

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**  
*(Continued from the 6/28/04 hearing)*

**SUBJECT:** REQUEST FOR (1) (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 2 FEET FOR AN EXISTING ATTACHED SHED; AND (2) (EAST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 0 FEET FOR AN EXISTING CARPORT IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (DENNIS AND SHARON RUDOI, APPLICANTS).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

**Agenda Date** 07-26-04 **Regular**  **Consent**  **Public Hearing – 6:00**

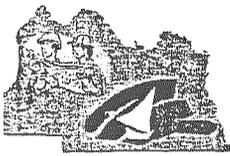
**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 2 FEET FOR AN EXISTING ATTACHED SHED; AND (2) (EAST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 0 FEET FOR AN EXISTING CARPORT IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (DENNIS AND SHARON RUDOI, APPLICANTS); OR
2. **DENY** THE REQUEST FOR (1) (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 2 FEET FOR AN EXISTING ATTACHED SHED; AND (2) (EAST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 0 FEET FOR AN EXISTING CARPORT IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (DENNIS AND SHARON RUDOI, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> DENNIS AND SHARON RUDOI <b>LOCATION:</b> 1467 SOUTHWIND DRIVE <b>ZONING:</b> PUD (DEER RUN)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE BOARD OF ADJUSTMENT CONTINUED THIS ITEM FROM ITS JUNE 28, 2004 REGULAR MEETING AFTER FINDING THAT THE VARIANCE REQUEST APPEARED TO EXCEED THAT WHICH WAS STATED ON THE APPLICANT'S APPLICATION FOR THE SAME.</li> <li>• STAFF HAS SUBSEQUENTLY FOUND THE REQUEST TO BE CONSISTENT WITH THE VARIANCE APPLICATION, UPON DETERMINING THAT THE SIDE YARD SETBACKS ARE MEASURED FROM THE WALLS OF THE</li> </ul>

	<p>ENCROACHING STRUCTURES TO THE BUILDING LINE, INSTEAD OF FROM THE EAVES TO THE PROPERTY LINES, WHICH WOULD HAVE RESULTED IN A GREATER ENCROACHMENT INTO THE SIDE YARDS. WITH THIS DETERMINATION, THE BOARD CAN CONTINUE ITS CONSIDERATION OF THE REQUEST.</p> <ul style="list-style-type: none"><li>• WITHOUT BUILDING PERMITS, THE APPLICANT CONSTRUCTED A SHED (6 FEET X 25 FEET) ONTO AN EXISTING HOME THAT ENCROACHES 5.5 FEET INTO THE (WEST) SIDE YARD SETBACK AND A CARPORT (10 FEET X 30 FEET), WHICH ATTACHED TO AN EXISTING HOME THAT ENCROACHES ENTIRELY INTO THE EAST SIDE YARD SETBACK.</li><li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE DEER RUN PUD BY ALLOWING ENCROACHMENT INTO THE MINIMUM SIDE YARD SETBACKS WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.</li><li>• THE STRUCTURES FOR WHICH VARIANCES ARE REQUESTED COULD HAVE BEEN BUILT TO COMPLY WITH THE CODE. FOR THIS REASON, THE REQUEST IS NOT THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD ALLOW STRUCTURES THAT ARE POTENTIALLY INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING CARPORT AND SHED AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul></li></ul>





**COPY**

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

(WEST) APPLICATION TYPE:  
 **VARIANCE** STORAGE SITED ON (R) SIDE OF HOUSE (WEST SIDE)  
SA SIDE YARD SETBACK VARIANCE FROM 7.5' TO 2' FOR EXISTING ATTACHED SITE.  
 **SPECIAL EXCEPTION**  
 **MOBILE HOME SPECIAL EXCEPTION** N/A  
 **EXISTING**  **PROPOSED**  **REPLACEMENT**  
 MOBILE HOME IS FOR \_\_\_\_\_  
 YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_  
 ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_  
 PLAN TO BUILD  **YES**  **NO** IF SO, WHEN \_\_\_\_\_  
 MEDICAL HARDSHIP  **YES** (LETTER FROM DOCTOR REQUIRED)  **NO**  
 **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT*
NAME	DENNIS S. & SHARON M. RUDD	
ADDRESS	1467 SOUTHWIND DR. CASSOLBERAY FL. 32707	
PHONE 1	407-699-9748	
PHONE 2	407-925-4307 CELL	
E-MAIL	drudoic@hotmail.com	

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 1467 SOUTHWIND DR. CASSOLBERAY, FL.  
 CURRENT USE OF PROPERTY: RESIDENCE  
 LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: <sup>APPROX</sup> 11,250 sq. feet(s) PARCEL I.D. 22-21-30-5GE-0000-0670  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER EASEMENT IS ON SOUTH PROP. LINE  
 KNOWN CODE ENFORCEMENT VIOLATIONS CH/ SECTION 303.3  
FILE # 04-12060

IS PROPERTY ACCESSIBLE FOR INSPECTION  **YES**  **NO** DOG  
 This request will be considered at the Board of Adjustment regular meeting on JUNE 28 6 PM  
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

[Signature]  
 SIGNATURE OF OWNER OR AGENT\* DATE 4-6-2004

\* Proof of owner's authorization is required with submittal if signed by agent.  
 I:\projects\boa\master forms & lists\boa applications\boa application.doc

**ADDITIONAL VARIANCES**

VARIANCE 2:

↳ ROOFED AREA ON LEFT SIDE OF HOUSE  
 ↳ A SIDE (EAST) YARD SETBACK VARIANCE FROM 7.5' TO 0' FOR AN EXISTING CARPORT (ROOF ONLY)

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

**APPEAL FROM BOA DECISION TO BCC**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

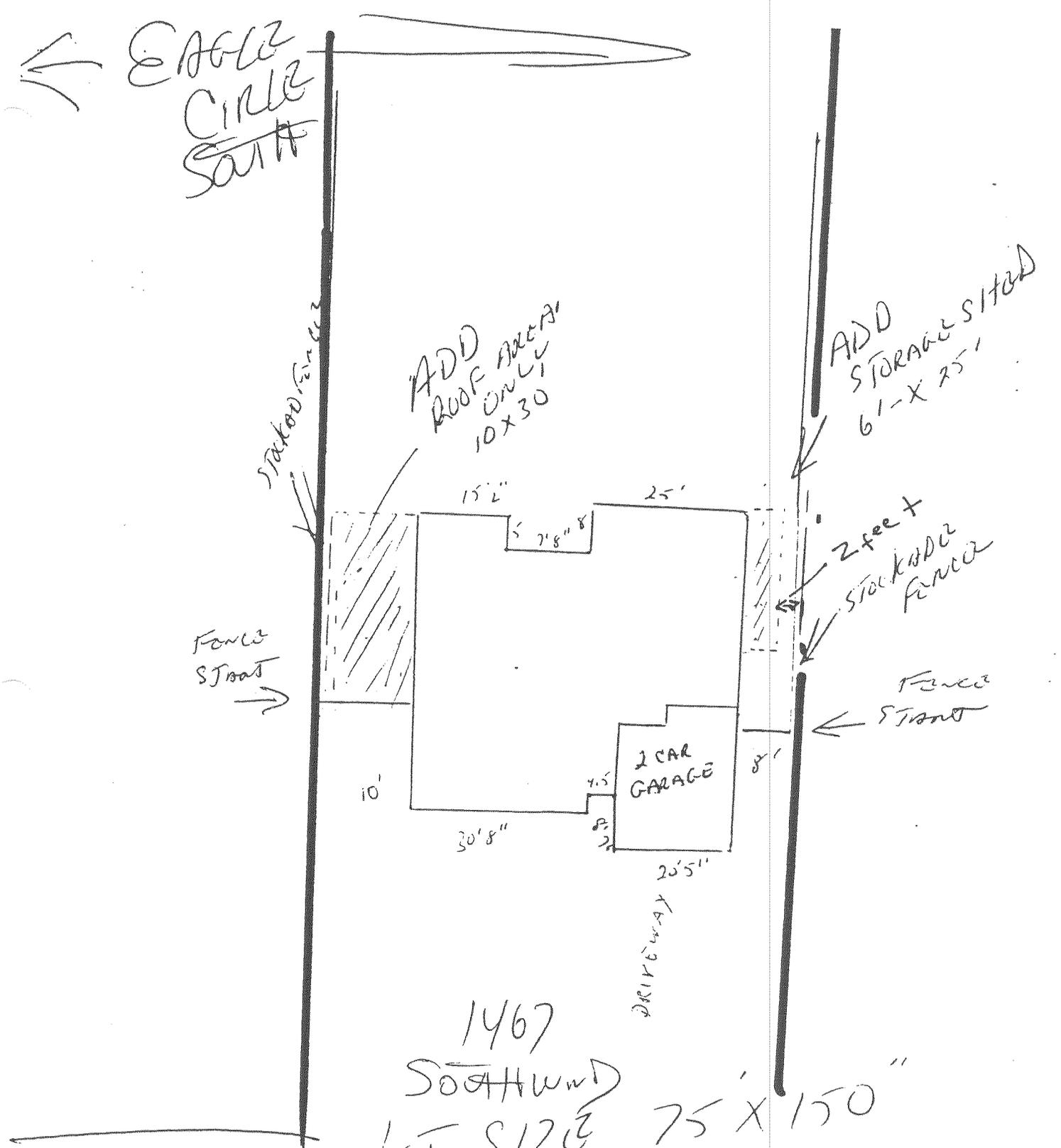
PROCESSING:

FEE: \$200 COMMISSION DISTRICT 1 FLU/ZONING RD/PUD

LOCATION FURTHER DESCRIBED AS ON S. SIDE OF SOUTHWIND DR.  
APPROX 675' WEST OF INTERSECTION WITH  
FALLOW PALM DR.

PLANNER VR DATE 4/6/04

SUFFICIENCY COMMENTS \_\_\_\_\_



← Eagle Circle South

ADD ROOF ONLY 10x30

ADD STORAGE SHED 6'-X-75'

Fence Street →

← Fence Street

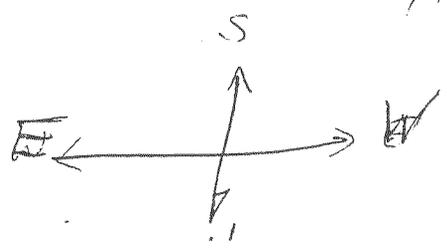
DRIVEWAY

1467 Southwind Lot Size

75' X 150"

Southwind DR.

Heavy Black ~~Red~~ = Property Line



# NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1467 Southwind Dr (Casselbury)  
Deer Run Sub.

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FLORIDA Building code CHAPTER/ARTICLE CH 1 SECTION 303.3.

DESCRIPTION OF VIOLATION: Constructed LEAN TO / OVER HANG  
ON BOTH SIDES OF THE HOUSE FOR STORAGE ETC.  
WITHOUT PERMIT. CONSTRUCTED FROM HOUSE TO FENCE.

CORRECTIVE ACTION: OBTAIN (ALL) PROPER PERMITS AND  
SCHEDULE ALL REQUIRED INSPECTIONS.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 3-8-04. FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE POWER TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

Tom Helle  
407-665-7338

PLANNING AND DEVELOPMENT DEPARTMENT  
SEMINOLE COUNTY SERVICES BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA 32771  
PHONE: ~~336~~-1130 EXTENSION 7050  
665

DATE 2-23-04  
FILE NO. 04-12060

TAYLOR RUCKER 407-665-7472  
INSPECTOR

Luis M. Gracia  
1463 Southwind Dr.  
Casselberry, FL 32707

March 26, 2004

RE: Remodeling/Construction at 1467 Southwind Dr.

To Whom It May Concern:

I am the owner of the home on 1463 Southwind Drive, Casselberry. I have no problem with my neighbor (1467 Southwind Dr.) doing any remodeling or construction to his home or property. It will not bother me at all.

Sincerely,

A handwritten signature in cursive script that reads "Luis M. Gracia". The signature is written in black ink and has a long horizontal flourish extending to the right.

Luis M. Gracia

March 29, 2004

Kenneth Poe  
1464 Southwind Drive  
Casselberry, Florida 32707

To whom it may concern;

In regard to the small tool sheds at the east and west side of the Rudio property, although unfinished pending the application of stucco material and paint, when completed they would not negatively impact the ascetic qualities of the community.

In addition, based on 25 years of experience in commercial construction industry, neither appears to present any life safety issues to the public. Furthermore the tool structures do not impact the structural integrity of the existing home.

I would encourage the board to support Mr. Rudio's request for a variance for both tool sheds. Should you have any questions please feel free to call me.

Sincerely,



Kenneth Poe  
(407) 696 - 9877 Home  
(407) 830-1881 Office

RECEIVED

JUN 2 ~~3~~ 2004  
4

DIANA M. EVANS  
P.O. Box 181708  
Casselberry, FL 32718-1708  
(407)695-7588-phone  
(407)466-1993-cellular  
(407)695-0175-FAX  
diana@orlando.net

**COPY**

June 17, 2004

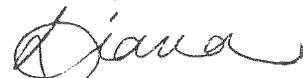
To Whom It May Concern:

I live at 1471 Southwind Dr. in Casselberry. My house is directly to the east of the house in question (1469) , and the addition is right next to my house.

I have no problem with the addition. There has not been any noise at undue hours; the addition does not detract from the house or the neighborhood, and I have had no problem in any way with this addition or with my neighbors Dennis and Sharon Rudoj.

I will make myself available for any questions at any time.

Sincerely,



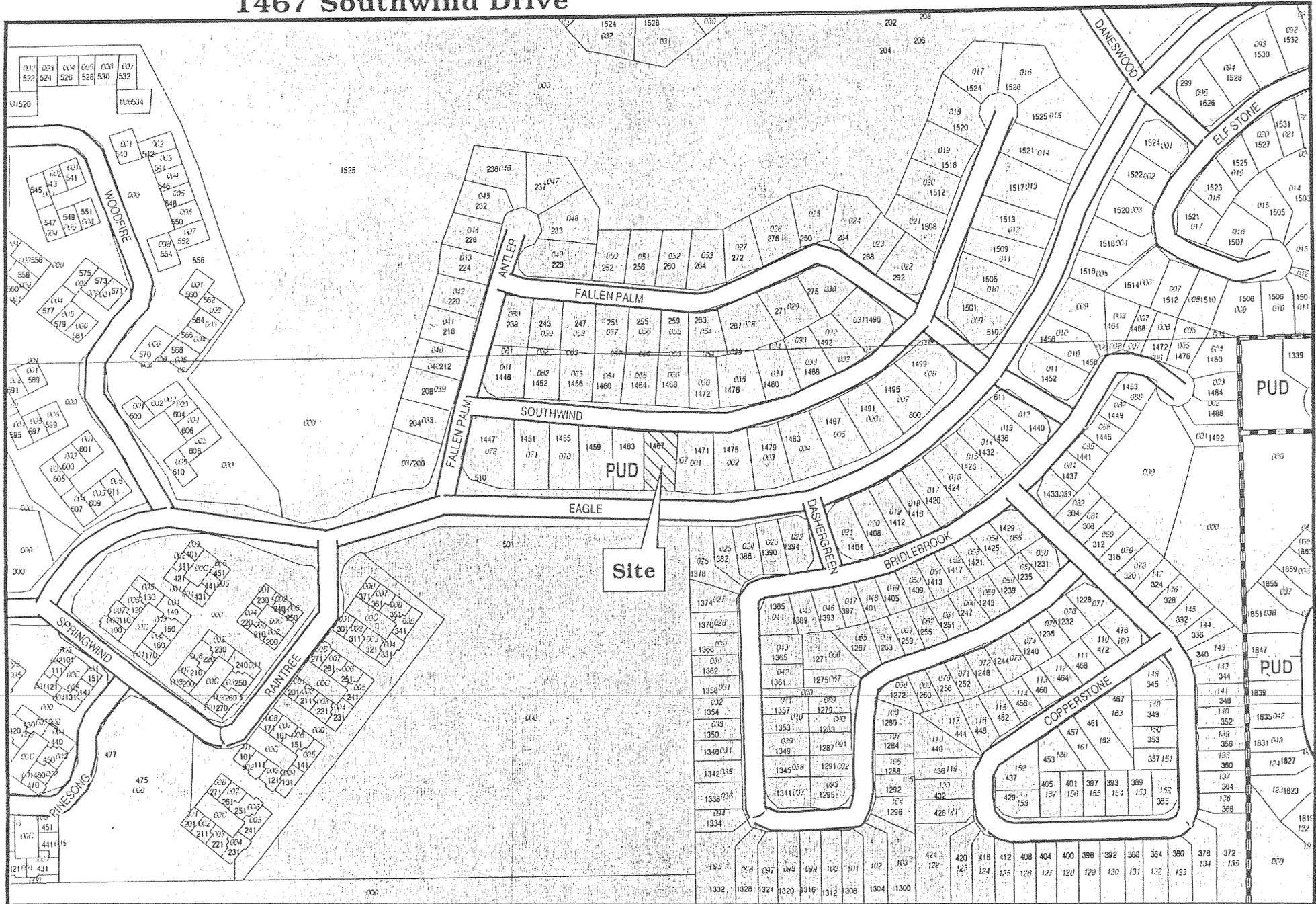
Diana M. Evans

<b>PARCEL DETAIL</b>	<b>REAL ESTATE</b>	<b>PERSONAL PROP.</b>	<b>TAX ROLL</b>	<b>SALES SEARCH</b>	◀ ◁ Back ▷ ▶																																																												
 <p> <b>Seminole County</b>  <b>Property Appraiser Services</b>        1101 E. First St.        Sanford FL 32771        407-665-7506     </p>					$  \begin{array}{r}  150 \\  75 \\  \hline  750 \\  1050 \\  \hline  1,250  \end{array}  $																																																												
<p align="center"><b>GENERAL</b></p> <p> <b>Parcel Id:</b> 22-21-30-5GE-0000-0670      <b>Tax District:</b> 01-TX DIST 1 - COUNTY  <b>Owner:</b> RUDOI DENNIS S &amp; SHARON M      <b>Exemptions:</b> 00-HOMESTEAD  <b>Address:</b> 1467 SOUTHWIND DR  <b>City,State,ZipCode:</b> CASSELBERRY FL 32707  <b>Property Address:</b> 1467 SOUTHWIND DR CASSELBERRY 32707  <b>Subdivision Name:</b> DEER RUN UNIT 08B  <b>Dor:</b> 01-SINGLE FAMILY     </p>			<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p> <b>Value Method:</b> Market  <b>Number of Buildings:</b> 1  <b>Depreciated Bldg Value:</b> \$117,386  <b>Depreciated EXFT Value:</b> \$0  <b>Land Value (Market):</b> \$20,000  <b>Land Value Ag:</b> \$0  <b>Just/Market Value:</b> \$137,386  <b>Assessed Value (SOH):</b> \$99,956  <b>Exempt Value:</b> \$25,000  <b>Taxable Value:</b> \$74,956     </p>																																																														
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>11/1986</td> <td>01792</td> <td>1730</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1983</td> <td>01459</td> <td>1595</td> <td>\$76,500</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	11/1986	01792	1730	\$100	Improved	WARRANTY DEED	05/1983	01459	1595	\$76,500	Improved	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p> <b>Tax Value(without SOH):</b> \$1,785  <b>2003 Tax Bill Amount:</b> \$1,253  <b>Savings Due To SOH:</b> \$532  <b>2003 Taxable Value:</b> \$73,092        DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS     </p>																																												
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<p> <b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.        *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.     </p>																																																																	

[BACK](#)      [PROPERTY APPRAISER HOME PAGE](#)      [CONTACT](#)

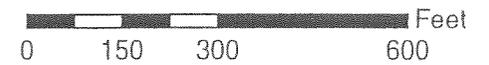
CD#1      PD/PUD

# Dennis & Sharon Rudoi 1467 Southwind Drive



Parcel 20-21-30-5GE-0000-0670 / District 1

BV2004-069



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 67 DEER RUN UNIT 8B PB 27 PG 16

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owners:** DENNIS AND SHARON RUDOI  
1467 SOUTHWIND DRIVE  
CASSELBERRY, FL 32707

**Site Address:** 1467 SOUTHWIND DRIVE

**Requested Development Approval:**

- 1) SIDE (WEST) YARD SETBACK VARIANCE FROM 7.5 FEET TO 2 FEET FOR AN EXISTING ATTACHED SHED; AND
- (2) SIDE (EAST) YARD SETBACK VARIANCE FROM 7.5 FEET TO 0 FEET FOR AN EXISTING CARPORT

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING CARPORT AND SHED, AS DEPICTED ON THE ATTACHED SITE PLAN.

- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: