## Section C.13: Map of Encumbrances and Restricted Area, and List of Encumbrances

The property owner should provide a list of recorded encumbrances, in addition to the copies of the recorded encumbrances, for the reviewing FDEP lawyer. The list of encumbrances should identify the right(s) the encumbrance grants to the holder and whether each encumbrance intersects ("materially conflicts") with the restriction. If the restriction could affect, or be affected by, the encumbrance holder’s rights in such a way as to constitute a “material conflict” (as described above under "Owner's Notice to Existing Encumbrance Holders") with a proposed RC, then the owner should acquire either a subordination of encumbrance (for mortgages and easements) or a joinder and consent (easements only), or the owner should provide actual notice as outlined above in "Owner's Notice to Existing Encumbrance Holders." See [Attachment 12](https://floridadep.gov/waste/waste/documents/attachment-12-sample-subordination-encumbrance-declaration-restrictive) and [Attachment 13](https://floridadep.gov/waste/waste/documents/attachment-13-sample-joinder-and-consent-encumbrance-holder), Sample Subordination of Encumbrance, Sample Joinder and Consent of Encumbrance, and [Attachment 9](https://floridadep.gov/waste/waste/documents/attachment-9-actual-notice-intent-approve-use-institutional-control-easement), Actual Notice of Intent to Approve Use of Institutional Control For Easement Holders & Financial Institutions.

If only a portion of the property is restricted, a labeled map, diagram, or Survey showing the locations of all encumbrances in relation to the restricted area should be provided. See [Attachment 14](https://floridadep.gov/waste/waste/documents/attachment-14-example-encumbrance-map-list-easements-affecting-restricted-area), Sample Encumbrance Map and List of Encumbrances.