

HELP DEFEND WHAT MAKES BSI GREAT

Deed Restriction Lawsuit Background

Dear Neighbor,

At the November 2024 annual meeting and in the eBulletin sent to all Burnt Store Isles Association members earlier this year, your Board explained that we have been engaged for several years in responding to a direct challenge to the Association's ability to enforce the BSI deed restrictions.

The primary objective of the volunteer BSIA Board is maintaining the standards of the community. These standards were set forth in a set of deed restrictions written by the original developers of the community and we have relied on these deed restrictions for more than 50 years. We need your assistance now to continue to defend what has helped to make BSI the great community it is.

To briefly summarize, in August and September 2023 a BSI resident refused to comply with repeated requests from the Association to stop the installation of a type of metal roof that is prohibited under our BSI deed restrictions. Their refusal to respond to repeated requests left your Board with no option other than filing a law suit against the property owner to stop the work.

After a year of discussions and legal filings, on the advice of our attorney and in the hope of avoiding a costly court case, in November 2024 the Board of BSIA chose to pursue a legal process known as Summary Judgement. This is a process whereby a decision is made by a judge to resolve a legal case or part of a case without a costly full trial. We choose to do this because we believed that there were no genuine disputes about material facts and that BSIA was entitled to judgment in our favor as a matter of law.

Unfortunately, in June 2025 the judge denied our request based on an argument and counter claim from the property owner's attorney that BSIA had not renewed the deed restrictions as required by law within 30 years from the date when the first title was recorded for a property sold in BSI on January 29, 1971. The judge ruled that because the BSI deed restriction renewal was not formally recorded until April 27, 2001, which was three months after the 30-year deadline from the date in 1971 of the first transfer or root of title, the deed restrictions for all properties in BSI were declared extinguished.

The BSIA Board believes this ruling is factually incorrect and should be appealed. On the advice from our attorney, we retained an attorney who specializes in Florida appeals cases to quickly explore that option. His first action was to deliver a letter to the Board giving his opinion on the strength of our appeal case. After receiving this letter and taking all other advice into

consideration, the Board has made a decision to move forward with an appeal to the 6th District Court of Florida.

And now we need your help and that of the entire BSI community.

We have already expended nearly all of the \$50,000 in funding from the BSIA legal reserve that was approved at the November 2024 general membership meeting. As we move forward, we will need additional funding.

The Board estimates that we will need to raise an additional \$75,000 to fund the appeal and to complete the legal process. If every member household of the Association donated \$150, we would be close to achieving this goal. We know that not everyone has the ability to do this, but we hope those who are in a position to donate will do so as generously as they can.

We will also be reaching out to the entire Burnt Store Isles community to inform them and to enlist them in the fundraising campaign. This is an effort that benefits and has repercussions for ALL property owners in BSI therefore we hope that every property owner will participate to see it resolved in our favor. Our request to will be the same, \$150 per property.

This is not a tax-deductible donation. Please make checks out to Burnt Store Isles Association and note "Legal Fund" in the memo line. Donations may be mailed or given directly to the BSIA Treasurer.

If mailing please send your check to:

Burnt Store Isle Association, ATTN Legal Fund, PO Box 510956, Punta Gorda, FL 33951-0956

To hand deliver a check place it in a container by the front door c/o Mr. Lee Brandt, 669 Macedonia Drive.

The appeal process is expected to take a year. The Board will provide updates to you when we have them. In addition, the Board will continue to request that all property owners abide by the deed restrictions while the legal process moves forward. Additional details and information will also be posted as necessary.

Thank you for your support.

The Burnt Store Isles Association Officers and Board of Directors