

This instrument was prepared by/return to

Scott D. Clark, Esq.  
Clark & Albaugh, LLP  
700 W. Morse Blvd., Suite 101  
Winter Park, FL 32789

**NOTICE OF MARKETABLE TITLE ACTION TO PRESERVE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF TWIN RIVERS DEVELOPMENT**

**NOTICE IS HEREBY GIVEN** that the Twin Rivers Homeowner's Association, Inc., a Florida corporation not for profit (the "Association"), whose address is 2180 W. State Road 434, Ste. 5000, Longwood, FL 32779, has taken, and hereby takes, marketable title action to preserve the vitality and enforceability of the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, as amended from time to time ("Declaration"), pursuant to Sec. 712.05-06 of the Florida Statutes. The Declaration shall continue to be enforceable and binding as to each Member of the Association and shall continue to be an encumbrance upon the title of the real property subject to the Declaration. Further, notice is hereby given that the Declaration shall not be extinguished by the application of the Marketable Record Title Act, Chapter 712 of the Florida Statutes.

The Association's marketable title action specified in this Notice, together with the form and content of this Notice, were approved by a unanimous vote of the Association's Board of Directors, at a Board meeting held on January 14, 2016. Notice of the Board meeting was provided to the Association's members as required by Sec. 712.05, Fla. Stat. The Secretary of the Association's affidavit of delivery required by 712.06(1)(b), which affidavit attests that the Members have been provided with the notice of the Association's marketable title action, is attached hereto as **Exhibit "A."**

The covenants, conditions, and restrictions hereunder consist of the following documents, all as recorded in the Official Records of Seminole County, Florida, which are collectively referred to herein as the "Declaration": Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded July 27, 1987, at Official Records Book 1874, Page 1129; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded March 9, 1988, at Official Records Book 1938, Page 0810; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded April 27, 1988, at Official Records Book 1952, Page 1581; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded June 13, 1988, at Official Records Book 1966, Page 1708; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded July 19, 1988, at Official Records Book 1978, Page 0387; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded November 29, 1988, at Official Records Book 2018, Page 1911; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded February 1, 1989, at Official Records Book 2038, Page 0330; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded February 21, 1989, at Official Records Book 2043, Page 1404; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded April 5, 1989, at Official Records Book 2056, Page 1790; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements

2056, Page 1790; Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded November 22, 1989, at Official Records Book 2128, Page 0194; and Amendment to Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded May 9, 1991, at Official Records Book 2296, Page 0360.

The real property subject to the Declaration is legally described on the attached **Exhibit "B."**

This Notice is not intended to amend the Declaration, nor shall it be deemed to amend the Declaration.

This Notice is intended to be liberally construed to effectuate the Association's intention and purpose of preserving the vitality and enforceability of the Declaration.

IN WITNESS WHEREOF, Association has executed this Notice as of the 16<sup>th</sup> day of February 2017

WITNESSES:

"ASSOCIATION"

**TWIN RIVERS HOMEOWNER'S ASSOCIATION, INC.**  
a Florida not-for-profit corporation

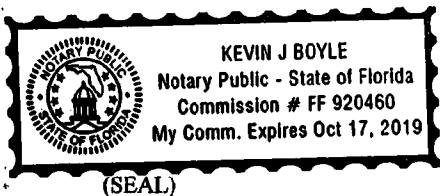
Cathy Chism  
Printed name: Cathy Chism

By: [Signature]  
Name: EMETT R. WHITE  
Its: President

[Signature]  
Printed name: Tabbe L. Gantt

STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me on the 16<sup>th</sup> day of February 2017, by EMETT WHITE, as President of the Twin Rivers Homeowner's Association, Inc., a Florida not-for-profit corporation, on its behalf. He is personally known to me or has produced FL Drivers License as identification.



[Signature]  
Notary Public  
STATE OF FLORIDA

**Exhibit "A"**  
**Affidavit of Delivery**

**AFFIDAVIT OF DELIVERY BY TWIN RIVERS HOMEOWNER'S  
ASSOCIATION OF STATEMENT OF MARKETABLE TITLE ACTION  
PURSUANT TO SEC. 712.06(1)(B)**

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**BEFORE ME** this date personally appeared John F. Painter, who, after being first duly sworn, deposes and states:

1. I am over the age of eighteen (18) years and mentally competent to make this affidavit, which is made from my personal knowledge.

2. I am the Secretary of the Twin Rivers Homeowner's Association, a Florida not-for-profit corporation ("Association").

3. The Association has mailed or hand-delivered to each member of the Association the Statement of Marketable Title Action, as specified by and in compliance with Sec. 712.06(1)(b) of the Florida Statutes. A true copy of the Statement of Marketable Title Action is attached hereto as **Exhibit "1."**

4. To my best knowledge, the Association has complied with the requirements of Sec. 712.06(1)(b) of the Florida Statutes relating to delivery of the Statement of Marketable Title Action to the Association's members.

**FURTHER AFFIANT SAYETH NOT.**

[Signature and notary on next page]

Signed:

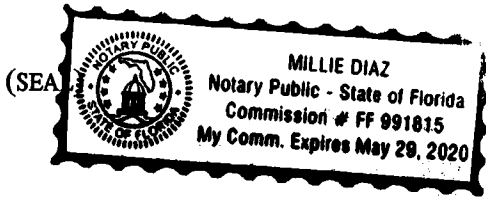
*John F. Painter*

John F. Painter

The foregoing instrument was acknowledged before me on the 15<sup>th</sup> day of February, 2017, by John F. Painter, who is personally known to me or has produced Florida Drivers License as identification.

*Millie Diaz*

Notary Public  
STATE OF FLORIDA



# Exhibit 1

## STATEMENT OF MARKETABLE TITLE ACTION

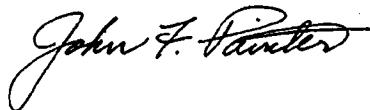
The Twin Rivers Homeowner's Association, Inc. (the "Association") has taken action to ensure that the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development ("Declaration") recorded in Official Records Book 1874, Page 1129, of the public records of Seminole County, Florida, as may and have been amended from time to time, currently burdening the property of each and every member of the Association, retains its enforceable status and is preserved pursuant to the Marketable Record Title Act as to each member's residence. To this end, the Association shall cause the notice required by chapter 712, Florida Statutes to be recorded in the public records of Seminole County, Florida. Copies of this notice and its attachments are available through the Association pursuant to the Association's governing documents regarding official records of the Association.

The Board of Directors of the Association took the Action described in this Statement at a Board meeting held at 6:30 pm on January 14, 2016, at the Cultural Center - Oviedo on the Park, 357 Center Lake Lane, Oviedo, Florida 32765, which was open to the Association's members. The Action was approved by a unanimous vote of the Board.

Dated: February 13, 2017

**TWIN RIVERS HOMEOWNER'S ASSOCIATION**

By:



Name: John F. Painter

Title: Secretary and Treasurer, Twin Rivers HOA Board of Directors

**Exhibit "B"**

**Legal Description**

Property subject to the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded July 27, 1987, at Official Records Book 1874, Page 1129, more particularly described as follows:

Lots 1 through 113 inclusive, of Twin Rivers Section I, a subdivision according to the Plat thereof, as recorded in Plat Book 38, upon Pages 1 through 4 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded March 9, 1988, at Official Records Book 1938, Page 0810, more particularly described as follows:

Lots 1 through 17 inclusive, of TWIN RIVERS MODEL HOME AREA, a subdivision according to the Plat thereof, as recorded in Plat Book 39, upon Page 11, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded April 27, 1988, at Official Records Book 1952, Page 1581, more particularly described as follows:

Lots 1 through 174 inclusive and all of Tracts A, B and C, of Twin Rivers Section III A, a subdivision according to the Plat thereof, as recorded in Plat Book 39, upon Pages 24 through 28 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded June 13, 1988, at Official Records Book 1966, Page 1708, more particularly described as follows:

Lots 1 through 137 inclusive and all of Tracts A, B, C, D and E of TWIN RIVERS SECTION IV UNIT 1, a subdivision according to the Plat thereof, as recorded in Plat Book 39, upon Pages 45 through 49 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded July 19, 1988, at Official

Records Book 1978, Page 0387, more particularly described as follows:

Lots 1 through 103 inclusive, and Tract "A", of TWIN RIVERS SECTION V, a subdivision according to the Plat thereof, as recorded in Plat Book 39, upon Pages 64 through 67 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded November 29, 1988, at Official Records Book 2018, Page 1911, more particularly described as follows:

Lots 1 through 125 inclusive and all of Tract A, of Twin Rivers Section III B, Unit II, a subdivision according to the Plat thereof, as recorded in Plat Book 40, upon Pages 32 through 36 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded February 1, 1989, at Official Records Book 2038, Page 0330, more particularly described as follows:

Lots 1 through 181 inclusive and all of Tracts A, B and C, of Twin Rivers Section VI, a subdivision according to the Plat thereof, as recorded in Plat Book 40, upon Pages 69 through 75 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded February 21, 1989, at Official Records Book 2043, Page 1404, more particularly described as follows:

Lots 1 through 83 inclusive and all of Tract D, of Twin Rivers Section IV, Unit II, a subdivision according to the Plat thereof, as recorded in Plat Book 40, upon Pages 80 through 82 inclusive, of the Public Records of Seminole County, Florida.

Together with:

Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded April 5, 1989, at Official Records Book 2056, Page 1790, more particularly described as follows:

Lots 1 through 140 inclusive, of Twin Rivers Section VII, a subdivision according to the Plat thereof, as recorded in Plat Book 41, upon Pages 2 through 4 inclusive, of the Public Records of Seminole County, Florida.

Together with:



**Property subject to the Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development, recorded November 22, 1989, at Official Records Book 2128, Page 0194, more particularly described as follows:**

**Lots 1 through 125 inclusive and all of Tract A, of Twin Rivers Section III B, Unit II, a subdivision according to the Plat thereof, as recorded in Plat Book 42, upon Pages 57 through 61 inclusive, of the Public Records of Seminole County, Florida.**