

Lot Split – Opinion of Title – Form of Opinion

[Letterhead of Florida lawyer, his or her law firm, address, telephone number, fax number, and e-mail address]

[Date]

City of Miami Beach
Attn.: Planning Department
1700 Convention Center Drive – Second Floor
Miami Beach, FL 33139

Re: [Miami Beach street address]
Opinion of Title Lot Split Application
Planning Board File No. _____

Dear Sir or Madam:

Pursuant to Section 118-321(A)(1) of the Code of the City of Miami Beach, and with the express understanding that this Opinion of Title is furnished to you as inducement for approval of the subject application (“Application”) for a lot split of the property identified in this opinion (the “Property”), I render this Opinion of Title as of ____ [a.m. or p.m.] on _____, 20__ [must be a date not more than 120 days before the Planning Board’s decision upon the application].

I certify that accompanying this Opinion of Title, as part of the Application, are copies of all deed restrictions, reservations, and covenants applicable to the Property.

I have conducted a title examination of the Property, whose legal description is as follows:

[Insert legal description]

In my opinion:

The fee simple title to the Property is vested in:

[If an entity rather than an individual, state the entity’s full name, followed by jurisdiction of organization (e.g., “Acme Deluxe Holdings, LLC, a Delaware limited liability company”).

Title to the Property is subject to the following:

[Many of the following are simply examples and illustrations, for guidance as applicable:]

1. [Back taxes and assessments]
2. Taxes and assessments for the year 20__ [current year] and subsequent years, which are not yet due and payable.
3. Restrictions, conditions, reservations, easements, and other matters contained in the Plat of _____ as recorded in Plat Book _____, Page _____ [and in the Amended Plat or Corrected Plat of _____ as recorded in Plat Book _____, Page _____].
4. [As many separate paragraphs as necessary for each document:] Covenants, conditions, and restrictions in [name of document] dated _____, 20__ and recorded in Deed Book _____ at Page _____, but omitting any such covenants, conditions, or restrictions based on race, color, or national origin.
5. [As many separate paragraphs as necessary for each document:] Dedication dated _____, 2-__ in Deed Book _____, Page _____.
6. [As many separate paragraphs as necessary for each document:] Pending municipal assessment liens for public improvements, notice of which is contained in Resolution No. _____, recorded in OR Book _____, Page _____.
7. Those portions of the Property being artificially filled-in land in what was formerly navigable waters as are subjects to the rights of the United States in the interests of navigation and commerce, arising by reason of the United States Government's control over navigable waters.
8. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Property, including submerged, filled and artificially exposed lands and lands accreted to such lands.
9. [As many separate paragraphs as necessary for each document:] mortgages, mortgage assignments, mortgage subordinations, etc.
10. Rights of persons other than the owner currently in possession.
11. Encroachments if any as disclosed on the Survey of the Property dated

_____, _____, by [name of survey company], and facts and encroachments if any which would be disclosed by a current survey and inspection of the Property.

12. Zoning and other restrictions imposed by governmental authority.

13. Mechanics', materialmen's, and other liens if not recorded.

14. Any lien provided by Florida Statutes Chapter 159 or by Metropolitan Dade County Ordinance No. 84-10 for unpaid sewer charges for service by any water systems, sewer systems, or gas systems serving the Property.

In my opinion, none of the above deed restrictions, reservations, or covenants applicable to the Property prevents or serves as exceptions to the lot split being requested.

I certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of The Florida Bar.

Respectfully submitted,

[original signature of lawyer]

[typed name of lawyer]

Florida Bar No. _____

Attachments – copies of the above-identified documents

State of Florida)
) SS
County of _____)

The foregoing Opinion of Title was acknowledged and executed before me this _____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.

Notary Public – State of Florida – Signature

[Notary's seal or stamp]

Printed Name of Notary Public

My Commission Expires: _____