

IN THE CIRCUIT COURT OF THE TENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND
FOR POLK COUNTY, FLORIDA

CASE NO: 53-2016-CA-004023

POINCIANA COMMUNITY)
DEVELOPMENT DISTRICT, a local unit)
of special-purpose government organized)
and existing under the laws of the State of)
Florida, and)

POINCIANA WEST COMMUNITY)
DEVELOPMENT DISTRICT, a local unit)
of special-purpose government organized)
and existing under the laws of the State of)
Florida,)

Plaintiffs,)

v.)

THE STATE OF FLORIDA, AND THE)
TAXPAYERS, PROPERTY OWNERS)
AND CITIZENS OF POINCIANA)
COMMUNITY DEVELOPMENT)
DISTRICT AND POINCIANA WEST)
COMMUNITY DEVELOPMENT)
DISTRICT, INCLUDING NON-)
RESIDENTS OWNING PROPERTY OR)
SUBJECT TO TAXATION THEREIN,)
AND OTHERS HAVING OR CLAIMING)
ANY RIGHTS, TITLE OR INTEREST IN)
PROPERTY TO BE AFFECTED BY THE)
ISSUANCE OF THE BONDS HEREIN)
DESCRIBED, OR TO BE AFFECTED IN)
ANY WAY THEREBY,)

Defendants.)

FILED-CIVIL LAW
2017 MAY -4 PM 3:56
STACY M. HITTERFIELD
CLERK OF CIRCUIT COURT
POLK COUNTY, FLORIDA

AMENDED NOTICE AND ORDER TO SHOW CAUSE

TO THE STATE OF FLORIDA, AND THE TAXPAYERS, PROPERTY OWNERS AND
CITIZENS OF POINCIANA COMMUNITY DEVELOPMENT DISTRICT AND POINCIANA
WEST COMMUNITY DEVELOPMENT DISTRICT, INCLUDING NON-RESIDENTS

OWNING PROPERTY OR SUBJECT TO TAXATION THEREIN, AND OTHERS HAVING OR CLAIMING ANY RIGHT, TITLE OR INTEREST IN PROPERTY TO BE AFFECTED BY THE ISSUANCE OF POINCIANA COMMUNITY DEVELOPMENT DISTRICT'S SPECIAL ASSESSMENT BONDS, OR TO BE AFFECTED THEREBY:

The above cause comes to be heard upon the Complaint filed herein by the Poinciana Community Development District ("PCDD") and Poinciana West Community Development District ("PWCDD," and together with PCDD, the "Districts"), both of which are located in the County of Polk, State of Florida, seeking to determine the authority of PCDD to issue its Special Assessment Revenue Bonds ("Bonds") in an aggregate amount not to exceed \$102,000,000, to determine the legality of the proceedings had and taken in connection therewith, and the legality of the provisions, covenants and agreements therein contained, and seeking a judgment of this Court that: (a) the Districts have been validly established and have the power to undertake the Amenity Improvement Plan (as defined in the Complaint); (b) the Districts have power to plan, finance, acquire, construct, reconstruct, equip and install, in one or more stages, the Amenity Improvements (as defined in the Complaint); (c) the Amenity Improvements will serve a valid public purpose; (d) the Interlocal Agreement (as defined in the Complaint) is necessary, proper and convenient to the exercise of the Districts' powers, duties and purposes authorized by law and sets forth the rights, duties and obligations of the Districts relative to the issuance of the Bonds and the imposition of the debt service special assessments securing such bonds; (e) the Gate Protocol Agreement (as defined in the Complaint) ensures public access to the Amenity Improvements to the extent required by Florida law; (f) the debt service special assessments, when imposed by PCDD, pledged for the payment of the principal and the interest on the Bonds pursuant to the Indenture (as defined in the Complaint), and all of the proceedings attendant to

all of the foregoing will be valid and binding liens of PCDD and in conformity with law; (g) the debt service special assessments, when imposed by PWCDD pursuant to the Interlocal Agreement, pledged for the payment of the principal and the interest on the Bonds by PCDD under the Indenture, and all of the proceedings attendant to all of the foregoing will be valid and binding liens of PWCDD and in conformity with law; (h) PCDD has the power to issue the Bonds and to incur the bonded debt as set forth in this Complaint and has properly approved the issuance of the Bonds; (i) the Bonds, when issued by PCDD pursuant thereto, and the Indenture, the Bond Resolution (as defined in the Complaint) and the proceedings attendant to all of the foregoing are valid and in conformity with law; (j) upon due issuance of the Bonds by PCDD in conformance with the Bond Resolution and the Indenture, the Bonds will constitute valid and binding obligations of PCDD and will be enforceable by their terms as established by the Bond Resolution and the Indenture; and (k) that this Court grant such other relief as is just and appropriate. The aforesaid Complaint having been presented to this Court, and this Court being fully advised in the premises:

NOW, THEREFORE,

IT IS ORDERED that all taxpayers, property owners and citizens of the Districts, including non-residents owning property or subject to taxation, and others having or claiming any rights, title or interest in property to be affected by the issuance of the Bonds or to be affected thereby, and the State of Florida, through the State Attorney of the Tenth Judicial Circuit, in and for Polk County, Florida, appear on June 14 - 16, 2017, commencing at 9:00 a.m. each day before The Honorable Judge Glenn T. Shelby or such other Circuit Judge as may be assigned to hear the matter, at the Polk County Courthouse, 255 N. Broadway Avenue, Bartow, Florida 33830, County of Polk in said Circuit, and show cause, if any there be, why the prayers

of said Complaint for the validation of the Bonds should not be granted and the Bonds, the proceedings therefore, and other matters set forth in said Complaint, should not be validated as prayed for in said Complaint.

IT IS FURTHER ORDERED that prior to the date set for the hearing on said Complaint for validation, the Clerk of this Court shall cause a copy of this Amended Notice and Order to be published in a newspaper published and of general circulation in Polk County, being the County wherein said Complaint for validation is filed, at least once each week for two (2) consecutive weeks, commencing with the first publication which shall not be less than twenty (20) days prior to the date set for said hearing.

IT IS FURTHER ORDERED that by such publication of this Amended Notice and Order, the State of Florida, and the several taxpayers, property owners and citizens of the Districts, including non-residents owning property or subject to taxation therein, and others having or claiming any rights, title or interest in property to be affected by the issuance of the Bonds or to be affected thereby, shall be and are made party defendants to this proceeding, and that this Court shall have jurisdiction of them to the same extent as if specifically and personally named as defendants in said Complaint and personally served with process in this cause.

DONE AND ORDERED at the Courthouse in Polk County, Florida, this _____ day of

_____, 2017.



Circuit Court Judge
Randall G. McDonald

MAY 08 2017