



**Model Land Company
Chuluota Company
Perrine Grant Land Company**
FLAGLER SYSTEM

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St. Augustine, Florida,

September 24, 1934.

SUBJECT: Southern Drainage District -

Pepper & Coffrin, Inc.,
Miami, Florida.

Gentlemen:-

I acknowledge receipt of your letter of September 12th, with reference to the election of R. O. Watson, son of Senator J. W. Watson, to fill the unexpired term of the late Dr. Holmberg, as Supervisor of the Southern Drainage District.

In answer to your inquiry, I give below the opinion of our Legal Department as to what property owners are eligible to vote their acreage at the annual landowners meeting, and you will note that under the 1927 Amendment, which is now effective, if the taxes are unpaid the lands are sold by the Tax Collector, and if no bidders therefor the lands are bid off in the name of the District and Tax Certificate issued by the Collector in the name of the District, and if not redeemed before two years after date of Certificate, the land immediately vests in the District without the issuance of any deed.

"This District was created by Chapter 7599 of the Acts of 1917, Section 3 thereof covers the matter of elections of Supervisors and provides:

'At such election each and every acre of land in the district shall represent one share and each owner shall be entitled to one vote in person or by proxy in writing duly signed for every acre of land owned by him in the district and the person receiving the highest number of votes shall be declared elected as Supervisor.'

This chapter was amended by Chapters 8906-7 of the Acts of 1921, 12406 of the Acts of 1927, and 14543 of the Acts of 1929, but Section 3, as above quoted, remains unchanged. Your particular query, as we understand it, is whether the owners of land in the District, upon which lands taxes are delinquent and unpaid, are entitled to vote as such election.

Who can vote

*So. Am. Title
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The original act provided for collection of delinquent taxes by foreclosure in which, if no other bidders, the lands were bidden in in the name of the District and deed immediately issued conveying said lands to the District, but the owner had one year therefrom in which to redeem same. It further provided that such lands should be held and disposed of by the Supervisors of the District as the best interest of the District might demand. Under the 1921 amendment, delinquent taxes were collected by foreclosure but title did not vest in the District until two years after foreclosure sale. Under the 1927 Amendment, now effective, if the taxes are unpaid, the lands are sold by the tax collector, and if no bidders therefor, are bid off in the name of the District and tax certificate issued by the collector in the name of the District, and if not redeemed on or before two years after the date of the certificate, the title to the land immediately vests in the District without the issuance of any deed, and the certificate held by the District is evidence of the title of the District. These statutes all contemplate that upon the expiration of the period of time indicated, the District shall have full and complete title to the property and that the District shall then be the owner of the same. If, therefore, these lands have been sold and the respective periods of time mentioned have expired, the prior owners thereof are not in our opinion entitled to vote in the election of Supervisors. The mere fact that the taxes are delinquent and unpaid is not sufficient unless the lands have been sold as aforesaid and title to the same has vested in the District in the manner mentioned."

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In view of this opinion, it would seem that we would have good cause to contest some of the acreage voted at the annual land owners meeting.

Very truly yours,

J. W. Hoffman
Vice President.

JWH:P