

090093-WS

Notice of Application for a Transfer of Water and Wastewater Certificates

(Section 367.071 Florida Statutes)

LEGAL NOTICE

Notice is hereby given on 4/22/09 pursuant to Section 367.071, Florida Statutes, of the application for approval of transfer of Water Certificate No. 577-W and Wastewater Certificate No. 498-S, from KEITH & CLARA STARKEY dba HEATHER HILLS ESTATES to HEATHER HILLS ESTATES UTILITIES, LLC, providing service to the following described territory in Manatee County, Florida:

LEGAL DESCRIPTION:

Section 11, Township 35S, Range 17E

The NE 1/4 of the SE 1/4 and the South 1/2 of the SE 1/4 of the NE 1/4.

Also

Section 12, Township 35S, Range 17E

From the NW corner of the SW 1/4 of the SW 1/4 of the NW 1/4 run due East 170.0 feet to the Point of Beginning;

thence due North 50.0 feet; thence due East 100.0 feet; thence due South 100.0 feet; thence due West 100.0 feet; thence due North 50.0 feet to the Point of Beginning.

RECEIVED-FPSC
09 APR 29 AM 11:04
COMMISSION CLERK

Any objection to this application must be made in writing and filed with the Office of Commission Clerk, 2040 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice and reference Docket # 090093-WS. At the same time, a copy of the objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

Heather Hills Estates Utilities, LLC
4925 3rd St West
Bradenton, FL 34207
941-755-0123

This Notice was not signed

As a concerned Home owner, To This Transfer, Don & Helen Mathews Objects Due To The Fact that Keith Starkey did not care for The water & Sewer. They way he should have see attached sheet That very few people received. We feel Rick Stopka will be the same way. ^{he has} ~~seems~~ too many other Interests. We feel 353 sites 550 people ~~Deserve~~ deserve good water.

04002 APR 29 8

FPSC-COMMISSION CLERK

Thank You.
Donell Mathews
Helen Mathews

4/22/2009

Docket # 090093
Concerned Home Owner

This I picked up @ the
Club House. Very few people
go to the club house so very
few people got this letter
That was not signed
We would prefer The County
Take This utility over
Because of The peoples Health
Donald Mathews

Heather Hills Estates
4925 3rd Street W
Bradenton, FL. 34207

April 22, 2008

Re: Important Information About Your Drinking Water
Monitoring Requirements not met for system

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During February we did the 3 regular tests but missed two. A total of 5 were required.

Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present and are used as an indicator that other potentially-harmful bacteria may be present.*

What should I Do?

There is nothing you need to do at this time.

What Happened? What is being done?

In January we took our 3 regular samples on schedule and one had positive result. The procedure is to sample at the same site and upstream and downstream within 5 service connections. If these samples are satisfactory, then there is nothing else required except to sample 5 locations the following month.

When we took our samples in February, we took the 3 normal tests. What we did not know was that in the month following a positive sample- 5 regular tests are required. Since we did not know this we only took 3, which means we incurred a Tier-3 non-acute risk violation. This requires that we notify you that we missed the 2 additional samples we were to take. Everything we were required to do has been done.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (ie: people in apartments, nursing homes, schools and businesses). You can do this by posting this notice in a public place or distributing copies by hand.

For more information, please contact Heather Hills Utility at 755-0123 or send questions to 4925 3rd Street, W., Bradenton, FL. 34207

This Notice is being hand delivered to every home in Heather Hills Estates and will be posted in the Clubhouse for 30 days

Donald & Helen Mathews
209 48th Ave W
Bradenton Fl. 34207
Ph. 937-342-0134

090093

RECEIVED-FPSC

May 14th, 2009

09 MAY 18 AM 8:52

Office of the Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

Re: FPSC Docket # 090093 Application for transfer of Water & Sewer Certificates
COMMISSION CLERK

Dear Commission Clerk,

As a residential customer of the Water & Sewer system operating within Heather Hills Estates, I declare my objections with particularities for the transfer of the Certificates to Heather Hills Estates Utilities, LLC. I do not think that this 'transfer' is in the best interests of the customers of HHE.

I meander back to the initial 45 page document from Smallridge/Stephens requesting the transfer. Immediately prior to "EXHIBIT B" approx. page 20 appears the declaration of what are "Properties Owned" by the Stephens. Observe # 5 "Heather Hills Estates Mobile Home Subdivision".

- a) There exists No property legally named as such.
- b) HHE is NOT a 'Mobile Home Subdivision'.

And c) What ever they are attempting to name it, they DO NOT OWN IT. They own a small portion within it. I'd est, they own 2.81 acres upon which sits a clubhouse. They do not own the streets or the surrounding acreage or the privately owned manufactured housing on privately owned Lots; nor do they own all the lands dedicated to the general public, forever.

Hence 'property ownership' should be legally clarified for complete accurate comprehension by the FPSC, et al. I would like notification from you with your subsequent findings.

I object to them claiming ownership of property which does not belong to them. A very questionable trait for possibly impending owners of a Utility company.

And here I smell a rat. Possibly from a sewer, pun intended.

Observe page 24 approx. of the same document. I question the ethics of M/M Stephens for signing as Heather Hills Estates Utilities, LLC, the "PROMISSORY NOTE" document created "As of January 1, 2009", declaring ITS intent to pay the sum of \$123,123.46 plus interest to the Starkeys when aforementioned company DID NOT EVEN EXIST until 29 days later!!

The very registered Articles of said company as per "ARTICLE IX COMMENCEMENT" emphatically states "Pursuant to the provisions of Chapter 608, Florida Statutes, this Company shall begin in existence on the 30th of January, 2009 at 12:01 a.m." and the entity name of HHE Utility, LLC was Filed and Recorded on 02/02/09. So a non-existent Company actually committed the promise to pay. I am flabbergasted at questionable trait # 2!! Please DO NOT permit these people to own/manage a Utility company.

I question also, the "BILL OF SALE ABSOLUTE" ON APPROX. PAGE 22 OF 45.

It details "personal property" and "equipment" and office paraphernalia but NOWHERE does it mention 'land, easements or even utility easements.

QUESTION: Just how valid a document can that be if there was no 'utility easements' included in on it?

It has been suggested that a solution to this issue would be a viable proposal for an alternative.

F.S. 153.954 "PART IV" 'Local Government Utilities Assistance Program; state assistance', is just that:

"The Local Government Utilities Assistance Program is established in the department. The department may award financial assistance to a local government in the form of a grant for the purpose of acquiring privately owned water - wastewater utilities. A local government may qualify for financial assistance if the local government documents to the department that the privately owned water-wastewater utility the local government intends to acquire meets the following criteria:".....

The Local Government will be afforded the opportunity to hear the objections from the residents regarding this 'transfer' as steps are being undertaken to alert the necessary department.

DROUGHT CONDITIONS:

Mr Stephens come on to my property to obtain a water sample on April 30th, 2009. My faucet was fully opened and the water was gushing out onto stones for several minutes. Mr Stephens was sitting in his air conditioned truck looking at paperwork. It appeared he was performing an actual "back flush" prior to taking a sample. With all the media recently advising us about DROUGHT conditions and the wasting of water, I really feel he should have either advised me in advance of his impending visit or alerted me at the time to enable me to at the very least, put buckets under to catch this blatant precious water wastage!! I could have then utilized it at my leisure to water plants. It makes plain common sense to me, why not to a possibly impending owner of a Utility company?

In the 'Ni Joint App.' from June 2008 the fact was stated that: SCHEDULE 6.1 (a) REAL PROPERTY
"The following provisions of each Declaration are no longer applicable and have been superseded by changes in Florida law":

Re: #2 EASEMENTS AND SET BACKS plus #9 ASSESSMENT. These two 'Declarations' are in the Heather Hills Estates Rules and Regulations with # 2 pertaining to the *actual property sold to the Stephens*. Who actually owns *what particular land* which is to be included in the sale/purchase, *should* be addressed. A moot point however as the EASEMENTS apparently, **"are no longer applicable"**. (Bolding mine).

The 'ASSESSMENTS' as mentioned above are being queried as to the status of their legality. **BOTH PAGES CONTAINING THIS INFORMATION WERE INITIALED by both Keith and Clara Starkey.**

QUESTION: If Attorney Marsha Rule deemed this information to be legally necessary for the "Ni" application why has it not been deemed legally necessary for *this* application?

Re: With all due respect I question the time allotted for all of the Stephens' business endeavors.

He works for the fire department; she is some form of medical assistant; they both show a business suite in Palmetto, Florida for their "Keller Williams Realty" company real estate business, on their respective business cards; they place a sign outside of the HHE office advising passers by that a 'real estate agent is on duty' within, from which they conduct their business of sales/rentals of homes in HHE; they are owners of various rental properties (*outside of the community of HHE*) each property requiring time & energy to manage; they both work within HHE currently for HHE and as management for the Utility company and in addition they are full time parents of a small child. It would appear to be an overload of responsibilities culminating in much stress.

On January 30th, 2009 I entered the HHE/Keller Williams Realty office to pay the Assessment bill for HHE. Mrs Stephens took my cheque and stamped PAID onto the statement. I enquired as to the meaning of the numbers printed in a box at the bottom of the bill. She said, "nothing". I said "they must mean something if they are in there". More dialog then all hell broke loose. She said **"I don't have time for this"**. She stood up as with full, high school drama queen antics of arm flaying and much finger pointing at the door shouting "get out of this office". After much ado about 'this issue' she went to a cupboard, retrieved a business card and handed it to me with instructions that ***if I ever had any other questions I was to phone her attorney and he would bill me for his answers.....***

Other residents have been subjected to similar conduct. Such an inimical performance was just plain silly. It *should* be part of her job, to answer any questions. Period. And I thought she was a Christian. (Would Jesus have behaved thusly?).

The intent of my question was not to annoy *her* or waste *my* time. It was so completely a sincere enquiry by virtue of the fact that shortly before this incident I had asked the very same question of my attorney for *his* definition of the numbers in the offending little 'box'.

I am of the ilk who pay a bill which is **legally owed**, on time. #'s in that 'box' were unfamiliar to me.

If she was experiencing a harried moment during her job, her response should have been similar to, 'Kenna, I'm busy right now, would you come back another time'. Short and sweet. I would have been most willing to oblige. Inappropriate outbursts of anger in a business office is not that which I, et al deserve or expect to be subjected to.

Re: The Utility purchase price of \$123,123.00.

According to the Book Value of June 2008 it was stated as being valued at \$902.00. QUESTION: Will they be permitted to tender a positive 'acquisition adjustment' which would indeed result in HHE customers paying higher prices via special assessments or 'pass-thru' charges?

The Starkeys, per court records, appear to hold the note for the purchase in January 2008 of the HHE clubhouse/recreation area by the Stephens. A **very large debt owed** and to be paid. (Per Manatee County Court records Book 2243 Page 6569 the contract dated 1-15-08 from the Stephens to the Starkeys quotes **\$1,333,853.31** on the Promissory Note and yet the figure quoted under Parcel ID # 5534700009 Book 2243 Page 6549 dated 1-15-08 "Sale Amount" reads **\$622,900**. I am not going to address the significance of that..... I think that the FPSC should). With *this* existing debt in addition to another impending one, are the Stephens not extending themselves monetarily beyond the realm of reality? Especially in view of the very real possibility that the yearly Assessment (indicated in the Application as yearly salary of \$206,000) charged to the residential community of HHE would appear to be not a legal viable demand/collection. This issue is being most ardently delved into by lawyers in the Tampa area and will no doubt be concluded in a court of law on June 2nd, 2009. It is possible that the 353 households would only owe a minimal amount each year toward the cost of the approx. 40 street lights, perhaps in the region of \$11 per household. Hardly the estimated \$205,000 income expected by the Stephens.

There is no way to confirm that the Stephens have or will have the necessary financial resources to own and operate the Utility, at this time or ever!! Until such Court decision is rendered

Sincerely,


Kenna Gunn 116 50th Avenue, Bradenton FL 34207