

NOTES WITH RESPECT TO A DEPOSITION IN RESPONSE
TO THE MEMORANDUM FROM ATTORNEY BARON
AND THE AFFIDAVIT FROM ATTORNEY STRODE

March 29, 2002

1. A deposition from A.M. Wood is necessary to counter the interpretations of the documents ceding certain lands to Sarasota County in 1980.
2. The memorandum from Mr. Baron is incorrect. The affidavit from Mr. Strode is incorrect and is also highly inappropriate.
3. Mr. Baron presumes (Page 3) to lay out what the Trustees' intentions were. If this was of interest to him, he should have asked the Trustees themselves... and me as the Principal Trustee of the various involved Family trusts.
4. In fact, we meant what we said in the Final Judgment. The lands were to be used for the maintenance, stabilization and possible relocation of Midnight Pass.
5. We did intend for the pass to be relocated, if necessary. We did not envision that homeowners to the north would be permitted to close the pass. Restoration of Midnight Pass anywhere within these lands is appropriate and in keeping with the Judgment.
6. Baron states that we would not have wanted the pass 1500 feet to the south of its 1980 gulf situs. Baloney. In fact, the flawed attempt to relocate the pass in 1983 was closer to 2000 feet south of that site and the Trust had no objection to that site.
7. Baron improperly solicited an affidavit from Strode who was my attorney at the time of the Final Judgment to "reinterpret" what was meant by his clients. The proper course would have been to ask the principals, not the attorney!
8. Mr. Strode most improperly attempts in his affidavit to state what our intentions and concerns were at that time. He had an obligation to request his clients to comment on their intentions. In fact he has mis-stated what was desired.
9. His Statement #8 is incorrect. The Trustees endorse either of the configurations put forth by CDM for a restored Midnight Pass... o ranywhere else within the lands that they deem to serve the optimum purpose.
10. We do need to have an opinion as to the points raised with respect to the Trustees' deed.