City of Eustis
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To: City of Eustis
From: Taylor Tremel, City of Eustis Attorney
Subject: Community Center

The City has investigated the 1906 Pendleton reverter through a professional title examination. That review specifically addressed whether additional releases were required from Pendleton's heirs. After historical probate court records were obtained and reviewed, the title examiner removed that requirement. The revised 2025 title commitment identifies the City as the fee-simple owner of the property it describes, subject to its remaining requirements and exceptions.

The 1906 deed conveyed land to the Town of Eustis for park purposes. It also provided that ownership would return to the prior owners or their successors if the land stopped being used for those purposes. A reverter is a private ownership interest held by whoever is legally entitled to receive the property back. That interest can pass through an estate or a deed to an heir, a beneficiary under a will, or an "assign," meaning someone who receives it through a transfer. The retained interest could later be transferred or released, including to the City itself. A later deed conveying all of the owner's right, title, and interest in the described property could include that retained interest without a separate document specifically naming the reverter. The original deed and the later transfers must be read together to determine whether any private reversionary interest remains outstanding.

Florida law recognizes these transfers. A separate document specifically labeled as a reverter release is not always necessary. See Richardson v. Holman, 33 So. 2d 641, 644 (Fla. 1948) (recognizing that a possibility of reverter "may under our law be conveyed or devised"). A later conveyance of all right, title, and interest can carry rights retained under an earlier conditional deed. See Cont'l Equities, Inc. v. Jacksonville Transp. Auth., 360 So. 2d 1101, 1105 (Fla. 1st DCA 1978) ("Any rights it had under the quitclaim deed to Jacksonville Transportation Authority were conveyed to Galardi.").

Dwight L. Pendleton signed the 1906 deed as executor and trustee under the will of W. K. Pendleton. In 1924, he expressly transferred the retained right of reversion to W. Kent Pendleton, also known as Winston Kent Pendleton. Additional family deeds in 1946 conveyed the grantors' interests to Kent. Transfers in 1950 placed the described interests in Kent and his wife, Daisy W. Pendleton.

In 1959, Daisy W. Pendleton conveyed to the City all her right, title, and interest in the property described in her quitclaim deed. That conveyance formed part of the title history examined to address the reversionary interest retained under the original 1906 Pendleton deed. Her deed identifies her as Kent's widow and sole devisee under his will, meaning the person designated

to receive his estate.

Also in 1959, Stewart W. Pendleton and Elva R. Pendleton conveyed interests in western lakefront property to the City. In 1966, the City received additional deeds covering northern lots and related western land from Stewart and Elva Pendleton, Harry E. Gaylord and Faustene T. Gaylord, and the guardian and executor for Roy John Nolff. These acquisitions are also part of the City's ownership history and its review of interests previously held by other parties.

A title commitment sets out the terms under which an insurer will issue title insurance. It identifies the property, its owner, requirements that must be satisfied, and matters excluded from coverage. Preparing it involves searching and examining recorded deeds, court records, and other documents to trace ownership and identify outstanding interests.

During the 2025 examination, the examiner raised a specific question about Dwight L. Pendleton's authority to transfer the retained interest in 1924. Additional heir releases were included as a conditional requirement while historical probate records were being obtained. Following review of those records, the examiner removed the requirement. This gives the City a documented basis for its position that additional Pendleton heir releases are not required under the revised commitment.

The City is continuing its due diligence by pursuing a current survey, an updated title commitment, and title insurance for any future transaction. The survey will help confirm how the historical deed descriptions relate to the property's present boundaries. The updated title examination will establish the insurer's current requirements and address any remaining title questions before a transfer.

This title work is one step in evaluating the property's future. Any proposed sale or redevelopment must also undergo separate legal review and satisfy applicable approval procedures including disclosure of this issue in any contract to apprise the Buyer of its obligation to independently evaluate the issue. The City will use that process to address the property rights and legal requirements affecting any proposal.