

M E M O R A N D U M

January 29, 2001

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CROSBY)

RE: DOCKET NO. 990256-WU - APPLICATION FOR TRANSFER OF
FACILITIES OF GEM ESTATES UTILITIES, INC. IN PASCO COUNTY
TO GEM ESTATES MOBILE HOME VILLAGE ASSOCIATION, INC., AND
CANCELLATION OF CERTIFICATE NO 563-W

Attached is a letter dated January 19, 2001, from Charles D. Waller, Attorney for Gem Estates Mobile Home Village Association, Inc. Please place the letter in the above-referenced docket file. Thanks.

alc

Attachment

cc: Division of Regulatory Oversight (Brady)

RECEIVED
DIVISION OF
RECORDS AND
REPORTING
JAN 31 2001

DOCUMENT NUMBER-DATE

01266 JAN 29 2001

FP00-RECORDS-REPORTING

Charles D. Waller
Professional Association

ATTORNEY AT LAW

37927 LIVE OAK AVENUE
POST OFFICE BOX 1668
DADE CITY, FLORIDA 33526-1668

TELEPHONE:
(352) 567-4690
FAX: 567-1307

January 19, 2001

Ms. Alice Cosby
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Gem Estates

Dear Ms. Cosby:

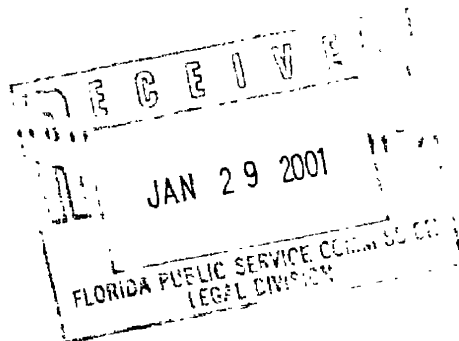
I have been asked to write to you concerning my opinion with regard to membership in Gem Estates Mobile Home Village, as to whether all lot owners are "members" or not.

This is to advise that I have given my opinion to the Board of Directors that all lot owners are members in the strictest sense. It is true that the public records do not call it a "club" or "association", however, the language appears clear. For instance, the DEED OF EASEMENTS, RESTRICTIONS AND RESERVATIONS, filed January 9, 1978 refers to the fact that:

"12. All mobile homes shall be approved by Owners before being placed upon any parcel."

This as well as the right retained in the documents whereby Owners retained the right to change any and all previous deeds of Easements, Restrictions and Reservations which may have from time to time been filed relative to any parcels in Gem Estates Mobile Home Village, lead me to arrive at the conclusion that all owners are in fact "members" of this "Association".

The Association is now purchasing the common grounds and as an extra precautionary, I am having each lot owner acknowledge that the membership is mandatory, in writing.

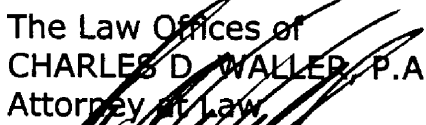


Ms. Alice Cosby
RE: Gem Estates
January 19, 2001
Page Two

Thank you for your consideration.

Very truly yours,

The Law Offices of
CHARLES D. WALLER, P.A.
Attorney at Law



CDW/ch