# OPINION OF TITLE

**To: City of Miami Beach, Florida**

With the understanding that this Opinion of Title is furnished to the City of Miami Beach, Florida, Florida as an inducement for acceptance of a lot split application, it is hereby certified that I have examined Ownership and Encumbrance Report No. 110664626 issued by First American Title Insurance Company dated March 11, 2025, covering the period from the Earliest Public Records to February 28, 2025 at 8:00 a.m. (the "Property Information Report"), copy attached, with respect to the following described real property (the "Property"):

**Lot 4, and the West 69 feet of Lot 5, Block 3-D, 2ND REVISED PLAT SUNSET ISLANDS, according to the Plat thereof, as recorded in Plat Book 34, Page 73, of the Public Records of Miami-Dade County, Florida.**

**Now Known As:**

**Lot 4, and the West 69 feet of Lot 5, Block 3-D, of, 3RD REVISED PLAT OF, SUNSET ISLANDS, according to the Plat thereof, recorded in Plat Book 40, at Page 8, of the Public Records of Miami-Dade County, Florida.**

I know of no reason that the Property Information Report is inaccurate or incomplete. Basing my opinion on the Property Information Report and covering the said period, I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in: **Franck Cohen and Agnes Cohen, husband and wife, by virtue of Book 27727, Page 386**

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

## 1. RECORDED MORTGAGES:

Mortgage in the original principal amount of $1,700,000.00, executed by Franck Cohen and Agnes Cohen, husband and wife in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for HSBC Bank USA, N.A., recorded April 26, 2019 in Book 31416, Page 4402.

*[Note: This mortgage will be paid off/released contemporaneously with the Lot Split]*

## 2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None

## 3. GENERAL EXCEPTIONS:

1. All taxes and assessments for the year in which this Opinion is rendered.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics or materialmen's liens.
5. Zoning and other restrictions imposed by governmental authority.
6. Riparian and/or littoral rights.

7. Rights of the United States Government to that part of the Land, if any, being artificially filled in land in what was formerly navigable waters arising by reason of the United States Government control over navigable waters in the interest of navigation and commerce.
8. Any adverse ownership claim by the State of Florida by right of sovereignty to any part of the Property that is, as of the Property Information Report or was at any time previously, under water (submerged).
9. The right, title or interest, if any, of the public to use as a public beach or recreation area any part of the Land lying between the water abutting the Land and the most inland of any of the following: (a) the natural line of vegetation; (b) the most extreme high water mark; (c) the bulkhead line, or (d) any other line which has been or which hereafter may be legally established as relating to such public use.

**4. SPECIAL EXCEPTIONS:**

1. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of 3RD REVISED PLAT OF, SUNSET ISLANDS, as recorded in Plat Book 40, Page(s) 8.
2. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of 2ND REVISED PLAT SUNSET ISLANDS, as recorded in Plat Book 34, Page(s) 73.
3. Covenant contained in Resolutions adopted by Sunset Islands 3 and 4 Residents filed November 15, 1962 under Clerk's File No. 62R-188826, Book 3407, Page 735 and amended by instrument filed under Clerk's File No. 63R-152994; Book 3829, Page 588 Book 8932, Page 1227, Book 9187, Page 241, Book 9896, Page 1000, Book 11017, Page 686, Book 12025, Page 2284, Book 14554, Page 1490, Book 15770, Page 3712, Book 16721 , Page 2762, Book 17201, Page 2422, Book 17931, Page 2884, Book 19625, Page 1091 and Book 19625, Page 1092, Book 27135, Page 2981, Book 27567, Page 4459, Book 30840, Page 4977, and Certificate of amendment recorded in Book 31765, Page 609 and in Book 33617, Pages 772-774.
4. Easement granted to Florida Power & Light Company by instrument recorded in Book 16304, Page 284.
5. Sunset Islands Property Owners, Inc. Agreement for Lien for Assessment Fees recorded in Book 23542, Page 1063.
6. Easement granted to Florida Power & Light Company by instrument recorded in Book 23568, Page 3447.
7. Easement recorded in Book 27124, Page 1467.
8. Covenant recorded in Book 27353, Page 2912.
9. Resolution Number 2015-29223 recorded December 15, 2020 in Book 32240, Pages 3760-3771.
10. Mortgage in the original principal amount of $1,700,000.00, executed by Franck Cohen and Agnes Cohen, husband and wife in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for HSBC Bank USA, N.A., recorded April 26, 2019 in Book 31416, Page 4402.

***All of the Public Records of Miami-Dade County, Florida***

*I HEREBY CERTIFY* that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the lot split.

Therefore, it is my opinion that the following parties must join in the agreement in order to make the lot split a valid and binding covenant on the lands described herein:

**Franck Cohen and Agnes Cohen, husband and wife**

The following is a description of the aforementioned Property Information Report:

| Number | Company Certifying | No. of Entries | Period Covered |
|---|---|---|---|
| 110664626 | First American Title Insurance Company | 10 | Beginning of Time to 02/28/25 at 8:00 a.m. |

*I HEREBY CERTIFY* that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 12th day of March, 2025.

Steven Z. Garellek, Esq.
Steinberg Garellek P.L.
200 E. Palmetto Park Road, Suite 103
Boca Raton, Florida 33432

**STATE OF FLORIDA**
**COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this 12th day of March, 2025 by means of ☑ physical presence or ☐ online notarization by Steven Z. Garellek, who ☑ is personally known to me or ☐ produced the following identification: _____.

*[Notary Seal]*

NAKISHIA BUISSONNIERE
Notary Public - State of Florida
Commission # HH 378675
My Comm. Expires Mar 26, 2027
Bonded through National Notary Assn.

Notary Public
Printed Name: _____
My commission expires: _____

# Ownership and Encumbrance Report

***First American Issuing Office:*** First American Title Insurance Company
PO Box 776123
Chicago, IL 60677-6123

***Customer Reference Number: 1601 W 24TH ST***
***First American File Number:*** **110664626**

***Prepared For:*** Steinberg Garellek, P.L.
200 East Palmetto Park Road, Suite 103
Boca Raton, FL 33432

***Legal Description:***

Lot 4, and the West 69 feet of Lot 5, Block 3-D, 2ND REVISED PLAT SUNSET ISLANDS, according to the Plat thereof, as recorded in Plat Book 34, Page 73, of the Public Records of Miami-Dade County, Florida.

Now Known As:

Lot 4, and the West 69 feet of Lot 5, Block 3-D, of, 3RD REVISED PLAT OF, SUNSET ISLANDS, according to the Plat thereof, recorded in Plat Book 40, at Page 8, of the Public Records of Miami-Dade County, Florida.

1. ***Grantee(s) In Last Deed of Record:***

Franck Cohen and Agnes Cohen, husband and wife, by virtue of Book 27727, Page 386

2. ***Encumbrances/Matters Affecting Title*** :

() Exhibit Attached (X) Exhibit Not Attached.

1. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of 3RD REVISED PLAT OF, SUNSET ISLANDS, as recorded in Plat Book 40, Page(s) 8, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

2. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of 2ND REVISED PLAT SUNSET ISLANDS, as recorded in Plat Book 34, Page(s) 73, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

3. Covenant contained in Resolutions adopted by Sunset Islands 3 and 4 Residents filed November 15, 1962 under Clerk's File No. 62R-188826, Book 3407, Page 735 and amended by instrument filed under Clerk's File No. 63R-152994; Book 3829, Page 588 Book 8932, Page 1227, Book 9187, Page 241, Book 9896, Page 1000, Book 11017, Page 686, Book 12025, Page 2284, Book 14554, Page 1490, Book 15770, Page 3712, Book 16721 , Page 2762, Book 17201, Page 2422, Book 17931, Page 2884, Book 19625, Page 1091 and Book 19625, Page 1092, Book 27135, Page 2981, Book 27567, Page 4459, Book 30840, Page 4977, and Certificate of amendment recorded in Book 31765, Page 609 and in Book 33617, Pages 772-774 which contains provisions for a private charge or assessment.

4. Easement granted to Florida Power & Light Company by instrument recorded in Book 16304, Page 284.

5. Sunset Islands Property Owners, Inc. Agreement for Lien for Assessment Fees recorded in Book 23542, Page 1063.

6. Easement granted to Florida Power & Light Company by instrument recorded in Book 23568, Page 3447.

7. Easement recorded in Book 27124, Page 1467.

8. Covenant recorded in Book 27353, Page 2912.

9. Mortgage in the original principal amount of $1,700,000.00, executed by Franck Cohen and Agnes Cohen, husband and wife in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for HSBC Bank USA, N.A., recorded April 26, 2019 in Book 31416, Page 4402.

10. Resolution Number 2015-29223 recorded December 15, 2020 in Book 32240, Pages 3760-3771.

Copies of the Encumbrances/Matters Affecting Title (**X**) are () are not included with this Report.

NOTE: The following is for informational purposes only and is given without assurance or guarantee:

Real Estate Taxes for Tax Parcel Number 02-3228-001-1420 for tax year 2024
Gross Tax: $ 114,517.99 ( X ) Paid ( ) Not Paid.
Unpaid Taxes for Prior Years: None
Map Code: Assessment: $

***Customer Reference Number:*** **1601 W 24th St.**
***First American File Number:*** **110664626**

## Certificate

"This Report" is a search limited to the Official Records Books as defined in Sections 28.001(1) and 28.222, Florida Statutes, from Earliest Public Records to February 28, 2025 at 8:00 a.m.. The foregoing Report accurately reflects matters recorded and indexed in the Official Records Books of MIAMI-DADE County, Florida, affecting title to the property described therein. This report is not an opinion of title, title insurance policy, warranty of title, or any other assurance as to the status of title and shall not be used for the purpose of issuing title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified in the property information report as the recipients of the property information report.

First American Title Insurance Company

Michael Abbey, as SVP, Division Region Manager

Dated:03/12/2025