

Section 1. - Sample Provision Excerpt (Public Preview)

representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 1. (p. 6): Potential Issue for Review: Declaration duration clause relies on automatic renewal without referencing Florida Marketable Record Title Act (MRTA, Fla. Stat. Ch. 712) preservation - look for a recorded Summary Notice of Preservation, Revitalization filing, or subsequent amendments in the county official records and other documents not included in this review.

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).

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Check county official records and other documents not included in this review to confirm whether a statutory Notice of Preservation under Fla. Stat. Ch. 712 has been recorded within the 30-year MRTA window. For future clarity, the Declaration may also state: Notwithstanding the stated term or automatic renewal periods above, pursuant to Fla. Stat.