Agenda Report



2725 Judge Fran Jamieson Way Viera, FL 32940

Consent

F.13. 3/23/2021

Subject:

Approval Re: Acceptance of Donations from the Estate of Ms. Marjorie D. Humphreys. Direct Assets be Deposited into a Specifically-Designated Account for the Cocoa Beach Public Library.

Fiscal Impact:

Fiscal Year 2020-2021: While an exact number is not known at this point, the fiscal impact would be positive and is expected to provide the Cocoa Beach Public Library a minimum of \$125,000, with the possibility of additional funds.

Dept/Office:

Library Services

Requested Action:

It is requested that the Board of County Commissioners:

- 1) Designate and authorize the Chair to dispose of the property at 128 Uncle Jimmy's Lane, Leesburg, GA as proposed by the attorney for Ms. Humphreys' Estate in the best interest of the County, and contingent upon the approval of the County Attorney's Office.
- 2) Designate and authorize the County Manager, or designee, to accept and dispose of any further disbursements of personal property received from Ms. Humphreys' Estate, contingent upon approval by Risk Management and the County Attorney's Office.
- 3) Authorize the Chair to execute any necessary documents, including, but not limited to, agreements, amendments or modifications thereto, accepting, transferring or disclaiming real property associated with Ms. Humphreys' Estate.
- 4) Authorize the County Manager to execute any necessary budget change requests.

Summary Explanation and Background:

Marjorie D. Humphreys ("Ms. Humphreys") passed away on August 29, 2020. As part of her last will and testament ("Will"), Ms. Humphreys named Cocoa Beach Public Library as a beneficiary of her Estate. Specifically, Ms. Humphreys' Will provides that Cocoa Beach Public Library is to receive one-fifth (1/5) of her residual estate, which includes the remaining property of every kind and description, after her other specified dispersals. The exact amount the County will receive is unknown at this time. Any funds received from the Estate will be recorded in an account that is specifically designated to be used for the benefit of Cocoa Beach Public Library.

An important issue to consider is the County's interest in any real property. As a named beneficiary, the

F.13. 3/23/2021

County would become a one-fifth (1/5) owner of any real property when the title transfers to the residual beneficiaries. At this time, a home and property, with a tenant, in Leesburg, GA, have been identified as an asset to be transferred to the residual beneficiaries. An offer has been submitted whereby the County's interest in this property, 128 Uncle Jimmy's Lane, Leesburg, GA, will be purchased for \$2,000.00 if all five residual beneficiaries, which includes the County, agree to convey their respective interests in the property to the prospective buyer. The other four charities named in Ms. Humphrey's Will-Habitat for Humanity, Boys Town Nevada, Special Olympics of Georgia, and Covenant Hospital of Lubbock, Texas-have each agreed to accept the \$2000.00 offer for their interests.

Staff have spoken with the executor of Ms. Humphreys Estate and recommend that the Board accept the \$2000.00 offer for the County's interest in 128 Uncle Jimmy's Lane in order to avoid becoming a landlord and the liability associated with ownership of the property. A number of properties make up the remainder of the Estate, and it is projected that Cocoa Beach Public Library can expect, at a minimum, \$125,000.00 from the sale of the remaining properties.

In order to best address these issues as they arise, it is requested that the Board authorize the Chair to execute any documents to accept, transfer, or disclaim any real property, and designate the County Manager, or designee, to take any necessary action(s) relating to other property interests to protect the interests of the Cocoa Beach Public Library and the County as a whole.

Contact: Wendi Bost, Library Services Director, 321-633-1801

Clerk to the Board Instructions:

Please return copy to Wendi Bost, Library Services Department, 308 Forrest Avenue, 2nd Floor, Cocoa, FL 32922.



FLORIDA'S SPACE COAST

Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

March 24, 2021

Telephone: (321) 637-2001 Fax: (321) 264-6972 Kimberly.Powell@brevardclerk.us



MEMORANDUM

TO: Wendi Bost, Library Services Director

RE: Item F.13., Acceptance of Donations from the Estate of Ms. Marjorie D. Humphreys Direct Assets be Deposited into a Specifically-Designated Account for the Cocoa Beach Public

Library

The Board of County Commissioners, in regular session on March 23, 2021, designated and authorized the Chair to dispose of the property located at 128 Uncle Jimmy's Lane, Leesburg, GA as proposed by the attorney for Ms. Humphreys' Estate in the best interest of the County, and contingent upon the approval of the County Attorney's Office; designated and authorized the County Manager, or designee, to accept and dispose of any further disbursements of personal property received from Ms. Humphreys' Estate, contingent upon approval by Risk Management and the County Attorney's Office; authorized the Chair to execute any necessary documents, including but not limited to agreements, amendments, or modifications thereto, accepting, transferring or disclaiming real property associated with Ms. Humphreys' Estate; and authorized the County Manager to execute any necessary Budget Change Requests.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/ns

cc: County Manager

Finance Budget Please forward the recorded document to: Hall, Williamson & Hart, P.C. P.O. Drawer 70639 Albany, GA 31708-0639

QUITCLAIM DEED

STATE OF GEORGIA, COUNTY OF LEE.

THIS INDENTURE, made this <u>15</u> day of <u>April</u>, in the year Two Thousand Twenty One, between **Brevard County**, **Florida**, a political subdivision of the State of Florida, hereinafter called "Grantor", and **Rob Vachon**, of the County of Cobb, State of Georgia, hereinafter called "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS:

Grantor, for and in consideration of the sum of Two Thousand Dollars (\$2,000.00) paid at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **Quitclaim** unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 235 of the 2nd Land District of Lee County, Georgia, and being all of Lot 4 of Brosnan Estates Subdivision, Section Two, according to map or plat of said subdivision as same is recorded in Plat Book "C", Page 24 (Plat Cabinet "A", Slide A-129) in the Office of the Clerk of Superior Court of Lee County, Georgia.

This conveyance is made subject to the public utility easements and other easements, visible and/or of record, affecting the conveyed property; to any valid and enforceable protective covenants and restrictions applicable to the property and to the valid and enforceable laws, ordinances and regulations governing and regulating the use of the conveyed property.

TO HAVE AND TO HOLD the said described premises to the Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, this day and year first above written.

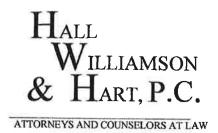
ATTEST: Joeland Jecolof Rachel Sadoff, Clerk	Brevard County, Florida (GRANTOR) Rita Pritchett, Chair
Witness Signature Donna Scott Print Name	Witness Eden Bentley Signature Eden Bentley Print Name
STATE OF FLORIDA) COUNTY OF BREVARD) The foregoing instrument was ackn	owledged before me this _15 _day of
Florida, a political subdivision of the State	Rita Pritchett, as Chair of Brevard County, of Florida, on behalf of the County and who:
is personally known to me, OR has produced	as identification.
Notary Signature	OVOTAR I STAVILL
Eten Bentley Notary Name	EDEN BENTLEY MY COMMISSION # GG 248763 EXPIRES: August 15, 2022 Bonded Thru Notary Public Underwriters

DISCLAIMER OF TITLE OPINION

The Grantee and Grantor acknowledge that the preparer offers no opinion as to the title of the property or the ownership or marketability of the interest, if any, held by the Grantor or the completeness or validity of the description. Grantee takes subject to all outstanding liens, judgments, restrictions and other matters of record. Grantor and Grantee hereby indemnify and hold harmless the preparer from any damages resulting from the use of this deed.

MICHAEL C. HALL LAUREN H. WILLIAMSON ALEXANDER H. HART

www.hallwilliamsonhart.com michael@hallwilliamsonhart.com



216 NORTH WESTOVER BLVD. P.O. DRAWER 70639 ALBANY, GA 31708-0639

> TEL: (229) 888-6872 FAX: (229) 446-8300

October 5th, 2020

RECEIVED OCT ~ 7 2020

Habitat For Humanity 723 Millard Fuller Blvd Americus, GA 31709

Cocoa Beach Public Library 550 N Brevard Ave Cocoa Beach, FL 32931

Boys Town Nevada 821 N Mojave Rd Las Vegas, NV 89101

Special Olympics of Georgia 6046 Financial Dr, Norcross, GA 30071

Covenant Hospital of Lubbock, TX 3615 19th St, Lubbock, TX 79410

Ladies and Gentlemen:

Your organizations are the residual beneficiaries of the Last Will and Testament of Marjorie D. Humphreys. I am enclosing a photocopy of that will. It is anticipated that there will be a substantial sum of money to be divided among your organizations when various parcels of property are sold.

A problem has arisen involving one of the specific devises made by the late Ms. Humphreys. That problem involves Item IV (h) of the will, which is a devise to Robert Vachon (who is a co-executor of the will) of a property described as 132 Uncle Jimmy's Lane in Leesburg, Georgia.

Ms. Humphreys maintained her Georgia residence in a house on Uncle Jimmy's Lane, and owned a number of adjacent houses, including 132 Uncle Jimmy's Lane. In her previous several wills, she uniformly devised 128 Uncle Jimmy's Lane and 132 Uncle Jimmy's Lane together to the same devisee. We believe she intended to do so in her final will, but she did not.

These two houses are constructed on two very small lots. To maintain separation between the well which provides water to both houses and the septic tank which provides septic services to both houses, the well is on one lot and the septic tank is on the other. Both houses are leased to the same person, who also has an option to purchase both houses. We understand that he is not prepared to do so at this time.

The current tenant, Greg Pate, has a five-year lease for both houses which expires in 2023. He pays rent in the amount of \$565 for both houses. If the will is administered as written, 132 Uncle Jimmy's Lane will be conveyed to Robert Vachon and he will receive \$282.50 as his share of the rent each month. 128 Uncle Jimmy's Lane will be conveyed jointly to the five residual beneficiaries, who will each receive \$56.50 each month. The taxes on the property are \$661.96 and the insurance on the property is \$423.00 General Liability and \$4,960.00 for flood insurance. Each of the five residual beneficiaries will need to pay \$132.40 per year for their share of the property taxes and the group of you will be required to find and purchase fire and flood insurance policies and divide the cost between you.

In the alternative, Mr. Vachon is willing to purchase the interest of all beneficiaries in this particular property, assuming that you can all agree, and immediately send each of you a check for \$2,000.

I look forward to hearing from each of you and I would certainly encourage the representatives of your organizations to discuss the matter among yourselves.

Sincerely,

Michael C. Hall

Attorney for the estate of Marjorie D. Humphreys

MCH/ dragon Enclosures cc: Robert Vachon

0
0
Ō
_
0
$\vec{\mathbf{H}}$

Proceeds to Estate

Disposition Per Will

Residential Real Estate in the Estate of Marjorie D. Humphreys

To be sold and proceeds divided among residual charities.

145,179 (Net)	126,292 (Net)	177,574 (Net)	230,300 (Net)				150,400 (Net)	192,700 (Est)						
Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V	Item V
			Fair Market Value per tax bill \$14,500	She paid \$5,000 for	Fair Market Value per tax bill \$36,600	Fair Market Value per tax bill \$36,160	Our Atty. Sold similar house on same St. for \$1 in 1/21	Fair Market Value per tax bill \$60,900	In flood area. Can't rebuild. Just like 128 & 132 Uncle J's Ln	She paid \$12,500 for	Had offer of \$45k. Was rescinded after inspection	She paid \$36,000 for	Closing March 10th	
Sold	Sold	Sold	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Under Contract	Listed
Triplex, Lee County, GA	Seven Plex, Dougherty Cty, GA	Crawfordville, FL	Mobile Home, Dougherty Cty, GA	Lot, Dougherty Cty, GA	Mobile Home Lee Cty, GA	Dougherty Cty, GA	Dougherty Cty, GA	Dougherty Cty, GA	Lee Cty, GA	Dougherty Cty, GA	Dougherty Cty, GA	Dougherty Cty, GA	Titusville, FL	Condo-Cocoa Beach, FL
115-A	1517	99	2906	2904	150	2415	902	335	120	006	1305	1318	995	A101
Acacia Ct	Highland	Connie Dr	Madeline	Madeline	Magnolia	Rosebriar	Rosedale	Station Crossing	Uncle Jimmy's Ln	W. Broad/S Harding	Fifth Ave	Gillespie	Allendale	Sunrise Landing

185,281	Projected donation for each charity:
926,403	\$10k fee from 128 Uncle Jimmy's Lane)
e)	Amount to distribute amoung five residual charities (including
(20,000)	Less: Provision for taxes (est.)
583,400	Add: Properties to be closed on:
363,003	Current balance after all cash bequests:
1,032,445	

Initial distributiob of approx. \$125k each in March, 2021 Balance upon sale of Sunrise Landing and fianlization of taxes

LAST WILL AND TESTAMENT OF MARJORIE D. HUMPHREYS

STATE OF FLORIDA, COUNTY OF BREVARD.

I, Marjorie D. Humphreys, a resident of Brevard County, Florida, do make and publish this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me. I am unmarried and have no children.

ITEM I

I desire that my body shall be donated for research and thereafter cremated and my ashes laid to rest in the Crown Hill Cemetery in Albany, Georgia.

ITEM II

I direct my Executor to pay out and distribute gifts under Items III and IV of this Last Will and Testament as soon after my death as my Executor deems consistent with good management, after setting aside funds for payment of the expenses of my last illness, funeral, debts and claims duly allowed against my estate and the expenses of the administration of my estate.

ITEM III

(a) I give the sum of \$5,000.00 and all of my jewelry to Joanne Jamison, if she survives me.

Hall, Williamson & Hart, P.C. 216 North Westover Boulevard Albany, Georgia 31707 229-888-6872

Initials VAD K

- (b) I give my Claude Balls (gorilla) to Greg Pate, if he wants it. If he states that he does not, or he is deceased, I give this item to Joanne Jamison.
- (c) I give \$20,000.00 and my blue heron stained glass window to Tom Donovan, if he survives me.
- (d) I give any automobiles I may own at the time of my death and the contents in 214
 June Drive, Cocoa Beach, Florida to Pamela Mott, if she survives me.
- (e) I give the sum of \$3,000.00 to A. J. Yost, the owner of my lawn service in Florida, whom I have employed for many years, if he survives me.
- (f) I give the sum of \$10,000.00 to Special Olympics of Melbourne, Florida.
- (g) I give to Jansen Davis the sum of \$75,000.00, if he survives me.
- (h) I give to **Promise**, a tax exempt charitable organization in Melbourne, Florida, if it exists at the time of my death, the sum of \$10,000.00.
- (i) I give to Anthony Alukomis the sum of \$3,000.00, if he survives me.
- (j) I give to April Alukomis the sum of \$10,000.00, if she survives me.
- (k) I give jointly to Chris and Dina Albergos the sum of \$3,000, if either survives me.
- (l) I give to my friend Michael C. Hall the sum of \$10,000.00, if he survives me,
- (m) I give to my friend Dorothy Donnelly the sum of \$5,000.00, if she survives me.
- (n) I give to St. Jude's Children's Research Hospital in Memphis, TN, the sum of \$50,000.00.

ITEM IV

I give and devise the following real properties to the following persons, each if the recipient survives me:

- (a) To Carla Renee Richardson Bodinsky, 907 11th Avenue, Albany, Ga.
- (b) To Lara Marie Richardson O'Fallon, 1214 11th Avenue, Albany, Ga.
- (c) To **Rhonda Kelli Richardson Vallor**, 125 Creekside Place, Leesburg, Ga. and 114 Uncle Jimmy's Lane, Leesburg, Ga.
- (d) To Sue Hildebrand, 2517 Cherokee Dr., Albany, Ga., 1724 Cherokee Dr., Albany, Ga., 108 Creekside Place, Leesburg, Ga., 280 Cypress Point, Leesburg, Ga., 902 8th Ave, Albany, Ga., 1405 11th Ave, Albany, Ga., 1520 5th Ave, Albany, Ga.
- (e) To Karen Close, 225 Navarez St., Titusville, FL., 705 Forest Lane, Titusville, FL. 103 Deleone Dr., Titusville, FL, 1002 Forest Glen Ave, Albany, Ga., 1022 Forest Glen Ave, Albany, Ga., and the mortgage on 906 Mercer Ave, Albany, Ga.
- (f) To Linda Hammond, 203 Hibiscus, Albany, Ga., 103 Constitution Ave. Albany, Ga., 3507 Plumcrest Ave, Albany, Ga., 2917 Stonewater Dr., Albany, Ga., 2550 Via Vittoria, Merritt Island, FL., & the mortgage on 1514 Shirley Ave, Albany, Ga.
- (g) To Pamela Mott, 214 June Drive, Cocoa Beach, FL, 1514 Colquitt Ave., Albany,Ga., and the mortgage on 603 Haley Drive, Albany, Ga.

- (h) To Rob Vachon, 132 and 136 Uncle Jimmy's Lane, Leesburg, Ga., and the mortgage on 1105 Lincoln, Albany, Ga. The leases on these properties each have an option to purchase, which Rob Vachon is to honor.
- (i) I direct that the property which I own at 132 and 136 Uncle Jimmy's Lane in Leesburg, Georgia be sold to the current tenants in accordance with the leases with option to purchase which I have executed with them. I give and bequeath the net proceeds to **Rob Vachon**.

ITEM V MY RESIDUAL ESTATE

All of my remaining property of every kind and description, real, personal or mixed, wherever situate, including any lapsed or void legacy or devise, and all policies of fire, burglary, property damage, and other insurance on or in connection with the use of this property shall be divided and shall be distributed in five (5) equal shares to (1) Habitat for Humanity of Americus, Ga., (2) Cocoa Beach, Florida, Public Library, (3) Covenant Hospital of Lubbock, Texas, (4) Boys Town in Boys Town, Nevada and (5) Special Olympics of Georgia in Norcross, Ga.

ITEM VI MY FIDUCIARIES

I constitute and appoint as Co-executors of my estate **Pamela Mott** and **Rob Vachon**. If either cannot serve or becomes unable to serve, the other shall serve without a successor. They shall each, if they serve, receive a commission of \$30,000.00 in lieu of all statutory commissions.

ITEM VII FIDUCIARY POWERS

In the management, care and disposition of my estate, I confer upon my Executors and any successors, the power to do all things and execute such instruments as may be necessary or proper, including the powers set out in Florida Statutes, §§737.401 through 737.407, and Official Code of Georgia Annotated §53-12-261, which powers are granted and incorporated by reference herein. All such powers may be exercised without order of or report to any court and without giving bond.

ITEM VIII MY ATTORNEYS

The attorneys of the firm drafting this my Will have been my friends and confidants for many years. Therefore, it is my desire and I direct that they be employed for the probate of my estate in Georgia and that the fee for their professional services, exclusive of all out of pocket expenses and any costs of contested litigation, but inclusive of the preparation of all deeds necessary to convey my real properties to heirs or purchasers, be fixed at \$15,000.00.

Testimonium Clause. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this _____ day of October, 2019.

Marjorie D. Humphreys SEAL)

We, the undersigned, do hereby certify that Marjorie D. Humphreys signed the above and foregoing instrument to be her Last Will and Testament and that each of us did then and there, at her request, in her presence, and in the presence as attesting witnesses thereto, all of which took place in Brevard County, Florida, on the ______ day of October, 2019.

Page 5 of 7

WITNESS:

MAZVIN CHANADA

(printed name)

ADDRESS:

11 VALENCIA RO

ROCKLEDGE, FL 32955

WITNESS:

JANSIN DAUK

(printed name)

ADDRESS:

Ment Island, Fr 32952

AFFIDAVIT OF WITNESSES

STATE OF FLORIDA, COUNTY OF BREVARD.

We, Marjorie D. Humphreys, M. Marri Canada, and Janson Davis, the Testatrix and the witnesses, respectively, whose names are signed to the foregoing instrument, were sworn and then declared to the undersigned officer that the Testatrix signed the instrument as her Last Will and Testament, that she signed in the presence of witnesses, and that each of the witnesses, in the presence of the Testatrix and in the presence of each other, signed the Will as a witness. Each witness further swears that the Testatrix signed the instrument as her Last Will and Testament while we were all in the presence of each other, that each witness saw the Testatrix sign the instrument and heard her acknowledge it as her Last Will and Testament, that she signed willingly as her voluntary act, and that each witness believes the Testatrix was at Page 6 of 7

that time eighteen (18) or more years of age, of sound mind and memory, and under no constraint or undue influence.

Marjorie D. Humphreys, Testatrix
Witness
Witness

STATE OF FLORIDA COUNTY OF BREVARD

Acknowledged and subscribed before me by the Testatrix, Marjorie D. Humphreys,
who is personally known to me or who has produced as
identification, and sworn to and subscribed before me by the witnesses
Menun Cunade M (first witness), who is personally known to me or who has
produced as identification, and (second
witness), who is personally known to me or who has produced as
identification, and subscribed by me in the presence of the Testatrix and the subscribing
witnesses, all on October <u></u> , 2019.

(notary signature) (seal)

DONNA SMIT

MY COMMISSION # GG 218642

EXPIRES: June 23, 2022

Bonded Thru Notary Public Underwriters in tials

Page 7 of 7