery Store: Name - Joe's New York Deli Address - 3939 US Highway 301 North, Tampa, FL 33619	N 27	58	W 82	21	
Public School: Name - Kenly Elementary School Address - 2909 North 66th Street, Tampa, FL 33619	N 27	58	W 82	22	
Medical Facility: Name - Address - Pharmacy - Name - Address -	N N N	Minutes Minutes Minutes	Seconds (rounded after 1 decimal place) Seconds (rounded after 1 decimal place) Seconds (rounded after 1 decimal place)	W W W	Minutes Minutes Minutes

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION: Under penalty of perjury, I declare that the foregoing statements are true and correct.

Signature: [Signature] Date: 05/27/2008
 Name of Company: Allen & Company
 Name of Surveyor: Allen & Company
 PSM# 5633
 Florida License Number: Winter Garden, FL 34787
 Telephone Number (including area code): (407) 654-5355

Title or Type Name of Signatory: Jamess L. Richman
 Director of Surveying and Mapping
 Title or Type Title of Signatory: Director of Surveying and Mapping
 This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principal or Financial Beneficiary of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity-to-broader-point. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or recycled, the Application will not receive proximity-to-broader-point and will fail to meet the code. The Applicant may still be eligible for automatic permit. The certification may be photocopied.

FAIRVIEW COVE-PHASE II
 JOE'S NEW YORK DELI - GROCERY STORE
 3939 US HIGHWAY 301 NORTH
 TAMPA, FLORIDA 33619

DR. MARTIN LUTHER KING JR. BOULEVARD

US HIGHWAY 301 NORTH

COORDINATE POSITION IS ●
 CENTER OF DOORWAY ON THRESHOLD
 LATITUDE: N27°58'51.1"
 LONGITUDE: W82°21'33.6"

JOE'S NEW YORK DELI STORE
 3939 US HIGHWAY 301 NORTH
 TAMPA, FLORIDA 33619



SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. THIS DRAWING IS NOT TO SCALE AND IS FOR GRAPHICAL REPRESENTATION ONLY.
4. LATITUDE AND LONGITUDE COORDINATES SHOWN HEREON ARE BASED ON THE GLOBAL POSITIONING SYSTEM DETERMINED BY THE USE OF A GARMIN 12-MAP HAND HELD GPS UNIT.

JOB NO. FAIRVIEW COVE PH II
 DATE: MAY 14, 2008
 SCALE: NOT TO SCALE
 FIELD BY: BA

CALCULATED BY: BA
 DRAWN BY: BA
 CHECKED BY: JLR

FOR THE LICENSED BUSINESS #6723 BY:

JAMES L. RICKMAN, PSM #5633

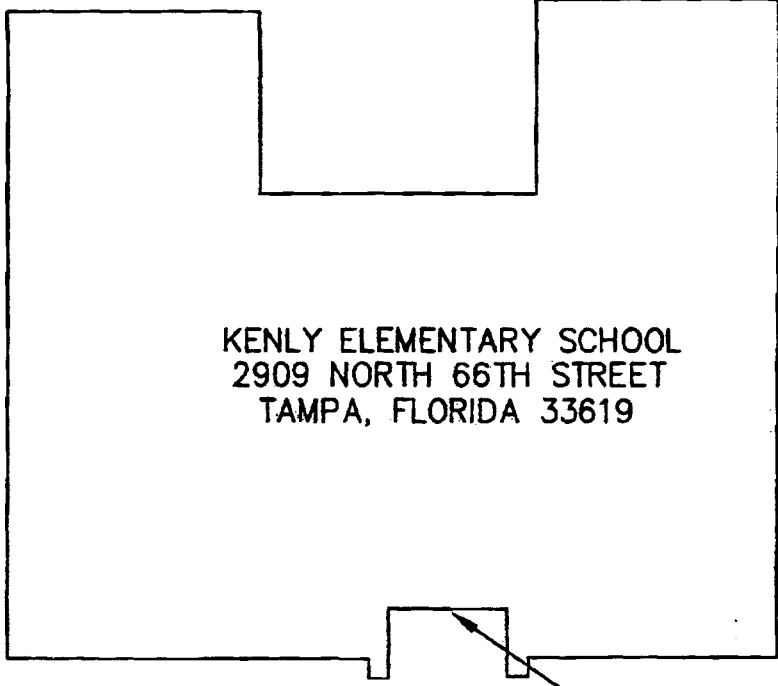


16 East Plant Street
 Winter Garden, Florida 34787 • (407) 854-5355

FAIRVIEW COVE-PHASE II
 MAIN ENTRANCE TO OFFICE
 SKETCH OF KENLY ELEMENTARY SCHOOL
 2909 NORTH 66TH STREET
 TAMPA, FLORIDA 33619

WEST MILLER STREET

COLLEGE AVENUE



KENLY ELEMENTARY SCHOOL
 2909 NORTH 66TH STREET
 TAMPA, FLORIDA 33619

COORDINATE POSITION IS ●
 CENTER OF DOORWAY ON THRESHOLD
 TO THE ENTRANCE OF MAIN OFFICE
 LATITUDE: N27°58'11.3"
 LONGITUDE: W82°22'51.4"

SURVEYOR'S NOTES:

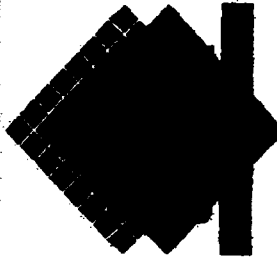
1. THIS IS NOT A BOUNDARY SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. THIS DRAWING IS NOT TO SCALE AND IS FOR GRAPHICAL REPRESENTATION ONLY.
4. LATITUDE AND LONGITUDE COORDINATES SHOWN HEREON ARE BASED ON THE GLOBAL POSITIONING SYSTEM DETERMINED BY THE USE OF A GARMIN 12-MAP HAND HELD GPS UNIT.

JOB NO. FAIRVIEW COVE PH II _____
 DATE: MAY 14, 2008 _____
 SCALE: NOT TO SCALE _____
 FIELD BY: BA _____

CALCULATED BY: BA _____
 DRAWN BY: BA _____
 CHECKED BY: JLR _____

FOR THE LICENSED BUSINESS #0723 BY:

JAMES L. RICKMAN, PSM #5833



16 East Pugh Street
 Winter Garden, Florida 34787 (407) 164-5366

2008 NOTICE OF ALLEGED DEFICIENCIES (NOAD) SUMMARY FORM

This NOAD Summary Form is being submitted with regard to Application No. 2008- 260BS and pertains to the revisions/additions made to the Application parts, sections, subsections and exhibits listed below (please list the parts, sections, subsections, and exhibits in the order they appear in the most recent Scoring Summary Report with regard to the Application revisions/additions being challenged):

Table with 10 columns: Part (I, II, III, IV, V), Section (A, B, C, D, etc.), Subsection (1, 2, 3, etc. or 1.a., 2.a., etc.), Exhibit (1, 2, 3, etc.), Reason Score Not Maxed (Provide Item No. from Application Scoring Summary), Reason Failed Threshold (Provide Item No. from Application Scoring Summary), Proximity Scoring (Provide Item No. from Application Scoring Summary), Additional Comment (Provide Item No. from Application Scoring Summary), Mark this Column if Item No. indicated in "Submitted in Response to" column(s) resulted from Preliminary Scoring, Mark this Column if Item No. indicated in "Submitted in Response to" column(s) resulted from NOPSE scoring and state NOPSE Tracking No., if known.

SUBMITTED BY APPLICATION NO. 2008- 281BS IN ACCORDANCE WITH RULES 67-21.003 and/or 67-48.004, F.A.C.

24/06/2008 13:39 Southport (FAX) 721 889 4233 F0021010

2008 CURE FORM

(Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2008-260BS** and pertains to:

Part III Section A Subsection 10 Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2008 Universal Scoring Summary Report because:

- 1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2008 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Proximity Points Not Maxed	Item No. 1,2,5&6P	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

- 2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).

Brief Statement of Explanation regarding
Application 2008-260BS

Provide a separate brief statement for each NOAD

As a cure to items 1,2,5 and 6 P, the Applicant submitted for review a completed surveyor certification form along with the required sketches. The grocery store provided on the surveyors certification form is "Joe's New York Deli." After visiting Joe's New York Deli, it is clear that this establishment does not meet Florida Housing's definition of a grocery store, as reflected in the Universal Application Instructions. The grocery store in question is actually located inside a Citgo Gas Station as shown on the attached Exhibit "A", which is a menu from Joe's New York Deli – at the bottom of the menu it indicates that it is located "Inside the Citgo Station." The Universal Application Instructions clearly state that, "Grocery Store does not include any retail establishment which sells groceries in addition to its major retail function, SUCH AS THE SALE OF GASOLINE." The questionable grocery store also does not sale, "produce....which are intended for consumption off-premises" as required by the Universal Application Instructions. For further evidence that Joe's New York Deli does not meet Florida Housing's definition of a grocery store, please see Exhibit "B", which is a receipt for gasoline purchased at the establishment. Additionally, pictures of Joe's New York Deli can be found as Exhibit "C" clearly showing that this is an efficiency store located inside a Citgo Gas Station. Furthermore, this project is a Phase 2 – the phase 1 of the project (application 2007-137BS) received 1 point for grocery store proximity using a Kash n Karry (as opposed to the 1.25 points they are claiming with Joe's New York Deli).

As such, the applicant has failed to cure their deficiency and therefore should not receive proximity tie-breaker points for the grocery.

Exhibit A

JOE'S N.Y. DELI & CATERING DAILY LUNCH

SPECIAL'S

\$3.99

6" OVERSTUFFED SUB SPECIAL'S



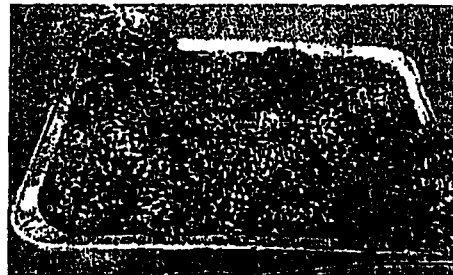
- MONDAY:** MEAT BALL PARMESAN
- TUESDAY :** OUR IN STORE COOKED RARE ROAST BEEF
- WEDNESDAY:** OUR IN STORE BAKED VIRGINIA HAM
- THURSDAY:** OUR IN STORE ROASTED TURKEY BREAST
- FRIDAY:** CHICKEN PARMESAN

GET MORE BANG FOR YOUR BUCK

BONUS SPECIAL'S

WILD WING WEDNESDAY'S: 6 PIECES OF YOUR CHOICE OF WINGS W/ FRIES

FISH FRY FRIDAY'S: OUR CATCH OF THE DAY W/ FRIES



LOCATED ON THE CORNER OF 301/ M.L.K. BLVD (INSIDE THE CITGO STATION)

PHONE # (813) 635-0308

Exhibit B

JOES DELI

EFFICIENCY CIIGO ←
301 & MLK BLVD
TAMPA FL
DLR# 00030553112

06/22/08 16:43:11
VISA ACCT#
**** * 0166
RCPT# 5-2613
INV# 164305
REF# 96000470359
AUTH# 00 APPR 52975B

PUMP# 3	SELF
REGULAR	7.042G
PRICE/GAL	\$3.999
FUEL TOTAL	\$28.16
TOTAL	\$28.16

THANK YOU!!
COME AGAIN

EXHIBIT C

CITGO

399 ⁹/₁₀

REGULAR
UNLEADED

429 ⁹/₁₀

MID-Grade
UNLEADED

439 ⁹/₁₀

SUPER
PREMIUM

PER GALLON

Joe's New York Deli

Joe's New York Deli



2007 MMRB, SAIL & HC Scoring Summary

As of: 07/20/2007

File # 2007-137BS

Development Name: Fairview Cove - Phase I

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
					valid Developer.		
8T	II	A	3	Developer	The Applicant states at Exhibit 9 that the Developer Entity is Atlantic Housing Partners, L.L.P. However, NOPSEs filed with Florida Housing against Application Nos. 2007-174C and 2007-133C have provided evidence that the Developer Entity, Atlantic Housing Partners, L.L.P., was dissolved with the Florida Secretary of State on April 24, 2007. Per page 7 of the 2007 Universal Application Instructions, "The identity of the Developer(s) listed in this Application may not change until the construction or Rehabilitation/Substantial Rehabilitation of the Development is complete, unless approved by the Board as provided in Rule 67-48.004, F.A.C." Because the Developer Entity listed at Exhibit 9 no longer exists, the Applicant has failed to provide a complete list of General and Limited Partners, Officers, Directors and Shareholders for the Developer.	NOPSE	Final
9T	II	B	1.b.	Developer Certification	The Developer listed on the Developer or Principal of Developer Certification form at Exhibit 11 is Atlantic Housing Partners, L.L.P. However, NOPSEs filed with Florida Housing against Application Nos. 2007-174C and 2007-133C have provided evidence that this entity was dissolved with the Florida Secretary of State on April 24, 2007. Per page 7 of the 2007 Universal Application Instructions, "The identity of the Developer(s) listed in this Application may not change until the construction or Rehabilitation/Substantial Rehabilitation of the Development is complete, unless approved by the Board as provided in Rule 67-48.004, F.A.C." Because the Developer Entity no longer exists the form cannot be accepted.	NOPSE	Final
10T	V	B		Deferred Developer Fee	The Applicant provided a Commitment to Defer Developer Fee form which lists Atlantic Housing Partners, L.L.P. as the Developer. However, NOPSEs filed with Florida Housing against Application Nos. 2007-174C and 2007-133C have provided evidence that this entity was dissolved with the Florida Secretary of State on April 24, 2007. Because the Developer Entity no longer exists, the deferred Developer fee cannot be used as a source of financing.	NOPSE	Final
11T	V	B		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$1,141,325.	NOPSE	Final
12T	V	B		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$548,167.	NOPSE	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	0	0	1	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	1.25	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
07 - 16 - 2008	66	Y	7.5
Preliminary	66	N	0
NOPSE	66	N	0
Final	66	Y	7.5
Final-Ranking	0	Y	0

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	9	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
4S	III	B	3	Green Building	5	5	5	5	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	3	3	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
Local Government Support									
9S	IV		A.	Contributions	5	5	5	5	0
10S	IV		B.	Incentives	4	4	4	4	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	2	B	5.b.	Attorney	The Applicant failed to provide the required Attorney Certification form for Housing Credit Applications (Competitive HC and Non-Competitive HC).	Preliminary	Final
2T				Financial Arrears	Pursuant to subsection(s) 67-48.004(5) and/or 67-21.003(5), F.A.C., NOPSE scoring may include financial obligations for which an Applicant or Principal, Affiliate or Financial Beneficiary of an Applicant or the Developer is in arrears to the Corporation or an agent or assignee of the Corporation as of the due date for NOPSE filing (May 15, 2008). As provided in paragraph(s) 67-48.004(13)(d) and/or 67-21.003(13)(d), F.A.C., following the submission of the "Cures," the Corporation shall reject an Application if the Applicant fails to satisfy any arrearages described in subsection(s) 67-48.004(5) and/or 67-21.003(5), F.A.C. A party to this Application (the Applicant or Principal, Affiliate or Financial Beneficiary of the Applicant or the Developer) is listed on the May 15, 2008 Past Due Report as being in arrears to the Corporation as a related party (the Applicant or Principal, Affiliate or Financial Beneficiary of the Applicant or the Developer) of Northbridge @ Millenia. The May 15, 2008 Past Due Report is posted to the FHFC Website at http://www.floridahousing.org/Home/PropertyOwnersManagers/PastDueReports.htm . A portion of the arrearage was satisfied prior to issuance of the NOPSE Scoring Summary; however, \$221.67 is still due and owing as of May 15, 2008. Payments and questions should be addressed to the servicer and not to Florida Housing.	NOPSE	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	0	0	1.25	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	1.25	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	1.25	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	0	0	3.75	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not submit the Surveyor Certification form.	Preliminary	Final

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-260BS

Development Name: Fairview Cove - Phase II

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not provide the required sketch.	Preliminary	Final
2P	The Applicant did not submit the Surveyor Certification form.	Preliminary	Final
2P	The Applicant did not provide the required sketch.	Preliminary	Final
5P	The Applicant did not submit the Surveyor Certification form.	Preliminary	Final
6P	The Applicant did not submit the Surveyor Certification form.	Preliminary	Final

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-281BS

Development Name: Morgan Place

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
07 - 16 - 2008	66	Y	7.5
Preliminary	66	N	7.5
NOPSE	66	N	7.5
Final	66	Y	7.5
Final-Ranking	0	Y	0

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	9	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
4S	III	B	3	Green Building	5	5	5	5	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	3	3	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
Local Government Support									
9S	IV		A.	Contributions	5	5	5	5	0
10S	IV		B.	Incentives	4	4	4	4	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-281BS

Development Name: Morgan Place

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V.	D		Equity Commitment	Per page 73 of the 2008 Universal Application Instructions, the percentage of credits being purchased must be equal to or less than the percentage of ownership interest held by the limited partner. The Applicant stated at Exhibit 9 of the Application that the Limited Partner's interest in the Applicant entity is 99%. However, the syndication agreement at Exhibit 56 states that 99.99% of the HC allocation is being purchased. Because of this inconsistency, the equity commitment cannot be considered a firm source of financing.	Preliminary	Final
2T	V.	B		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$2,478,990.	Preliminary	Final
3T	V.	B		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$2,478,990.	Preliminary	Final
4T	III.	C	3.b.	Availability of Water	The Applicant failed to provide the required evidence of the availability of water.	Preliminary	Final
5T	III.	C	3.c.	Availability of Sewer	The Applicant failed to provide the required evidence of the availability of sewer.	Preliminary	Final
6T	III.	C	3.d.	Availability of Roads	The Applicant failed to provide the required evidence of the availability of roads.	Preliminary	Final
7T	II	B	2.b	Management Agent	The name of the Management Agent stated on the Management Agent's or principal of Management Agent's Prior Experience chart differs from that on the Management Agent or Principal of Management Agent Certification form.	Preliminary	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	1.25	1.25	1.25	0
2P	III	A	10.a.(2)(b)	Public School	1.25	1.25	1.25	1.25	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	1.25	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	3.75	3.75	3.75	0

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	III	A	2.g.	Qualified Census Tract	The Applicant failed to provide a copy of a letter from the local planning office or census bureau verifying that the proposed Development is located in the referenced QCT.	Preliminary	Final
2C				Financial Arrears	A party to this Application (the Applicant or Principal, Affiliate or Financial	NOPSE	

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-281BS

Development Name: Morgan Place

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result	Rescinded as Result
					Beneficiary of the Applicant or the Developer) is listed on the May 15, 2008 Past Due Report as being in arrears to the Corporation as a related party (the Applicant or Principal, Affiliate or Financial Beneficiary of the Applicant or the Developer) of Pinewood Pointe. The May 15, 2008 Past Due Report is posted to the FHFC Website at http://www.floridahousing.org/Home/PropertyOwnersManagers/PastDueReports.htm . The arrearage was satisfied prior to issuance of the NOPSE Scoring Summary.		