

RESOLUTION 2004-08

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF BALLANTRAE
COMMUNITY DEVELOPMENT DISTRICT APPOINTING DISTRICT
COUNSEL FOR THE DISTRICT AND AUTHORIZING THEIR
COMPENSATION, AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Ballantrae Community Development District (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Pasco County, Florida; and

WHEREAS, the Board of Supervisors of the District (hereinafter the "Board") may contract for the services of consultants to perform planning, engineering, legal or other appropriate services of a professional nature; and

WHEREAS, the Board desires to appoint a District Counsel and to provide compensation for their services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
BALLANTRAE COMMUNITY DEVELOPMENT DISTRICT:**

Section 1. Akerman Senterfitt is appointed as District Counsel and shall be compensated for their services in such capacity in the manner prescribed in Exhibit "A".

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 6th DAY OF OCTOBER, 2003.

**BALLANTRAE COMMUNITY
DEVELOPMENT DISTRICT**



CHAIRMAN

ATTEST:



SECRETARY



Boca Raton
Fort Lauderdale
Jacksonville
Miami
Orlando
Tallahassee
Tampa
West Palm Beach

September 26, 2003

Mr. Fred Sikorski
Division President
M/I Homes, Inc.
4904 Eisenhower Blvd., Suite 150
Tampa, FL 33634

Re: Ballantrae Community Development District

Dear Fred:

I certainly appreciate the opportunity to work with you in connection with the Ballantrae CDD that was recently established to finance the construction of the infrastructure improvements for the project in Pasco County.

In terms of legal fees, I propose to represent the CDD on an hourly basis. My hourly rate is \$275.00. My law firm will also bill the District for direct expenses incurred during the representation, such as filing fees, long distance telephone calls, telecopy services, photocopying, and courier services. Invoices are rendered monthly and are due upon receipt.

I am looking forward to working with you on this project. If you have any questions concerning any aspect of this letter, please be sure to let me know.

Sincerely,

AKERMAN SENTERFITTT

Mark K. Straley
Mark K. Straley

MKS/man



Fort Lauderdale
Jacksonville
Miami
Orlando
Tallahassee
Tampa
Washington, DC
West Palm Beach

Wachovia Center, Suite 1500
100 South Ashley Drive
Tampa, Florida 33602-5311
www.akerman.com
813 223 7333 *tel* 813 223 2837 *fax*

November 5, 2004

Ballantrae Community Development District
c/o Mr. Pete Williams
Rizzetta & Company, Inc.
3534 Colwell Avenue
Suite 200
Tampa, FL 33614-8390

Dear Pete:

We are writing to inform you that Mark Straley is resigning from Akerman Senterfitt and is joining the law offices of Straley, Robin & Williams.

During this period of transition, we are primarily concerned with ensuring that our professional responsibilities to you are properly performed. Under the ethical rules governing the practice of law, you have the right to choose who will represent you following Mr. Straley's departure. You may elect to engage Straley, Robin & Williams or you may choose to remain a client of Akerman Senterfitt. You may also wish to have both firms represent you for different legal matters. Alternatively, you can select another lawyer or law firm to represent you.

Please indicate on the enclosed response form your preference as to whom will continue to represent you following Mr. Straley's departure. Before we can transfer your representation and trust accounts from our firm to Straley, Robin & Williams or to any other lawyer or law firm, we must have your written permission to do so. Please return the completed form to us by telecopy as soon as possible (813-223-2837) and return the original in the enclosed reply envelope.

Should you elect to transfer your representation to Straley, Robin & Williams or to another law firm or lawyer, your signature on the response form authorizes us to immediately release to your new law firm or lawyer any and all information contained in our files and any trust account funds or escrow materials that we are holding on your behalf (after deducting all outstanding fees and costs from any retainer fees we are holding in trust). Your signature on the response form will also constitute your acknowledgment that Akerman Senterfitt no longer represents you in any pending or future legal matters.

We are working with Mr. Straley to bring all client billings current. To simplify the transition, we must ask that all accounts for services rendered by Akerman Senterfitt be brought current as soon as possible.

Please be assured that pending receipt of your instructions, your matters will be appropriately handled. Both firms are working to achieve this goal. Similarly, we are all working harmoniously to make this transition as easy and convenient as possible for all concerned. Your cooperation will be greatly appreciated.

If you have any questions regarding this matter, please do not hesitate to call or write to us. After November 12, 2004, you can contact Mr. Straley at Straley, Robin & Williams, 100 East Madison Street, Suite 300, Tampa, Florida 33602, or by telephone at 813-223-9400.

Sincerely,



Mark K. Straley



Joseph W. Rugg

Enclosures

November 5, 2004

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When completed, return to:

Akerman Senterfitt
Post Office Box 3273
Tampa, Florida 33601-3273
and by Facsimile: 813-221-5540

RESPONSE FORM

Re: Ballantrae CDD/General

File No.: 34394/142452

I wish to have Mark Straley of Straley, Robin & Williams undertake representation of me.

I wish to have Akerman Senterfitt continue to represent me.

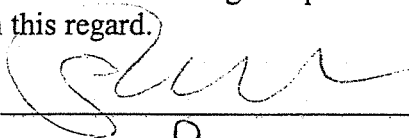
I wish to have Straley, Robin & Williams and Akerman Senterfitt, involved in my representation. In that regard, I desire for _____ to retain and continue my representation with respect to the following matters (refer to above for matter descriptions and numbers):

_____ and for Akerman Senterfitt, to retain and continue my representation with respect to the following matters (refer to above for matter descriptions and numbers): _____

I would prefer that you send my client file to: _____

I understand that Akerman Senterfitt will no longer represent me and shall have no further responsibilities in this regard.

Dated: 11/19/04, 2004



Print Name: Pete Williams
Title (if applicable): Secretary

November 5, 2004

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When completed, return to:

Akerman Senterfitt
Post Office Box 3273
Tampa, Florida 33601-3273
and by Facsimile: 813-221-5540

RESPONSE FORM

Re: Ballantrae CDD/2003 Bond Issue
File No.: 34394/142513

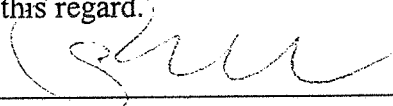
- I wish to have Mark Straley of Straley, Robin & Williams undertake representation of me.
- I wish to have Akerman Senterfitt continue to represent me.
- I wish to have Straley, Robin & Williams and Akerman Senterfitt, involved in my representation. In that regard, I desire for _____ to retain and continue my representation with respect to the following matters (refer to above for matter descriptions and numbers):

and for Akerman Senterfitt, to retain and continue my representation with respect to the following matters (refer to above for matter descriptions and numbers):

- I would prefer that you send my client file to: _____

I understand that Akerman Senterfitt will no longer represent me and shall have no further responsibilities in this regard.

Dated: 11/10/04, 2004



Print Name: Pete Williams
Title (if applicable): Secretary