

IN THIS CASE, OWNER WAS EAGER FOR CONDEMNATION

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The Wekiva Park Estates tract wasn't the first in the Wekiva River basin to be involved with the state's power to take land through condemnation.

But for the first time, it wasn't the state that made the first move. It was the owner.

Maury Carter, an Orlando trustee for the owners of 4,600 acres, agreed to a sale price of more than \$21 million in January 1990.

The deal seemed sure enough that a top state acquisition official jotted a note to the state agent involved in the deal: "Well, it looks as if you can spend money with the pros."

A week later, Carter notified state officials that there would be no deal unless they provided legal evidence that he had been under the threat of condemnation.

State officials scrambled to meet Carter's request. Because there had been no such direct threat before the sale agreement, officials provided indirect threats, including the following:

- A letter to Carter from Percy Mallison, director of the Division of State lands, saying his property met criteria to be condemned.

- A letter from an attorney for the St. Johns River Water Management District, which assisted in the purchase, to Carter saying that if the deal wasn't completed, the water district's staff would move to condemn.

Two months after the state and Carter made their preliminary agreement, the deal was finalized.

In a recent interview, Carter explained that documentation of a condemnation threat was needed to defer taxes on the sale.

Under normal circumstances, sellers have six months to invest their sale proceeds into another property to defer taxes. For sales done under the threat of a government condemnation, sellers have three years.

However, Carter said he believed the state would have condemned the land had he decided to develop it.

"There were never any doubts in our minds," he said.

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Abstract (Document Summary)

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