

**PROGRAM SECTION  
INSTITUTIONAL CONTROL  
PRE-ATTORNEY-REVIEW CHECKLIST**

OGC # 15-0683  
FILE NAME: The Pep Boys - Manny, Moe + Jack #122  
FAC ID/PROJ. #: 039701091 PROGRAM AREA: Petroleum  
Project Manager: Charles Reyes Phone: (850) 595-0637  
Location: NW-D

☒ ICOR - OGC REVIEW REQUEST - DRC PACKAGE

☐ ALDOCS UPLOAD OF ICOR

☒ FDEP CONTRACT/PROJECT/SITE MANAGER'S TRANSMITTAL MEMO TO OGC  
Includes

☒ CONTRACT/PROJECT/SITE MANAGER'S CHECKLIST

☐ R/C DRAFTER'S TRANSMITTAL OF DRAFT R/C

☒ DRAFT RESTRICTIVE COVENANT

☒ EXHIBIT A \_\_\_\_\_

☐ EXHIBIT B \_\_\_\_\_

☐ EXHIBIT \_\_\_\_\_

☐ EXHIBIT \_\_\_\_\_

☒ DEEDS TO THE PROPERTY

☒ TITLE SEARCH REPORT O+E Report dated 8-17-43 to 1-9-15; updated to 12-23-15

☒ EXHIBIT OF LEGAL DESCRIPTION SEARCHED

☐ DEEDS BACK TO ROOT OF TITLE

☒ ENCUMBRANCES (EASEMENTS, LIENS, ETC)

☒ COUNTY PROPERTY APPRAISER INFORMATION (VERIFICATION) Verified 3-3-16

☐ RELATED PARTIES OR DEP CASES  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ NOTICE SENT TO EASEMENT HOLDER OR BANK

☒ MISCELLANEOUS Proof of Publication Affidavit



# Bay County Property Appraiser

**Dan Sowell, CFA**

 860 W. 11th Street, Panama City, Florida 32401  
 (850) 248-8401 Phone | (850) 248-8449 Fax

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## Owner and Parcel Information

Owner Name	PEP BOYS	Today's Date	March 3, 2016
Mailing Address	MANNY, MOE & JACK 3111 W ALLEGHENY AVE PHILADELPHIA, PA 19132-1116	Parcel Number	14169-060-000
Location Address	821 23RD ST W	Tax District	City of Panama City (District 16)
Property Usage	STORES, 1 (001100)	2015 Final Millage Rates	15.7688
Section Township Range	32-3S-14W	Acreage	2.555
		Homestead	N

[Show Parcel Maps](#)
[Generate Owner List By Radius](#)
[Comparative Market Analysis](#)
[Card View Print](#)
[Show Assessment Notice](#)

## Value Information

	2015 Certified Values	2016 Working Values
Building Value	\$700,729	\$680,990
Extra Feature Value	\$34,657	\$35,907
Land Value	\$702,625	\$702,625
Land Agricultural Value	\$0	\$0
Agricultural (Market) Value	\$0	\$0
Just (Market) Value*	\$1,438,011	\$1,419,522
Assessed Value	\$1,438,011	\$1,419,522
Exempt Value	\$0	\$0
Taxable Value	\$1,438,011	\$1,419,522
Maximum Save Our Homes Portability	\$0	\$0
AGL Amount		

\*Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

[Tax Collector Information](#)

## Legal Information

32 3S 14W -15.45- 91D2 OLD 61ABEG 50' S & 674.92' E OF NW COR TH E 200' S  
 401.21' SWLY 261.78' N 568.64' TO POB ORB 1288 P 1482 & 1484

The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.

## Building Information

Type	Total Area	Gross Leasable Area	Exterior Wall	Roof Cover	Interior Wall	Flooring
STORE RETL	22,704	0	CONC BLOCK	MODULAR MT	MINIMUM	CORK/VTILE
Heating Type	A/C Type	Stories	Actual Year Built	Effective Year Built		Building Sketch
AIR DUCTED	CENTRAL	1	1991	1991		<a href="#">Show Building Sketch</a>

## Extra Features Data

Description	Number of Items	Unit Length x Width x Height	Units	Effective Year Built
ASPH PVMNT	1	50 x 132 x 0	6,600 UT	1991
ASPH PVMNT	1	50 x 75 x 0	3,750 UT	1991
ASPH PVMNT	1	50 x 168 x 0	8,400 UT	1991
ASPH PVMNT	1	75 x 132 x 0	9,900 UT	1991
WALK	1	4 x 132 x 0	528 UT	1991
SPKLER SYS	1	0 x 0 x 0	22,176 UT	1991
SECURITY LIGHTS	1	0 x 0 x 0	7 UT	2002
UDU/INPUT	1	0 x 0 x 0	1 UT	2015
0125	1	0 x 0 x 0	1 UT	2015

## Land Information

LAND USE	NUMBER OF UNITS	UNIT TYPE	Frontage	Depth
COMMERCIAL	2.555	AC	230	484

## Sale Information

Multi-Parcel Sale	Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
No	09-11-1990	\$ 150,000	Warranty Deed	1288	1484	Qualified	Vacant	T.R. MULDOWNNEY	THE PEP BOYS
No	07-18-1990	\$ 75,000	PERSONAL REP DEED	1288	1482	Unqualified	Vacant	SHIRLEY S. CHILDREE	THE PEP BOYS
No	05-01-1984	\$ 80,000	Warranty Deed	974	1663	Qualified	Vacant		

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The Bay County Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. For more detailed land and building information, please click on Card View Print. Information on this site should not be relied upon for insurance related matters. Current year assessments are as of January 1st and are based on previous year sales activity. Website Updated: February 28, 2016

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# INSTITUTIONAL CONTROL TRANSMITTAL PACKAGE

- ☒ DECLARATION OF RESTRICTIVE COVENANT  
☐ MEMORANDUM OF AGREEMENT for RESTRICTIVE COVENANT  
☐ RESTRICTIONS RELYING ON LOCAL GOV'T ORDINANCE  
☐ OTHER: \_\_\_\_\_

The following information is required to open a case in OGC:

TODAY'S DATE: October 29, 2015

PARTY/CLIENT NAME: The Pep Boys – Manny, Moe and Jack  
(this is the name of the PROPERTY OWNER **executing** the document)

FACILITY/SITE ID: 03-9701091  
(FAC ID; COM\_/PROJ#)

SITE NAME: Pep Boys Store #122  
(if referred to by a specific project or the prior owner reference, i.e.: Former Joe's Junk Shop)

DISCHARGE DATE: May 26, 1999  
(for petroleum cleanup sites)

BSRA EXECUTION  
DATE: \_\_\_\_\_  
(for Brownfield sites)

SITE ADDRESS: 821 West 23<sup>rd</sup> Street, Panama City, Florida  
(should be the physical address or location for these matters)

PROGRAM AREA: Permitting/Waste Cleanup  
DISTRICT: Northwest District  
COUNTY: Bay

PROJECT/SITE MANAGER: Charlie Reyes  
(DEP staff)  
CONTACT INFO: (850) 595-0637 carlos.reyes@dep.state.fl.us  
(Phone) (Email)

PROJECT/SITE MANAGER: \_\_\_\_\_  
(DELEGATED Program staff, if any)  
CONTACT INFO: \_\_\_\_\_  
(Phone) (Email)

RELATED CASE(s) #: \_\_\_\_\_  
(if any – may be enforcement matter, or prior DRC)

PARCEL ID # if KNOWN: 14169-060-000



PROPERTY OWNER NAME: \_\_\_ Pep Boys – Manny, Mo and Jack \_\_\_  
ADDRESS: \_\_\_ 3111 West Allegheny Avenue, Philadelphia, PA 19132 \_\_\_  
EMAIL: \_\_\_\_\_  
PHONE: \_\_\_\_\_

PROPERTY REP NAME: \_\_\_ Ms. Angela Banks, Director of Environmental Compliance  
ADDRESS: \_\_\_ 3111 West Allegheny Avenue, Philadelphia, PA 19132 \_\_\_  
EMAIL: \_\_\_ Angela.Banks@pepboys.com \_\_\_  
PHONE: \_\_\_\_\_

CONSULTANT NAME: \_\_\_ Ed Keebler \_\_\_  
ADDRESS: \_\_\_ 201 East Orchard Street, Hammonton, New Jersey \_\_\_  
EMAIL: \_\_\_ ekeebler@ecgroupllc.com \_\_\_  
PHONE: \_\_\_ (609) 704-9990 \_\_\_

\*If another Responsible Party, other than the property owner, is involved in the cleanup, please include their information:

RESPONSIBLE PARTY NAME: \_\_\_ Pep Boys – Manny, Moe & Jack \_\_\_  
CONTACT INFO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*If you are aware of a sale pending the processing of this IC, please include the purchaser's information:

BUYER NAME: \_\_\_\_\_  
CONTACT INFO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE DRC PACKAGE DOCUMENTS: The IC Package should be scanned into Oculus as a single document. The email to the Agency Clerk requesting OGC Review of the IC Package should contain the link to the IC Package to be reviewed.**

**EMAIL completed form and link to: LEA CRANDALL, AGENCY CLERK**  
**Agency\_Clerk@dep.state.fl.us**

**SITE/PROJECT SRCO WITH CONDITIONS**

The Northwest District has reviewed documentation related to a Site Rehabilitation Completion Order (SRCO) with Conditions recommendation for the above-referenced facility, which has a petroleum discharge dated June 22, 2015. The request for the SRCO with Conditions contains the information required in the FDEP Institutional Controls Procedures Guidance Document dated November 2013. It should be noted that the language for the groundwater use restriction has been slightly modified. Herein I have provided a rationale for the Northwest District's concurrence with the SRCO with Conditions recommendation.

Remaining contamination is located only in the groundwater.

**RATIONALE:**

The Northwest District has determined that the requirements of Rule 62-780.860(2), F.A.C., have been met for the above-referenced discharge/incident(s).

Specifically,

- The groundwater contaminant plume is limited to less than a quarter acre. The remaining contaminant levels do not pose an unacceptable risk to human health if groundwater use is restricted.
- The minimal groundwater contamination is being addressed through a restriction in the Draft Declaration that prohibits the use of the groundwater for the entire property. A restriction is also proposed to prohibit the installation of any monitoring wells on the property, which are not pre-approved by FDEP.

It is the Northwest District's opinion that the restrictions proposed in the Draft Declaration are adequate to ensure that remaining contamination will not pose an unacceptable risk to human health.

You will find the Attachment 5 Checklist, proof of property ownership (screenshot from county property appraiser website) and the Draft Institutional Control package at the following link to Oculus:

[http://depedms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&\[guid=11.3193584.1\]&\[profile=Cleanup\\_Remediation\]](http://depedms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&[guid=11.3193584.1]&[profile=Cleanup_Remediation])





**ATTACHMENT 6: SAMPLE SITE/PROJECT  
MANAGER MEMORANDUM TO OGC**

TO: Dan Blackwell, Paralegal, FDEP Office of General Counsel, Mail Station 35  
FROM: Northwest District, 160 West Government Street, Pensacola, Florida 32502  
  
DATE: October 29, 2015  
SUBJECT: SRCO with Conditions Package  
*DEP Facility 03-9701091*  
*821 West 23<sup>rd</sup> Street, Panama City, Florida*  
*Discharge Date: May 26, 1999*

The Northwest District has reviewed documentation related to a Site Rehabilitation Completion Order (SRCO) with Conditions recommendation for the above-referenced facility, which has a petroleum discharge dated May 26, 1999. The request for the SRCO with Conditions contains the information required in the FDEP *Institutional Controls Procedures Guidance Document* dated November 2013. Herein I have provided a rationale for the *Division/Program/District* concurrence with the SRCO with Conditions recommendation.<sup>1</sup>

Contact Information

FDEP Project Manager:

Charlie Reyes  
Telephone #: 850-595-0637  
E-mail Address: carlos.reyes@dep.state.fl.us

Source Property Owner(s):

The Pep Boys – Manny, Moe & Jack  
3111 West Allegheny Avenue  
Philadelphia, Pa, 19132

Property Owner's Representative:

Ms. Angela Banks, Director of Environmental Compliance,  
The Pep Boys – Manny, Moe & Jack  
3111 West Allegheny Avenue  
Philadelphia, PA 19132  
E-mail Address: Angela.Banks@pepboys.com

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<sup>1</sup> Petroleum Local Programs must send this memo to PRP Local Program Coordinator. PRP technical staff will request additional information if necessary or forward the package to FDEP OGC with a memo concurring with the Petroleum Local Program.



Consultant:

Ed Keebler, Director,  
The EC Group  
201 East Orchard Street  
Hammonton, New Jersey  
[ekeebler@ecgroupllc.com](mailto:ekeebler@ecgroupllc.com)  
609-704-9990

Rationale:

The Northwest District has determined that the requirements of Chapter 62-780, F.A.C. have been met for the above-referenced discharge.

Specifically,

- The groundwater contaminant plume is limited to less than a quarter acre. The remaining contaminant levels do not pose an unacceptable risk to human health if groundwater use is restricted.
- The minimal groundwater contamination is being addressed through a restriction in the Draft Declaration that prohibits the use of the groundwater for the entire property. A restriction is also proposed to prohibit the installation of any monitoring wells on the property, which are not pre-approved by FDEP.

It is the Northwest District's opinion that the restrictions proposed in the Draft Declaration are adequate to ensure that remaining contamination will not pose an unacceptable risk to human health.

Attachments:

Draft Restrictive Covenant  
IC Checklist  
Supporting Documents

Pep Boys #122, Panama City, Florida

Restrictive Covenant Checklist



## ATTACHMENT 5: DECLARATION OF RESTRICTIVE COVENANT CHECKLIST

Does site meet statutory and rule requirements that allow an SRCO with conditions? Yes X No \_\_\_\_

What restrictions are necessary to reduce or eliminate the risk of exposure? Consider all affected media (i.e., groundwater, soil, surface water, and/or sediments), and determine which type of restrictions are required for each affected medium.

The following technical checklist applies to RMO II sites, which most commonly have contaminated groundwater and/or soil. For RMO III sites, please explain in the cover memo for the RC package how the rule criteria are met and what restrictions are being proposed for the source property and any other affected properties. Decisions for RMO III contaminated sites are very site-specific and may be based on risk assessment analysis or include properties other than the source property; therefore, these sites do not lend themselves to a simple checklist for the technical aspects of site closure. Additionally, the checklist below is a shortened summary of the details provided in Subsection 62-780.680(2), F.A.C. Please refer to the rule for the specific criteria that must be met.

If **groundwater** is contaminated:

\_\_\_\_ Is an interim control proposed?;

**OR**

X (a) Is the plume stable or shrinking?

X (b) Is the plume contained within the property boundaries?

X (c) Is the plume less than ¼ acre in size? If not, then which of the following alternative scenarios applies (check one or more, as applicable):

(\_\_\_\_) groundwater meets low yield or poor quality designation. Please refer to guidance available at

[http://www.dep.state.fl.us/waste/quick\\_topics/publications/wc/Guidance\\_for\\_Evaluation\\_of\\_Low\\_Yield\\_Poor\\_Quality\\_Criteria.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/wc/Guidance_for_Evaluation_of_Low_Yield_Poor_Quality_Criteria.pdf);

(\_\_\_\_) an engineering control (EC) prevents plume migration. If an EC is used, e.g., a slurry wall, it should be in place and PE-certified, and it should be identified on an exhibit to the RC (usually Exhibit B) that is a Survey showing the size and location of the EC including State Plane Coordinates or geographical coordinates for four corners .

(\_\_\_\_) plume affects or may potentially affect *only* a marine surface water body.

X (d) Does the Property currently include stormwater swales, stormwater detention or retention facilities or ditches? If so, the PRSR should include an exhibit to the RC (usually Exhibit B) that is a survey map identifying the size and location of the existing stormwater features. The RC should include language stating that these existing stormwater features should not

be altered, modified or expanded without prior FDEP Division of Waste Management approval in writing, followed by a recorded amendment to the RC.

If **soil** is contaminated:

- \_\_\_\_\_ (a) **Direct Exposure** criteria have been met. Check one or more of the following, as applicable:
- ☐ The Chapter 62-777, F.A.C., commercial/industrial SCTLs are met;
  - ☐ An engineering control (EC) prevents direct exposure to contaminated soils (which may exceed the commercial/industrial SCTLs with an EC) [See \*Note below];
  - ☐ The soil meets alternative SCTLs using site-specific soil properties;
  - ☐ Soil concentrations of the site-specific fractions of TRPHs do not exceed the Chapter 62-777, F.A.C., commercial/industrial SCTLs for the TRPH fractions;
  - ☐ The 95% UCL approach is utilized to calculate average soil contaminant concentrations. If the 95% UCL approach is used, please describe this in the cover memo and include the exposure unit and parcel size.
- \_\_\_\_\_ (b) **Leachability** criteria have been met. Check one or more of the following, as applicable:
- ☐ Soil contaminant concentrations do not exceed the alternative leachability-based SCTLs established pursuant to Ch. 62-777, F.A.C., Figure 8;
  - ☐ Direct leachability testing was used to meet rule criteria (e.g., SPLP or TCLP); please refer to guidance at [http://www.dep.state.fl.us/waste/quick\\_topics/publications/wc/GuidanceforDeterminingLeachabilitybySPLPAnalysisDraftVersion1-8.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/wc/GuidanceforDeterminingLeachabilitybySPLPAnalysisDraftVersion1-8.pdf);
  - ☐ An EC that prevents water infiltration has been implemented (e.g., an *impervious* cap such as a concrete slab, parking lot, building foundation, etc.) [See \*Note below];
  - ☐ The soil meets alternative SCTLs using site-specific soil properties;
  - ☐ Soil concentrations of the site-specific fractions of TRPHs do not exceed the alternative leachability-based SCTLs for the TRPH fractions;
  - ☐ PRSR has demonstrated, based on site-specific conditions and at least a year of groundwater monitoring data that contaminants will not leach at concentrations that exceed the rule criteria.

**\*Note:** If an EC is used to address either Direct Exposure or Leachability for soil contamination, it must be in place and PE-certified, and it should be identified on an exhibit to the RC (usually Exhibit B) that is a Survey showing the size and location of the EC and including State Plane Coordinates or geographical coordinates for four corners.

\_\_\_\_\_ If soil contamination presents a Direct Exposure threat, and the PRSR is not utilizing an EC, then the Land Use Restriction language listing the prohibited uses is included in the RC.

\_\_\_\_\_ If the PRSR has elected to use an EC to prevent exposure to contaminated soil, then the Land Use Restriction language has been deleted from the RC.

Restriction Location: Entire Property   X   Portion of Property \_\_\_\_\_

Why are these restrictions adequate? (Found in letter to owner preliminarily agreeing to use of conditional SRCO.) Based on analytical results, the site appears to meet the requirements for conditional closure and additional monitoring would not appear to lead to any other conclusion at this time

SRCO will be issued after RC recorded (Final RC).   X  , or  
SRCO will *not* be issued after RC recorded (Interim RC). \_\_\_\_\_

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If a restrictive covenant is appropriate, the following supporting documents should be provided to the FDEP OGC:

Copy of the deed is included. Yes   X   No \_\_\_\_\_

Does the name of the owner/grantee on the deed match the name of the person who claims to be the property owner? Yes   X   No \_\_\_\_\_

Property ownership confirmed on county internet web site. Yes   X   No \_\_\_\_\_

Legal description of the entire property (Exhibit A to covenant) is included even if only a portion of the property will be encumbered/restricted. Yes   X   No \_\_\_\_\_

If only a portion of the parcel will be restricted, then:

A Specific Purpose Survey, Boundary Survey or Sketches to Accompany Descriptions (as defined under Chapter 5J-17, F.A.C.) prepared using the minimum technical standards (MTS)(collectively referred to as a "Survey") should be provided, and it should include four corners labeled with the State Plane Coordinates (SPC) system or geographical coordinates, clearly labeling the attachment as Exhibit "B," and labeling the encumbered area on the attachment as "restricted area" or another phrase that tracks the RC language] (Exhibit B to covenant).

Yes \_\_\_\_\_ No \_\_\_\_\_ N/A   X  

Title Report is included [Title search commences with instrument constituting root of title under Marketable Record Title Act (MRTA) that is at least 30 years old and includes review of all subsequently recorded instruments, and prior recorded instruments that are not eliminated by MRTA.] Yes   X   No \_\_\_\_\_

Tax Lien information – either that lien has been removed or copy of lien—is included. Yes \_\_\_\_\_ No \_\_\_\_\_ N/A   X  

Easements are included (list of any easements & copies of recorded easements.)



Yes X No     N/A    

A Diagram of the location of the easements in relation to the restricted area is included.

Yes X No     N/A    

Leases – copies of all recorded leases, subleases and assigned leases are included.

Yes     No     N/A X

UCC Liens – copies of and releases from any liens are included.

Yes     No     N/A X

A completed and signed Subordination or Joinder and Consent is included only for any liens, leases, easements or other encumbrances that are in material conflict with the provisions of the RC. Yes     No     N/A X

A completed and signed Subordination of Mortgage is included only for each financial institution or lender of existing mortgages for which a material conflict exists with the provisions of the RC. Yes     No     N/A X

Is 95% UCL analysis used? Yes     No X

If yes, what is the exposure unit and parcel size?                     ,                     

Has the PRSR provided actual notice of the proposed IC/EC to **all** mortgagors and holders of liens, leases or other encumbrances on the property?

Yes X No     There are no mortgagors and holders of liens, leases or other encumbrances on the property

Has the PRSR published constructive notice regarding use of IC/EC based upon preliminary approval of the Conditional No Further Action Proposal?

Yes X No    

If yes, where Panama City News Herald and when May 22, 2015?

Has the 30-day comment period elapsed? Yes x No    

Cover memo to Tallahassee is included. Yes x No    

Site/Project Mgr. Name Edward Keebler/The EC Group

Address 201 East Orchard Street, Hammonton, NJ 08037

Email ekeebler@ecgroupllc.com

Phone 609-704-9990

Prop. Owner Rep. Name Edward Keebler/The EC Group

Address 201 East Orchard Street, Hammonton, NJ 08037

Email ekeebler@ecgroupllc.com

Phone 609-704-9990

Prop. Owner Name The Pep Boys - Manny, Moe & Jack/Angela Banks

Address 3111 West Allegheny Avenue, Philadelphia, PA 19132

Email Angela\_Banks@Pepboys.com

Phone 215-430-9645

Contractor Name Apex Environmental

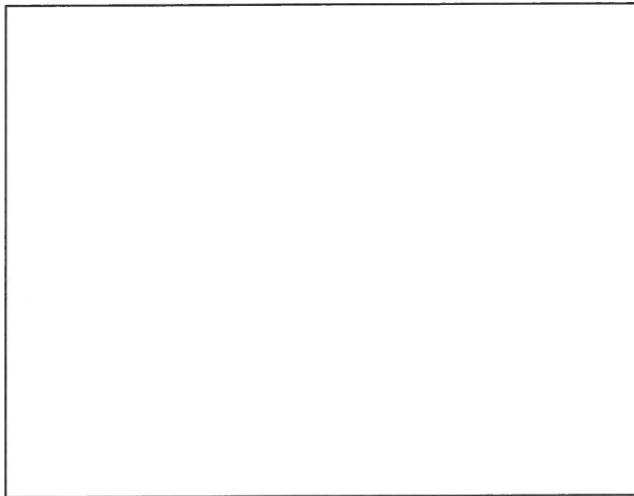
Address 10220 Harney Road NE, Thonotosassa, FL 33592

Email LSchmaltz@apexcoss.com

Phone (813) 248-8558

**MAIL:**

- District-lead sites – mail directly to FDEP OGC Tallahassee.
- Contracted-local-government-lead sites – mail directly to the FDEP Local Program Coordinator who will contact the appropriate Tallahassee technical support for review prior to OGC review.



This instrument prepared by:  
*Joshua Talley, AVP & Supervising Counsel  
Real Estate, Licensing and Environmental  
The Pep Boys – Manny, Moe & Jack,  
3111 West Allegheny Avenue, Philadelphia  
Pennsylvania, 19132*

### **DECLARATION OF RESTRICTIVE COVENANT**

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter "Declaration") is made by The Pep Boys – Manny, Moe & Jack, a Pennsylvania corporation (hereinafter "GRANTOR") and the Florida Department of Environmental Protection (hereinafter "FDEP").

#### **RECITALS**

- A. GRANTOR is the fee simple owner of that certain real property situated in the County of Bay, State of Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Property")
- B. The FDEP Facility Identification Number for the Property is 03-9701091. The facility name at the time of this Declaration is Pep Boys Store #122. This Declaration addresses the discharge that was reported to the FDEP on May 26, 1999.



C. A 550-gallon used oil underground storage tank (UST) was removed in December 1998. A groundwater sample collected at the time of removal indicated naphthalene concentrations in groundwater in excess of the FDEP Groundwater Cleanup Target Level for Resource Protection/Recovery in effect at the time of the UST closure. Groundwater monitoring wells were installed and groundwater investigations were conducted. Active groundwater remediation was conducted during 2003. Additional monitoring wells were installed and periodic groundwater monitoring has been conducted since 2003 to 2014. The long term monitoring indicates a stable plume of contamination. The discharge of petroleum products, including benzene, naphthalene and acenaphthene, along with arsenic, on the Property is documented in the following reports that are incorporated by reference:

1. *Long Term Natural Attenuation Monitoring Report* submitted by Apex Companies, LLC of Thonotosassa, Florida dated October 30, 2013
2. *Long Term Natural Attenuation Monitoring Report* submitted by Apex Companies, LLC of Thonotosassa, Florida dated January 7, 2014
3. *Long Term Natural Attenuation Monitoring Report* submitted by Apex Companies, LLC of Thonotosassa, Florida dated May 27, 2014
4. *Long Term Natural Attenuation Monitoring Report* submitted by Apex Companies, LLC of Thonotosassa, Florida dated September 23, 2014

CI. The reports noted in Recital C set forth the nature and extent of the contamination described in Recital C that is located on the Property. These reports confirm that contaminated groundwater as defined by Chapter 62-780, Florida Administrative Code (F.A.C.), exists on the Property. Also, these reports document that the groundwater contamination does not extend beyond the Property boundary that the extent of the groundwater contamination does not exceed 1/4 acre, and the groundwater contamination is not migrating. This declaration imposes restrictions on the use of groundwater and groundwater should not be utilized. No additional groundwater remediation is proposed.

CII. It is the intent that the restrictions in this Declaration reduce or eliminate the risk of exposure of users or occupants of the Property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

CIII. FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter "Order") upon recordation of this Declaration. FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations of benzene, naphthalene, acenaphthene and arsenic increase above the levels approved in the Order, or if a subsequent discharge occurs at the Property, FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable FDEP rules. The Order relating to FDEP Facility No. 03-9701091 can be found by contacting the appropriate FDEP district office or Tallahassee program area.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Property that an Order be obtained and that the Property be held subject to certain restrictions, all of which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce FDEP to issue the Order and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. GRANTOR hereby imposes the following restrictions and requirements:

a. i. There shall be no use of the groundwater under the Property by Grantor or any future owners of the Property. There shall be no drilling for water conducted on the Property by Grantor or any future owners of the Property, nor shall any wells be installed on the Property by Grantor or any future owners of the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD).

a.ii. For any dewatering activities on the Property by Grantor or any future owners of the Property, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment and disposal of any extracted groundwater that may be contaminated.

a.iii. Attached as Exhibit B, and incorporated by reference herein, is a Survey identifying the size and location of existing stormwater swales, stormwater detention or retention facilities, and ditches on the Property. Such existing stormwater features shall not be altered, modified or expanded by Grantor or any future owners of the Property, and there shall be no construction by Grantor or any future owners of the Property of new stormwater swales, stormwater detention or retention facilities or ditches on the Property without prior written approval from FDEP's DWM in addition to any authorizations required by the DWRM and the WMD. A revised exhibit must be recorded when any stormwater feature is altered, modified, expanded, or constructed.

3. In the remaining paragraphs, all references to "GRANTOR" and "FDEP" shall also mean and refer to their respective successors and assigns.

4. For the purpose of monitoring the restrictions contained herein, FDEP is hereby granted a right of entry upon and access to the Property at reasonable times and with reasonable notice to GRANTOR or any future owners of the Property.



5. It is the intention of GRANTOR that this Declaration shall touch and concern the Property, run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and FDEP, and to any and all parties hereafter having any right, title or interest in the Property or any part thereof. FDEP may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of FDEP to exercise its right in the event of the failure of GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of FDEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and FDEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by these restrictions. If GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally, GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

6. In order to ensure the perpetual nature of this Declaration, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Property, GRANTOR agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by FDEP Secretary (or designee) and is recorded in the public records of the county in which the land is located. To receive prior approval from FDEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and FDEP rules must be achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both GRANTOR (or any future owners of the Property) and FDEP and be recorded by GRANTOR (or any future owners of the Property) as an amendment hereto.

8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of the Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property. GRANTOR also covenants and warrants that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration.

IN WITNESS WHEREOF GRANTOR has executed this instrument, this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_.

GRANTOR

*The Pep Boys – Manny, Moe & Jack*

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3111 West Allegheny Avenue  
Philadelphia, PA 19132

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Date: \_\_\_\_\_  
Witness  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_  
Witness  
Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_, by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_.  
Type of Identification Produced \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

Approved as to form by the Florida Department of Environmental Protection, Office of General Counsel. \_\_\_\_\_.

IN WITNESS WHEREOF, the Florida Department of Environmental Protection has executed this instrument, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_

Emile D. Hamilton  
District Director

*FDEP Northwest District  
160 West Government Street, Suite 308  
Pensacola, Florida 32502-5794*

Signed, sealed and delivered in the presence of:

Witness: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_ as representative for the Florida Department of Environmental Protection.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print Name of Notary Public

Commission No. \_\_\_\_\_

Commission Expires: \_\_\_\_\_

## EXHIBIT A – LEGAL DESCRIPTION

Commence at the Northwest Corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23<sup>rd</sup> Street; thence South 89°19'39" East along said South right of way line for 674.92 feet to the Point of Beginning; thence continue South 89°19'39" East along said South right way line for 200.00 feet; thence South 01°05'48" West for 401.21 feet to the Northwesterly line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68 in the Public Records of Bay County, Florida; thence South 50°54'48" West along the Northwesterly line of Lots 15, 14, 13, and 12, Edgewood, according to said Plat for 261.78 feet; thence North 01°05'48" East for 568.64 feet to the Point of Beginning.

Subject to easements granted to the City of Panama City, Florida, by instruments dated August 2, 1983, and recorded in Bay County Official Records Book 942, at Pages 188 and 193; Easement from Joe E. Hutchison and wife, Groedell M. Hutchison to City of Panama City, Florida, dated June 9, 1969 and recorded in Bay County Official Records Book 277 at Page 53; and Easement granted to Gulf Power Company dated February 12, 1976, and recorded in Bay County Official Records Book 567 at Page 744.



EXHIBIT B – SITE SURVEY

DRAFT

POC  
NW CORNER OF THE NW  
1/2 SECTION 32, T5S,  
R14W, BAY COUNTY, FLORIDA

GRID N:434539.087  
GRID E:1597898.950  
LATITUDE: 30°11'22.645"  
LONGITUDE: -85°40'22.973"

# WEST 23RD STREET STATE ROUTE 368 (120' R/W)

GRID N:434534.293  
GRID E:1598098.890  
LATITUDE: 30°11'22.617"  
LONGITUDE: -85°40'20.694"

## BOUNDARY SURVEY OF RESTRICTED PROPERTY FOR

### PEP BOYS

821 23RD STREET WEST, PANAMA CITY,  
FLORIDA BEING IN SECTION 32, TOWNSHIP 3  
SOUTH, RANGE 14 WEST, BAY COUNTY,  
FLORIDA

SURVEY DATE: MAY 11, 2015  
PLAT DATE: MAY 18, 2015



NOTE:  
STORM PIPES FROM DROP  
INLETS AND POND ARE UNDER DEBRIS  
AND WATER AND CANNOT BE VERIFIED

PROPERTY OF  
SIDNEY SAVELLE, TRUSTEE  
OR BOOK 1369, PG 311

## SURVEYOR'S LEGAL DESCRIPTION BASED UPON NAD 1983 COORDINATE SYSTEM RESTRICTED PROPERTY

Commence at the Northwest Corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence S 89 degrees 19 minutes 39 seconds E along said South right of way line for 674.92 feet to the Point of Beginning; thence continue S 89 degrees 37 minutes 35 seconds E along said South right of way line for 200.00 feet; thence S 01 degree 48 minutes 24 seconds W for 401.21 feet to the Northwest line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida; thence S 51 degrees 37 minutes 48 seconds W along the Northwest line of Lots 15, 14, 13 and 12, Edgewood, according to said plat for 261.76 feet; thence N 01 degree 48 minutes 27 seconds E for 568.49 feet to the Point of Beginning.

## RECORD LEGAL DESCRIPTION

Commence at the Northwest Corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence S 89 degrees 19 minutes 39 seconds E along said South right of way line for 674.92 feet to the Point of Beginning; thence continue S 89 degrees 37 minutes 35 seconds E along said South right of way line for 200.00 feet; thence S 01 degree 48 minutes 24 seconds W for 401.21 feet to the Northwest line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida; thence S 50 degrees 54 minutes 48 seconds W along the Northwest line of Lots 15, 14, 13 and 12, Edgewood, according to said plat for 261.76 feet; thence N 01 degree 05 minutes 48 seconds E for 568.64 feet to the Point of Beginning.

**Southeastern Surveying, Inc.**  
601 N. St. Augustine Rd. Telephone: 228-259-8455  
Valdosta, GA 31601 Fax: 228-259-9928  
E-mail: btherring@southeastsurveying.com  
GA Certificate of Authorization No. 685

BARBARA L. HERRING, RLS  
FLORIDA LICENSE #194  
CORPORATE LICENSE #7091  
DATED: MAY 11, 2015

THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO THE SURVEY MAPS OR REPORTS  
BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED  
WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES

PROPERTY OF  
SEVEN FOUR ONE WEST 23 LLC  
OR BOOK 3679, PG 482

### PEP BOYS

821 23RD STREET WEST  
PANAMA CITY, FL  
TAX NUMBER 14159-080-000  
OR BOOK 1288, PG 1484

GRID N:434133.368  
GRID E:1598086.244  
LATITUDE: 30°11'18.648"  
LONGITUDE: -85°40'20.791"

PROPERTY OF  
THE NEW JERSEY LIVING TRUST  
ORB 2545, PG 897  
LOT 15

PROPERTY OF  
ROBERT C. DRISKELL,  
PB 8, PG 68  
LOT 14

PROPERTY OF  
LOIS B. LAWRENCE  
PB 8, PG 68  
LOT 13

PROPERTY OF  
VIRGINIA M. LAWYER, ETAL  
ORB 1448, PG 1901  
LOT 12

## LEGEND

- UG - UNDERGROUND GAS
  - PG - PAGE
  - OR - OFFICIAL RECORD
  - N - NORTH
  - S - SOUTH
  - E - EAST
  - W - WEST
  - ⊙ - SEWER MANHOLE
  - ⊙ - DROP INLET
  - D1 - GUY WIRE
  - ⊙ - CLEAN OUT
  - ⊙ - WATER VALVE
  - ⊙ - GAS VALVE/METER
  - ⊙ - ELEC METER
  - ⊙ - LIGHT
  - ⊙ - WATER METER
  - ⊙ - FIRE HYDRANT
  - ⊙ - STORM MANHOLE
  - ⊙ - MONITORING WELL
  - ⊙ - HANDICAP PARKING
  - I.P.S. - IRON PIN SET - 5/8" REBAR
  - I.P.F. - IRON PIN FOUND
  - C.M.F. - CONCRETE MONUMENT FOUND
  - R/W - RIGHT OF WAY
  - X-X- - FENCE
  - ⊙ - POWER POLE
  - ⊙ - OVERHEAD UTILITY
  - ⊙ - UNDERGROUND ELECTRIC
- EQUIPMENT USED: TOPCON AP-11A "TOTAL STATION"  
FIELD CLOSURE: 1/710,000  
ANGLE ERROR: 2"/PT  
METHOD OF ADJUSTMENT: RADIAL  
PLAT CLOSURE: 1/169,415  
BEARINGS SHOWN WERE CALCULATED FROM  
FIELD ANGLES TURNED REFERENCED TO  
NAD 1983 FLORIDA ZONE NORTH

ATTACHMENT A: CERTIFIED COPY OF DEED

DRAFT

\*\* OFFICIAL RECORDS \*\*  
BK 1288 PG 1484

Prepared By:  
Janet R. Seligman, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103

FILE# 90-32557  
BAY COUNTY, FLORIDA

WARRANTY DEED (Statutory Form - Section 689.02 F.S.)

THIS INDENTURE, Made this the 11th of September, 1990,  
BETWEEN T. R. MULDOWNEY, of the County of Bay, State of Florida,  
(hereinafter referred to as "Grantor"), and THE PEP BOYS - MANNY,  
MOE & JACK, a Pennsylvania corporation qualified to do business  
in the State of Florida, whose principal place of business is  
located at 3111 West Allegheny Avenue, Philadelphia, Pennsylvania  
19132 (hereinafter referred to as "Grantee").

WITNESSETH, That said Grantor, for and in consideration of the  
sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), and  
other good and valuable considerations to said Grantor in hand  
paid by said Grantee, the receipt whereof is hereby acknowledged,  
has granted, bargained and sold to the said Grantee, and  
Grantee's successors and assigns forever, the following described  
land, situate, lying and being in Bay County, Florida, to-wit:

Commence at the Northwest Corner of Section 32, Township 3  
South, Range 14 West, Bay County, Florida; thence South along  
the West line of said Section 32 for 50.00 feet to the South  
right of way line of 23rd Street; thence S89°19'39"E along  
said South right of way line for 674.92 feet to the Point of  
Beginning; thence continue S89°19'39"E along said South right  
of way line for 200.00 feet; thence S01°05'48" for 401.21  
feet to the Northwesterly line of Lot 15, Edgewood, according  
to the plat recorded in Plat Book 8, Page 68, in the Public  
Records of Bay County, Florida; thence S50°54'48"W along the  
Northwesterly line of Lots 15, 14, 13 and 12, Edgewood,  
according to said Plat for 261.78 feet; thence N01°05'48"E  
for 568.64 feet to the Point of Beginning.

Subject to easements and restrictions of record, if any,  
which are specifically not extended or reimposed hereby.

Real Estate Tax Parcel No.: 14169-060-000  
Grantor herein affirms the above described property not homestead.  
And said Grantor does hereby fully warrant the title to said  
land, and will defend the same against the lawful claims of all  
persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and  
seal the day and year first above written.

Signed, sealed and delivered  
in our presence:

Witness [Signature]

T.R. Muldowney (Seal)  
T.R. Muldowney

Witness [Signature]

BCL #800-105075 DT

Real Une. Tax Pd. \$ 412.50  
Mtg. Doc. Tax Pd. \$         
Intangible Tax Pd. \$         
Harold Bozzel, Clerk, Bay County  
By: [Signature] DC

STATE OF FLORIDA

COUNTY OF BAY

.. OFFICIAL RECORDS ..  
BK 1288 PG 1485

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared T.R. MULDOWNY to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same and that the premises herein conveyed is not homestead.

WITNESS my hand and official seal in the County and State last aforesaid this the 11th day of September, 1990.

Joseph V. Meadwell  
Notary Public, State of Florida

My Commission Expires: 5/25/92

RECORD AND RETURN TO: BCL #800-105075 DT  
Janet R. Seligman, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103

RCD: SEP 12 1990 @ 4:22 PM  
HAROLD BAZZEL, CLERK



A CERTIFIED TRUE COPY  
BILL KINSAUL CLERK  
OF THE CIRCUIT COURT

By Gabriela Barbo  
Deputy Clerk

**Updated O + E Report**  
**Westcor Land Title**  
**INSURANCE COMPANY**

**OWNERSHIP AND ENCUMBRANCE REPORT**

**SEARCH NO. 15-58109 RUSH**

**AGENT NO. FL1008**

**THE ATTACHED REPORT IS ISSUED TO DIAMOND TITLE AGENCY, INC. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY WESTCOR LAND TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP AND ENCUMBRANCE REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE SUM OF \$1,000.00**

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of record of the land described herein together with current ad valorem tax information and a listing and copies of all open or unsatisfied leases, mortgages and judgments recorded in the Official Records Books of Bay County, Florida that appear to encumber the title to said land. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity of sufficiency of any document attached, or is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership and Encumbrance Report and the documents attached hereto.

**Period searched: From 01/09/2015 to 12/23/2015 @ 08:00 AM**

The land referred to herein is described as follows:

Commence at the Northwest Corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence S 89 degrees 19 minutes 39 seconds E along said South right of way line for 674.92 feet to the Point of Beginning; thence continue S 89 degrees 19 minutes 39 seconds E along said South right of way line for 200.00 feet; thence S 01 degree 05 minutes 48 seconds W for 401.21 feet to the Northwestern line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida; thence S 50 degrees 54 minutes 48 seconds W along the Northwestern line of Lots 15, 14, 13 and 12, Edgewood, according to said plat for 261.78 feet; thence N 01 degree 05 minutes 48 seconds E for 568.64 feet to the Point of Beginning.

**Westcor Land Title Insurance Company**

Telephone #(866) 200-3366

Dated: December 24, 2015

DOCUMENT APPROVED "JUNE 18, 1993", BY THE INSURANCE DEPARTMENT OF THE STATE OF FLORIDA



Page 2

**OWNERSHIP AND ENCUMBRANCE REPORT**

Plant Order #. **15-58109**

Record Title appears to be vested in:

**The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation**

by virtue of the following:

**Deeds recorded in Official Records Book 1288, Pages 1482 and 1484, of the Public Records of Bay County, Florida.**


Ad Valorem taxes appear to be paid through the year **2015**

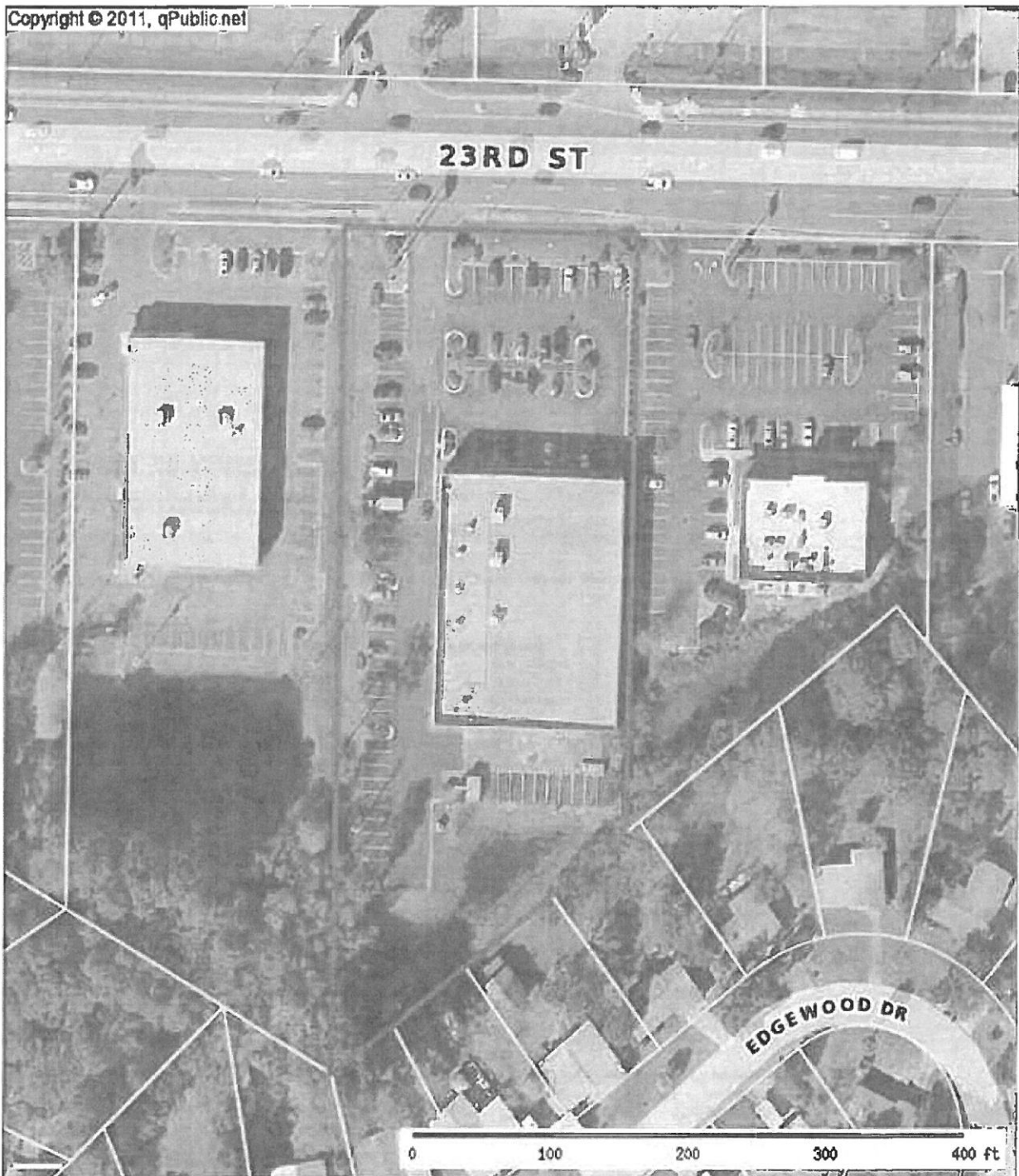
**Encumbrances:**

1. Payment of any special lien/assessments imposed by City, County, and/or State.

NOTE: This County may have special lien/assessments imposed by the local municipality. These lien/assessments are not discovered in a title search or shown above. These special assessments typically create a lien on real property. The municipality which governs subject property must be contacted to verify payment status.

2. No new documents found since 01/09/2015 and Order # 15-1695.

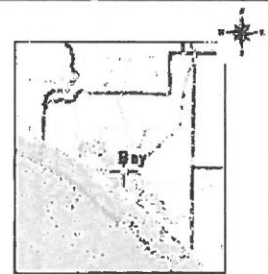
Sales In Area		Previous Parcel		Next Parcel		Return to Main Search		Bay Home																																																			
<div>  <div> <b>Bay County</b>  <b>Property Appraiser</b> </div> <div> <b>Dan Sowell, CFA</b>            560 W. 11th Street Panama City, Florida 32401            (850) 248-8401 Phone   (850) 248-8449 Fax         </div> </div>																																																											
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<div> <div>Value Information</div> <table> <thead> <tr> <th></th> <th>2016 Working Values</th> <th>2015 Certified Values</th> </tr> </thead> <tbody> <tr> <td>Building Value</td> <td>\$580,990</td> <td>\$700,729</td> </tr> <tr> <td>Extra Feature Value</td> <td>\$35,907</td> <td>\$34,657</td> </tr> <tr> <td>Land Value</td> <td>\$702,625</td> <td>\$702,625</td> </tr> <tr> <td>Land Agricultural Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Agricultural (Market) Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just (Market) Value*</td> <td>\$1,419,522</td> <td>\$1,438,011</td> </tr> <tr> <td>Assessed Value</td> <td>\$1,419,522</td> <td>\$1,438,011</td> </tr> <tr> <td>Exempt Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Taxable Value</td> <td>\$1,419,522</td> <td>\$1,438,011</td> </tr> <tr> <td>Maximum Save Our Homes Portability</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>AGL Amount</td> <td></td> <td></td> </tr> </tbody> </table> <div>           32 3S 14W -15.45- 91D2 OLD 61ABEG 50' S &amp; 674.92' E OF NW COR TH E 200' S            401.21' SWLY 261.78' N 568.64' TO POB ORB 1288 P 1482 &amp; 1484            The legal description shown here may be condensed for assessment            purposes. Exact description should be obtained from the recorded deed.         </div> </div>											2016 Working Values	2015 Certified Values	Building Value	\$580,990	\$700,729	Extra Feature Value	\$35,907	\$34,657	Land Value	\$702,625	\$702,625	Land Agricultural Value	\$0	\$0	Agricultural (Market) Value	\$0	\$0	Just (Market) Value*	\$1,419,522	\$1,438,011	Assessed Value	\$1,419,522	\$1,438,011	Exempt Value	\$0	\$0	Taxable Value	\$1,419,522	\$1,438,011	Maximum Save Our Homes Portability	\$0	\$0	AGL Amount																
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<p>The Bay County Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. For more detailed land and building information, please click on Card View Print. Information on this site should not be relied upon for insurance related matters. Current year assessments are as of January 1st and are based on previous year sales activity. Website updated: December 20, 2015</p> <p>© 2011 by the County of Bay, FL Website design by <a href="#">qpublic.net</a></p>																																																											



GIS Map

Parcel: 14169-060-000 Acres: 2.555

Name:	PEP BOYS	Land Value	702,625
Site:	821 23RD ST W	Building Value	680,990
Sale:	\$150,000 on 09-1990 Reason=Y Qual=Q	Misc Value	35,907
Map:	MANNY, MOE & JACK 3111 W ALLEGHENY AVE PHILADELPHIA, PA 191321116	Just Value	1,419,522
		Assessed Value	1,419,522
		Exempt Value	0
		Taxable Value	1,419,522



Bay County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Date printed: 12/24/15 : 10:45:06

## NOTICE OF AD VALOREM TAXES &amp; NON-AD VALOREM ASSESSMENTS

BILL # R 461070 2015

REAL ESTATE TAX/NOTICE RECEIPT FOR BAY COUNTY

Property Appraisers Site

PROPERTY # R 14169-060-000

AD VALOREM TAXES		
TAXING AUTHORITY	MILLAGE RATE	TAX AMOUNT
SCHOOL RLE	.00495900	\$7,131.10
COUNTY	.00465000	\$6,686.75
PANAMA CITY	.00397400	\$5,714.66
NW FL WATER MGT	.00003780	\$54.36
CO MOSQUITO	.00020000	\$287.60
SCHOOL DISC	.00194800	\$2,801.25
<b>TOTAL AD-VALOREM:</b>		<b>\$22,675.72</b>
NON-AD VALOREM ASSESSMENTS		
TAXING AUTHORITY		TAX AMOUNT
<b>TOTAL NON-AD VALOREM:</b>		<b>\$0.00</b>

**COMBINED TAXES & ASMTS: \$22,675.72****DISCOUNT: \$907.03****UNPAID BALANCE: \$0.00**

Exemptions:

Property Address:

821 23RD ST W  
PANAMA CITY 32405

**PEP BOYS  
MANNY, MOE & JACK  
3111 W ALLEGHENY AVE  
PHILADELPHIA, PA 19132-1116**

2.555 ACRES  
32 3S 14W - 15.45' 91D2 OLD 61A  
BEG 50' S & 674/92' E OF NW  
COR TH E 200' S 481.21' SWLY

FAIR MKT VALUE	\$1,438,011.00	DIST	16
ASSESS	\$1,438,011.00	EXEMPT VALUE	\$0.00
TAXABLE VALUE	\$1,438,011.00		

\*\* PAID \*\*

Last Payment: 11/24/2015 Receipt number: 5266848

Amount Collected: \$21,768.69 Discount Amount: \$907.03

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made this 18<sup>th</sup> day of July, 1990, by and between Shirley S. Childree as Personal Representative of the Estate of Jesse M. Childree, deceased, Grantor, as to an undivided one-half interest, and The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation, whose address is 3111 Allegheny S.C. Avenue, Pittsburgh, Pennsylvania 15132, Grantee :

WITNESSETH;

That for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, and pursuant to authority vested in Grantor under that Order of the Circuit Court, Bay County, Florida, dated July 5, 1990, Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors S.C. and assigns, the following described property located in Bay County, Florida:

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 674.92 feet to the Point of Beginning. Thence continue South 89°19'39" East along said South right of way line for 200.00 feet; thence South 01°05'48" West for 401.21 feet to the Northwestern line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida. Thence South 50°54'48" West along the Northwestern line of Lots 15, 14, 13 and 12, Edgewood, according to said Plat for 261.78 feet; thence North 01°05'48" East for 568.64 feet to the Point of Beginning.

Grantor herein affirms the above described property not homestead.

TO HAVE AND TO HOLD in as full and ample manner as held and enjoyed by the said Jesse Childree during his lifetime.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand

Deed Doc. Tax Pd. \$ 412.50  
Mtg. Doc. Tax Pd. \$ \_\_\_\_\_  
Intangible Tax Pd. \$ \_\_\_\_\_  
Harold Eozzel, Clerk, Bay County  
By: RE D.C.

and seal, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Telly M. Redfern

Karen M. Delaney

Shirley S. Childree (SEAL)  
Shirley S. Childree  
Personal Representative for  
the Estate of Jesse Childree

STATE OF FLORIDA  
COUNTY OF BAY

I HEREBY CERTIFY that on this day, before me, an officer  
duly authorized in the State aforesaid and in the County afore-  
said to take acknowledgments, personally appeared Shirley S.  
Childree to me known to be the person described in and who  
executed the foregoing instrument and she acknowledged before me  
that she executed the same for the uses and purposes therein  
expressed.

WITNESS my hand and official seal in the County and State  
last aforesaid this 18<sup>th</sup> day of July, 1990.

Karen M. Delaney  
Notary Public

My commission expires:

12-13-92



ROD: SEP 12 1990 @ 4:22 PM  
HAROLD BAZZEL, CLERK



.. OFFICIAL RECORDS ..  
BK 1288 PG 1484

Prepared By:  
Janet R. Seligman, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103

FILE# 90-32557  
BAY COUNTY, FLORIDA

WARRANTY DEED (Statutory Form - Section 689.02 F.S.)

THIS INDENTURE, Made this the 11th of September, 1990,  
BETWEEN T. R. MULDOWNEY, of the County of Bay, State of Florida,  
(hereinafter referred to as "Grantor"), and THE PEP BOYS - MANNY,  
MOE & JACK, a Pennsylvania corporation qualified to do business  
in the State of Florida, whose principal place of business is  
located at 3111 West Allegheny Avenue, Philadelphia, Pennsylvania  
19132 (hereinafter referred to as "Grantee").

WITNESSETH, That said Grantor, for and in consideration of the  
sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), and  
other good and valuable considerations to said Grantor in hand  
paid by said Grantee, the receipt whereof is hereby acknowledged,  
has granted, bargained and sold to the said Grantee, and  
Grantee's successors and assigns forever, the following described  
land, situate, lying and being in Bay County, Florida, to-wit:

Commence at the Northwest Corner of Section 32, Township 3  
South, Range 14 West, Bay County, Florida; thence South along  
the West line of said Section 32 for 50.00 feet to the South  
right of way line of 23rd Street; thence S89°19'39"E along  
said South right of way line for 674.92 feet to the Point of  
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feet to the Northwesterly line of Lot 15, Edgewood, according  
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Records of Bay County, Florida; thence S50°54'48"W along the  
Northwesterly line of Lots 15, 14, 13 and 12, Edgewood,  
according to said Plat for 261.78 feet; thence N01°05'48"E  
for 568.64 feet to the Point of Beginning.

Subject to easements and restrictions of record, if any,  
which are specifically not extended or reimposed hereby.

Real Estate Tax Parcel No.: 14169-060-000  
Grantor herein affirms the above described property not homestead.  
And said Grantor does hereby fully warrant the title to said  
land, and will defend the same against the lawful claims of all  
persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and  
seal the day and year first above written.

Signed, sealed and delivered  
in our presence:

Witness

T.R. Muldowney (Seal)  
T.R. Muldowney

Witness

BCL #800-105075 DT

Read One Tax Pd. \$ 412.50

Mtg. Doc. Tax Pd. \$       

Intangible Tax Pd. \$       

Harold Bazzel, Clerk, Bay County

By: RB RC

STATE OF FLORIDA

COUNTY OF BAY

.. OFFICIAL RECORDS ..  
BK 1288 PG 1485

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared T.R. MULDOWNNEY to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same and that the premises herein conveyed is not homestead.

WITNESS my hand and official seal in the County and State last aforesaid this the 11th day of September, 1990.

Debbie Wadwell  
Notary Public, State of Florida

My Commission Expires: 5/27/92

RECORD AND RETURN TO: BCL #800-105075 DT  
Janet R. Seligman, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103

RCD: SEP 12 1990 @ 4:22 PM  
HAROLD BAZZEL, CLERK

# **Westcor Land Title**

## **INSURANCE COMPANY**

### **OWNERSHIP AND ENCUMBRANCE REPORT**

**SEARCH NO. 15-58109 RUSH**

**AGENT NO. FL1008**

**THE ATTACHED REPORT IS ISSUED TO DIAMOND TITLE AGENCY, INC. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY WESTCOR LAND TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP AND ENCUMBRANCE REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE SUM OF \$1,000.00**

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of record of the land described herein together with current ad valorem tax information and a listing and copies of all open or unsatisfied leases, mortgages and judgments recorded in the Official Records Books of Bay County, Florida that appear to encumber the title to said land. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity of sufficiency of any document attached, or is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership and Encumbrance Report and the documents attached hereto.

Period searched: From 01/09/2015 to 12/23/2015 @ 08:00 AM

The land referred to herein is described as follows:

Commence at the Northwest Corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence S 89 degrees 19 minutes 39 seconds E along said South right of way line for 674.92 feet to the Point of Beginning; thence continue S 89 degrees 19 minutes 39 seconds E along said South right of way line for 200.00 feet; thence S 01 degree 05 minutes 48 seconds W for 401.21 feet to the Northwesterly line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida; thence S 50 degrees 54 minutes 48 seconds W along the Northwesterly line of Lots 15, 14, 13 and 12, Edgewood, according to said plat for 261.78 feet; thence N 01 degree 05 minutes 48 seconds E for 568.64 feet to the Point of Beginning.

**Westcor Land Title Insurance Company**

Telephone #(866) 200-3366

Dated: December 24, 2015

**DOCUMENT APPROVED "JUNE 18, 1993", BY THE INSURANCE DEPARTMENT OF THE STATE OF FLORIDA**

Ownership and Encumbrance Report.RTF

OWNERSHIP AND ENCUMBRANCE REPORT

Plant Order #. **15-58109**

Record Title appears to be vested in:

**The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation**

by virtue of the following:

**Deeds recorded in Official Records Book 1288, Pages 1482 and 1484, of the Public Records of Bay County, Florida.**

Ad Valorem taxes appear to be paid through the year **2015**


Encumbrances:

1. Payment of any special lien/assessments imposed by City, County, and/or State.

NOTE: This County may have special lien/assessments imposed by the local municipality. These lien/assessments are not discovered in a title search or shown above. These special assessments typically create a lien on real property. The municipality which governs subject property must be contacted to verify payment status.

2. No new documents found since 01/09/2015 and Order # 15-1695.



Sales In Area		Previous Parcel		Next Parcel		Return to Main Search		Bay Home																																																			
<div>  <div> <b>Bay County</b>  <b>Property Appraiser</b> </div> <div> <b>Dan Sowell, CFA</b>            560 W. 11th Street, Panama City, Florida 32401            (850) 248-8401 Phone / (850) 248-8449 Fax         </div> </div>																																																											
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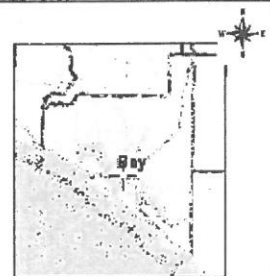




## GIS Map

Parcel: 14169-060-000 Acres: 2.555

Name:	PEP BOYS	Land Value:	702,625
Site:	821 23RD ST W	Building Value:	680,990
Sale:	\$150,000 on 09-1990 Reason=Y Qual=Q	Misc Value:	35,907
Map:	MANNY, MOE & JACK 3111 W ALLEGHENY AVE PHILADELPHIA, PA 191321116	Just Value:	1,419,522
		Assessed Value:	1,419,522
		Exempt Value:	0
		Taxable Value:	1,419,522



Bay County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Date printed: 12/24/15 : 10:45:06

## NOTICE OF AD VALOREM TAXES &amp; NON-AD VALOREM ASSESSMENTS

BILL # R 461070 2015

REAL ESTATE TAX/NOTICE RECEIPT FOR BAY COUNTY

[Property Appraisers Site](#)

PROPERTY # R 14169-060-000

AD VALOREM TAXES		
TAXING AUTHORITY	MILLAGE RATE	TAX AMOUNT
SCHOOL RLE	.00495900	\$7,131.10
COUNTY	.00465000	\$6,686.75
PANAMA CITY	.00397400	\$5,714.66
NW FL WATER MGT	.00003780	\$54.36
CO MOSQUITO	.00020000	\$287.60
SCHOOL DISC	.00194800	\$2,801.25
<b>TOTAL AD-VALOREM:</b>		<b>\$22,675.72</b>

NON-AD VALOREM ASSESSMENTS	
TAXING AUTHORITY	TAX AMOUNT
<b>TOTAL NON-AD VALOREM:</b>	<b>\$0.00</b>

**COMBINED TAXES & ASMTS: \$22,675.72****DISCOUNT: \$907.03****UNPAID BALANCE: \$0.00****Exemptions:**

**Property Address:**  
821 23RD ST W  
PANAMA CITY 32405

**PEP BOYS  
MANNY, MOE & JACK  
3111 W ALLEGHENY AVE  
PHILADELPHIA, PA 19132-1116**

2.555 ACRES  
32 3S 14W 15.45 91D2 OLD 61A  
BEG 50' S & 674/92' E OF NW  
COR TH E 200' S 401.21' SWLY

FAIR MKT VALUE	\$1,438,011.00	DIST	16
ASSESS	\$1,438,011.00	EXEMPT VALUE	\$0.00
TAXABLE VALUE	\$1,438,011.00		

**\*\* PAID \*\*****Last Payment: 11/24/2015 Receipt number: 5266848****Amount Collected: \$21,768.69 Discount Amount: \$907.03**

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made this 18<sup>th</sup> day of July, 1990, by and between Shirley S. Childree as Personal Representative of the Estate of Jesse M. Childree, deceased, Grantor, as to an undivided one-half interest, and The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation, whose address is 3111 Allegheny S.C. Avenue, Pittsburgh, Pennsylvania 19132, Grantee :

WITNESSETH;

That for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, and pursuant to authority vested in Grantor under that Order of the Circuit Court, Bay County, Florida, dated July 5, 1990, Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors S.C. and assigns, the following described property located in Bay County, Florida:

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 674.92 feet to the Point of Beginning. Thence continue South 89°19'39" East along said South right of way line for 200.00 feet; thence South 01°05'48" West for 401.21 feet to the Northwestern line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida. Thence South 50°54'48" West along the Northwestern line of Lots 15, 14, 13 and 12, Edgewood, according to said Plat for 261.78 feet; thence North 01°05'48" East for 568.64 feet to the Point of Beginning.

Grantor herein affirms the above described property not homestead.

TO HAVE AND TO HOLD in as full and ample manner as held and enjoyed by the said Jesse Childree during his lifetime.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand

Deed Doc. Tax Pd. \$ 412.50  
Mtg. Doc. Tax Pd. \$ \_\_\_\_\_  
Intangible Tax Pd. \$ \_\_\_\_\_  
Harold Bazzel, Clerk, Bay County  
By: RE D.C.

and seal, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Telby M. Redfern  
Karen M. Delaney

Shirley S. Childree (SEAL)  
Shirley S. Childree  
Personal Representative for  
the Estate of Jesse Childree

STATE OF FLORIDA  
COUNTY OF BAY

I HEREBY CERTIFY that on this day, before me, an officer  
duly authorized in the State aforesaid and in the County afore-  
said to take acknowledgments, personally appeared Shirley S.  
Childree to me known to be the person described in and who  
executed the foregoing instrument and she acknowledged before me  
that she executed the same for the uses and purposes therein  
expressed.

WITNESS my hand and official seal in the County and State  
last aforesaid this 18<sup>th</sup> day of July, 1990.

Karen M. Delaney  
Notary Public

My commission expires:

12-13-92



RCD: SEP 12 1990 @ 4:22 PM  
HAROLD BAZZEL, CLERK

.. OFFICIAL RECORDS ..  
BK 1288 PG 1484

Prepared By:  
Janet R. Seligman, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103

FILE# 90-32557  
BAY COUNTY, FLORIDA

WARRANTY DEED (Statutory Form - Section 689.02 F.S.)

THIS INDENTURE, Made this the 11th of September, 1990,  
BETWEEN T. R. MULDOWNY, of the County of Bay, State of Florida,  
(hereinafter referred to as "Grantor"), and THE PEP BOYS - MANNY,  
MOE & JACK, a Pennsylvania corporation qualified to do business  
in the State of Florida, whose principal place of business is  
located at 3111 West Allegheny Avenue, Philadelphia, Pennsylvania  
19132 (hereinafter referred to as "Grantee").

WITNESSETH, That said Grantor, for and in consideration of the  
sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), and  
other good and valuable considerations to said Grantor in hand  
paid by said Grantee, the receipt whereof is hereby acknowledged,  
has granted, bargained and sold to the said Grantee, and  
Grantee's successors and assigns forever, the following described  
land, situate, lying and being in Bay County, Florida, to-wit:

Commence at the Northwest Corner of Section 32, Township 3  
South, Range 14 West, Bay County, Florida; thence South along  
the West line of said Section 32 for 50.00 feet to the South  
right of way line of 23rd Street; thence S89°19'39"E along  
said South right of way line for 674.92 feet to the Point of  
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according to said Plat for 261.78 feet; thence N01°05'48"E  
for 568.64 feet to the Point of Beginning.

Subject to easements and restrictions of record, if any,  
which are specifically not extended or reimposed hereby.

Real Estate Tax Parcel No.: 14169-060-000  
Grantor herein affirms the above described property not homestead.  
And said Grantor does hereby fully warrant the title to said  
land, and will defend the same against the lawful claims of all  
persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and  
seal the day and year first above written.

Signed, sealed and delivered  
in our presence:

Witness [Signature]

T.R. Muldowney (Seal)  
T.R. Muldowney

Debbie Readwell  
Witness

BCL #800-105075 DT

Prod Ont. Tax Pd. \$ 412.50  
Mtg. Doc. Tax Pd. \$         
Intangible Tax Pd. \$         
Harold Bazzel, Clerk, Bay County  
By: [Signature] DC



STATE OF FLORIDA

COUNTY OF BAY

-- OFFICIAL RECORDS --  
BK 1288 PG 1486

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared T.R. MULDOWNEY to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same and that the premises herein conveyed is not homestead.

WITNESS my hand and official seal in the County and State last aforesaid this the 11th day of September, 1990.

Debbi. Wadwell  
Notary Public, State of Florida

My Commission Expires: 5/27/92

RECORD AND RETURN TO: BCL #800-105075 DT  
Janet R. Seligman, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103

ROD: SEP 12 1990 @ 4:22 PM  
HAROLD BAZZEL, CLERK

# **Westcor Land Title** **INSURANCE COMPANY**

## **OWNERSHIP AND ENCUMBRANCE REPORT**

**SEARCH NO. 15-1695**

**AGENT NO. FL1008\*Pep Boys**

**THE ATTACHED REPORT IS ISSUED TO DIAMOND TITLE AGENCY, INC.. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY WESTCOR LAND TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP AND ENCUMBRANCE REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE SUM OF \$1,000.00**

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of record of the land described herein together with current ad valorem tax information and a listing and copies of all open or unsatisfied leases, mortgages and judgments recorded in the Official Records Books of Bay County, Florida that appear to encumber the title to said land. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity of sufficiency of any document attached, or is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership and Encumbrance Report and the documents attached hereto.

Period searched: From **August 17, 1943 to January 9, 2015 @ 08:00 AM**

The land referred to herein is described as follows:

**See Attached Exhibit A**

**Westcor Land Title Insurance Company**

Telephone #(866) 200-3366

Dated: **January 20, 2015**

**DOCUMENT APPROVED "JUNE 18, 1993", BY THE INSURANCE DEPARTMENT OF THE STATE OF FLORIDA**

ATTACHMENT B: TITLE & ENCUMBERANCES SEARCH

DRAFT

OWNERSHIP AND ENCUMBRANCE REPORT

Plant Order #. 15-1695

Record Title appears to be vested in:

**The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation**

by virtue of the following:

**Deeds recorded in Official Records Book 1288, Pages 1482 and 1484, Public Records of Bay County, Florida.**

Ad Valorem taxes appear to be paid through the year 2014

Encumbrances:

1. **Payment of any special lien/assessments imposed by City, County, and/or State.**

**NOTE: This county may have special lien/assessments imposed by the local municipality. These lien/assessments are not discovered in a title search or shown above. These special assessments typically create a lien on real property. The municipality which governs subject property must be contacted to verify payment status.**

2. **Oil, gas and mineral reservation contained in deed recorded in Official Records Book 392, Page 81, Public Records of Bay County, Florida.(No Determination has been made as to the current record title holder of said interests.)**
3. **Deed to the State of Florida recorded in Official Records Book 20, Page 447, Public Records of Bay County, Florida.**
4. **Easement in favor of the City of Panama City, Florida, as recorded in Official Records Book 277, Page 53, Public Records of Bay County, Florida.**
5. **Easement in favor of City of Panama City, Florida, as recorded in Official Records Book 942, Pages 188 and 193, Public Records of Bay County, Florida.**
6. **Easement in favor of Gulf Power Company recorded in Official Records Book 1300, Page 1293, Public Records of Bay County, Florida.**
7. **Uncertified Final Judgment against The Pep Boys Mannie, Moe & Jack as recorded in Official Records Book 2660, Page 1069, Public Records of Bay County, Florida.**

**EXHIBIT " A "**

**Commence at the Northwest Corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence S 89 degrees 19 minutes 39 seconds E along said South right of way line for 674.92 feet to the Point of Beginning; thence continue S 89 degrees 19 minutes 39 seconds E along said South right of way line for 200.00 feet; thence S 01 degree 05 minutes 48 seconds W for 401.21 feet to the Northwestern line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida; thence S 50 degrees 54 minutes 48 seconds W along the Northwestern line of Lots 15, 14, 13 and 12, Edgewood, according to said plat for 261.78 feet; thence N 01 degree 05 minutes 48 seconds E for 568.64 feet to the Point of Beginning.**



"Home of the Worlds Most Beautiful Beaches"

# Dan Sowell, CFA

## Bay County Property Appraiser

© Rob Design

860 W 11th Street Panama City FL 32401 | Phone: (850) 248-8401 | Fax: (850) 248-8447

[Sales In Area](#)

[Previous Parcel](#)

[Next Parcel](#)

[Return to Main Search](#)

[Bay Home](#)

### Owner and Parcel Information

Owner Name	PEP BOYS MANNY, MOE & JACK	Today's Date	January 14, 2015
Mailing Address	3111 W ALLEGHENY AVE 3111 W ALLEGHENY AVE	Parcel Number	14169-060-000
	PHILADELPHIA, PA 19132-1116	Tax District	City of Panama City (District 16)
Location Address	821 23RD ST W	2014 Final Millage Rates	15.6350
Property Usage	STORES, 1 (001100)	Acreage	2.555
Section Township Range	32-3S-14W	Homestead	N

[Show Parcel Maps](#) | 
 [Generate Owner List By Radius](#) | 
 [Comparative Market Analysis](#) | 
 [Card View Print](#) | 
 [Show Assessment Notice](#)

### Value Information

### Legal Information

	2015 Working Values	2014 Certified Values	
Building Value	\$700,729	\$720,468	
Extra Feature Value	\$34,657	\$34,657	
Land Value	\$702,625	\$702,625	
Land Agricultural Value	\$0	\$0	
Agricultural (Market) Value	\$0	\$0	
Just (Market) Value*	\$1,438,011	\$1,457,750	32 3S 14W -15.45- 91D2 OLD 61ABEG 50' S & 674.92' E OF NW COR TH E 200' S 401.21' SWLY 261.78' N 568.64' TO POB ORB 1288 P 1482 & 1484
Assessed Value	\$1,438,011	\$1,457,750	
Exempt Value	\$0	\$0	
Taxable Value	\$1,438,011	\$1,457,750	The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.
Maximum Save Our Homes Portability	\$0	\$0	

### AGL Amount

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

### Tax Collector Information

### Building Information

Type	Total Area	Gross Leasable Area	Exterior Wall	Roof Cover	Interior Wall	Flooring
STORE RETL	22,704	0	CONC BLOCK	MODULAR MT	MINIMUM	CORK/VTILE
Heating Type	A/C Type	Stories	Actual Year Built	Effective Year Built	Building Sketch	
AIR DUCTED	CENTRAL	1	1991	1991	<a href="#">Show Building Sketch</a>	

### Extra Features Data

Description	Number of Items	Unit Length x Width x Height	Units	Effective Year Built
ASPH PVMNT	1	50 x 132 x 0	6,600 UT	1991
ASPH PVMNT	1	50 x 75 x 0	3,750 UT	1991
ASPH PVMNT	1	50 x 168 x 0	8,400 UT	1991
ASPH PVMNT	1	75 x 132 x 0	9,900 UT	1991
WALK	1	4 x 132 x 0	528 UT	1991
SPKLER SYS	1	0 x 0 x 0	22,176 UT	1991
SECURITY LIGHTS	1	0 x 0 x 0	7 UT	2002

### Land Information

LAND USE	NUMBER OF UNITS	UNIT TYPE	Frontage	Depth
COMMERCIAL	2.555	AC	230	484

### Sale Information

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
09-11-1990	\$ 150,000	Warranty Deed	1288	1484	Qualified	Vacant	T.R. MULDOWNEY	THE PEP BOYS
07-18-1990	\$ 75,000	PERSONAL REP DEED	1288	1482	Unqualified	Vacant	SHIRLEY S. CHILDPEE	THE PEP BOYS
05-01-1984	\$ 80,000	Warranty Deed	974	1663	Qualified	Vacant		

[Sales In Area](#)[Previous Parcel](#)[Next Parcel](#)[Return to Main Search](#)[Bay Home](#)

The Bay County Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. For more detailed land and building information, please click on Card View Print. Information on this site should not be relied upon for insurance related matters. Current year assessments are as of January 1st and are based on previous year sales activity. Website Updated: January 11, 2015

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## NOTICE OF AD VALOREM TAXES & NON-AD VALOREM ASSESSMENTS

BILL # R 458500 2014

REAL ESTATE TAX/NOTICE RECEIPT FOR BAY COUNTY

[Property Appraisers Site](#)

PROPERTY # R 14169-060-000

AD VALOREM TAXES		
TAXING AUTHORITY	MILLAGE RATE	TAX AMOUNT
SCHOOL RLE	.00494100	\$7,202.74
COUNTY	.00465000	\$6,778.54
PANAMA CITY	.00385700	\$5,622.54
NW FL WATER MGT	.00003900	\$56.85
CO MOSQUITO	.00020000	\$291.55
SCHOOL DISC	.00194800	\$2,839.70
<b>TOTAL AD-VALOREM:</b>		<b>\$22,791.92</b>

NON-AD VALOREM ASSESSMENTS	
TAXING AUTHORITY	TAX AMOUNT
<b>TOTAL NON-AD VALOREM:</b>	<b>\$0.00</b>
<b>COMBINED TAXES &amp; ASMTS:</b>	<b>\$22,791.92</b>
<b>DISCOUNT:</b>	<b>\$911.68</b>
<b>UNPAID BALANCE:</b>	<b>\$0.00</b>

### Exemptions:

**Property Address:**  
821 23RD ST W  
PANAMA CITY 32405

**PEP BOYS  
MANNY, MOE & JACK  
3111 W ALLEGHENY AVE  
PHILADELPHIA, PA 19132-1116**

**2.555 ACRES  
32 3S 14W -15.45- 91D2 OLD 61A  
BEG 50' S & 674.92' E OF NW  
COR TH E 200' S 401.21' SWLY**

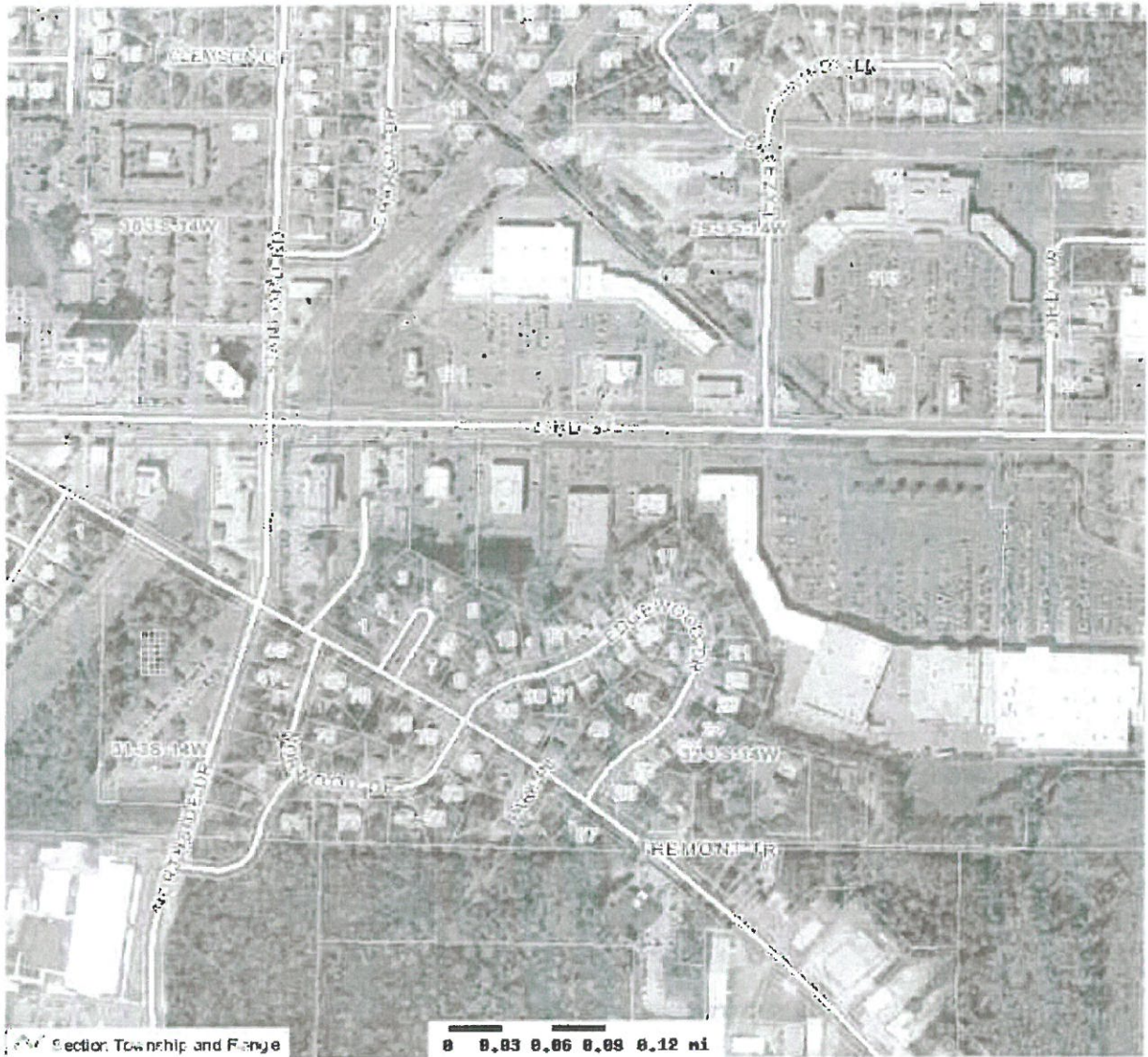
FAIR MKT VALUE	\$1,457,750.00	DIST	16
ASSES	\$1,457,750.00	EXEMPT VALUE	\$0.00
TAXABLE VALUE	\$1,457,750.00		

### \*\* PAID \*\*

**Last Payment:** 11/30/2014 **Receipt number:** 4216255  
**Amount Collected:** \$21,880.24 **Discount Amount:** \$911.68



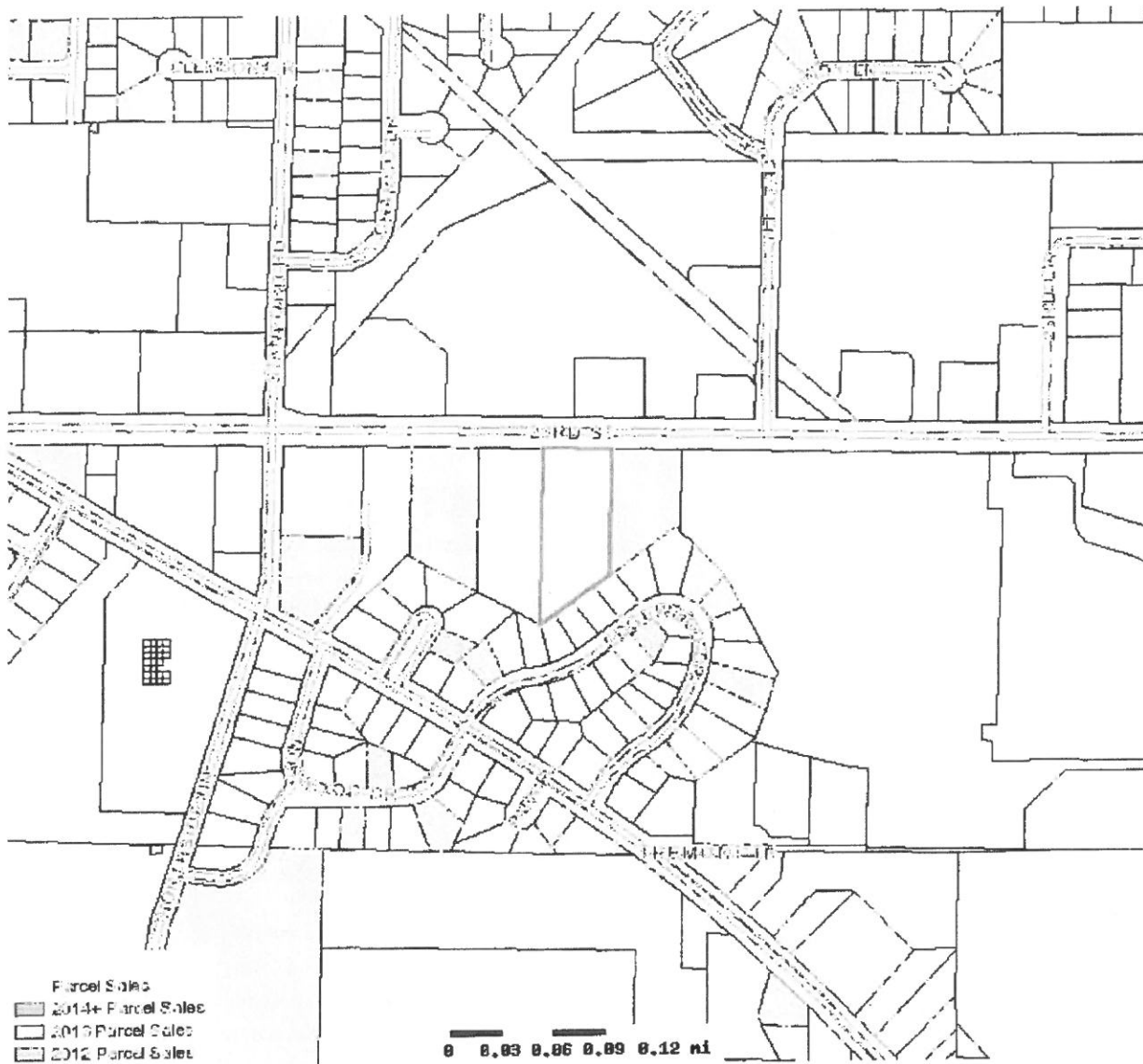




Bay County Property Appraiser			
Parcel: 14169-080-000 Acres: 2.555			
Owner	PEP BOYS	Land Value	702,625
Site	821 23RD ST W	Building Value	700,729
Value	150,000 on 09-1990 Reason=Q Qual=Y	Net Value	34,657
Map	MANNY, MOE & JACK 3111 W ALLEGHENY AVE PHILADELPHIA, PA 191321116	Net Value	1,438,011
		Assessed Value	1,438,011
		Exempt Value	0
		Land Value	1,438,011



The Bay County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER BAY COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—  
Date printed: 01/19/15 : 13:59:22



Bay County Property Appraiser			
Parcel: 14169-060-000 Acres: 2.555			
Name	PEP BOYS	Land Value	702,625
Site	821 23RD ST W	Building Value	700,729
Spec	150,000 on 09-1990 Reason=Q Qual=Y	Land Value	34,657
Map	MANNY, MOE & JACK 3111 W ALLEGHENY AVE PHILADELPHIA, PA 191321116	Land Value	1,438,011
		Building Value	1,438,011
		Land Value	0
		Building Value	1,438,011



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Date printed: 01/19/15 : 13:05:02



Signed, Sealed and Delivered in Our Presence:

Elsie J. Davis

Dorothy M. Fay

STATE OF FLORIDA

COUNTY OF BAY

I HEREBY CERTIFY, That on this 18th day of January, A. D. 1943, before me personally appeared W. C. Sherman and W. R. Nichols, respectively President and Assistant Secretary of St. Andrews Bay Foundry & Machine Co., a corporation under the laws of the State of Florida, to me known to be the individuals and officers described in and who executed the foregoing conveyance to James D. Pippin and Eulene Pippin and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized; and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

WITNESS my signature and official seal at Panama City in the County of Bay and State of Florida, the day and year last aforesaid.

Dorothy M. Fay L.S.  
Notary Public, State of Florida at large,

My commission expires Sept. 10, 1946.

Bonded by American Surety Co. of N. Y.

(N. P. SEAL)

I hereby certify that the foregoing instrument was duly recorded from the original filed in this office for record, this the 16th. day of August A. D. 1943, at 2:00 o'clock P. M., and record verified.

H. A. PLEDGER,  
CLERK CIRCUIT COURT

BY W. A. Patten  
DEPUTY CLERK

\*\*\*\*\*

\$2.30 State and \$2.75 Federal tax, affixed and cancelled.

COASTAL LANDS INC.

WARRANTY DEED

THIS INDENTURE, Made this 16th day of August A. D. 1943, between COASTAL LANDS INC., a corporation organized under the laws of the State of Florida, party of the first part, and JOE E. HUTCHISON and C. L. JIMES of the County of Bay and State of Florida parties of the second part, WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said parties of the second part their heirs and assigns forever the following described land to-wit: all that certain parcel of land lying and being in the County of Bay, State of Florida, more particularly described as follows:

In Section Thirty One (31) Township Three (3) South, Range Fourteen (14) West, NE $\frac{1}{4}$ -NW $\frac{1}{4}$  of NW $\frac{1}{4}$ -SW $\frac{1}{4}$  of NW $\frac{1}{4}$ -NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ -SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , containing 310 acres more or less:

In Section Thirty Two (32) Township Three (3) South, Range Fourteen (14) West, NW $\frac{1}{4}$  of NE $\frac{1}{4}$ -SW $\frac{1}{4}$  of NW $\frac{1}{4}$  less NW $\frac{1}{4}$  of NW $\frac{1}{4}$ -NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ -E $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ -NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , containing 210 acres more or less; land conveyed herewith in the North half of the North half of said Sections 31 and 32 is subject to Oil and gas lease running ten years from November 10th, 1941, made to The Pure Oil Company, Houston, Texas, also

Subject to right of way of railroad to Shipyard across NW $\frac{1}{4}$  of Section 31.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal, the day and year above written, through its proper corporate officers.

Signed, Sealed and Delivered in Our Presence:

COASTAL LANDS INC.

John Peterson

BY W. F. Look

Vice President

Tillie Heath

and W. F. Look (SEAL)  
Treasurer

(CORPORATE SEAL)

COUNTY OF BAY,  
STATE OF FLORIDA.

I hereby certify that on this 16th day of August, A. D. 1943, before me personally appeared W. F. LOOK the Vice President and Treasurer of COASTAL LANDS INC., a corporation under the laws of said State, to me known to be the person described in and who on behalf of said corporation executed the foregoing conveyance to JOE E. HUTCHISON and C. L. JINKS and acknowledged the execution thereof to be the free act and deed of said corporation for the uses and purposes therein mentioned.

WITNESS my official signature and official seal at Panama City in the County of Bay and State of Florida, the day and year last aforesaid.

Tillie Heath  
Notary Public, State of Florida at large,  
My commission expires Dec. 5, 1945.

(N. P. SEAL)

Bonded by American Surety Co. of N. Y.

I hereby certify that the foregoing instrument was duly recorded from the original filed in this office for record, this the 17th. day of August A. D. 1943, at 9:00 o'clock A. M., and record verified.

H. A. PLEDGER,  
CLERK CIRCUIT COURT

BY Thelma Patterson  
DEPUTY CLERK

\*\*\*\*\*

10¢ State tax, affixed and cancelled.

WARRANTY DEED--From Corporation

THIS INDENTURE, Made this 9th day of August A. D. 1943, between PAN ANDREWS CORPORATION, a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Bay and State of Florida party of the first part, and Edward Douglas and wife Florence Douglas of the County of Bay and State of Florida parties of the second part, WITNESSETH, that the said party of the first part, for and in consideration of the sum of SEVENTY FIVE DOLLARS, to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and their heirs and assigns forever, all that certain parcel of land lying and being in the County of Bay and State of Florida, more particularly described as follows:

Lot 7 of Block 5, in SE $\frac{1}{4}$  Section 36, Township 3 South of Range  
15 West, in Bay County Florida

All Taxes prior to 1943 are to be paid by seller

THIS INDENTURE, Made this 2<sup>nd</sup> day of July, A. D. 1952  
 between DOROTHY MILAM JINKS, as executrix of the estate of G. L. Jinks,  
 deceased, and as sole legatee and devisee under the last will and  
 testament of G. L. Jinks, deceased  
 of the County of Bay, and State of Florida, party of the first  
 part, and JOHN E. HUTCHINSON

of the County of Bay, and State of Florida, party of the second part:

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of  
TEN (\$10.00) DOLLARS and other valuable considerations  
 to her in hand paid, the receipt whereof is hereby acknowledged, he s granted, bargained, sold,  
 and conveyed to the said part Y of the second part his heirs and assigns forever, the  
 following described land, lying and being in Bay County, Florida, and described as  
 follows: One-half undivided interest in and to the following:

E $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  and SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 11, Township 3 South, Range 14 West, less and except all existing highway and street rights of way.

ALSO:  
W $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 32, Township 3 South, Range 14 West, less and except all existing highway and street rights of way.

ALSO:  
NW $\frac{1}{4}$  of Section 32, Township 3 South, Range 14 West, less and except all existing highway and street rights of way, and less and except a parcel described as follows, to-wit: Beginning at the NW corner of the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 32, Township 3 South, Range 14 West and thence run East a distance of 1980 feet; thence South 660 feet; thence East 330 feet; thence South 660 feet; thence West 990 feet; thence North 330 feet; thence West 330 feet; thence North 660 feet; thence West 990 feet; thence North 330 feet to point of beginning.

TO HAVE AND TO HOLD the above described lands and premises, together with all and singular the tenements, hereditaments, and appurtenances hereto belonging or in any wise appertaining, unto the said part Y of the second part, his heirs and assigns, in fee simple, forever.

And the said part Y of the first part, for herself and her heirs, executors and administrators, do ss. covenant with the said part Y of the second part, his heirs and assigns, that she is well seized of the said property, and has a good right to sell and convey the same; that it is free from any lien or incumbrance in law or equity, and that the said part Y of the first part and her heirs, executors and administrators, shall and will warrant, and by these presents forever defend, the title to said premises unto the said part Y of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part Y of the first part has s hereunto set her hand and seal, this the day and year above written.

Signed, Sealed and Delivered in the Presence of:

Ernest W. Welch  
Jessie J. Tyson

Dorothy Milam Jinks (SEAL)  
 (SEAL)  
 (SEAL)  
 (SEAL)

County of Bay

I HEREBY CERTIFY, That on this day of A. D. 1952, before me personally appeared DOROTHY MILAM JINKS

to me known to be the person described in and who executed the foregoing conveyance to JOE E. HUTCHISON

and severally acknowledged the execution thereof to be free act and deed for the purposes therein mentioned.

And I further certify that the said known to me to be the wife of the said on a separate and private examination taken and made by and before me, separately and apart from said husband, did acknowledge that made to the said deed of conveyance, and executed the same for the purpose of renouncing, relinquishing, and conveying right, title, and interest, whether of dower, homestead, or of separate property, statutory or equitable, in and to the lands herein described, and that executed the said deed freely and voluntarily and without any apprehension or fear, compulsion, or constraint of or from said husband

Witness my hand and official seal, the day and year last aforesaid.

James F. Lyson



Notary Public, State of Florida at large  
My commission expires July 20, 1953.  
Banded by American Surety Co. of N. Y.

FILED

1952 JUL 30 PM 3:21  
W. S. WEAVER  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

100 State St.

FILE NO. 14174

### Warranty Deed

FROM

Dorothy Milam Jinks, as  
Executrix, etc

TO

Joe E. Hutchison

Box 1748

DATE

BAY COUNTY, FLORIDA

Filed for record July 30th

1952, and duly recorded in Book 170,

page and record verified.

W. S. Weaver,

Clerk Circuit Court

By Elizabeth H. Huggins  
Deputy Clerk

McConnell Print Co.

WARRANTY DEED

THIS WARRANTY DEED, Made the 27th day of February

A. D. 1972, by JOE E. HUTCHISON and wife, M. HUTCHISON hereinafter called Grantors, to B. F. GALT, JR., HARRY C. ALFRED, JOHN F. MASON, MALCOLM M. THOMPSON, A. RALPH MONACO, THEODORE G. ELCHOS, JOHN A. WATKINS, WILLIAM F. HUMPHREYS, JR., JAMES D. PHILLIPS, JAMES A. ROYNER, WILLIAM C. FONTAINE, TIM SMITH, STEPHEN M. SMITH, W. ROLAND MCARTHUR, JOSEPH H. MORRIS, DIXON R. MCCLOY, BYRON H. MCCORMICK, DONALD M. ANDERSON, CLARK A. WHITEHORN, and ROWLETT W. EPYANT, whose post-office address is 229 East 4th Street, Panama City, Florida 32401, hereinafter called the Grantees;

WITNESSETH: That the Grantors, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantees, all that certain land situate in Bay County, Florida, viz:

Commence at the Northeast Corner of the NW-1/4 of NE-1/4 of Section 32, T3S, R14W; thence N89°19'39"W, along the North line of said Section 32 and the Centerline of 23rd Street, 50 feet; thence S01°32'49"W, along the West R/W line of Jenks Avenue, 250 feet to the Point of Beginning; thence continue S01°32'49"W, along said R/W line, 2377.03 feet to the North R/W line of 19th Street; thence N89°06'34"W, along said R/W line, 1274.90 feet; thence N89°14'19"W, along said R/W line, 25 feet; thence N00°55'41"E, 250 feet; thence N89°14'19"W, 305.08 feet; thence N00°55'41"E, 380.65 feet; thence N89°56'43"W, 225.67 feet; thence N38°34'04"W, 164.57 feet; thence N00°50'21"E, 208.70 feet; thence N01°09'49"E, 330.12 feet; thence N89°08'11"W, 661.50 feet; thence N01°01'09"E, 30 feet; thence N89°26'34"W, 165 feet; thence N01°01'09"E, 200 feet to the boundary of Edgewood, as per Plat thereof recorded in Plat Book 8, Page 68-A of the Public Records of Bay County, Florida; thence N54°54'26"E, along said S/D 229.33 feet; thence N18°35'00"E, along said S/D, 230 feet; thence N31°35'50"W, along said S/D, 350 feet; thence N45°07'56"W, along said S/D 214.73 feet; thence S51°38'49"W, along said S/D, 521.45 feet; thence N62°01'32"W, along said S/D, 478.98 feet; thence S41°56'43"W, along said S/D, 332.06 feet to the Northerly R/W line of Airport Road; thence N59°39'24"W, along said R/W line, 59.91 feet; thence N41°12'56"E, 218.44 feet; thence N00°17'26"E, 408.95 feet to the South R/W line of 23rd Street; thence S89°19'39"E, along said R/W line, 3639.68 feet; thence S01°32'49"W, 200 feet; thence S89°19'39"E, 200 feet to the Point of Beginning; containing 139.55 acres.

STATE OF FLORIDA  
DOCUMENTARY  
SUR TAX  
\$1.10  
ORIDA  
DOCUMENTARY  
SUR TAX  
\$1.10  
SUR TAX  
\$5.50  
SUR TAX  
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SUR TAX  
\$110.00  
DOCUMENTARY  
SUR TAX  
\$110.00

STATE OF FLORIDA  
DOCUMENTARY  
DEPT. OF REVENUE  
STAMP TAX  
\$348.80

STATE OF FLORIDA  
DOCUMENTARY  
DEPT. OF REVENUE  
STAMP TAX  
\$990.00



together with all the covenants, hereditaments and appurtenances thereto belonging or in anywise appertaining, except as hereinafter set forth:

(a) The Grantors reserve unto themselves one-half ownership of all oil, gas and minerals and the rights appertaining thereto; provided, however, the Grantors shall not have the right of egress or ingress, nor possession of the surface of said property for the purpose of exploring, mining, drilling or operating for such oil, gas and minerals. The Grantors shall take no action to sever the oil, gas and minerals and rights appertaining thereto from the surface ownership or to otherwise attempt to have said oil, gas and minerals and rights appertaining thereto assessed or taxed separately from the surface ownership unless said oil, gas and minerals and the rights appertaining thereto may be assessed or taxed to the owners of said oil, gas and minerals and the rights appertaining thereto by virtue of valid statutes of the State of Florida. Notwithstanding, the owners of said oil, gas and minerals and rights appertaining thereto shall pay their pro rata part of all ad valorem, severance or gross product taxes assessed and charged against the oil, gas and minerals found and produced from the lands conveyed herein.

(b) The Grantors shall have the right to remove all houses located on this property within six months from the date of this deed; otherwise, said houses shall become the property of Grantees.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantors hereby covenant with said Grantees that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land; that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1971.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Ernest W. Welch*

*Evelyn L. Ackerman*

*Joe E. Hutchison*  
Joe E. Hutchison

*Groedell M. Hutchison*  
Groedell M. Hutchison

STATE OF FLORIDA

COUNTY OF BAY

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Joe E. Hutchison and wife, Groedell M. Hutchison, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of October, A. D. 1972.



*Evelyn L. Ackerman*  
NOTARY PUBLIC  
Notary Public, State of Florida at Large  
My Commission Expires Oct 18, 1976  
Bonded by American Fire & Casualty Co.

THIS INSTRUMENT PREPARED BY:  
Ernest W. Welch  
Attorney at Law  
434 Magnolia Avenue  
Panama City, Florida 32401

BAY COUNTY, FLORIDA NOV 9 1972  
Filed for record  
4:27 PM, checked and duly recorded. Book and page indicated above.  
Circuit Court  
*William H. Huggins*

POWER OF ATTORNEY

STATE OF FLORIDA)

COUNTY OF BAY )

KNOW ALL MEN BY THESE PRESENTS, that the undersigned do hereby name, designate and appoint any three of the following named persons: HOWLETT W. BRYANT; DONALD H. ANDERSON; DIXON R. McCLOY; STEPHEN SMITH; JAMES A. POYNER, and CLARK WHITEHORN, as their true and lawful attorney-in-fact, for them and in their place and stead, to execute, convey, mortgage and lease, or in any way encumber the interest of the undersigned principals and without limitation whatsoever, to do any and all things whatsoever that the said principals could lawfully do as to their interest in the following described parcels of real property situated in Bay County, Florida, to-wit:

Commence at the NE Corner of the Northwest Quarter (NW 1/4) of Northeast Quarter (NE 1/4) of Section 32, Township 3 South, Range 14 West; thence North 89°19'39" W, along the North line of said Section 32 and the centerline of 23rd. Street, 50 feet; thence South 01°32'49" W, along the West Right of Way line of Jenks Avenue, 250 feet to the Point of Beginning; thence continue S01°32'49" W, along said Right of Way line 2377.03 feet to the North Right of Way line of 19th. Street; thence North 89°06'39" W, along said Right of Way line, 1274.90 feet; thence North 89°14'19" W, along said Right of Way line, 25 feet; thence North 00°55'41" E, 250 feet; thence North 00°55'41" E, 250 feet; thence North 89°14'19" W, 305.08 feet; thence North 00°55'41" E, 380.65 feet; thence North 89°56'43" W, 225.67 feet; thence North 38°34'04" W, 164.37 feet; thence North 00°50'21" E, 208.70 feet; thence North 01°09'49" E, 330.12 feet; thence North 89°08'11" W, 661.50 feet; thence North 01°01'09" E, 30 feet; thence North 89°26'34" W, 165 feet; thence North 01°01'09" E, 200 feet to the Boundary of Edgewood as per plat thereof recorded in Plat 8, Page 68-A of the Public Records of Bay County Florida. thence North 54°54'26" E, along said subdivision, 229.33 feet; thence North 18°35'00" E, along said subdivision, 230 feet; thence N31°35'50" W, along said subdivision 350 feet; thence North 45°07'56" W, along said subdivision, 214.73 feet; thence S51°08'49" W, along said subdivision, 321.45 feet. thence North 62°01'32" W, along said subdivision 478.98 feet; thence S41°56'43" W, along said subdivision, 332.06 feet to the Northerly Right of Way line of Airport Road; thence N59°39'24" W, along said Right of Way Line, 59.91 feet; thence N41°12'56" E, 218.44 feet; thence

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BOOK 504 PAGE 140

N00°17'26"E, 408.95 feet to the South  
Right of Way line of 23rd. Street; thence  
S89°19'39"E, along said Right of Way line  
3639.68 feet; thence S01°32'49"W, 200  
feet; thence S 89°19'39"E, 200 feet to the  
Point of Beginning.

AND

Commencing at the Southwest Corner of NE 1/4  
of SE 1/4 of NW 1/4 of Section 32, Township  
3 South, Range 14 West, for a point of  
beginning; thence running North along the  
West line of the said NE 1/4 of the SE 1/4  
of NW 1/4 of Section 32, Township 3 South,  
Range 14 West, a distance of 123.2 feet;  
thence Southeasterly to a point on the  
South line of NE 1/4 of SE 1/4 of NW 1/4 of  
Section 32, Township 3 South, Range 14 West,  
and 108 feet East of the Southwest corner of  
the said NE 1/4 of SE 1/4 of NW 1/4; thence  
West 108 feet to the point of beginning.

AND

~~Commencing at the Northeast corner of the North-~~  
~~west Quarter of the Northeast Quarter of~~  
Section 32, Township 3 South, Range 14 West,  
thence North 89°19'39" West along the North  
line of said Section 32 and the centerline  
of 23rd. Street 50 feet; thence South 01°32'49"  
West 50 feet to the intersection of the  
West Right of Way line of Jenke Avenue and the South  
Right of Way line of 23rd. Street for a  
Point of Beginning; thence North 89°19'39" West  
along the South Right of Way line of 23rd.  
Street 200 feet; thence South 01°32'49" West  
200 feet; thence South 89°19'39" E 200 feet;  
~~thence South 01°32'49" West 200 feet to the~~  
Point of Beginning.

THE AUTHORITY HEREBY GRANTED shall be irrevocable  
during the lifetime of the undersigned principals and shall  
continue without regard to any incompetency of the undersigned.

IN WITNESS WHEREOF, the undersigned have hereunto  
set their hands and seals, this 7th day of January, 1975.

*Ronald W. Bryant*  
*James L. [unclear]*  
*[unclear]*  
*Donald R. McClay MD*

OFF. REC.

BOOK 500 PAGE 141

Signed, sealed and  
delivered in the  
presence of:

Charlie Self

Harry Lee Meard

James A. Poyner

John F. Mason

Harry C. Alfred

E. P. Cotton

E. Felton Cofer

Tim M. Smith

James S. Astor

W. P. Fontaine

Malcolm Kessler

Donald E. Anderson

Byron M. McCormick

Stephen M. Smith

W. P. Fontaine

Malcolm Kessler

Donald E. Anderson

Byron M. McCormick

Stephen M. Smith

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Rowlett W. Bryant, James D. Phillips, C. A. Whitehorn, Dixon R. McCloy, James A. Poyner, John F. Mason, Harry C. Alfred, E. P. Cotton, E. Felton Cofer, Tim M. Smith, J. S. Astor, W. P. Fontaine, Theodore G. Elchos, W. C. Fontaine, Malcolm Kessler, Donald E. Anderson, Byron M. McCormick, and Stephen M. Smith, to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 7<sup>th</sup> day of January, 1975.

My Comm. Expires:  
NOTARY PUBLIC  
My Commission expires:

BAY COUNTY, FLORIDA

Filed for record JAN 17 1975

1-26-75

in, etc. and duly recorded. Book and page indicated above. In witness whereof, I have hereunto set my hand and seal of office.

Notary Public



STATE OF FLORIDA)  
COUNTY OF BAY )

KNOW ALL MEN BY THESE PRESENTS, that the undersigned principals do hereby name, nominate and appoint the following named persons, to-wit: ROWLETT W. BRYANT, DONALD H. ANDERSON, DIXON R. McCLOY, STEPHEN SMITH, JAMES A. POYNEN, CLARK WHITEHORN, and S. P. COTTON, as their true and lawful Attorney-in-Fact, and subject to the specific condition requiring any three (3) of them to act as hereinafter mentioned, for them and in their place and stead, to convey, mortgage, lease, or in any manner encumber or alienate the interest of the undersigned, and without limit upon their discretion and authority, to do any and all lawful things as to and regarding the interest of said principals in the following real estate in Bay County, Florida, to-wit:

Commence at the NE Corner of the Northwest Quarter of Northeast Quarter of Section 32, Township 3 South, Range 14 West; thence N89°19'39"W, along the North line of said Section 32 and the centerline of 23rd. Street, 50 feet; thence S01°32'49"W, along the West Right of Way line of Jenks Avenue, 250 feet to the Point of Beginning; thence continue S01°32'49"W, along said Right of Way line 2377.03 feet to the North Right of Way line of 19th. Street; thence N89°00'34"W, along said Right of Way line, 1274.90 feet; thence N89°14'19"W, along said Right of Way line, 25 feet; thence N00°55'41"E, 250 feet; thence N89°14'19"W, 305.08 feet; thence N00°55'41"E, 380.65 feet; thence N89°05'43"W, 225.67 feet; thence N38°34'04"W, 164.51 feet; thence North 00°50'21"E, 208.70 feet; thence N01°09'49" 330.14; thence N89°08'11"W, 661.50 feet; thence N01°01'09"E, 30 feet; thence N89°26'34"W, 165 feet; thence N01°01'09"E, 200 feet to the Boundary of Edgewood, as per plat thereof recorded in Plat 8 Page 68-A, Public Records of Bay County, Florida; thence N54°54'26"E, along said subdivision, 229.33 feet; thence N18°53'00"E, along said subdivision, 230 feet; thence N31°33'50"W, along said subdivision, 350 feet; thence N45°07'56"W, along said subdivision 214.73 feet; thence S51°38'49"W, along said subdivision, 521.45 feet;

OFF. REC.

BOOK 506 PAGE 342

thence N62°01'34"W, along said subdivision 478.98 feet; thence S41°16'43"W, along said subdivision, 332.06 feet to the Northerly right of way line of Airport Road; thence N59°19'24"W, along said right of way line, 59.91 feet; thence N41°12'55"E, 218.44 feet; thence S00°17'28"E, 408.95 feet to the South right of way line of 23rd Street; thence S89°19'39"E, along said right of way line, 3634.64 feet, thence S01°32'49"W, 200 feet, thence S89°19'39"E, 200 feet to the Point of Beginning.

AND

Commencing at the Southwest Corner of NE 1/4 of SE 1/4 of NW 1/4 of Section 32, Township 3 South, Range 14 West, for a point of beginning, thence running North along the West line of the said NE 1/4 of the SE 1/4 of NW 1/4 of Section 32, Township 3 South, Range 14 West, a distance of 123.2 feet; thence Southeasterly to a point on the South line of NE 1/4 of SE 1/4 of NW 1/4 of Section 32, Township 3 South, Range 14 West, and 108 feet East of the Southwest corner of the said NE 1/4 of SE 1/4 of NW 1/4; thence West 108 feet to the Point of Beginning.

AND

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 32, Township 3 South, Range 14 West, thence North 89°19'39"W along the North line of said Section 32 and the centerline of 23rd Street, 50 feet; thence South 01°32'49"W 50 feet to the intersection of the West Right of Way line of Jenks Avenue and the South Right of Way line of 23rd Street for a point of beginning; thence North 89°19'39"W along the South Right of Way line of 23rd Street 200 feet; thence South 1°32'49"W, 200 feet; thence South 89°19'39"E 200 feet; thence North 1°32'49"E 200 feet to the Point of Beginning.

Without limiting the generality of the foregoing, the said agents are authorized to execute construction contracts and any other agreements necessary or convenient with regard to any improvements of the aforementioned lands, to bind the estate of the principals in said lands to the repayment of notes and mortgages to any financial institution or individual creditors, to handle and disburse funds, maintain checking accounts and to do any and all other acts and things necessary or convenient to affect improvement of said property as the said agents may in their discretion deem advisable.

THE AUTHORITY HEREIN GRANTED said agents shall extend to the creation of personal liability upon the principals and the binding of them personally to the notes, mortgages, construction contracts and other obligations, if any, of improving said

506 REC-343

THE AUTHORITY HERIN GRANTED shall be irrevocable during the lifetime of the undersigned principals and shall continue without regard to any incompetency of the undersigned.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, this 20<sup>th</sup> day of January, 1975.

Signed, sealed and delivered in the presence of:

John F. Hill  
Maydon Wilson

Ron Little Bryant (SEAL)  
William C. Fontaine (SEAL)  
Shirley B. Lichen, M.D. (SEAL)  
D. J. Feltor Cohen (SEAL)  
J. R. M. Cloy (SEAL)  
James H. Ryan (SEAL)  
James S. Feltor (SEAL)  
W. H. Feltor (SEAL)  
J. H. Feltor (SEAL)  
W. H. Feltor (SEAL)  
C. A. Whitcomb (SEAL)  
H. C. Feltor (SEAL)  
B. P. Feltor (SEAL)  
J. W. Feltor (SEAL)  
W. H. Feltor (SEAL)  
W. H. Feltor (SEAL)  
W. H. Feltor (SEAL)  
W. H. Feltor (SEAL)

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Rowlett W. Bryant, William C. Fontaine, Theodore G. Elchus, H. Felton Cofer, D. R. McCloy, and James E. Payner, to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 27<sup>th</sup> day of January, 1975.

Mary Lou Nelson  
NOTARY PUBLIC  
My Commission expires:

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared J. S. Asteinza, W. F. Humphreys, J. F. Mason, D. H. Anderson, and C. A. Whitehorn, to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 27<sup>th</sup> day of January, 1975.

Mary Lou Nelson  
NOTARY PUBLIC  
My Commission expires:

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared H. C. Alfred, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged to and before me that his execution thereof was his free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 27<sup>th</sup> day of January, 1975.

Mary Lou Nelson  
NOTARY PUBLIC  
My Commission expires:

Notary Public for Florida  
My Commission Expires May 1, 1977  
Qualified by Notary Public & County Clerk

STATE OF FLORIDA,

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared B. P. Cotton, Tim M. Smith, Malcolm Tranter, James D. Phillips, D. H. McCormick, and Stephen M. Smith, to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 29<sup>th</sup> day of January, 1975.

*Mark Lee Pearson*  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

BAY COUNTY, FLORIDA FEB 5 1975

Filed for record  
134  
Notary Public and Notary Recording Book and  
Notary Public and Notary Recording Book  
Notary Public and Notary Recording Book

THIS INSTRUMENT PREPARED BY  
Rowlett W. Bryant  
Attorney at Law  
Post Office Box 420  
Panama City, Florida 32401



POWER OF ATTORNEY

File No. 75-2123

STATE OF FLORIDA)  
COUNTY OF BAY )

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,  
SALLIE COTTON, wife of B. P. COTTON, MARY LOU ALFRED, wife of  
HARRY ALFRED, SANDRA B. MASON, wife of JOHN F. MASON, MARTHA  
LEE TRAXLER, wife of MALCOLM M. TRAXLER, MARY ESTHER COFER,  
wife of FELTON COFER, JIMMIE ELCHOS, wife of THEODORE G.  
ELCHOS, JENNY L. ASTEINZA, wife of J. S. ASTEINZA, KATHERINE  
HUMPHREYS, wife of WILLIAM F. HUMPHREYS, JR. ALICE PHILLIPS,  
wife of JAMES D. PHILLIPS, NELL POYNER, wife of JAMES A.  
POYNER, EULA K. FONTAINE, wife of WILLIAM C. FONTAINE, MARY  
ANN SMITH, wife of TIM SMITH, SARALEE SMITH, wife of STEPHEN  
M. SMITH, HUDGE P. McCLOY, wife of DIXON K. McCLOY, JO ANNE  
McCORMICK, wife of BYRON H. McCOMICK, DORIS ANDERSON, wife  
of DONALD H. ANDERSON, VIRGINIA WHITEHORN, wife of CLARK  
WHITEHORN, and KALIOPI V. BRYANT, wife of ROWLETT W. BRYANT,  
jointly and severally; hereby name, nominate and appoint the  
following named persons, to-wit: ROWLETT W. BRYANT, DONALD  
H. ANDERSON, DIXON K. McCLOY, STEPHEN SMITH, JAMES A. POYNER,  
CLARK WHITEHORN, and B. P. COTTON, as their true and lawful  
Attorney-in-Fact, and subject to the specific condition  
requiring any three of them to act as hereinafter mentioned,  
for them and in their place and stead, to convey, mortgage,  
lease, or in any manner encumber or alienate the interest of  
the undersigned, including without limitation of their  
inchoate dower in and to the following land in Bay County,  
Florida, to-wit:

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507 473

Commence at the NE Corner of the Northwest Quarter of Northeast Quarter of Section 32, Township 3 South, Range 14 West; thence N89°19'39"W, along the North line of said Section 32 and the centerline of 23rd. Street, 50 feet; thence S01°32'49"W, along the West Right of Way line of Jenks Avenue, 250 feet to the Point of Beginning; thence continue S01°32'49"W, along said Right of Way line 2377.03 feet to the North Right of Way line of 19th. Street; thence N89°06'34"W, along said Right of Way line, 1274.90 feet; thence N89°14'19"W, along said Right of Way line, 25 feet; thence N00°05'41"E, 250 feet; thence N89°14'19"W, 305.08 feet; thence N00°05'41"E, 380.65 feet; thence N89°05'43"W, 225.61 feet; thence N38°34'04"W, 164.57 feet; thence North 00°30'21"E, 208.70 feet; thence N01°09'49"E, 330.12 feet; thence N89°05'11"W, 661.50 feet; thence N01°01'09"E, 50 feet; thence N89°02'34"W, 165 feet; thence N01°01'09"E, 200 feet to the Boundary of Edgewood, as per plat thereof recorded in Plat 8, Page 68-A, Public Records of Bay County, Florida; thence N34°05'26"E, along said subdivision, 229.33 feet; thence N18°05'00"E, along said subdivision, 230 feet; thence N31°03'30"W, along said subdivision, 350 feet; thence N45°07'55"W, along said subdivision 214.73 feet; thence S11°38'49"W, along said subdivision, 521.45 feet; thence N62°01'32"W, along said subdivision 478.98 feet; thence S41°06'43"W, along said subdivision, 312.06 feet to the Northerly right of way line of Airport Road; thence N59°39'24"W, along said right of way line, 59.91 feet; thence N41°12'56"E, 218.44 feet; thence N00°17'26"E, 408.95 feet to the south right of way line of 23rd. Street; thence S89°19'39"E, along said right of way line, 5639.68 feet; thence S01°32'49"W, 200 feet; thence S89°19'39"E, 200 feet to the Point of Beginning.

AND

Commencing at the southwest Corner of NE 1/4 of SE 1/4 of NW 1/4 of Section 32, Township 3 South, Range 14 West, for a point of beginning, thence running North along the West line of the said NE 1/4 of the SE 1/4 of NW 1/4 of Section 32, Township 3 South, Range 14 West, a distance of 123.2 feet; thence southeasterly to a point on the South line of NE 1/4 of SE 1/4 of NW 1/4 of Section 32, Township 3 South, Range 14 West, and 108 feet east of the Southwest corner of the said NE 1/4 of SE 1/4 of NW 1/4; thence West 108 feet to the Point of Beginning.

AND

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 12, Township 3 South, Range 14 West, thence North 89°19'34"W along the North line of said Section 12 and the centerline of 23rd Street, 50 feet; thence South 01°12'49" West 50 feet to the intersection of the West Right of Way line of Jenks Avenue and the South Right of Way line of 23rd Street for a point of beginning; thence North 89°19'34"W along the South Right of Way line of 23rd Street 200 feet; thence South 1°12'49" West, 200 feet; thence South 89°19'34"W 200 feet; thence North 1°12'49" East 200 feet to the Point of beginning.

acknowledging their understanding that others rely upon these presents and the acts of their said agents in such regard; and they shall be deemed to have joined the agency created by that certain "Power of Attorney" dated January 24, 1915, recorded in Bay County Official Records Book 506, at Page 341, executed by their said husbands, insofar as the same relates to the lands hereinabove described.

THE AUTHORITY HEREIN GRANTED shall not extend to the creation of any personal liability but shall operate only to bind the interest of the undersigned in the lands above described.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, this 10<sup>th</sup> day of February, 1915.

Signed, sealed and delivered in the presence of:

Walter L. Humphrey  
Mary L. Humphrey

Edgar H. Bryant (SEAL)  
Salie Cotton (SEAL)  
Mary Lou Bryant (SEAL)  
Edgar H. Bryant (SEAL)  
Oliver Phillips (SEAL)  
Ruth L. Humphrey (SEAL)

OFF. REC.

BOOK 507 PAGE 475

Virginia M. Lott (SEAL)  
Sandra B. Mason (SEAL)  
Thelma J. Poyner (SEAL)  
Jimmie G. Pickett (SEAL)  
Young V. Astle (SEAL)  
Mary Ann Smith (SEAL)  
Eula K. Fontaine (SEAL)  
Saralee A. Smith (SEAL)  
Mary Esther Cofer (SEAL)  
Martha Lee Traxler (SEAL)  
JoAnn McCormick (SEAL)  
JoAnn McCormick (SEAL)

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Kaliopi V. Bryant, Selie Cotton, Mary Lou Alfred, Hodge P. McCloy, Alice Phillips, Kathryn Humphreys, Virginia Whitehorn, Sandra B. Mason, Nell J. Poyner, Jimmie A. Elchos, Jenny L. Astle, Mary Ann Smith, Eula K. Fontaine, Saralee A. Smith, Mary Esther Cofer, and Martha Lee Traxler, to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 10th. day of February, 1975.

Mary Lou Alfred  
 NOTARY PUBLIC  
 My Commission expires:

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared JoAnn McCormick, to me known and known to me to be the person described in and who executed the foregoing instrument, and she acknowledged to and before me that her execution thereof was her free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 13th day of February, 1975.

JoAnn McCormick  
 NOTARY PUBLIC  
 My Commission expires:

OFF. REC.

BOOK 507 PAGE 476

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Doris Anderson, to me known and known to me to be the person described in and who executed the foregoing instrument, and she acknowledged to and before me that her execution thereof was her free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 14th. day of February, 1975.

*Wm. L. Mason*  
NOTARY PUBLIC  
My Commission expires:

BAY COUNTY, FLORIDA

FEB 14 1975

3-3111  
Witnessed and signed by me, Notary Public, in and to the presence of the undersigned, Doris Anderson, on this 14th day of February, 1975.  
*Charles H. Hargrett*



WARRANTY DEED

THIS WARRANTY DEED made this 5<sup>th</sup> day of May, 1984, by and between B. P. COTTON, HARRY ALFRED, JOHN MASON, MALCOLM TRAXLER, FELTON COFER, THEODORE G. ELCHOS, WILLIAM F. HUMPHREYS, JR., JAMES A. POYNER, WILLIAM C. FONTAINE, TIM M. SMITH, STEPHEN SMITH, DIXON R. McCLOY, BYRON H. McCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN and ROWLETT W. BRYANT, by and through their Attorneys-in-Fact, Rowlett W. Bryant, Clark A. Whitehorn and Stephen M. Smith, and ALICE M. PHILLIPS, JOSEPH H. MORRIS and A. RALPH MONACO, hereinafter called Grantors, and T. R. MULDOWNEY and JESSEE CHILDREE, whose address is 2629 West 23rd Street, Panama City, Florida, 32401, hereinafter called Grantees, WITNESSETH:

THAT THE GRANTORS, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt whereof being hereby acknowledged, hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantees all that certain land situate in Bay County, Florida, to-wit:

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 674.92 feet to the Point of Beginning. Thence continue South 89°19'39" East along said South right of way line for 200.00 feet; thence South 01°05'48" West for 401.21 feet to the Northwesterly line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida. Thence South 50°54'48" West along the Northwesterly line of Lots 15, 14, 13 and 12, Edgewood, according to said Plat for 261.78 feet; thence North 01°05'48" East for 568.64 feet to the Point of Beginning.

SUBJECT to easements granted to the City of Panama City, Florida, by instruments dated August 2, 1983, and recorded in Bay County Official Records Book 942, at Pages 188 and 193; Easement from Joe E. Hutchison and wife, Groedell M. Hutchison to City of Panama City, Florida, dated June 9, 1969 and recorded in Bay County Official Records Book 277 at Page 53; and Easement granted to Gulf Power Company dated February 12, 1976, and recorded in Bay County Official Records Book 567 at Page 744.

Documentary Tax Pd. \$ 310.00  
Intang. Tax Pd. \$       
Herald, Successor, Clerk, Bay County  
By: WDA D.C.

**\*\* OFFICIAL RECORDS \*\***  
**BK 974 PG 1664**

SUBJECT also to the Reservations contained in the deed from Joe E. Hutchison and wife, Groedell M. Hutchison, dated October 27, 1977 and recorded in Bay County Official Record Book 392, page 81.

THE FOREGOING PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND THE GRANTORS hereby covenant with the Grantees that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey the said land; that the said Grantors hereby fully warrant the title to the said land and will defend the same against the lawful claims of all persons whomsoever; and that the said land is free of all encumbrances, excepting taxes accruing subsequent to December 31, 1983.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Diane M. Laine

Mary Lou Wilson

As to Attorneys-in-Fact

B. P. COTTON, HARRY ALFRED,  
JOHN MASON, MALCOLM TRAXLER,  
FELTON COFER, THEODORE G.  
ELCHOS, WILLIAM F. HUMPHREYS,  
JR., JAMES A. POYNER, WILLIAM  
C. FONTAINE, TIM M. SMITH,  
STEPHEN SMITH, DIXON McCLOY,  
BYRON H. MCCORMICK, DONALD  
H. ANDERSON, CLARK A. WHITE-  
HORN and RONLETT W. BRYANT,  
by and through their Attorneys-  
in-Fact:

Ronlett W. Bryant  
Attorney-in-Fact

Charles E. Hutchinson  
Attorney-in-Fact

Stephen M. Smith  
Attorney-in-Fact

Alice M. Phillips  
My wife, Lou Wilson  
As to Alice M. Phillips

Alice M. Phillips  
ALICE M. PHILLIPS

Joseph H. Morris  
and A. Ralph Monaco  
As to Joseph H. Morris  
and A. Ralph Monaco

Joseph H. Morris  
JOSEPH H. MORRIS  
A. Ralph Monaco  
A. RALPH MONACO

STATE OF FLORIDA)  
COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Rowlett W. Bryant, Clark A. Whitehorn, and Stephen M. Smith, Attorneys-in-Fact, who, being first duly sworn, acknowledged this day that they executed the foregoing instrument for the purposes and in the capacities therein expressed.

WITNESS my hand and seal, this 5<sup>th</sup> day of May, 1984.

Mary Lou Wilson  
NOTARY PUBLIC  
My Commission expires: 5-7-86

STATE OF FLORIDA)  
COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared ALICE M. PHILLIPS, to me known and known to me to be the person described in and who executed the foregoing instrument, and she acknowledged to and before me that her execution thereof was her free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 4<sup>th</sup> day of May, 1984.

Mary Lou Wilson  
NOTARY PUBLIC  
My Commission expires: 5-7-86

THIS INSTRUMENT PREPARED BY  
Rowlett W. Bryant, Attorney  
P. O. Box 124  
Panama City, Florida 32402

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared JOSEPH H. MORRIS and A. RALPH MONACO, to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 5<sup>TH</sup> day of April, 1984.

Louise L. McNeill  
NOTARY PUBLIC

My Commission expires:

State of Florida  
JAN 1, 1987

THIS INSTRUMENT PREPARED BY:  
Rowlett W. Bryant  
Attorney at Law  
Post Office Box 124  
Panama City, Florida 32402

RCD: MAY 11 1984 @ 3:38 PM  
HAROLD BAZZEL, CLERK



# Last Will and Testament

FILE# 89-02230  
BAY COUNTY, FLORIDA

JESSE CHILDREE

89-0223-417

I, JESSE CHILDREE, of the County of Bay and State of Florida, being of sound and disposing mind and memory, and grateful to Almighty God for the manifold blessings of life, being mindful of the certainty of death, do make, publish and declare this to be my Last Will and Testament, hereby revoking all former wills and codicils by me at any time made.

As to my worldly estate and all the property, real, personal and mixed, for which I shall die seized and possessed, or to which I shall be entitled at the time of my death, I devise, bequeath, and dispose thereof in the manner following:

## ITEM ONE

It is my will that all of my just debts and funeral expenses be paid out of my estate by my personal representative as soon after my death as shall be found convenient.

## ITEM TWO

All the rest, residue and remainder of my estate, real, personal and mixed, I devise and bequeath to my beloved wife, SHIRLEY S. CHILDREE.

## ITEM THREE

In the event my beloved wife, SHIRLEY S. CHILDREE, should not be living at the time of my death, or if she and I should both die as a result of a common casualty, then I devise and bequeath all of my estate, real, personal and mixed to my beloved children, BOBBIE JEAN CHILDREE, DONALD WAYNE CHILDREE, JOHNNY LEE



CHILDREE, JAMES ALLAN CHILDREE, and STEPHEN LYNN CHILDREE, share and share alike.

ITEM FOUR

OFFICIAL RECORDS --  
BK 1216 PG 783

I hereby name, nominate and appoint my beloved wife, SHIRLEY S. CHILDREE, to be the personal representative of this my Last Will and Testament, and request that she be not required to post any bond nor make any report to the Circuit Court, nor any Court of Probate where my estate may be administered.

In the event my wife, SHIRLEY S. CHILDREE, predeceases me, or we should both die as a result of a common casualty as above mentioned, I nominate and appoint my son and daughter, DONALD WAYNE CHILDREE and BOBBIE JEAN CHILDREE, to be the personal representatives of this my Last Will and Testament, and request that they be not required to post any bond nor make any report to any Court of Probate.

IN WITNESS WHEREOF, I, the said JESSE CHILDREE have to this my Last Will and Testament subscribed my name and set my seal, this 20th day of December, 1985.

*Jesse Childree*  
JESSE CHILDREE

(SEAL)

SIGNED, PUBLISHED AND DECLARED by the said JESSE CHILDREE, as and for his Last Will and Testament, in the presence of us, who at his request and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, on this 20th day of December, 1985.

*CO. P. S.*

residing at Panama City, Florida

*H. R. M. Williams*

residing at Panama City, Florida

*Patricia L. Adams*

residing at Panama City, Florida

PROOF OF WILL

STATE OF FLORIDA

OFFICIAL RECORDS --

COUNTY OF BAY

BK 1216 PG 7H4

WE, JESSE CHILDREE, O. David Pibus and  
T.R. Muldowney the Testator and the  
witnesses respectively, whose names are signed to the attached or  
foregoing instrument, being first duly sworn, do hereby declare  
to the undersigned officer that the Testator signed the instru-  
ment as his Last Will and that he signed voluntarily and that  
each of the witnesses in the presence of the Testator at his  
request and in the presence of each other signed the Will as a  
witness and that to the best of the knowledge of each witness the  
Testator was at that time eighteen or more years of age, of sound  
mind and under no constraint or undue influence.

Jesse Childree  
JESSE CHILDREE

O. David Pibus  
Witness

T.R. Muldowney  
Witness

SUBSCRIBED AND ACKNOWLEDGED before me by JESSE CHILDREE, the  
Testator and subscribed and sworn to before me by O. David Pibus  
and T.R. Muldowney the witnesses on the  
20th day of December, 1985.

Patricia L. Adkins  
Notary Public

My commission expires:



IN THE CIRCUIT COURT FOR

Bay COUNTY, FLORIDA

PROBATE DIVISION

IN RE: ESTATE OF

Jesse Childree

File Number 89-028-CP

Division C

Deceased

OFFICIAL RECORDS  
BK 1216 PG 785

LETTERS OF ADMINISTRATION  
(Single Personal Representative)

TO ALL WHOM IT MAY CONCERN

WHEREAS, Jesse Childree

a resident of Bay County, Florida, died on  
November 23, 19 88, owning assets in the State of Florida, and

WHEREAS, Shirley S. Childree

has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite  
to issuance of Letters of Administration in the estate,

NOW, THEREFORE, the undersigned circuit judge, declare

Shirley S. Childree

to be duly qualified under the laws of the State of Florida to act as personal representative of the estate of

Jesse Childree

deceased,

with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property  
of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs;  
and to make distribution of the estate according to law.

WITNESS my hand and the seal of this court this 19<sup>th</sup> day of January, 19 89

Circuit Judge

ROD: JAN 20 1989 @ 8:39 AM  
HAROLD BAZZEL, CLERK

FILED  
JAN 20 1989  
PROBATE  
CLERK  
BAY  
COUNTY  
FLORIDA

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

IN RE: ESTATE OF

JESSE N. CHILDREE  
Deceased.

PROBATE DIVISION C  
FILE NO. 89-028-CP

-- \*\* OFFICIAL RECORDS --  
BK 1279 PG 1746

FILE# 90-23511  
BAY COUNTY, FLORIDA

PETITION FOR AUTHORITY TO SELL

The Personal Representative shows unto the Court that below described is a parcel of real estate which is not necessary to the administration of the estate, nor was it specifically devised under the decedent's Last Will and Testament. Further, the estate is in receipt of an offer to purchase the property and the Personal Representative believes it to be in the best interest of the estate to sell the property in accordance with the offer.

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 674.92 feet to the Point of Beginning. Thence continue South 89°19'39" East along said South right of way line for 200.00 feet; thence South 01°05'48" West for 401.21 feet to the Northwestern line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida. Thence South 50°54'48" West along the Northwestern line of Lots 15, 14, 13 and 12, Edgewood, according to said Plat for 261.78 feet; thence North 01°05'48" East for 568.64 feet to the Point of Beginning.

This property is held jointly in the names of T.R. Muldowney and Jesse Childree, each having an undivided one-half interest.

The contract price is \$200,000.00.

Executed this 25<sup>th</sup> day of June, 1990.

Shirley S. Childree  
Shirley S. Childree  
Personal Representative

H. Cranston Pope  
H. Cranston Pope  
Sale, Smoak, Harrison  
Sale, McCloy & Thompson, Chtd.  
P.O. Drawer 1579  
Panama City, Florida 32402

Attorney for Personal Representative

FILED  
JUN 25 PM 3 21

ORDER

.. OFFICIAL RECORDS ..  
BK 1279 PG 1747

The foregoing Petition coming before the Court, and the Court being advised in the premises, it is, upon consideration,

ORDERED that the Petition is granted and the Personal Representative may so sell.

DONE AND ORDERED in Chambers this 5<sup>th</sup> day of July,  
1990.

  
CIRCUIT JUDGE

RCD: JUL 9 1990 @ 9:56 AM  
HAROLD BAZZEL, CLERK

5 JUL 28



PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made this 18<sup>th</sup> day of July, 1990, by and between Shirley S. Childree as Personal Representative of the Estate of Jesse M. Childree, deceased, Grantor, as to an undivided one-half interest, and The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation, whose address is 3111 Allegheny S.C. Avenue, Pittsburgh, Pennsylvania 19132, Grantee :

WITNESSETH;

That for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, and pursuant to authority vested in Grantor under that Order of the Circuit Court, Bay County, Florida, dated July 5, 1990, Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors S.C. and assigns, the following described property located in Bay County, Florida:

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 674.92 feet to the Point of Beginning. Thence continue South 89°19'39" East along said South right of way line for 200.00 feet; thence South 01°05'48" West for 401.21 feet to the Northwestern line of Lot 15, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida. Thence South 50°54'48" West along the Northwestern line of Lots 15, 14, 13 and 12, Edgewood, according to said Plat for 261.78 feet; thence North 01°05'48" East for 568.64 feet to the Point of Beginning.

Grantor herein affirms the above described property not homestead.

TO HAVE AND TO HOLD in as full and ample manner as held and enjoyed by the said Jesse Childree during his lifetime.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand

Deed Doc Tax Pd. \$ 412.50  
Mtg. Doc Tax Pd. \$         
Intangible Tax Pd. \$         
Muriel Bazzel, Clerk, Bay County  
By: RF D.C.

and seal, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Tolly M. Redfern  
Karen M. Delaney

Shirley S. Childree (SEAL)  
Shirley S. Childree  
Personal Representative for  
the Estate of Jesse Childree

STATE OF FLORIDA  
COUNTY OF BAY

I HEREBY CERTIFY that on this day, before me, an officer  
duly authorized in the State aforesaid and in the County afore-  
said to take acknowledgments, personally appeared Shirley S.  
Childree to me known to be the person described in and who  
executed the foregoing instrument and she acknowledged before me  
that she executed the same for the uses and purposes therein  
expressed.

WITNESS my hand and official seal in the County and State  
last aforesaid this 12<sup>th</sup> day of July, 1990.

Karen M. Delaney  
Notary Public  
My commission expires:  
12-13-92



RCD: SEP 12 1990 @ 4:23 PM  
HAROLD BAZZEL, CLERK

IN THE COUNTY COURT  
IN AND FOR BAY COUNTY, FLORIDA

**BRITTON COOK**  
2354 Pretty Bayou Drive  
Panama City, FL 32405-1735

Plaintiff,

vs.

CASE NO.: 05-1571-SC

**THE PEP BOYS MANNIE MOE & JACK**  
3111 West Allegheny Avenue  
Philadelphia, PA 19132-1115

Defendant.

DEFAULT FINAL JUDGMENT

**THIS CAUSE**, having come before the court for a Pre-Trial Conference and the plaintiff having appeared while the defendant failed to appear, it is, hereby,

**ORDERED AND ADJUDGED** that the plaintiff, Britton Cook, shall recover from the defendant, The Pep Boys Mannie, Moe, & Jack, the principal sum of \$839.29, together with per-judgment interest in the amount of \$23.98, plus costs of \$283.00, making a total of \$1,146.27, which shall bear interest at the rate of 7% per year, for all of which let execution issue.

**DONE AND ORDERED** in chambers at Panama City, Bay County, Florida, this 19 day of August, 2005.

  
\_\_\_\_\_  
**THOMAS F. WELCH**  
County Judge

I hereby certify that copies of the foregoing have been furnished by U. S. Mail to both parties this 19 day of August, 2005.

  
\_\_\_\_\_  
Deputy Clerk

(Ind. SW)

SRD NO. 15  
 SECTION 1665-2601  
 STATE ROAD S-390-A  
 Bay COUNTY

## SPECIAL WARRANTY DEED

THIS INDENTURE made this 9th day of July A. D. 1960  
 between Jon E. Hutchinson and wife, Geraldine M. Hutchinson

as part ies of the first part and the STATE OF FLORIDA, for the use and benefit of the State Road Department of Florida, as party of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of One Dollar and other valuable considerations, paid, receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns, the following described land, situate, lying and being in the County of Bay State of Florida, to-wit:

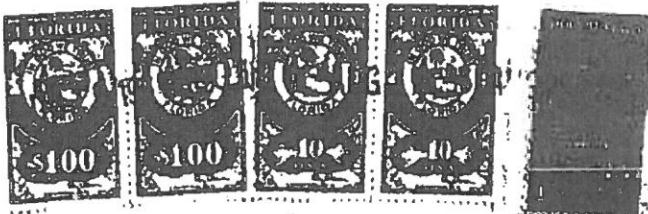
That part of:

The  $\frac{E\frac{1}{2}}$  of  $\frac{NE\frac{1}{4}}$  of  $\frac{NE\frac{1}{4}}$  of Section 31, Township 3 South, Range 14 West, LESS: the North 33 feet of the  $\frac{E\frac{1}{2}}$  of  $\frac{NE\frac{1}{4}}$  of  $\frac{NE\frac{1}{4}}$  of said Section 31; and LESS: the West 66 feet of the East 201 feet of the  $\frac{E\frac{1}{2}}$  of the  $\frac{NE\frac{1}{4}}$  of the  $\frac{NE\frac{1}{4}}$  of said Section 31;  
 The  $\frac{W\frac{1}{2}}$  of  $\frac{NE\frac{1}{4}}$  and the  $\frac{NE\frac{1}{4}}$  of  $\frac{NE\frac{1}{4}}$  of Section 32, Township 3 South, Range 14 West, LESS: the North 33 feet thereof;

lying southerly of and within 50 feet of the survey line of State Road S-390-A, Section 1665, said survey line being described as follows: Begin at the North-west corner of Section 31, Township 3 South, Range 14 West; thence run South 07°13'34" East 5279.11 feet to the Northwest corner of Section 32, Township 3 South, Range 14 West; thence South 89°19'39" East 5314.05 feet to the Northeast corner of said Section 32; containing 1.78 acres, more or less.

STATE ROAD DEPARTMENT OF FLORIDA  
 DIVISION OF RIGHTS OF WAY  
 DESCRIPTION APPROVED  
 MAR 16 1960 BY P. R. M.

DOCUMENTARY STAMPS  
 STATE 65  
 FEDERAL 65



1960 AUG 12 AM 9:43  
 CLERK OF COUNTY, FLORIDA

FILED



TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, forever; and the part 1st of the first part will defend the title thereto against all persons claiming by, through, or under the said part 1st of the first part.

IN WITNESS WHEREOF, said part 1st of the first part hereunto set their hand and seal 5 the date first above written.

Signed, sealed and delivered in the presence of:

W. P. Richardson  
Anna M. Adams

Joe E. Hutchison (SEAL)  
Frederic M. Hutchison (SEAL)

Signature of TWO witnesses required above by Florida law

STATE OF Florida  
COUNTY OF Bay

Before me personally appeared Joe E. Hutchison and Frederic M. Hutchison, his wife, to me well known and known to me to be the individuals described in and who executed the foregoing instrument, and acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 9th day of July, A. D. 1960

(Notarial Seal)

William P. Richardson  
Notary Public in and for the County and State aforesaid.

Notary Public, State of Florida at Large  
My Commission Expires May 12, 1963  
Bonded by American Surety Co. of N. Y.

BAY COUNTY FLA 12 1960

Filed for record 9:43 A o'clock and duly recorded. Book and page indicated above Bruce Collins, Clerk, Circuit Court, U.S.

<b>SPECIAL WARRANTY DEED</b>	
Section _____	State Road _____
FROM _____	TO _____
STATE OF FLORIDA	
FILED FOR RECORD	
In the office of the Clerk of the Circuit Court for the County of _____ State of Florida, on the _____ day of _____, A. D. 19 <u>60</u> , Page _____ and recorded in Deed Book _____ and the record verified.	
Clerk of Circuit Court _____	County, Florida _____



STATE OF FLORIDA  
 COUNTY OF BAY

WHEREAS, Joe E. Hutchison and Wife, Grocdell M. Hutchison hereinafter referred to as Grantor(s) is/are the owner(s) in fee simple of certain real estate more particularly described hereinafter, and

WHEREAS, the City of Panama City, Florida, a municipal corporation under the laws of the State of Florida, hereafter referred to as Grantee, desires an Easement over and upon said lands, now, therefore,

THIS INDENTURE made this 9th day of June A. D. 1969, by and between

Joe E. Hutchison and Wife, Grocdell M. Hutchison  
 Grantor(s), and the City of Panama City, Florida, a municipal corporation under the laws of the State of Florida, Grantee, WITNESSETH:

FOR AND IN CONSIDERATION of the sum of \$1.00 and other good and valuable considerations in hand paid to Grantor(s) by Grantee, the receipt whereof is hereby acknowledged, the Grantor(s) has/have granted, bargained, sold and conveyed and by these presents does/do grant, bargain, sell and convey unto the City of Panama City, Florida, a municipal corporation under the laws of the State of Florida, Grantee, its successors and assigns, an Easement with full and free rights as hereinafter defined over and upon the following described real estate, located in the City of Panama City, County of Bay, State of Florida.

An easement of 12.5 ft. 6.25 ft. on each side and adjacent to the following described centerline. Commence at a point on the northerly right-of-way of Airport Drive (State Road No. 391) and 6.39 ft. Northwesterly of the Southwesterly corner of Lot 1 of the Edgewood Subdivision as per plat on file in the office of the Clerk of Circuit Court in and for Bay County, Florida; thence North 42 degrees East a distance of 339.07 ft. to a point 7.88 ft. North of the Northerly corner of Lot 3 of said Edgewood Subdivision; thence South 63 degrees East a distance of 482.66 ft. to a point 7.50 ft. North of the Northwesterly corner of Lot 12 of said Edgewood Subdivision; thence North 50 degrees East a distance of 527.09 ft. to a point 9.25 ft. North of the Northerly corner of Lot 17 of said Edgewood Subdivision; thence South 45 degrees East a distance of 220.45 ft. to a point 6.30 ft. Northeast of the Easterly corner of Lot 18 of said Edgewood Subdivision; thence South 30 degrees East a distance of 353.42 ft. to a point 6.77 ft. Easterly of the Northeast corner of Lot 21 of said Edgewood Subdivision; thence South 15 degrees West a distance of 234.87 ft. to a point 6.65 ft. Southeast of the Southeast corner of Lot 23 of said Edgewood Subdivision; thence South 55 degrees West a distance of 236.65 ft. to a point 7.63 ft. South of the Southeast corner of Lot 26 of said Edgewood Subdivision.

The rights, uses and purposes for which this Easement is granted are as follows: Sanitary Sewer

Grantee shall have the right to remove any existing trees or shrubbery from said property and shall also have the right to remove any improvements now existing upon said property therefrom, and Grantee shall be entitled to no further consideration because of any damage to any trees, shrubbery or other improvement now existing upon said premises.

TO HAVE AND TO HOLD the said Easement unto the said Grantee, its successors and assigns, perpetually, unless and until said Easement shall be abandoned by said Grantee, and cancelled by an Instrument in writing under oath, delivered to the fee simple owner of said property.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 9th day of

June A. D. 1969.

Signed, sealed and delivered in the presence of:

*Michael M. Bush* *Joe E. Hutchison* (SEAL)  
*Charles M. Bush* *Grocdell M. Hutchison* (SEAL)  
*Charles M. Bush*

STATE OF FLORIDA  
 COUNTY OF BAY

BAY COUNTY  
 STATE OF FLORIDA  
 DOCUMENTARY STAMP TAX  
 JUN-26-69  
 030

This day before the undersigned, personally appeared Joe E. Hutchison and Wife, Grocdell M. Hutchison

to me well known to be the individuals described in and who executed the foregoing Easement and acknowledged that they executed the same for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this 9th day of

June A. D. 1969.

PAY COUNTY, FLORIDA

JUN 9 1969

*William J. Richardson*

\*\* OFFICIAL RECORDS \*\*  
BK 942 PG 188

E A S E M E N T

WHEREAS, DIXON R. MCCLOY, B. P. COTTON, TIM M. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, JOHN MASON, THEODORE G. ELCHOS, ROWLETT W. BRYANT, ALICE M. PHILLIPS, as Personal Representative of the Estate of James D. Phillips, Deceased, A. RALPH MONACO and JOSEPH H. MORRIS, are the owners in fee simple of certain real estate more particularly described hereinafter, and

WHEREAS, the CITY OF PANAMA CITY, FLORIDA, a municipal corporation under the laws of the State of Florida, desires an easement over and upon said lands,

NOW, THEREFORE, THIS INDENTURE made this 2nd day of August, 1983, by and between DIXON R. MCCLOY, B. P. COTTON, TIM M. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, THEODORE G. ELCHOS, JOHN MASON and ROWLETT W. BRYANT, by and through their Attorneys-in-Fact, and ALICE M. PHILLIPS, Personal Representative of the Estate of James D. Phillips, Deceased, JOSEPH H. MORRIS and A. RALPH MONACO, hereinafter referred to as Grantors, and the CITY OF PANAMA CITY, FLORIDA, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as Grantee;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of \$1.00 and other good and valuable considerations in hand paid to Grantors by Grantee, the receipt whereof is hereby acknowledged, the Gran-

Documentary Tax Pd. \$ 45  
Intangible Tax Pd. \$ —  
Harold Bazzel, Clerk, Bay County  
By: W. H. D. C.

**\*\* OFFICIAL RECORDS \*\***  
**BK 942 PG 189**

tors have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the Grantee, its successors and assigns, an easement with full and free rights as hereinafter defined over and upon the following described real estate located in the city of Panama City, County of Bay, State of Florida:

A 30 foot easement described as follows: Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 654.92 feet; thence South 01°05'48" West for 533.10 feet to the Point of Beginning. Thence continue South 01°05'48" West for 33.60 feet to the Northerly line of Lot 11, Edgewood, according to the plat recorded in Plat Book 8, Page 88, in the Public Records of Bay County, Florida. Thence North 62°08'12" West along the Northerly line of said Lot 11 and Lot 5, Edgewood, according to said Plat for 224.76 feet; thence North 62°17'23" West along the Northerly line of Lot 4, Edgewood, according to said Plat for 171.96 feet; thence North 62°27'44" West along the Northerly line of Lot 3, Edgewood, according to said Plat for 50.01 feet; thence North 01°05'48" East for 33.51 feet; thence South 62°27'44" East for 65.87 feet; thence South 62°17'23" East for 172.04 feet; thence South 62°08'12" East for 209.66 feet to the Point of Beginning.

THE RIGHTS, USES AND PURPOSES for which this easement is granted are for drainage and utility easements.

Grantee shall have the right to remove any existing trees or shrubbery from said property and shall also have the right to remove any improvements now existing upon said property therefrom, and Grantor shall be entitled to no further consideration because of any damage to any trees, shrubbery or other improvements now existing upon said premises.

TO HAVE AND TO HOLD the said easement unto the said Grantee, its successors and assigns, perpetually, unless and until said

\*\* OFFICIAL RECORDS \*\*  
BK 942 PG 190

easeement shall be abandoned by said Grantee, and cancelled by an instrument in writing under oath, delivered to the fee simple owner of said property.

IN WITNESS WHEREOF, the Grantors have set their hands and seals, this the day and year first above written.

Signed, sealed and delivered in the presence of:

DIXON R. McCLOY, B. P. COTTON,  
TIM M. SMITH, STEPHEN SMITH,  
MALCOLM TRAXLER, JAMES POYNER,  
WILLIAM F. HUMPHREYS, JR., WIL-  
LIAM C. FONTAINE, BYRON E.  
McCORMICK, DONALD H. ANDERSON,  
CLARK A. WHITEHORN, PELTON  
COFER, THEODORE G. EICHOS, JOHN  
MASON and RONLETT W. BRYANT,  
by and through their Attorneys-in-  
Fact:

*Paul G. Wilson*  
*Mary Lou Wilson*  
As to Attorneys-in-Fact

*Dixon R. McCloy*  
Attorney-in-Fact  
*Clark A. Whitehorn*  
Attorney-in-Fact  
*Ronlett W. Bryant*  
Attorney-in-Fact

*Paul G. Wilson*  
*Mary Lou Wilson*  
As to Alice M. Phillips

*Alice M. Phillips*  
ALICE M. PHILLIPS, as Personal  
Representative of the Estate  
of James U. Phillips, Deceased

*William A. Salas*  
*William A. Salas*  
As to Monaco and Morris

*A. Ralph Monaco*  
A. RALPH MONACO  
*Joseph H. Morris*  
JOSEPH H. MORRIS

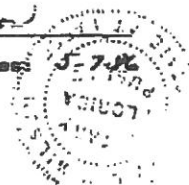
STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Nixon R. McCloy, Clark A. Whitehorn and Rowlett W. Bryant, who, being first duly sworn, acknowledged this day that they executed the foregoing instrument for the purposes and in the capacities therein expressed.

WITNESS my hand and seal, this 4<sup>th</sup> day of August, 1983.

*Mary Lou Wilson*  
NOTARY PUBLIC  
My Commission expires 5-7-86



STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME the undersigned authority, this day personally appeared ALICE M. PHILLIPS, Personal Representative of the Estate of James D. Phillips, deceased, who, being first duly sworn, acknowledged this day that she executed the foregoing instrument for the purposes and in the capacity therein expressed.

WITNESS my hand and seal, this 4<sup>th</sup> day of August, 1983.

*Mary Lou Wilson*  
NOTARY PUBLIC  
My Commission expires 5-7-86



STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared JOSEPH H. MORRIS and A. RALPH MONACO, to be known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.



WITNESS my hand and seal, this 2<sup>nd</sup> day of August,  
1983.



*John A. Ballantyne*  
NOTARY PUBLIC  
My Commission expires:

Notary Public, State of Florida  
My Commission Expires June 12, 1986  
(Signed True Copy Sent: December, 1985)

THIS INSTRUMENT PREPARED BY:  
Rowlett W. Bryant  
Attorney at Law  
P. O. Box 124  
Panama City, Florida 32401

RCD: AUG 5 1983 @ 3:08 PM  
HAROLD BAZZEL, CLERK

\*\* OFFICIAL RECORDS \*\*  
BK 942 PG 193

E A S E M E N T

WHEREAS, DIXON R. McCLOY, B. P. COTTON, TIM M. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, JOHN MASON, THEODORE C. ELCHOS, ROWLETT W. BRYANT, ALICE M. PHILLIPS, as Personal Representative of the Estate of James D. Phillips, Deceased, A. RALPH MONACO and JOSEPH H. MORRIS, are the owners in fee simple of certain real estate more particularly described hereinafter, and

WHEREAS, the CITY OF PANAMA CITY, FLORIDA, a municipal corporation under the laws of the State of Florida, desires an easement over and upon said lands,

NOW, THEREFORE, THIS INDENTURE made this 2nd day of August, 1983, by and between DIXON R. McCLOY, B. P. COTTON, TIM M. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, THEODORE G. ELCHOS, JOHN MASON and ROWLETT W. BRYANT, by and through their Attorneys-in-Fact, and ALICE M. PHILLIPS, Personal Representative of the Estate of James D. Phillips, Deceased, JOSEPH H. MORRIS and A. RALPH MONACO, hereinafter referred to as Grantors, and the CITY OF PANAMA CITY, FLORIDA, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as Grantee;

Documentary Tax Pd. \$ 45  
Intangible Tax Pd. \$ -  
Harold Bazzel, Clerk, Bay County  
By: [Signature] D.C.

**\*\* OFFICIAL RECORDS \*\***  
**BK 942 PG 194**

**WITNESSETH:**

**FOR AND IN CONSIDERATION** of the sum of \$1.00 and other good and valuable considerations in hand paid to Grantors by Grantee, the receipt whereof is hereby acknowledged, the Grantors have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the Grantee, its successors and assigns, an easement with full and free rights as hereinafter defined over and upon the following described real estate located in the city of Panama City, County of Bay, State of Florida:

A 20 feet easement having the following described center line: Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 664.92 feet to the Point of Beginning. Thence South 01°05'48" West for 565.82 feet to terminate on the North boundary of Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida.

**THE RIGHTS, USES AND PURPOSES** for which this easement is granted are for grainage and utility easements.

Grantee shall have the right to remove any existing trees or shrubbery from said property and shall also have the right to remove any improvements now existing upon said property therefrom, and Grantor shall be entitled to no further consideration because of any damage to any trees, shrubbery or other improvements now existing upon said premises.

**TO HAVE AND TO HOLD** the said easement unto the said Grantee, its successors and assigns, perpetually, unless and until said

assessment shall be abandoned by said Grantee, and cancelled by an instrument in writing under oath, delivered to the fee simple owner of said property.

IN WITNESS WHEREOF, the Grantors have set their hands and seals, this the day and year first above written.

Signed, sealed and delivered  
in the presence of:

DIXON R. McCLOY, B. P. COTTON,  
TIM M. SMITH, STEPHEN SMITH,  
MALCOLM TRAXLER, JAMES POYNER,  
WILLIAM F. HUMPHREYS, JR., WIL-  
LIAM C. FONTAINE, BYRON H.  
McCORMICK, DONALD H. ANDERSON,  
CLARK A. WHITEHORN, FELTON  
COPEL, THEODORE G. ELCHOS, JOHN  
MASON and ROWLETT W. BRYANT,  
by and through their Attorneys-in-  
Fact:

Carl V. Dea  
For my son Wilson  
As to Attorneys-in-Fact

Dixon R. McCloy  
Attorney-in-Fact  
Clark A. Whitehorn  
Attorney-in-Fact  
Rowlett W. Bryant  
Attorney-in-Fact

Carl V. Dea  
For my son Wilson  
As to Alice M. Phillips

Alice M. Phillips  
ALICE M. PHILLIPS, as Personal  
Representative of the Estate  
of James D. Phillips, Deceased

Joseph H. Morris  
For my son Walbridge  
As to Monaco and Morris

Joseph H. Morris  
J. H. MORRIS  
JOSEPH H. MORRIS

STATE OF FLORIDA)  
COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared Dixon R. McCloy, Clark A. Whitehorn and Rowlett W. Bryant, who, being first duly sworn, acknowledged this day that they executed the foregoing instrument for the purposes and in the capacities therein expressed.

WITNESS my hand and seal, this 4<sup>th</sup> day of August, 1983.

*Mary Lou Wilson*  
NOTARY PUBLIC  
My Commission expires: 5-2-84



STATE OF FLORIDA)  
COUNTY OF BAY )

BEFORE ME the undersigned authority, this day personally appeared ALICE M. PHILLIPS, Personal Representative of the Estate of James D. Phillips, deceased, who, being first duly sworn, acknowledged this day that she executed the foregoing instrument for the purposes and in the capacity therein expressed.

WITNESS my hand and seal, this 4<sup>th</sup> day of August, 1983.

*Mary Lou Wilson*  
NOTARY PUBLIC  
My Commission expires: 5-2-84



STATE OF FLORIDA)  
COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally appeared JOSEPH H. MORRIS and A. RALPH MONACO, to be known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that their execution thereof was their free act and deed, for the uses and purposes therein mentioned and expressed.



**\*\* OFFICIAL RECORDS \*\***  
BK 942 PG 197

WITNESS my hand and seal, this 2<sup>nd</sup> day of August,  
1983.



*John A. L. L. L.*  
NOTARY PUBLIC  
My Commission expires:

Notary Public, State of Florida  
My Commission Expires June 12, 1986  
Shirley Lee Troy, Notary Public, Inc.

THIS INSTRUMENT PREPARED BY:  
Rowlett W. Bryant  
Attorney at Law  
P. O. BOX 124  
Panama City, Florida 32401

RCD: AUG 5 1983 @ 3:09 PM  
HAROLD BAZZEL, CLERK

This Legal Document  
Prepared by D. R. Scheffeld  
of Gulf Power Company,  
P. O. Box 1151, Pensacola, Florida 32520

FILE# 90-45053  
BAY COUNTY, FLORIDA

UNDERGROUND EASEMENT FOR ELECTRIC SERVICE

STATE OF FLORIDA  
COUNTY OF BAY

DOC# 23789  
DSOW 028150  
TLNW  
GMB

KNOW ALL MEN BY THESE PRESENTS, that THE PEP BOYS - MANNY, MOE & JACK, A PENNSYLVANIA CORPORATION (Grantor), for and in consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid by Gulf Power Company, a corporation (Grantee), the receipt whereof is hereby acknowledged, does hereby grant and convey to Grantee, its successors and assigns, the perpetual right to lay, bury, construct, operate, maintain, dig up and repair an underground electrical distribution system and necessary related overhead facilities, with all necessary conductors, ducts, conduit, transformers, connection boxes, facilities and equipment, necessary or convenient in connection therewith from time to time, together with all rights and privileges necessary or convenient for the full enjoyment or use thereof for the aforesaid purposes, including the right of ingress and egress thereto and therefrom, on, along, under and across the following described property in Bay County, Florida, to-wit:

A continuous strip of land fifteen feet (15') in width lying seven and one-half feet (7.5') on each side of the following described tract of land, to-wit:

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line for 674.92 feet; thence continue South 89 degrees 19 minutes 39 seconds East along said South right of way line for 7.90 feet to the Point of Beginning of said centerline; thence South 01 degree 05 minutes 48 seconds East 405.00 feet; thence south 89 degrees 19 minutes 39 seconds East 70.00 feet to the Terminal Point of this description.

for the transmission, distribution, supply and sale to the public for power, heat and light; and also the perpetual right to lay, bury, construct, operate, maintain, dig up and repair such an underground electrical system on Grantor's adjoining property to serve present and future customers of Grantee, its successors and assigns with electric energy.

TO HAVE AND TO HOLD the same to the said company, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 18 day of October, 1990.

THE PEP BOYS - MANNY, MOE & JACK,  
A PENNSYLVANIA CORPORATION

By: Donald K. Denbo  
Vice President Legal & Admin.  
Donald K. Denbo

ATTEST:

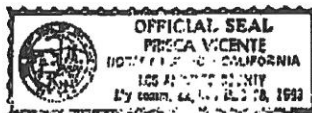
Witness Dave Donaldson  
Witness Dave Donaldson

By: \_\_\_\_\_  
Secretary

Doc. Tax Pd. \$ 55  
Mtg. Doc. Tax Pd. \$ \_\_\_\_\_  
Intangible Tax Pd. \$ \_\_\_\_\_  
Recorded in C.R. Bay County

STATE OF California  
COUNTY OF Los Angeles

The foregoing instrument was acknowledged before me this 18th day of October, 1990 by Donald K. Denbo, as Vice President, and as Secretary of THE PEP BOYS - MANNY, MOE & JACK, A PENNSYLVANIA CORPORATION, on behalf of the corporation.



Patricia M. M...t  
Notary Public  
My Commission Expires: 12-26-93

ACD: DEC 18 1990 @ 2:05 PM  
HAROLD BAZZEL, CLERK

OFF. REC.

528 PAGE 618

FILE NO 75-11233

AGREEMENT

THIS AGREEMENT made this 15th day of July 1972, by and between DIXON R. MORTON, JAMES ELLIOTT, JAMES A. POYNER, B. P. COTTON, H. ELLIOTT, J. E. MONTAINI, E. HUMPHREYS, MALCOLM TRAXLER, LEO M. SMITH, STEPHEN SMITH, CLARK WHITEHORN, DONALD ANDERSON, HARRY ALFRED, THEODORE ELCHOS, BYRON MCCORNICK, JOHN MASON, A. RALPH MONAGO, JOSEPH P. MORRIS, and ROWLETT W. BRYANT, hereinafter called Parties of the First Part, and JOE E. HUTCHISON and wife, GROEDILL M. HUTCHISON, hereinafter called Parties of the Second Part, WITNESSETH:

WHEREAS, the Parties of the First Part and the Parties of the Second Part by unrecorded instrument of earlier date entered into an agreement regarding the utilization and right of purchase of the lands hereinafter described, and

WHEREAS, the Parties of the First Part and the Parties of the Second Part desire to formalize their agreement in a recordable manner;

NOW, THEREFORE, in consideration of the premises and the covenants to be kept and performed by the parties hereto, it is agreed as follows:

1. The Parties of the Second Part agree that they, their successors and assigns, shall utilize the premises hereinafter described as a gasoline service station, within fifteen (15) years from the date of July 6, 1972, said premises situated in Bay County, Florida, and described as follows, to-wit:

Commence at the NE corner of the NW 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 18 East; thence N89°19'39" W along the North Line of Section 32 and the Centerline of State Street 80 feet; thence S10°11'47" W along the West right of way line of State Street 50 feet to the Point of Beginning; thence S89°19'39" W 100 feet; thence S10°11'47" W 100 feet; thence S89°19'39" W 100 feet to the Point of

1975 JUN 23 PM 2:56  
INDEXED  
FILED  
BAY COUNTY  
FLORIDA

2. In the event the property is not utilized in accordance with this Agreement by 1960, the Parties of the First Part shall have the right to purchase said parcel of property for the sum of \$3200.00.

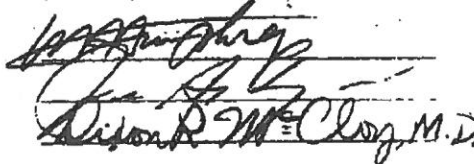
3. If the lands described are not developed, then upon expiration of this Agreement, the Parties of the Second Part shall convey the said parcel of property to the Parties of the First Part by Warranty Deed. All closing costs and prorations of expenses shall be paid by the parties in a manner as are usual and customary in trades of this nature.

4. Development of the premises by the Parties of the Second Part shall be of such construction and design compatible with that of existing structures on the adjacent property conveyed by the Parties of the Second Part to the Parties of the First Part by Deed recorded in Bay County Official Records Book 392 at Page 81.

5. If the Parties of the First Part should divest themselves of their interest in the property described in the deed from the Parties of the Second Part to the Parties of the First Part, recorded in Bay County Official Records Book 392 at Page 81, then this Agreement shall be null and void.

6. If the Parties of the Second Part should develop and utilize the described property for the purpose of a filling station at any time within said fifteen (15) year period, then this Agreement shall be null and void.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals, this day and year first above written.

  
Donald R. McCloud, M.D.

Signed, sealed and delivered  
in the presence of:

*Many in place*  
As to Parties of the First  
Part

*Walter Cope*  
*Pharson MD*  
*C. A. Whitcomb*  
*B. C. Cotton*  
*Stephen M. Smith*  
*Walter Bryant*  
*W. C. Fennell*  
*W. F. Humphreys*

Signed, sealed and delivered  
in the presence of:

*James M. Needer*  
*Orlando M. Needer*

As to Parties of the Second  
Part

PARTIES OF THE SECOND PART:

*John E. Hutchison*  
JOHN E. HUTCHISON  
*Groebell M. Hutchison*  
GROEBELL M. HUTCHISON

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally  
appeared *James M. Needer*, *Orlando M. Needer*, *James M. Needer*, *James A. Foyner*,  
*Malcolm Traxler*, *Tim M. Smith*, *Stephen Smith*, *Clark Whitcomb*,  
*F. P. Cotton*, *W. C. Fennell*, *W. F. Humphreys*,



... Thomas Alton, Bryan  
... Bryant, to me  
... and known to me to be the persons described in  
... and they acknowledged  
... to and before me that their execution thereof was their  
... act and deed, for the uses and purposes therein  
... mentioned and expressed.

WITNESS my hand and seal, this 14th day of June.

Marie Lou Mason  
NOTARY PUBLIC  
My Commission expires:

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally  
appeared A. Ralph Monaco and Joseph H. Morris, to me known  
and known to me to be the persons described in, and who  
executed the foregoing instrument, and they acknowledged  
to and before me that their execution thereof was their free,  
act and deed, for the uses and purposes therein mentioned  
and expressed.

WITNESS my hand and seal, this 19th day of June.



Shirley M. Roman  
NOTARY PUBLIC  
My Commission expires:

Notary Public, State of Florida  
My Commission Expires July 4, 1977  
Bonded by American Fire & Casualty Co.

STATE OF FLORIDA)

COUNTY OF BAY )

BEFORE ME, the undersigned authority, this day personally  
appeared Joe E. Hutchison and Groedell M. Hutchison, to me known  
and known to me to be the persons described in and who executed  
the foregoing instrument, and they acknowledged to and before  
me that their execution thereof was their free act and deed,  
for the uses and purposes therein mentioned and expressed.

WITNESS my hand and seal, this 27 day of June.



Janice M. Veeder  
NOTARY PUBLIC  
My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COM. EXPIRES JANUARY 24, 1979  
BONDED BY ST. PAUL FIRE & MARINE INSURANCE CO.

THIS INSTRUMENT PREPARED BY  
ROULETT W. BRYANT, Panama City, Fla.

BAY COUNTY, FLORIDA  
Filed for record  
3 16 1976  
at  
3:16 o'clock and duly recorded, Book and  
Page indicated above, before Collins, Clerk,  
of Bay County, Florida.  
Robert W. Bryant  
R.W.

Pep Boys #122, Panama City, Florida

Copies of Easements

OFFICIAL RECORD

BOOK 277 PAGE 53

EASEMENT

INSTRUMENT WAS PREPARED BY:

*Heodore Perkins*  
 CITY OF PANAMA CITY  
 P. O. BOX 1880  
 PANAMA CITY, FLORIDA  
 FILE NO 69-19002

STATE OF FLORIDA  
COUNTY OF BAY

WHEREAS, Joe E. Hutchison and Wife, Groedell M. Hutchison  
 hereinafter referred to as Grantor(s) is/are the owner(s) in fee simple of certain real estate more particularly  
 described hereinafter, and

WHEREAS, the City of Panama City, Florida, a municipal corporation under the laws of the State of  
 Florida, hereafter referred to as Grantee, desires an Easement over and upon said lands, now, therefore,

THIS INDENTURE made this 7th day of June A. D. 1967, by and between

Joe E. Hutchison and Wife, Groedell M. Hutchison  
 Grantor(s), and the City of Panama City, Florida, a municipal corporation under the laws of the State of  
 Florida, Grantee, WITNESSETH:

FOR AND IN CONSIDERATION of the sum of \$1.00 and other good and valuable considerations in hand  
 paid to Grantor(s) by Grantee, the receipt whereof is heroby acknowledged, the Grantor(s) has/have granted,  
 bargained, sold and conveyed and by these presents does/do grant, bargain, sell and convey unto the City of  
 Panama City, Florida, a municipal corporation under the laws of the State of Florida, Grantee, its successors and  
 assigns, an Easement with full and free rights as hereinafter defined over and upon the following described real  
 estate, located in the City of Panama City, County of Bay, State of Florida.

An easement of 12.5 ft. 6.25 ft. on each side and adjacent to the following described centerline.  
 Commence at a point on the northerly right-of-way of Airport Drive (State Road No. 391) and 6.39 ft.  
 Northwesterly of the Southwesterly corner of Lot 1 of the Edgewood Subdivision as per plat on file  
 in the office of the Clerk of Circuit Court in and for Bay County, Florida; thence North 42 degrees  
 East a distance of 339.07 ft. to a point 7.88 ft. North of the Northerly corner of Lot 3 of said  
 Edgewood Subdivision; thence South 63 degrees East a distance of 482.66 ft. to a point 7.50 ft.  
 North of the Northwesterly corner of Lot 12 of said Edgewood Subdivision; thence North 50 degrees  
 East a distance of 527.69 ft. to a point 9.25 ft. North of the Northerly corner of Lot 17 of said  
 Edgewood Subdivision; thence South 45 degrees East a distance of 220.45 ft. to a point 6.30 ft.  
 Northeasterly of the Easterly corner of Lot 18 of said Edgewood Subdivision; thence South 30 degrees  
 East a distance of 353.42 ft. to a point 6.77 ft. Easterly of the Northeasterly corner of Lot 21  
 of said Edgewood Subdivision; thence South 15 degrees West a distance of 234.87 ft. to a point  
 6.65 ft. Southeasterly of the Southeast corner of Lot 23 of said Edgewood Subdivision; thence South  
 55 degrees West a distance of 236.65 ft. to a point 7.63 ft. South of the Southeast corner of Lot  
 26 of said Edgewood Subdivision.

The rights, uses and purposes for which this Easement is granted are as follows: Sanitary Sewer

Grantee shall have the right to remove any existing trees or shrubbery from said property and shall also  
 have the right to remove any improvements now existing upon said property therefrom, and Grantee shall be  
 entitled to no further consideration because of any damage to any trees, shrubbery or other improvement now  
 existing upon said premises.

TO HAVE AND TO HOLD the said Easement unto the said Grantee, its successors and assigns, perpetually,  
 unless and until said Easement shall be abandoned by said Grantee, and cancelled by an Instrument in writing  
 under oath, delivered to the fee simple owner of said property.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 7th day of

June A. D. 1967  
 Signed, sealed and delivered in the presence of:

*Mabel M. Bush*  
*Mabel M. Bush*  
*Charles E. Bush*

*Joe E. Hutchison* (SEAL)  
*Groedell M. Hutchison* (SEAL)

STATE OF FLORIDA  
COUNTY OF BAY

This day before the undersigned, personally appeared Joe E. Hutchison and Wife, Groedell M.  
Hutchison

to me well known to be the individuals described in and who executed the foregoing Easement and ack-  
 nowledged that they executed the same for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this 7th day of

June A. D. 1967



BAY COUNTY, FLORIDA  
 Filed for record  
 JUN 9 1969  
 3:46  
 The clock and duly reported, Book and  
 Page indicated above. Notary Public, Clerk  
 of Court.  
*William P. Richardson*  
 D.C.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE.  
 MY COMMISSION EXPIRES MAY 12, 1971  
 BONDED THROUGH FRED M. SINGELHORN.

FILE# 83-25217  
BAY COUNTY, FLORIDA

\*\* OFFICIAL RECORDS \*\*  
BK 942 PG 188

EASEMENT

WHEREAS, DIXON R. McCLOY, B. P. COTTON, TIM M. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, JOHN MASON, THEODORE G. ELCHOS, ROWLETT W. BRYANT, ALICE M. PHILLIPS, as Personal Representative of the Estate of James D. Phillips, Deceased, A. RALPH MONACO and JOSEPH H. MORRIS, are the owners in fee simple of certain real estate more particularly described hereinafter, and

WHEREAS, the CITY OF PANAMA CITY, FLORIDA, a municipal corporation under the laws of the State of Florida, desires an easement over and upon said lands,

NOW, THEREFORE, THIS INDENTURE made this 2nd day of August, 1983, by and between DIXON R. McCLOY, B. P. COTTON, TIM M. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, THEODORE G. ELCHOS, JOHN MASON and ROWLETT W. BRYANT, by and through their Attorneys-in-Fact, and ALICE M. PHILLIPS, Personal Representative of the Estate of James D. Phillips, Deceased, JOSEPH H. MORRIS and A. RALPH MONACO, hereinafter referred to as Grantors, and the CITY OF PANAMA CITY, FLORIDA, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as Grantee;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of \$1.00 and other good and valuable considerations in hand paid to Grantors by Grantee, the receipt whereof is hereby acknowledged, the Gran-

Documentary Tax Pd. \$ 45  
Intangible Tax Pd. \$ —  
Harold Baxzel, Clerk, Bay County  
By: [Signature] D.C.



\*\* OFFICIAL RECORDS \*\*  
BK 942 PG 189

tors have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the Grantee, its successors and assigns, an easement with full and free rights as hereinafter defined over and upon the following described real estate located in the city of Panama City, County of Bay, State of Florida:

A 30 foot easement described as follows: Commence at the northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 654.92 feet; thence South 01°05'48" West for 533.10 feet to the Point of Beginning. Thence continue South 01°05'48" West for 33.60 feet to the Northerly line of Lot 11, Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida. Thence North 62°08'12" West along the Northerly line of said Lot 11 and Lot 5, Edgewood, according to said Plat for 224.76 feet; thence North 62°17'23" West along the Northerly line of Lot 4, Edgewood, according to said Plat for 171.96 feet; thence North 62°27'44" West along the Northerly line of Lot 3, Edgewood, according to said Plat for 50.01 feet; thence North 01°05'48" East for 33.51 feet; thence South 62°27'44" East for 65.87 feet; thence South 62°17'23" East for 172.84 feet; thence South 62°08'12" East for 209.66 feet to the Point of Beginning.

THE RIGHTS, USES AND PURPOSES for which this easement is granted are for drainage and utility easements.

Grantee shall have the right to remove any existing trees or shrubbery from said property and shall also have the right to remove any improvements now existing upon said property therefrom, and Grantor shall be entitled to no further consideration because of any damage to any trees, shrubbery or other improvements now existing upon said premises.

TO HAVE AND TO HOLD the said easement unto the said Grantee, its successors and assigns, perpetually, unless and until said



FILE# 83-25218  
BAY COUNTY, FLORIDA

\*\* OFFICIAL RECORDS \*\*  
BK 942 PG 193

E A S E M E N T

WHEREAS, DIXON R. McCLOY, B. P. COTTON, TIM H. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, JOHN MASON, THEODORE C. ELCHOS, RONLETT W. BRYANT, ALICE M. PHILLIPS, as Personal Representative of the Estate of James D. Phillips, Deceased, A. RALPH MONACO and JOSEPH H. MORRIS, are the owners in fee simple of certain real estate more particularly described hereinafter, and

WHEREAS, the CITY OF PANAMA CITY, FLORIDA, a municipal corporation under the laws of the State of Florida, desires an easement over and upon said lands,

NOW, THEREFORE, THIS INDENTURE made this 2nd day of August, 1983, by and between DIXON R. McCLOY, B. P. COTTON, TIM H. SMITH, STEPHEN SMITH, MALCOLM TRAXLER, JAMES POYNER, WILLIAM F. HUMPHREYS, JR., WILLIAM C. FONTAINE, BYRON H. MCCORMICK, DONALD H. ANDERSON, CLARK A. WHITEHORN, FELTON COFER, THEODORE C. ELCHOS, JOHN MASON and RONLETT W. BRYANT, by and through their Attorneys-in-Fact, and ALICE M. PHILLIPS, Personal Representative of the Estate of James D. Phillips, Deceased, JOSEPH H. MORRIS and A. RALPH MONACO, hereinafter referred to as Grantors, and the CITY OF PANAMA CITY, FLORIDA, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as Grantee;

Documentary Tax Pd. \$ 45  
Intangible Tax Pd. \$ -  
Harold Bazzel, Clerk, Bay County  
By: [Signature] D.C.

\*\* OFFICIAL RECORDS \*\*  
BK 943 PG 194

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of \$1.00 and other good and valuable considerations in hand paid to Grantors by Grantee, the receipt whereof is hereby acknowledged, the Grantors have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the Grantee, its successors and assigns, an easement with full and free rights as hereinafter defined over and upon the following described real estate located in the city of Panama City, County of Bay, State of Florida:

A 20 feet easement having the following described center line: Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida. Thence South along the West line of said Section 32 for 50.00 feet to the South right of way line of 23rd Street; thence South 89°19'39" East along said South right of way line for 664.92 feet to the Point of Beginning. Thence South 01°05'48" West for 565.82 feet to terminate on the North boundary of Edgewood, according to the plat recorded in Plat Book 8, Page 68, in the Public Records of Bay County, Florida.

THE RIGHTS, USES AND PURPOSES for which this easement is granted are for drainage and utility easements.

Grantee shall have the right to remove any existing trees or shrubbery from said property and shall also have the right to remove any improvements now existing upon said property therefrom, and Grantor shall be entitled to no further consideration because of any damage to any trees, shrubbery or other improvements now existing upon said premises.

TO HAVE AND TO HOLD the said easement unto the said Grantee, its successors and assigns, perpetually, unless and until said

-- OFFICIAL RECORDS --  
BK 1300 PG 1293

This Legal Document  
Prepared by D. R. Schofield  
of Gulf Power Company,  
P. O. Box 1151, Pensacola, Florida 32520

FILE# 90-45053  
BAY COUNTY, FLORIDA

**UNDERGROUND EASEMENT FOR ELECTRIC SERVICE**

STATE OF FLORIDA  
COUNTY OF BAY

DOC# 23782  
OSD# 028158  
TLN#  
ENN#

KNOW ALL MEN BY THESE PRESENTS, that THE PEP BOYS - MANNY, MOE & JACK, A PENNSYLVANIA CORPORATION (Grantor), for and in consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid by Gulf Power Company, a corporation (Grantee), the receipt whereof is hereby acknowledged, does hereby grant and convey to Grantee, its successors and assigns, the perpetual right to lay, bury, construct, operate, maintain, dig up and repair an underground electrical distribution system and necessary related overhead facilities, with all necessary conductors, ducts, conduit, transformers, connection boxes, facilities and equipment, necessary or convenient in connection therewith from time to time, together with all rights and privileges necessary or convenient for the full enjoyment or use thereof for the aforesaid purposes, including the right of ingress and egress thereto and therefrom, on, along, under and across the following described property in Bay County, Florida, to-wit:

A continuous strip of land fifteen feet (15') in width lying seven and one-half feet (7.5') on each side of the following described tract of land, to-wit:

Commence at the Northwest corner of Section 32, Township 3 South, Range 14 West, Bay County, Florida; thence South along the West line of said Section 32 for 50.00 feet to the South right of way line for 674.92 feet; thence continue South 89 degrees 19 minutes 39 seconds East along said South right of way line for 7.50 feet to the Point of Beginning of said centerline; thence South 01 degree 05 minutes 48 seconds East 405.00 feet; thence south 89 degrees 19 minutes 39 seconds East 70.00 feet to the Terminal Point of this description.

for the transmission, distribution, supply and sale to the public for power, heat and light; and also the perpetual right to lay, bury, construct, operate, maintain, dig up and repair such an underground electrical system on Grantor's adjoining property to serve present and future customers of Grantee, its successors and assigns with electric energy.

TO HAVE AND TO HOLD the same to the said company, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 18 day of October, 1990.

THE PEP BOYS - MANNY, MOE & JACK,  
A PENNSYLVANIA CORPORATION

By: Donald K. Denbo  
Vice President, Legal & Admin.  
Donald K. Denbo

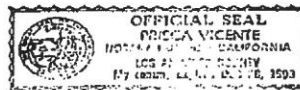
ATTEST:

By: \_\_\_\_\_  
Secretary

Jack Thompson  
Witness Jack Thompson  
Dave Donaldson  
Witness Dave Donaldson

STATE OF California  
COUNTY OF Los Angeles

The foregoing instrument was acknowledged before me this 18th day of October, 1990 by Donald K. Denbo, as Vice President, and \_\_\_\_\_ as \_\_\_\_\_ Secretary of THE PEP BOYS - MANNY, MOE & JACK, A PENNSYLVANIA CORPORATION, on behalf of the corporation.



Patricia M. Mearns  
Notary Public  
My Commission Expires: 12-28-93

RCD: DEC 18 1990 @ 2:05 PM  
HAROLD BAZZEL, CLERK

Pep Boys #122, Panama City, Florida

“Actual Notice of Intent to Approve Use of  
Institutional Controls”

Proof of Certified Mailing



3111 West Allegheny Ave.  
Philadelphia PA 19132

*Mr. Ken Hargrove  
Land Acquisition Coordinator  
Bin #93  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0093*

Re: Notice of Intent to Enter into a Restrictive Covenant with the Florida Department of Environmental Protection (FDEP)

Dear Mr. Hargrove:

You are receiving this notice because you are holder of the following recorded instrument: Easements for underground electrical distribution systems and ancillary equipment recorded in Bay County Records dated February 12, 1976 (Book 567, Page 745), and dated October 18, 1980 (Book 1300, page 1293), (copies of which are attached hereto), on certain property owned by The Pep Boys – Manny, Moe & Jack ("Owner").

In connection with certain environmental site rehabilitation activities on the property, the person responsible for site rehabilitation (PRSR) has requested that the Florida Department of Environmental Protection (FDEP) approve a No Further Action Proposal with Institutional Controls and issue a Site Rehabilitation Completion Order with controls for a contaminated site relating to this property. The Pep Boys –Manny, Moe & Jack is seeking this order in reference to FDEP Site ID # 03-9701091, Pep Boys Store #122, 821 West 23<sup>rd</sup> Street, Panama City, Bay County, Florida and intends to restrict exposure to contamination in the following manner: There shall be no use of the groundwater under the Property by Grantor or any future owners of the Property. There shall be no drilling for water conducted on the Property by Grantor or any future owners of the Property, nor shall any wells be installed on the Property by Grantor or any future owners of the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD) that will be set forth in a Declaration of Restrictive Covenant between the Owner and the FDEP that will further encumber the property.

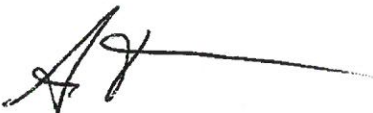
Attached to this letter is a summary of the history of the contamination addressed by the Restrictive Covenant, including the type of contamination, the affected media and the location of the contamination. Please contact the undersigned if you have any



questions regarding this notice. In addition, you may contact Charlie Reyes, Project Manager at 850-595-0637 to discuss the status of the work. Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at *FDEP Division of Waste Management, Petroleum Cleanup Program, FDEP Northwest District, 160 West Government Street, Suite 308, Pensacola, Florida 32502-5794* or online at <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>. Please use the FDEP \_Com, Facility or Project number listed on the FDEP's preliminary evaluation to communicate with the FDEP or the online document management system (Oculus).

**Holders of recorded interests have 30 days from receipt of this notice to provide comments to the FDEP. Within the 30-day comment period, holders of recorded interests may request additional time for review. Such comments should be sent to FDEP {name and address of person who should receive comments and person's email address}.**

Yours sincerely



Ms. Angela Banks  
Director of Environmental Compliance  
The Pep Boys - Manny, Moe & Jack  
3111 West Allegheny Avenue  
Philadelphia, PA 19132

cc: Division of Waste Management: Petroleum Cleanup Program  
*FDEP Northwest District*  
*160 West Government Street, Suite 308*  
*Pensacola, Florida 32502-5794*  
*Attn: Emile D. Hamilton, District Director*

## **History of the Contamination**

A 550-gallon used oil underground storage tank (UST) was removed from the property in December 1998. A groundwater sample collected at the time of removal indicated naphthalene concentrations in groundwater in excess of the FDEP Groundwater Cleanup Target Level for Resource Protection/Recovery in effect at the time of the UST closure. Groundwater monitoring wells were installed and groundwater investigations were conducted. Active groundwater remediation was conducted during 2003. Additional monitoring wells were installed and periodic groundwater monitoring has been conducted since 2003 to 2014. The long term monitoring indicates a stable plume of contamination. The discharge of petroleum products, including benzene, naphthalene and acenaphthene, along with arsenic, in groundwater on the Property is documented in Long Term Natural Attenuation Monitoring Reports.

The reports noted above set forth the nature and extent of the contamination that is located on the Property. These reports confirm that contaminated groundwater as defined by Chapter 62-780, Florida Administrative Code (F.A.C.), exists on the Property. Also, these reports document that the groundwater contamination does not extend beyond the Property boundary, that the extent of the groundwater contamination does not exceed 1 acre, and the groundwater contamination is not migrating. This declaration imposes restrictions on the use of groundwater and groundwater should not be utilized. No additional groundwater remediation is proposed.



3111 West Allegheny Ave.  
Philadelphia PA 19132

*City of Panama City  
9 Harrison Avenue  
Panama City, FL 32402*

Attn: Mr. Jeffrey Brown  
City Manager

Re: Notice of Intent to Enter into a Restrictive Covenant with the Florida Department of Environmental Protection (FDEP)

Dear Mr. Brown:

You are receiving this notice because you are holder of the following recorded instrument: Easements for drainage and utilities recorded in Bay County Records dated June 9, 1968 (Book 277, Page 53), dated August 2, 1983 (Book 942, pages 188 and 193), (copies of which are attached hereto), on certain property owned by The Pep Boys – Manny, Moe & Jack ("Owner").

In connection with certain environmental site rehabilitation activities on the property, the person responsible for site rehabilitation (PRSR) has requested that the Florida Department of Environmental Protection (FDEP) approve a No Further Action Proposal with Institutional Controls and issue a Site Rehabilitation Completion Order with controls for a contaminated site relating to this property. The Pep Boys –Manny, Moe & Jack is seeking this order in reference to FDEP Site ID # 03-9701091, Pep Boys Store #122, 821 West 23<sup>rd</sup> Street, Panama City, Bay County, Florida and intends to restrict exposure to contamination in the following manner: There shall be no use of the groundwater under the Property by Grantor or any future owners of the Property. There shall be no drilling for water conducted on the Property by Grantor or any future owners of the Property, nor shall any wells be installed on the Property by Grantor or any future owners of the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD) that will be set forth in a Declaration of Restrictive Covenant between the Owner and the FDEP that will further encumber the property.

Attached to this letter is a summary of the history of the contamination addressed by the Restrictive Covenant, including the type of contamination, the affected media and the location of the contamination. Please contact the undersigned if you have any questions regarding this notice. In addition, you may contact Charlie Reyes, Project Manager at 850-595-0637 to discuss the status of the work. Complete copies of the No

Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at *FDEP Division of Waste Management, Petroleum Cleanup Program, FDEP Northwest District, 160 West Government Street, Suite 308, Pensacola, Florida 32502-5794* or online at <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>. Please use the FDEP \_Com, Facility or Project number listed on the FDEP's preliminary evaluation to communicate with the FDEP or the online document management system (Oculus).

**Holders of recorded interests have 30 days from receipt of this notice to provide comments to the FDEP. Within the 30-day comment period, holders of recorded interests may request additional time for review. Such comments should be sent to FDEP {name and address of person who should receive comments and person's email address}.**

Yours sincerely



Ms. Angela Banks  
Director of Environmental Compliance  
The Pep Boys - Manny, Moe & Jack  
3111 West Allegheny Avenue  
Philadelphia, PA 19132

cc: Division of Waste Management: Petroleum Cleanup Program  
*FDEP Northwest District*  
*160 West Government Street, Suite 308*  
*Pensacola, Florida 32502-5794*  
*Attn: Emile D. Hamilton, District Director*



## **History of the Contamination**

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7015 0640 0007 4255 503A

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

PANAMA CITY FL 32401

Certified Mail Fee \$ **3.45**

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ <del>2.80</del>
<input type="checkbox"/> Return Receipt (electronic)	\$ <del>0.00</del>
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ <del>0.00</del>
<input type="checkbox"/> Adult Signature Required	\$ <del>0.00</del>
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ <del>0.00</del>

Postage \$ **1.64**

Total Postage and Fees \$ **7.89**

Sent To City of Panama City

Street and Apt. No., or PO Box No. \_\_\_\_\_

City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0007 4255 5021

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

PENSACOLA FL 32520

Certified Mail Fee \$ **3.45**

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ <del>2.80</del>
<input type="checkbox"/> Return Receipt (electronic)	\$ <del>0.00</del>
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ <del>0.00</del>
<input type="checkbox"/> Adult Signature Required	\$ <del>0.00</del>
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ <del>0.00</del>

Postage \$ **1.62**

Total Postage and Fees \$ **7.67**

Sent To Mr Ken Hardwick

Street and Apt. No., or PO Box No. \_\_\_\_\_

City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

HAMMONTON PO  
 HAMMONTON, New Jersey  
 080379998  
 3379300037-0097  
 06/01/2015 (609)561-0495 11:24:37 AM

Product Description	Sales Receipt Sale Unit Qty Price	Final Price
PENSACOLA FL 32520 Zone-5		\$1.42
First-Class Mail Large Env		2.40 oz.
Expected Delivery: Thu 06/04/15		
00 Certified Mail		\$3.45
USPS Certified Mail #:		
70150640000742555021		
Return Receipt		\$2.80
Label #:		
9590940301905120152546		

Issue Postage: \$7.67

PANAMA CITY FL 32401-2724 Zone-5 \$1.64

First-Class Mail Large Env 3.30 oz.

Expected Delivery: Thu 06/04/15

00 Certified Mail \$3.45

USPS Certified Mail #:

70150640000742555038

Return Receipt \$2.80

Label #:

9590940301905120152539

Issue Postage: \$7.89

Total: \$15.56

Paid by:

Cash \$20.00

Change Due: -\$4.44

00 For tracking or inquiries go to USPS.com or call 1-800-222-1811.

Order stamps at [usps.com/shop](http://usps.com/shop) or call 1-800-Stamp24. Go to [usps.com/clicknship](http://usps.com/clicknship) to print shipping labels with postage. For other information call 1-800-ASK-USPS.

\*\*\*\*\*

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\*\*\*\*\*

Bill#:1000303740681 #122

Clerk:06

All sales final on stamps and postage  
 Refunds for guaranteed services only  
 Thank you for your business

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Panama City  
9 Harrison Ave  
Panama City FL 32402  
Attn: Jeffrey Brown



9590 9403 0190 5120 1525 39

7015 0640 0007 4255 5038

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *K. McCurley*

- ☐ Agent  
☒ Addressee

B. Received by (Printed Name)

*K. McCurley*

C. Date of Delivery

*6-4-15*

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes  
☒ No

3. Service Type

- ☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☒ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

RECEIVED JUN 08 2015

The EC Group, LLC  
201 East Orchard Street  
Hammonton, NJ 08037

USPS TRACKING#



367171801

9590 9403 0190 5120 1525 39

## Ed Keebler

---

**From:** Hargrove, Kenneth E. <kehargro@southernco.com>  
**Sent:** Tuesday, September 08, 2015 4:43 PM  
**To:** Ed Keebler  
**Subject:** RE: Pep Boys

Yes. The only things I have is from Angela Banks, with Pep Boys which included copies of easements to Gulf Power and notice that we have 30 days to provide comments. Since the Notice of Intent to Enter into a restrictive Covenant with the FDEP had no date on the Notice I am not sure exactly when it was received here. However, that said, as long as any electrical facilities will stay in place I have no comments or objections. Ken

Ken Hargrove  
Land Acquisition Coordinator  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0093  
Office: 850.444.6037  
Fax: 850-444-6505

Stay connected with Gulf Power



---

**From:** Ed Keebler [mailto:ekeebler@ecgroupllc.com]  
**Sent:** Tuesday, September 08, 2015 2:22 PM  
**To:** Hargrove, Kenneth E.  
**Subject:** RE: Pep Boys

Ken,

I have sent to copies of the notice to you via certified mail/return receipt and neither have been delivered, or they haven't been able to deliver. Have you gotten anything from The Pep Boys, referencing a Restrictive Covenant?

Thanks,



Edward Keebler, Director  
**The EC Group**  
*Hammonton, NJ | Garden Grove, CA | Frankfort, KY*  
201 East Orchard Street  
Hammonton, New Jersey 08037  
609-704-9990  
[www.ECGroupllc.com](http://www.ECGroupllc.com)

---

**From:** Hargrove, Kenneth E. [mailto:kehargro@southernco.com]  
**Sent:** Friday, May 08, 2015 2:24 PM  
**To:** Ed Keebler <ekeebl@ecgroupplc.com>  
**Cc:** Wilson, Peggy A. <pawilson@southernco.com>  
**Subject:** Pep Boys

Ed: the Notice you want to send can go to me at the below address. Thanks. Ken

Ken Hargrove  
Land Acquisition Coordinator  
Bin # 93  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0093  
Office: 850.444.6037  
Fax: 850-444-6505

Stay connected with Gulf Power



Pep Boys #122, Panama City, Florida

Proof of Publication



# Halifax Media Group

PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

## State of Florida County of Bay

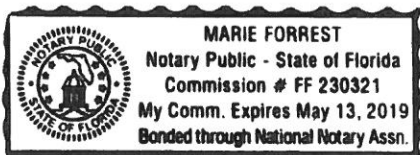
Before the undersigned authority appeared Angella Clagg, who on oath says that she is Legal Advertising Representative of The News Herald, a daily newspaper published at Panama City, in Bay County, Florida; that the attached copy of advertisement, being a Legal Advertisement # **98234** in the matter of **PUBLIC NOTICE - The Florida Department of Environmental Protection** in the Bay County Court, was published in said newspaper in the issue of **May 22, 2015**.

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Angella Clagg*

State of Florida  
County of Bay

Sworn and subscribed before me this 1st day of June, A.D., 2015, by Angella Clagg, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.



*Marie Forrest*  
Notary Public, State of Florida at Large

### 98234 PUBLIC NOTICE

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION  
NOTICE OF  
PROPOSED AGENCY  
ACTION

The Florida Department of Environmental Protection (FDEP) gives notice that it proposes to approve a No Further Action Proposal with Institutional Controls and issue a Site Rehabilitation Completion Order with controls for a contaminated site.

The Pep Boys - Manny, Moe & Jack is seeking this order in reference to FDEP Site ID # 03-9701091, Pep Boys Store #122, 821 West 23rd Street, Panama City, Bay County, Florida and intends to restrict exposure to contamination in the following manner:

There shall be no use of the groundwater under the Property by Grantor or any future owners of the Property. There shall be no drilling for water conducted on the Property by Grantor or any future owners of the Property, nor shall any wells be installed on the Property by Grantor or any future owners of the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD).

Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at FDEP Northwest District Office, 160 W. Government St., Pensacola, FL.

Local governments with jurisdiction over the property subject to the Institutional Control, real property owner(s) of any property subject to the Institutional Control, and residents of any property subject to the Institutional Control have 30 days from publication of this notice to provide comments to the FDEP. Such comments must be sent to FDEP Northwest District, 160 W. Government St., Pensacola, FL 32502-5794, Attn: Emile D Hamilton, District Director  
Pub: May 22, 2015

NEWS HERALD  
*where life unfolds daily*

P. O. Box 1940 • Panama City, FL 32402-1940

ADDRESS SERVICE REQUESTED

The EC Group  
201 East Orchard St  
Hammonden, NJ 08037

ATTN: Ed Keebler

# Halifax Media Group

PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

## State of Florida County of Bay

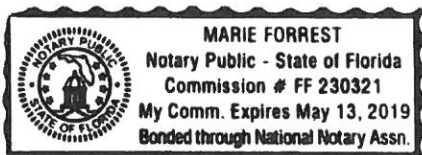
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*Angella Clagg*

State of Florida  
County of Bay

Sworn and subscribed before me this **1st day of June, A.D., 2015**, by Angella Clagg, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.



*Marie Forrest*  
Notary Public, State of Florida at Large

### 98234 PUBLIC NOTICE

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION  
NOTICE OF  
PROPOSED AGENCY  
ACTION

The Florida Department of Environmental Protection (FDEP) gives notice that it proposes to approve a No Further Action Proposal with Institutional Controls and issue a Site Rehabilitation Completion Order with controls for a contaminated site.

The Pep Boys - Manny, Moe & Jack is seeking this order in reference to FDEP Site ID # 03-9701091, Pep Boys Store #122, 821 West 23rd Street, Panama City, Bay County, Florida and intends to restrict exposure to contamination in the following manner:

There shall be no use of the groundwater under the Property by Grantor or any future owners of the Property. There shall be no drilling for water conducted on the Property by Grantor or any future owners of the Property, nor shall any wells be installed on the Property by Grantor or any future owners of the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD).

Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at FDEP Northwest District Office, 160 W. Government St., Pensacola, FL.

Local governments with jurisdiction over the property subject to the Institutional Control, real property owner(s) of any property subject to the Institutional Control, and residents of any property subject to the Institutional Control have 30 days from publication of this notice to provide comments to the FDEP. Such comments must be sent to FDEP Northwest District, 160 W. Government St., Pensacola, FL 32502-5794, Attn: Emile D Hamilton, District Director  
Pub: May 22, 2015