

BURNT STORE ISLES DEED RESTRICTION HISTORY

8/6/25

Footnotes:

1. The BSIA Board in August 2000 hired a law firm from Sarasota to represent BSIA. Without reasoning, the Board voted in Jan 2001 to hire Wotitski Law Firm. They completed the renewal of the deed restrictions and meet all then current legal requirements.
2. During the annual meeting in November 2024 the membership voted to allow the Board to pursue a lawsuit for deed restriction violation. The amount approved was up to \$50,000. The vote had a single "no" vote.
3. The Board reviewed 3 different options. The first option was to drop the pursuit of reinstating our deed restrictions. The second was to reinstate our deed restrictions. The third was to appeal the lower court decision on the basis of it factually incorrect based on the law.

*Drop pursuit of the deed restrictions received no support

*Reinstate versus Reaffirm our deed restrictions. This is the process required every 30 years per Florida Law. If the deed restrictions are still in place, the process is to reaffirm the deed restrictions. This is a simple process that requires the BSIA Board to vote to continue. If the deed restrictions are not in place, the process is to Reinstate the deed restrictions. This process requires a lot more cost, work, and is more difficult due to requirements. Reinstatement requires 50% plus 1 of ALL property owners, not just BSIA members. Assuming that the owners are exclusive of the condos. There are approximately 1,000 properties. Current membership in BSIA is 450 properties. We would be required to get ALL of our members to vote yes and at least 51 non members to vote for the reinstatement. If this wasn't going to be difficult enough, any property that does not vote is assumed to be vote against the reinstatement.

* Although more expensive, it was felt that the option that presented the best opportunity to be successful was to Appeal the lower court decision.

COURT DEADLINES:

1. We have 30 days from when the court enters or renders the Final Judgement to file a Notice of Appeal. Missing this deadline ends all opportunities to Appeal.
2. We would then have 10 days to file directions to the clerk regarding the record on appeal
3. We then have 70 days from when we filed the Notice of Appeal to file our initial brief.
4. The defendants have 30 days from the initial brief to file an answer brief.
5. We then have 30 days from the defendants filing their brief to file a reply brief.
6. The parties then have 15 days from when the reply brief is filed to request an oral argument.