

**MINUTES OF MEETING  
FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**

An Emergency Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Tuesday, May 10, 2011 at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting were:**

**For Fiddler's Creek CDD #1:**

Phillip Brougham	Chair
Jim Curland (via telephone)	Vice Chair
Jim Schutt	Assistant Secretary
Gerald Bergmoser	Assistant Secretary
Robert Slater	Assistant Secretary

**Also present were:**

Chuck Adams (via telephone)	District Manager
Cleo Crismond	Operations Manager
Aleida Martinez Molina (via telephone)	Weiss Serota, CDD #1 Special Counsel
Daniel Abbott	Weiss Serota, CDD #1 Special Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Crismond called the meeting to order at 8:00 a.m., and noted, for the record, that Supervisors Brougham, Schutt, Bergmoser and Slater were present, in person. Supervisor Curland was attending via telephone.

**SECOND ORDER OF BUSINESS**

**Consider Requesting Executive Session on May 11, 2011 to Include Participation of Additional Counsel**

Mr. Adams explained the purpose of the emergency meeting is to request that Mr. Daniel Abbott be included in the May 11, 2011 Executive Session, with regards to the lawsuit filed against the District by US Bank, as Indenture Trustee. He noted Mr. Hank Morgan, with Grey, Robinson and District's Bond Counsel, will be participating in the Executive Session, as well.

Mr. Brougham noted Mr. Daniel Abbott, with Weiss Serota, would serve as District's

counsel as it relates to the Declaratory Judgment action taken by the trustee and Ms. Martinez-Molina would handle the bankruptcy issues.

Mr. Daniel Abbott announced, pursuant to Florida Statute Section 286.011, subsection 8(a), governing public meetings, and as an attorney for Fiddler's Creek Community Development District #1, he desired advice concerning the Fiddler's Creek, LLC, et al. litigation. Mr. Abbott requested an executive session for May 11, 2011 at 1:00 p.m. The attendees for the session will be the Board Members, Mr. Daniel Abbott, Ms. Aleida Martinez Molina and Mr. Chuck Adams. Mr. Adams indicated Mr. Hank Morgan will be in attendance, as well.

Mr. Brougham questioned if the Declaratory Judgment suit is in Judge May's courtroom. Mr. Abbott explained the claim was filed in State Court and is a similar claim for relief that was filed in the bankruptcy litigation. He stated it was unclear as to which forum they will try to litigate the case. Mr. Abbott stated the details and strategies will be discussed during the Executive Session.

**On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, retaining Mr. Daniel Abbott as District Special Counsel, as related to the Declaratory Judgment action filed by US Bank, was approved.**

**THIRD ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Schutt noted his concerns regarding the vote for May 16, 2011. Mr. Brougham noted the concerns can be addressed in the Executive Session.

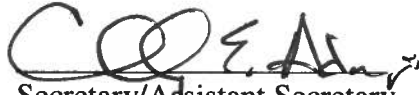
**FOURTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting was adjourned.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, the meeting adjourned at 8:06 a.m.**

**Fiddler's Creek CDD #1**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair