

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a water management district organized and existing under the laws of the State of Florida,

Plaintiff,

v.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL DISTRICT OF FLORIDA, IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 2008-CA-031975

THE STATE OF FLORIDA, AND THE TAXPAYERS, PROPERTY OWNERS AND CITIZENS WITHIN THE JURISDICTION OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, INCLUDING NONRESIDENTS OWNING PROPERTY OR SUBJECT TO TAXATION THEREIN AND OTHERS CLAIMING ANY RIGHTS, TITLE OR INTEREST IN THE CERTIFICATES OF PARTICIPATION HEREIN DESCRIBED, OR TO BE AFFECTED IN ANY WAY THEREBY,

Defendants,

---

**DEFENDANTS' ANSWER  
to the  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S  
COMPLAINT FOR VALIDATION**

Defendants Christopher Shupe, Miller Couse, Carey Soud, John Ahern, John C. Perry, Sr., and the Concerned Citizens of the Glades, Inc. (collectively, the "Defendants"), answer the Complaint for Validation of the South Florida Water Management District as set forth below (with terms herein defined as set forth in the Complaint for Validation):

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Admitted that the Governing Board adopted a resolution on October 9, 2008. Admitted that the resolution speaks for itself. Denied that the Act permits the Governing Board to adopt the resolution. Admitted that Resolution 2008-1027 and exhibits are attached to the Complaint for Validation. Defendants are without knowledge and therefore deny the remainder of the allegations in paragraph 5.

6. Admitted, except that Defendants are without knowledge as to whether the District and the Corporation are separate and distinct legal entities.

7. Admitted that the Corporation adopted a resolution. Admitted that the resolution speaks for itself. Admitted that Resolution 2008-01 and exhibits are attached to the Complaint for Validation. Denied that the Corporate Resolution is permitted by the Act. Defendants are without knowledge and therefore deny the remainder of the allegations in paragraph 7.

8. Admitted that the Master Lease Purchase Agreement speaks for itself. Defendants are without knowledge and therefore deny the remainder of the allegations in paragraph 8.

9. Admitted that the Ground Lease speaks for itself. Otherwise denied.

10. Admitted that the Master Lease Purchase Agreement and the Schedules attached thereto speak for themselves. Otherwise denied.

11. Admitted that the Lease speaks for itself. Otherwise denied.

12. Denied.

13. Denied.

14. Denied.

15. Admitted that the Master Trust Agreement speaks for itself. Otherwise denied.

16. Admitted that the Assignment Agreements speak for themselves. Otherwise denied.
17. Denied.
18. Admitted that the Master Trust Agreement speaks for itself. Otherwise denied.
19. Denied.
20. Admitted that the resolution speaks for itself. Otherwise denied.
21. Without knowledge and therefore denied.
22. Denied.
23. Admitted that the Master Lease Purchase Agreement speaks for itself. Otherwise denied.
24. Without knowledge and therefore denied.
25. Admitted that a copy of the Plan Resolution No. 2008-1026 is attached to the Complaint for Validation and that the Plan Resolution speaks for itself. Otherwise denied.
26. Without knowledge and therefore denied.
27. Defendants admit that some of the United States Sugar Corporation's land and assets are likely not needed for a public purpose. Defendants are without knowledge and therefore deny the remainder of the allegations in paragraph 27.
28. Denied that the acquisition of the United States Sugar Corporation's land and assets constitutes a public purpose for which public funds may be expended or otherwise would be in accordance with or authorized by the Act. Defendants are without knowledge and therefore deny the remainder of the allegations in paragraph 28.
29. Denied.

30. Admitted that attachments to the Resolution and Plan Resolution speak for themselves. Otherwise denied.

31. Without knowledge and therefore denied.

32. Denied.

33. Denied.

34. All allegations not expressly admitted are hereby denied.

RESPECTFULLY SUBMITTED this 23rd day January, 2009.



**J. MICHAEL HUEY**

Florida Bar No. 130971

**PETER ANTONACCI**

Florida Bar No. 280690

GrayRobinson, P.A.

301 S. Bronough Street, Suite 600

Post Office Box 11189 (32302-3189)

Tallahassee, Florida 32301

Telephone: 850-577-9090

Facsimile: 850-577-3311

**THOMAS J. WILKES**

Florida Bar No. 261734

**HEATHER M. BLOM-RAMOS**

Florida Bar No. 588601

GrayRobinson, P.A.

301 East Pine Street, Suite 1400

Post Office Box 3068 (32802-3068)

Orlando, Florida 32801

Telephone: 407-843-8880

Facsimile: 407-244-5690

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U.S. Mail to the following this 23rd day January, 2009:

Randall W. Hanna  
Christine E. Lamia  
Bryant Miller Olive P.A.  
101 North Monroe Street, Suite 900  
Tallahassee, Florida 32301

Sheryl G. Wood, General Counsel  
Frank S. Bartolone  
South Florida Water Management District  
3301 Gun Club Road MSC-1410  
West Palm Beach, Florida 33406

Gerald P. Hill  
State Attorney 10th Judicial Circuit  
255 Broadway Avenue, 2nd Floor  
Bartow, Florida 33830

Jack Ackerman  
Asst. State Attorney 15th Judicial Circuit  
401 North Dixie Highway  
West Palm Beach, Florida 33401-4209

Kathryn P. Heaven  
Asst. State Attorney 17th Judicial Circuit  
201 S.E. 6th Street, Suite 655  
Ft. Lauderdale, Florida 33301

Stephen B. Russell  
State Attorney 20th Judicial Circuit  
1700 Monroe Street, 3rd Floor  
Ft. Myers, Florida 33902

Dexter Lehtinen  
Felippe Moncarz  
Claudio Riedi  
Lehtinen Riedi Brooks Moncarz, P.A.  
7700 North Kendall Drive, Suite #303  
Miami, Florida 33156

Kenneth R. Artin  
Bryant Miller Olive P.A.  
135 West Central Boulevard, Suite 700  
Orlando, Florida 32801

Lawson L. Lamar  
State Attorney Ninth Judicial Circuit  
415 North Orange Avenue  
Orlando, Florida 32801

Katherine Fernandez Rundle  
State Attorney 11th Judicial Circuit  
1350 N.W. 12th Avenue  
Miami, Florida 33136

Mark E. Kohl  
State Attorney 16th Judicial Circuit  
530 Whitehead Street, Suite 301  
Key West, Florida 33040

Ryan Butler  
Asst. State Attorney 19th Judicial Circuit  
411 South Second Street  
Ft. Pierce, Florida 34950

Joseph P. Klock, Jr.  
Juan Carlos Antorcha  
Rasco Klock Reininger Perez  
Esquenazi Vigil & Nieto  
283 Catalonia Avenue, 2nd Floor  
Coral Gables, FL 33134

  
THOMAS J. WILKES