

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL ACTION

CORKSCREW GROVE  
LIMITED PARTNERSHIP

Plaintiff,

vs.

CASE NO.: 2019-CA-008183

LEE COUNTY, FLORIDA,

Defendant.

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**NOTICE OF FILING AFFIDAVIT AND EXHIBITS OF MITCHEL HUTCHCRAFT IN  
SUPPORT OF PLAINTIFF'S MOTION FOR FINAL SUMMARY JUDGMENT**

COMES NOW the Plaintiff, CORKSCREW GROVE LIMITED PARTNERSHIP, by and through its undersigned attorneys, and hereby gives notice of filing the attached Affidavit and Exhibits of MITCHEL A. HUTCHCRAFT, in Support of Plaintiff's Motion and Supporting Memorandum for Final Summary Judgment.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12th day of January, 2021, I electronically filed the foregoing document with the Clerk of Court using the Florida Courts E-Filing Portal System which will send a notice of electronic filing to Jeffrey L. Hinds, Esquire and Jay J. Bartlett, Esquire, [jeffreyH@sblfirm.com](mailto:jeffreyH@sblfirm.com) and [jayB@sblfirm.com](mailto:jayB@sblfirm.com), Smolker Bartlett Loeb Hinds & Thompson, P.A., 100 North Tampa Street, Suite 2050, Tampa, Florida, 33602.

/s/ S. William Moore

S. William Moore, Esquire  
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CORKSCREW GROVE  
LIMITED PARTNERSHIP,

Plaintiff,

vs.

CASE NO.: 2019-CA-008183

LEE COUNTY, FLORIDA,  
a political subdivision of the State of Florida,

Defendant.

AFFIDAVIT OF MITCHEL A. HUTCHCRAFT

I, Mitchel A. Hutchcraft, hereby affirm as follows:

1. I am the Vice-President of KR FLORIDA OPERATIONS, LLC, the manager of CORKSCREW GROVE MANAGEMENT, LLC, which is the General Partner of CORKSCREW GROVE LIMITED PARTNERSHIP, a Delaware limited partnership, having a mailing address of 3602 Colonial Court, Fort Myers, Florida, 33913.

2. Portions of the current Subject Property were previously titled in the names of OLD CORKSCREW PLANATION, LLC, OLD CORKSCREW PLANTATION II, LLC, OLD CORKSCREW PLANATAION III, LLC, OLD CORKSCREW PLANTATION IV, LLC, OLD CORKSCREW PLANTATION V, LLC and OLD CORKSCREW PLANTATION VI, LLC, all Florida limited liability companies.

3. The current Subject Property submitted an application for rezoning to Lee County, under the name of OLD CORKSCREW PLANTATION IPD, in 2007, but said Application DCI

2011-00007 was not reviewed by Lee County until March, 2011, pursuant to the attached OLD CORKSCREW PLANTATION, LLC vs. LEE COUNTY, FLORIDA, Case No., 09-CA-002128, Summary Final Judgment. (Attached as "Exhibit A.")

4. During the time lapse from 2007 to 2013, OLD CORKSCREW PLANTATION, LLC went through a merger and the successor-by-merger title owner became OCP HOLDING CO, LLC, a Florida limited liability company. Subsequently, OCP HOLDING CO, LLC, filed for bankruptcy.

5. A Quit-Claim Deed, dated January 31, 2014 between OCP HOLIDNG CO, LLC as the Grantor, and DEARBORN STREET HOLIDNGS, LLC-SERIES 28 OCP, an Illinois limited liability company, c/o BMO Harris Bank, as the Grantee, is recorded as Instrument number 2015000257942, in the Lee County Clerk of Court. (Attached as "Exhibit B.")

6. On September 26, 2016, fee simple title to the properties was conveyed by Special Warranty Deed from DEARBORN STREET HOLDINGS, LLC – SERIES 28 OCP, as Grantor, to CORKSCREW GROVE LIMITED PARTNERSHIP, as Grantee, recorded in Official Records Instrument No. 2016000204692. (Attached hereto as "Exhibit C.") By that conveyance, CORKSCREW GROVE LIMITED PARTNERSHIP became the Assignee of all rights, title and interest from OLD CORKSCREW PLANTATION, LLC.

7. A Cooperation Agreement ("Agreement"), was thereafter entered into on October 4, 2019 by CORKSCREW GROVE LIMITED PARTNERSHIP, COOPERATIVE THREE, INC., HUNT BROTHERS, INC., DH RANCH, INC., NELSON GROVES, INC., HELENE C. HUNT, AND EH, SR, INC., describing real estate ownership acreages of each entity, totaling approximately 4,200 acres, (the current Subject Property), and collectively referred to as "Old Corkscrew Plantation." The purpose and intent of the Parties entered into the Agreement, was to

memorialize a prior (2007) existing relationship as to the Subject Property regarding previously submitted applications to Lee County regarding the Subject Property. See attached "Exhibit D."

8. A listing of individual properties by Lee County Strap Number, and accompanying map showing the location of these properties, now collectively the Subject Property, is attached as "Exhibit E."

END OF AFFIDAVIT.

KR FLORIDA OPERATIONS, LLC  
CORKSCREW GROVE LIMITED PARTNERSHIP



MITCHEL A. HUTCHCRAFT  
Vice-President  
Representative

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 11 day of January, 2021 by MITCHEL A. HUTCHCRAFT, Vice-President of KR FLORIDA OPERATIONS, LLC and Representative of CORKSCREW GROVE LIMITED PARTNERSHIP, a Delaware limited partnership, on behalf of the LLC and partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires:



NOTARY PUBLIC  
STATE OF FLORIDA

