

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: ALABASTER GARDENS, LTD.

FHFC Case No.: 2006-014VW

Application No.: 2004-032BS

**ORDER GRANTING WAIVER OF RULES 67-21.002(30)
AND 67-21.003(14)(b), FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on June 9, 2006, pursuant to a Petition for Waiver of Rules 67-21.002(30) and 67-21.003(14)(b), Fla. Admin. Code (the "Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on March 22, 2006 from Alabaster Gardens, Ltd., ("Petitioner"). On April 28, 2006, Florida Housing published the Notice of the Petition in Volume 32, Number 17, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised in the premises, the Board of Directors (the "Board") of Florida Housing hereby finds:

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.
2. During the 2004 Universal Cycle, Florida Housing awarded an allocation of \$7,500,000 in Multifamily Mortgage Revenue Bond (MMRB) funding and \$3,000,000 in State Apartment Incentive Loan Program (SAIL) funding to Alabaster Gardens, Ltd. ("Petitioner"). The Development is currently undergoing construction.
3. Petitioner requests a waiver of Rules 67-21.002(30) and 67-21.003(14)(b) to permit a change in the Developer entity prior to the completion of construction. Specifically,

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

A. Trean /DATE. 6-12-06

Petitioner wishes to change the current Developer entity, Carlisle Development Group, LLC, (CDG) to a new legal entity, Alabaster Gardens Development, LLC, in which CDG is the sole member and owner.

4. Rule 67-21.002(30), Florida Administrative Code (2004), states in pertinent part:

(30) "Developer" means the individual, association, corporation, joint venturer or partnership identified as such in the Application. The Developer, as identified in an Application, may not change until the construction of the Development is complete.

Rule 67-21.003(14)(b), Florida Administrative Code (2004), states in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline....Any attempted changes to these items will not be accepted. Those items are as follows:

(b) Name of each Developer;

5. Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

6. The Board finds that a waiver of the above Rules is necessary and that denial thereof would create a substantial hardship for Petitioner or violate principles of fairness, in that CDG would be subjected to additional tax, accounting and corporate liability that could otherwise be avoided by the creation of the new legal entity.

7. The granting of a waiver of the aforementioned rules would serve the purpose of the underlying statute, Chapter 420, Part V, Fla. Stat., in that it would further the goal of facilitating the availability of decent, safe and sanitary housing in the State of Florida to low-income persons and households.

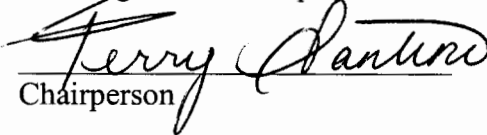
8. The granting of this waiver will not adversely affect the Development as the new entity, Alabaster Gardens Development, LLC, would be comprised of the same principals, and would rely upon and benefit from the identical expertise, experience, services, resources and support personnel of CDG.

IT IS THEREFORE ORDERED:

A Waiver of Rules 67-21.002(30) and 67-21.003(14)(b), Florida Administrative Code, is hereby **GRANTED** specifically to permit a change of Developer prior to the completion of construction, from Carlisle Development Group, LLC, to Alabaster Garden Development, LLC. All other relief requested in the Petition, if any, is hereby denied.

DONE and ORDERED this 9th day of June, 2006.

Florida Housing Finance Corporation

By: 
Chairperson



Copies furnished to:

Wellington H. Meffert II
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Vicki Robinson
Deputy Development Officer
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Alabaster Gardens, Ltd.
Alabaster Gardens, LLC, General Partner
Attention: Arthur L. Fletcher, President
939 Massachusetts Avenue
Pensacola, Florida 32505

Brian J. McDonough, Esquire
Mimi L. Sall, Esquire
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200, Museum Tower
150 West Flagler Street
Miami, Florida 33130

Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
120 Holland Building
Tallahassee, Florida 32399-1300

NOTICE OF RIGHTS

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN L. KING, JR., BOULEVARD, TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.