

RETURN TO:  
LAKE WORTH DRAINAGE DISTRICT  
13081 Military Trail  
Delray Beach, FL 33484

PREPARED BY:  
MARK A. PERRY, ESQ.  
Perry & Kern, P.A.  
50 Fourth Avenue  
Delray Beach, FL 33483

PCN ~~00-42-43-27-05-074-0141/0151~~

Doc. No. 5924-B  
Canal No. E-1

**EASEMENT DEED**

**THIS EASEMENT DEED**, made this 4<sup>th</sup> day of June, 2007, by and between **YAMATO COURT LLC, a Florida limited liability company**, party of the first part, and **LAKE WORTH DRAINAGE DISTRICT**, a Special Taxing District of the State of Florida, party of the second part, whose mailing address is 13081 Military Trail, Delray Beach, Florida 33484-1105.

**WITNESSETH:** That party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration to it in hand paid, receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell and release unto the party of the second part, its successors and assigns, a perpetual exclusive easement for the purpose of providing an unencumbered right-of-way for utilities which may be granted to others by the second party, as well as providing an unencumbered right-of-way for use as a canal and canal related purposes including but not limited to the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berm and areas for maintenance and deposit of spoil, all quasi-utility type purposes and for any such other purpose thereunto related or in anywise appertaining; over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, **described on Exhibit "A" attached hereto** and made a part hereof as if recited at length.

All utilities shall be required to provide party of the second part with written consent from the underlying fee owner of the subject real property prior to the installation of any utility lines.

First party shall grant no other easements, erect no building or affect any other kind of construction or improvements or plant any trees or shrubs upon the property described in Exhibit "A".

Party of the first part does hereby specially warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under it, that it has good right and lawful authority to grant the above described easement and that the same is unencumbered. Where the  
05-7838P.01

context of this easement deed allows or permits, the same shall include the successors or assigns of the parties.

**IN WITNESS WHEREOF**, party of the first part has caused this instrument to be executed in its name by its undersigned, duly authorized officers, and its corporate seal to be hereunto affixed, the day and year first above written.

Signed, sealed and delivered in the presence of:

YAMATO COURT LLC, a Florida limited liability company

Henry Geller  
(1) Witness Signature  
Henry Geller  
Printed Name

By: [Signature]  
Harvey Geller, Manager

Donna Sordillo  
(2) Witness Signature  
DONNA SORDILLO  
Printed Name

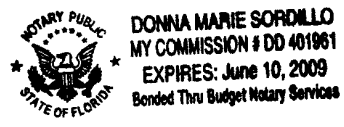
1601 Forum Place, Suite 603  
West Palm Beach, Florida 33401  
Post Office Address

STATE OF FLORIDA :  
COUNTY OF PALM BEACH :

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared HARVEY GELLER, the Manager of YAMATO COURT, LLC, a Florida limited liability company. He is personally known to me or has produced \_\_\_\_\_ as identification, and did (did not) take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this the 4TH day of JUNE, 2007.

Donna Marie Sordillo  
NOTARY PUBLIC  
DONNA MARIE SORDILLO



Notary Stamp or Seal

**CONSENT AND SUBORDINATION OF MORTGAGE**

HSBC REALTY CREDIT CORPORATION, a Delaware corporation, as Agent, whose address is 452 Fifth Avenue, New York, New York 10018, pursuant to that Building Loan Mortgage executed by YAMATO COURT LLC, a Florida limited liability company, in favor of HSBC REALTY CREDIT CORPORATION, dated March 12, 2007, and recorded March 22, 2007, in Official Records Book 21545, at Page 235, of the Public Records of Palm Beach County, Florida, in the original principal amount of \$13,412,986.00, (the "Mortgage") which Mortgage encumbers the property described on Exhibit "A" attached hereto, consents to the Easement Deed dated June 4th, 2007 from YAMATO COURT LLC, a Florida limited liability company, to LAKE WORTH DRAINAGE DISTRICT, to which this Consent and Subordination is attached (the "Easement), and subordinates the lien of the Mortgage to the Easement.

IN WITNESS WHEREOF, the Mortgagee has executed this Consent and Subordination as of the 7th day of June, 2007.

HSBC REALTY CREDIT CORPORATION, a Delaware corporation, as Agent

By: Michael S. Wadler  
MICHAEL S. WADLER, Vice President

452 Fifth Avenue, New York, New York 10018

STATE OF FLORIDA:  
COUNTY OF MIAMI-DADE:

The foregoing instrument was acknowledged before me this 7th day of JUNE, 2007, by MICHAEL S. WADLER as Vice President of HSBC REALTY CREDIT CORPORATION, a Delaware corporation. He is personally known to me or he produced \_\_\_\_\_ as identification.

Joann Hinds  
Notary Public, State of Florida

Notary Public Stamp or Seal \_\_\_\_\_

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



**CONSENT AND JOINDER TO EASEMENT DEED**

HSBC REALTY CREDIT CORPORATION, a Delaware corporation, as Agent, whose address is 452 Fifth Avenue, New York, New York 10018, hereby joins in the execution of this Easement Deed for purposes of consenting to the conveyance of the easement from YAMATO COURT LLC, a Florida limited liability company to LAKE WORTH DRAINAGE DISTRICT.

Dated: June 7<sup>th</sup> 2007

HSBC REALTY CREDIT CORPORATION, a Delaware corporation, as Agent

By: *Michael S. Wadler*  
MICHAEL S. WADLER, Vice President

452 Fifth Avenue, New York, New York 10018

STATE OF FLORIDA :  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7<sup>TH</sup> day of JUNE, 2007, by MICHAEL S. WADLER as Vice President of HSBC REALTY CREDIT CORPORATION, a Delaware corporation. He is personally known to me or he produced \_\_\_\_\_ as identification.

*Joann Hinds*  
Notary Public, State of Florida

Notary Public Stamp or Seal \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



**YAMATO COURT M.U.P.D.  
ADDITIONAL RIGHT-OF-WAY FOR L.W.D.D. E-1 CANAL**

A STRIP OF LAND 10.00 FEET IN WIDTH LYING IN TRACTS 14 AND 19, BLOCK 74, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID TRACT 14; THENCE, SOUTH 00°23'01" EAST, ALONG THE WEST LINE OF SAID TRACT 14, A DISTANCE OF 50.00 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-42 AS RECORDED IN OFFICIAL RECORDS BOOK 2089, PAGE 1105, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 89°36'59" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 205.00 FEET FOR A **POINT OF BEGINNING**;

THENCE, CONTINUE NORTH 89°36'59" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT EQUALIZING CANAL E-1; THENCE, SOUTH 00°23'01" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 834.40 FEET; THENCE, SOUTH 89°36'59" WEST, DEPARTING SAID WEST RIGHT-OF-WAY LINE AND ALONG A LINE 224.40 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 10.00 FEET; THENCE, NORTH 00°23'01" WEST, ALONG A LINE 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE SAID WEST RIGHT-OF-WAY, A DISTANCE OF 834.40 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 0.19 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

CERTIFICATION:

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON AND THE DESCRIPTION SKETCH ATTACHED HERETO ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Wm. R. Van Campen DATE: 04-18-2006  
WM. R. VAN CAMPEN, P.S.M. 2424

SEE SHEETS 2 AND 3 FOR SKETCH

DESCRIPTION OF: ADDITIONAL E-1 CANAL RIGHT-OF-WAY  
*NASIRLE 4/22/06 05-7838P.01* YAMATO COURT MUPD



**ASSOCIATED LAND SURVEYORS, INC.**

4152 W. BLUE HERON BOULEVARD—SUITE 121  
RIVIERA BEACH FLORIDA 33404

PHONE: (561) 848-2102 FAX: (561) 844-9659 EMAIL: ALSSURVEY@AOL.COM

FILE: P295ACROWE1

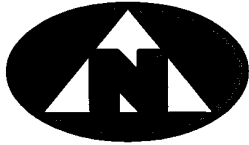
DATE: 3-28-2006

BY: KVC

CKD:

W.O.NO.: P295

SHEET 1 OF 3



WEITZER SUBDIVISION PUD PLAT NO. ONE  
(PLAT BOOK 48, PAGE 103)

LWDD CANAL E-1  
(OFFICIAL RECORDS  
BOOK 4213, PAGE 856)

YAMATO ROAD  
(PLAT BOOK 48, PAGE 103)

POINT OF COMMENCEMENT  
NORTHWEST CORNER OF TRACT 14  
PALM BEACH FARMS COMPANY  
PLAT NO.3 (PLAT BOOK 2, PAGE 45)

50' PLATTED ROAD  
(PLAT BOOK 2, PAGE 45)

NORTH LINE OF TRACT 14

LWDD CANAL L-42  
S00°23'01"E 50.00'

N89°36'59"E 10.00'  
POINT OF BEGINNING  
N89°36'59"E 205.00'

TRACT 15  
PALM BEACH FARMS  
COMPANY PLAT NO.3  
(PLAT BOOK 2, PAGE 45)

EAST LINE OF TRACT 15  
WEST LINE OF TRACT 14

SOUTH LINE OF LWDD  
CANAL L-42  
(OFFICIAL RECORDS  
BOOK 2089, PAGE 1105)

TRACT 14  
PALM BEACH FARMS  
COMPANY PLAT NO.3  
(PLAT BOOK 2, PAGE 45)

N00°23'01"W 834.40'

S00°23'01"E 834.40'

LWDD CANAL E-1  
(OFFICIAL RECORDS  
BOOK 2089, PAGE 1107)

AMERICAN HOMES AT  
BOCA RATON PLAT NO.7  
(PLAT BOOK 36, PAGE 68)

FOR MATCH SEE SHEET 3 OF 3

FT. 80 40 0 80 FT.



NOTE: THIS IS NOT A SURVEY (GRAPHIC SCALE) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION

DESCRIPTION SKETCH OF: ADDITIONAL E-1 CANAL RIGHT-OF-WAY  
YAMATO COURT MUPD  
NAS/PLC 4/26/04 05-7838.P01



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FILE: P295ACROWE1

DATE: 3-28-2006

BY: KVC

CKD:

W.O.NO.: P295

SHEET 2 OF 3



FOR MATCH SEE SHEET 2 OF 3

TRACT 15  
PALM BEACH FARMS  
COMPANY PLAT NO.3  
(PLAT BOOK 2, PAGE 45)

TRACT 14  
PALM BEACH FARMS  
COMPANY PLAT NO.3  
(PLAT BOOK 2, PAGE 45)

TRACT 18  
PALM BEACH FARMS  
COMPANY PLAT NO.3  
(PLAT BOOK 2, PAGE 45)

WEST LINE OF TRACT 19  
EAST LINE OF TRACT 18

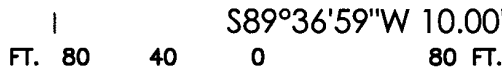
TRACT 19  
PALM BEACH FARMS  
COMPANY PLAT NO.3  
(PLAT BOOK 2, PAGE 45)

ADDITIONAL 10' CANAL  
RIGHT-OF-WAY

AMERICAN HOMES AT  
BOCA RATON PLAT NO.7  
(PLAT BOOK 36, PAGE 68)

NORTH LINE OF TRACT 19  
SOUTH LINE OF TRACT 14

LWDD CANAL E-1  
(OFFICIAL RECORDS  
BOOK 2089, PAGE 1107)



S89°36'59"W 10.00'

NOTE: THIS IS NOT A SURVEY (GRAPHIC SCALE) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION

DESCRIPTION SKETCH OF: ADDITIONAL E-1 CANAL RIGHT-OF-WAY  
YAMATO COURT MUPD

*NAS/PLC Update 05-2838.R.O.I*



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SHEET 3 OF 3