

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Joseph Valane, in his/her capacity as Assistant Secretary of BPP Alphabet MF Pinebrook Pointe LLC, a Delaware limited liability company located at 233 S. Wacker Drive, Suite 4700, Chicago, Illinois, who, upon first being duly sworn, deposes and says:

1. BPP Alphabet MF Pinebrook Pointe LLC, a Delaware limited liability company (“**Owner**”) is the owner of that certain project commonly known as Pinebrook Pointe located at 3495 Pinewalk Drive North, Margate, Florida 33063 the “**Project**”).

2. Owner acknowledges that: (a) the City of Margate (the “**City**”) has informed Owner that Owner is not in compliance with the City of Margate Code of Ordinances regarding the submetering of water and sewer service to the Project as of the date of this Affidavit; and (b) to correct such non-compliance, the City requires that Owner (i) execute and deliver to the City its form of Remetering Agreement for consideration by the City Commission (the “**Commission**”) and (ii) refund any billing fees or other charges that were improperly included by Owner as part of the water/sewer rate billed to the residents of the Project for the period of May 19, 2017 through the date of this Affidavit.

3. With respect to Owner’s obligation under Section 2(b)(i) above, Owner has executed and delivered to the City that certain Remetering Agreement, dated September 16, 2020 for the Project in the form required by the City for consideration by its Commission.

4. With respect to Owner’s obligation under Section 2(b)(ii) above, Owner shall: (a) work with the City and a third-party billing company to ensure all such refunds are properly issued to the appropriate residents either by delivering such refunds (i) directly to a resident or (ii) directly to the State of Florida as unclaimed property in the name of a resident, in either case, on or before February 28, 2021; and (b) provide documentation to the City on or before March 31, 2021 that such refunds have been made in accordance with Section 4(a)(i) and/or (ii) above.

5. Owner shall deliver this Affidavit to the City of Margate, Attention Janette M. Smith, Esq., City Attorney, 5790 Margate Boulevard, Margate, Florida 33063; in no event shall this Affidavit or any memorandum hereof be recorded in the Public Records of Broward County, Florida unless Owner fails to complete Sections 4(a) and (b) above in accordance with the terms thereof.

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I swear or affirm that I have knowledge of the facts stated in this Affidavit which facts I may have learned from other officers and/or employees of Owner or from the records of Owner; I execute this Affidavit for Owner in my capacity as a representative of Owner; I represent that I have the authority to execute and deliver this Affidavit for and on behalf of Owner; and, I represent that all of the statement of fact made in this Affidavit are true and correct in all material respects as of the date of this Affidavit, provided, however, in no event shall I have any liability whatsoever, to the City or any other person or entity, if Owner fails to comply with any term, covenant, condition or agreement made by it in this Affidavit.

AFFIANT:

BPP Alphabet MF Pinebrook Pointe LLC, a Delaware limited liability company.

By: Joseph Valane
Name: Joseph Valane
Title: Assistant Secretary

Date: November 13, 2020

Sworn to (or affirmed) and subscribed before me by means of ☐ **physical presence** or ☒ **online notarization**, this 13th day of November, 2020, by Joseph Valane, in his capacity as Assistant Secretary of BPP Alphabet MF Pinebrook Pointe LLC, a Delaware limited liability company..

Leslie Robelly

Name: Leslie Robelly
Notary Public

My Commission Expires: 11/25/2022

