



10. Article VIII of the Declaration of Covenants is amended as follows:

MARKUP #1 ->

"No owner may sell or convey his interest in a Lot unless all sums due the Association shall be paid in full and an estoppel certificate in recordable form to such effect shall have been received by the Owner. If all such sums shall have been paid, the Association shall deliver such certificate within ten (10) days of a written request therefor. The Owner requesting the certificate shall pay to the Association a reasonable sum to cover the costs of examining records and preparing the certificate."

11. Article X, Section 1, of the Declaration of Covenants shall be amended as follows:

ISSUE #1

"Section 1. Duration. The covenants and restrictions of this Declaration shall run with and bind The Properties, and shall inure to the benefit of and be enforceable by the Developer, the Association; the Committee, the Architectural Control Board and the Owner of any land subject to this Declaration, and their respective legal representatives, heirs, successors and assigns, for a term of ninety-nine (99) years from the date this Declaration is recorded, after which time said ~~covenants shall be automatically extended for successive periods~~ of ten (10) years each, unless an instrument signed by the then Owners of 75% of all the Lots subject hereto has been recorded, agreeing to revoke said covenants and restrictions. Provided, however, that no such agreement to revoke shall be effective unless made and recorded three (3) years in advance of the effective date of such revocation, and unless written notice of the proposed agreement is sent to every Owner at least ninety (90) days in advance of any action taken."

12. Exhibit "A" of the Declaration of Covenants is amended as follows:

"EXHIBIT "A"

The Common Areas, being all property other than Lots and Units (excluding public utility installations), as shown on the Plat of Casa Park Villas Phase I, according to the Plat thereof as recorded in Plat Book 29, Page 34 and 35 of the Public Records of Seminole County, Florida and as shown on the Plat of Casa Park Villas Phase II, according to the Plat thereof as recorded in Plat Book 30, Pages 97 and 98 of the Public Records of Seminole County, Florida, together with the main roads, being Casa Park Circle South and Casa Park Circle East, providing vehicular access from the public right of way known as Trotwood Boulevard through Casa Park Villas Phase I, according to the plat thereof as recorded in Plat Book 29, Pages 34 and 35, Public Records of Seminole County, Florida."

MARKUP #1 · MRTA 30-YEAR COVENANT EXPIRATION RISK

BOARD & COUNSEL REVIEW

Sec. 1 (p. 10): Declaration duration/automatic-renewal clause relies on private renewal language without addressing Florida Marketable Record Title Act (MRTA, Ch. 712) 30-year statutory extinguishment.

Statutory / Legal Reference: Fla. Stat. Ch. 712 (§§ 712.05 - 712.06), § 720.303(2)(e) & § 720.3032

Statutory Comparison: Under Florida's Marketable Record Title Act (Ch. 712), residential HOA covenants expire by operation of law 30 years after their root of title despite private 50- or 90-year terms or automatic 10-year renewal clauses, unless the Board timely records a Summary Notice of Preservation (§ 712.05(2)(b)) or Statement of Marketable Title Action (§ 720.3032). Furthermore, § 720.303(2)(e) requires the Board to consider the desirability of preserving the covenants from MRTA extinguishment at the first board meeting after the annual meeting each year.

CURRENT WORDING IN DOCUMENT:

Duration. The covenants and restrictions of this Declaration shall run with and bind The Properties, and shall inure to the benefit of and be enforceable by the Developer, the Association the Committee, the Architectural

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the stated term or automatic renewal periods above, pursuant to Fla. Stat. Chapter 712 and §§ 720.303(2)(e) and 720.3032, the Board of Directors shall annually consider preservation of these covenants at the first board meeting (excluding the organizational meeting) following each annual meeting of the members, and shall record a Summary Notice of Preservation or Statement of Marketable Title Action in the County Public Records prior to the expiration of thirty (30) years from the root of title.