

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (WILLIAM H. CLARK, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Jason Showe EXT. 7398

Agenda Date 11-15-04 Regular Consent Public Hearing – 6:00

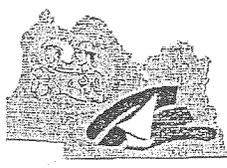
MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (WILLIAM H. CLARK, APPLICANT); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (WILLIAM H. CLARK, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.



GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	WILLIAM H. CLARK 2921 AMROTH PLACE R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION TO AN EXISTING SINGLE FAMILY HOME, WHICH WOULD ENCROACH 16 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFOREMENTIONED REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET IS THEREBY REQUESTED. • THE PROPOSED ADDITION WOULD BE USED FOR A WORKSHOP/PAINTING STUDIO (APPROXIMATELY 24 FEET X 55 FEET, FOR A TOTAL OF 1320 SQUARE FEET) AND A DEN/FLORIDA ROOM (APPROXIMATELY 16 X 16.3 FEET, FOR A TOTAL OF 260.8 SQUARE FEET). • THE RED BUG LAKE ROAD RIGHT OF WAY ACQUISTION REDUCED THE REAR YARD BY TWENTY FEET IN 1991. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	

STAFF FINDINGS	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE GRANTING OF THE VARIANCE.• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT, WITHOUT THE DEMONSTRATION OF A HARDSHIP.
STAFF RECOMMENDATION	BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS: <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV 2004 - 157

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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:
 VARIANCE rear yard setback from 30 ft. to 14 ft.

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

RECEIVED
 OCT 18 2004

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	William H. CLARK	
ADDRESS	2921 Amroth PL.	
PHONE 1	407-699-5217	
PHONE 2	407-443-1106	
E-MAIL	SEA dograce@aol.com.	

PROJECT NAME: Margot's Studio

SITE ADDRESS: 2921 Amroth PL

CURRENT USE OF PROPERTY: private residence

LEGAL DESCRIPTION: Orange Grove Park unit 4 Lot 142

LEG LOT 142 (less Rd) Orange Grove PARK unit 4 PB 33 pg 22
 SIZE OF PROPERTY: 1/3 80' x 130' acre(s) PARCEL I.D. Lot 142 23-21-30-512-0000-1420

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 13 Dec 04 (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.

William H. Clark 15 Oct 04
 SIGNATURE OF OWNER OR AGENT* DATE



* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

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

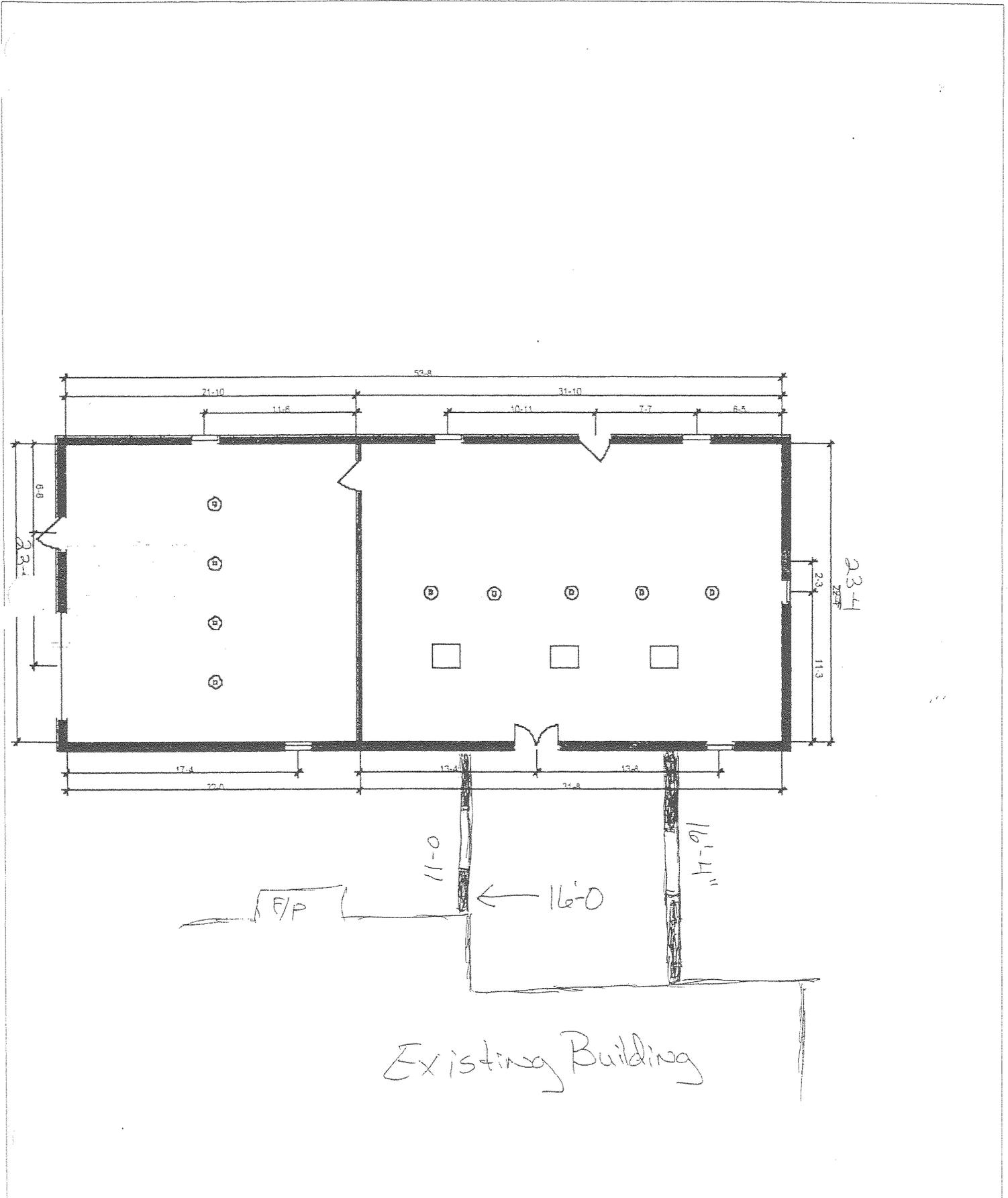
PROCESSING:

FEE: 8150 COMMISSION DISTRICT 1 FLU/ZONING CDR/R-1A

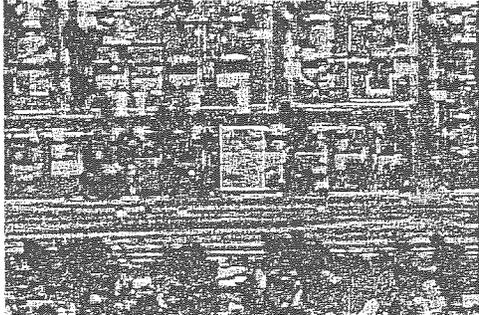
LOCATION FURTHER DESCRIBED AS on south side of Amroth PL approx. 450 feet east of intersection of Amroth PL and N Jericho Dr.

MANNER JV DATE 10/18/04

DEFICIENCY COMMENTS _____

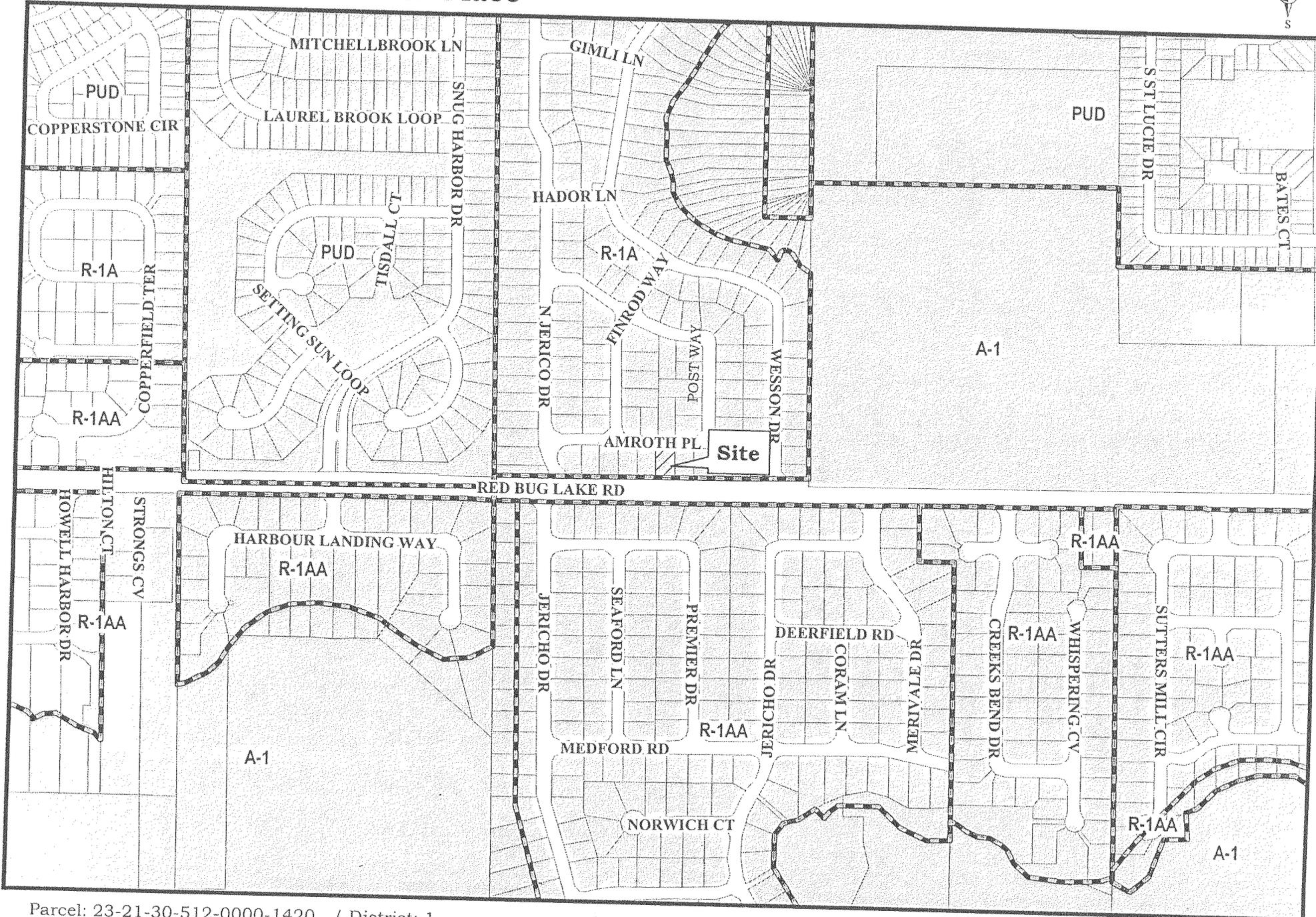


Personal Property

<p>PARCEL DETAIL</p> <p> <input type="button" value="HOME"/> <input type="button" value="PERSONAL PROPERTY"/> <input type="button" value="AVAIL"/> <input type="button" value="SALES SEARCH"/> </p> <p style="text-align: right;">◀ ◁ Back ▷ ▶</p>																																																			
 <p> Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-865-7506 </p>																																																			
<p style="text-align: center;">GENERAL</p> <p> Parcel Id: 23-21-30-512-0000-1420 Tax District: 01-TX DIST 1 - COUNTY Owner: CLARK WILLIAM H & MARGOT A Exemptions: 00-HOMESTEAD Address: 2921 AMROTH PL City,State,ZipCode: CASSELBERRY FL 32707 Property Address: 2921 AMROTH PL CASSELBERRY 32707 Subdivision Name: ORANGE GROVE PARK UNIT 4 Dor: 01-SINGLE FAMILY </p>																																																			
<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$110,301 Depreciated EXFT Value: \$825 Land Value (Market): \$21,500 Land Value Ag: \$0 Just/Market Value: \$132,626 Assessed Value (SOH): \$92,130 Exempt Value: \$25,000 Taxable Value: \$67,130 </p> <p style="text-align: center;">2004 Notice of Proposed Property Tax</p>																																																			
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<p>NOTE: 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>																																																			

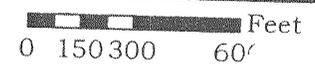


William H. Clark
2921 Amroth Place



Parcel: 23-21-30-512-0000-1420 / District: 1

BV2004-157
NOVEMBER 15, 2004



William H. and Margot A. Clark
2921 Amroth Place
Casselberry, FL 32707
407-699-5217 Fax 407-699-5470

October 27, 2004

**RE: Variance Request for 2921 Amroth Place, Orange Grove Park
Subdivision, Lot 142, Casselberry 32707**

We are requesting a variance from Seminole County to the rear setback of our house from 30 feet to 14 feet in order to build an addition to our home for a 24' x 55' workshop/painting studio and a den/Florida room to be attached to our home.

Due to both economic and medical conditions, we would like to fully utilize our property with a workshop for me and a painting studio for my wife. She can continue to work on her art, designing new painting techniques and writing magazine articles and books for the art industry allowing her to stay at home more instead of having to travel as she has in the past as her health is declining and I can make up the necessary prototypes for the pieces she designs.

Your consideration as our neighbor in this matter is greatly appreciated.

Name Philip Hunt Agree Disagree
Address 2917 Amroth Place

Name TERRY L SNEIDERMAN Agree Disagree
Address 2916 AMROTH PLACE

Name [Signature] Agree Disagree
Address 2925 Amroth Place

Name [Signature] STU OXMAN Agree Disagree
Address 2920 AMROTH PLACE

Regards,

(Harold)
William H. Clark
Margot A. Clark

William H. and Margot A. Clark
2921 Amroth Place
Casselberry, FL 32707
407-699-5217 Fax 407-699-5470

October 27, 2004

To: Architectural Committee Orange Grove Park Home Owner's Association

RE: Variance Request for 2921 Amroth Place, Orange Grove Park Subdivision, Lot 142, Casselberry 32707

We are requesting a variance from Seminole County to the rear setback of our house from 30 feet to 14 feet in order to build an addition to our home for a 24' x 55' workshop/painting studio and a den/Florida room to be attached to our home.

We built our home in 1986 and at that time the rear setback was 10 feet and our property was 150 feet deep, allowing for future expansion which was our original future intent when purchasing the property. In 1991, Red Bug Lake Road was widened and 20 feet of our property was taken by Eminent Domain. Since then, the rear setback has been changed to 30 feet, severely reducing the utilization of our property.

All new construction will match existing architecture and building materials.

A public hearing has been set for November 15, 2004 at 6:00 p.m. and a public notice has been posted on our property.

Agree *o* Disagree _____
Name *RAYMOND HORRIGR* Date *10-26-04*
Board Position *FRANK* *PRESIDENT*

Regards, *(HAROLD)*
William H. Clark
Margot A. Clark

William H. and Margot A. Clark
2921 Amroth Place
Casselberry, FL 32707
407-699-5217 Fax 407-699-5470

October 15, 2004

Seminole County Board of Adjustment
Seminole County Planning and Development Department, Planning Division
1101 East First St.
Sanford, FL 32771

**RE: Variance Request for 2921 Amroth Place, Orange Grove Park
Subdivision, Lot 142, Casselberry 32707**

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We built our home in 1986 and at that time the rear setback was 10 feet and our property was 150 feet deep, allowing for future expansion which was our original future intent when purchasing the property. In 1991, Red Bug Lake Road was widened and 20 feet of our property was taken by Eminent Domain. Since then, the rear setback has been changed to 30 feet, severely reducing the utilization of our property.

While there are some two-story homes in Orange Grove Park, my home has vaulted ceilings and the expense of remodeling upwards is not practical. Plus, at our ages, fifty-five and fifty-seven and arthritis setting in, a two-story home is not what we want as we look towards retirement here.

Due to both economic and medical conditions we would like to fully utilize our property with a workshop for me and a painting studio for my wife. She can continue to work on her art, designing new painting techniques in and writing magazine articles and books for the art industry allowing her to stay at home more instead of having to travel as she has in the past as her health is declining and I can make up the necessary prototypes for the pieces she designs.

Your consideration in this matter is greatly appreciated.

William H. Clark
Margot A. Clark

Return to: (enclose self addressed stamped envelope)

Name: JOYCE D. SUBER, of
SEMINOLE COUNTY ENGINEERING DEPT.
Address: 274 Bush Blvd.
Sanford, Florida 32773

MARTIN HARRIS
CLERK OF DISTRICT COURT
RECORDED & VERIFIED
SEMINOLE COUNTY, FL. Clark

116437

1991 APR 26 PM 3:44

This Instrument Prepared by HARRY G. REID III, of
Moncrief, Reid & Wallace, P.A.
Attorneys at Law
P.O. Box 2279
Sanford, FL 32772-2279

Tax Pd.

County: Seminole

Grantee Name and S.S. #

County: CLK

D.C.

Grantee Name and S.S. #

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

BOOK 2288
PAGE 0462
SEMINOLE CO., FL.

This Indenture,

Whenever used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties hereto; the use of the singular shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "more" shall include all the notes herein described if more than one.

Made this 25th day of April A. D. 19 91
Between WILLIAM H. CLARK and MARGOT A. CLARK, his wife

of the County of Seminole in the State of Florida
party of the first part, and SEMINOLE COUNTY, a political subdivision of the State of Florida
whose mailing address is: 1101 East First Street, Sanford, Florida 32771

of the County of Seminole in the State of Florida
party 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 CONSIDERATION— Dollars,
to him in hand paid by the said party of the second part, the receipt hereof is hereby acknowledged, has
granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following
described land, situate lying and being in the County of Seminole, State of
Florida, to wit:

The South 20.00 feet of Lot 142, ORANGE GROVE PARK, UNIT 4, according to the plat
thereof recorded in Plat Book 31, Page 22 of the Public Records of Seminole County,
Florida.

Subject to easements and restrictions of record.

Subject to taxes for the year 1991 and thereafter.

IN ADDITION TO ALL OTHER COMMON LAW COVENANTS, THIS DEED CONTAINS THE COVENANT
OF FUTURE ASSURANCES.

Property Appraiser's Parcel Identification Number: 23-21-30-512-0000-1420-0-6

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 his hand and seal the day and
year first above written.

Signed, Sealed and Delivered in Our Presence:

William H. Clark L.S.
William H. Clark
Margot A. Clark L.S.
Margot A. Clark
L.S.
L.S.

State of Florida

County of SEMINOLE

I Hereby Certify That on this day personally appeared before me, an officer duly
authorized to administer oaths and take acknowledgments,

WILLIAM H. CLARK and MARGOT A. CLARK, his wife

to me well known and known to me to be the individuals described in and who executed the foregoing deed,
and they acknowledged before me that they executed the same freely and
voluntarily for the purposes therein expressed.

Witness my hand and official seal at

Sanford

and State of Florida, this

25th

County of
day of

Seminole, Florida, A. D. 1991

My Commission Expires

Notary Public

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 15, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 142 (LESS RD) ORANGE GROVE PARK UNIT 4 PB 33 PG 22

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

FINDINGS OF FACT

Property Owner: William H. Clark
2921 Amroth Place
Casselberry, FL 32707

Site Address: 2921 AMROTH PLACE

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR A PROPOSED ADDITION.

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: Jason Showe
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 PROPOSED ADDITION, 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: