

TILDEN & PROHIDNEY, P.L.

Ivey Professional Center, 431 12th Street W, Suite 204, Bradenton, FL 34205 Telephone: 941-243-3959

January 12, 2024
(Via U.S. Mail)

Mr. Terry Leavitt, Director
5375 Matthew Ct.
Sarasota, FL 34231

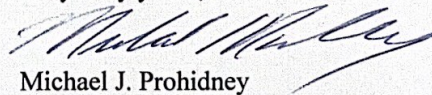
Re: The Forest Oaks Subdivision Association, Inc. (the "Association")
MRTA Renewal

Dear Mr. Leavitt:

Please find enclosed for the Association's records the Notice of The Forest Oaks Subdivision Association, Inc., under 720.3032, Florida Statutes, and Notice to Preserve and Protect Covenants and Restrictions from Extinguishment under the Marketable Record Title Act, Chapter 712, Florida Statutes, recorded December 26, 2023, in Official Records Instrument #2023189076 of the Public Records of Sarasota County, Florida.

If you have any questions or need any additional information, please do not hesitate to contact us.

Very truly yours,



Michael J. Prohidney
For the Firm
Service@tildenprohidney.com

Enclosure: Notice

**RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2023189076 4 PG(S)**

12/28/2023 11:08 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 3123643

This Instrument Prepared By:
Michael J. Prohidney, Esq.
Tilden & Prohidney, P.L.
431 12th Street West, Suite 204
Bradenton, Florida 34205

**NOTICE OF THE FOREST OAKS SUBDIVISION ASSOCIATION, INC., UNDER
720.3032, FLORIDA STATUTES, AND NOTICE TO PRESERVE AND PROTECT
COVENANTS AND RESTRICTIONS FROM EXTINGUISHMENT UNDER THE
MARKETABLE RECORD TITLE ACT, CHAPTER 712, FLORIDA STATUTES**

This document executed on this 13 day of December 2023, shall serve as notice of **THE FOREST OAKS SUBDIVISION ASSOCIATION, INC.**, a Florida corporation not-for-profit, its successors and assigns (the "Association"), under Section 720.3032, Florida Statutes, to preserve and protect the **DECLARATION OF COVENANTS AND RESTRICTIONS FOR FOREST OAKS SUBDIVISION COMMUNITY**, as it may be supplemented and amended from time to time, from extinguishment under the Marketable Record Title Act, Chapter 712, Florida Statutes.

INSTRUCTIONS TO RECORDER: Please index both the legal name of the Association ("THE FOREST OAKS SUBDIVISION ASSOCIATION, INC.") and the common names shown in item 3.

1. The legal name of the Association is **THE FOREST OAKS SUBDIVISION ASSOCIATION, INC.**,
2. The mailing address of the Association is Post Office Box 20913, Sarasota, Florida 34276, and the physical address of the Association is 5325 Matthew Court, in care of Steven Young, President, Sarasota, Florida 34231.
3. The name of the subdivision is commonly known as **FOREST OAKS SUBDIVISION**, as described in Plat Book 37, Pages 4, 4A through 4C, of the Public Records of Sarasota County, Florida.
4. The Association is not professionally managed.
5. This notice does constitute a notice to preserve and protect the covenants and restrictions from extinguishment under the Marketable Record Title Act, Chapter 712, Florida Statutes.
6. The Association is governed by and, therefore, is hereby preserving that certain Declaration of Covenants and Restrictions for Forest Oaks Subdivision Community, recorded on October 11, 1994, as Instrument no. 94122040, in Official Records Book 2676, Page 2654, of the Public Records of Sarasota County, Florida, and all other amendments thereto, including but not limited to that certain Amendment to Declaration of Covenants and Restrictions for Forest Oaks Subdivision Association, Inc., dated and recorded on March 22, 2006, as Instrument no. 2006053524, of the Public Records of Sarasota County, Florida (collectively, the "Declaration").

7. The full and complete legal description of all lands affected by this notice and the listed covenants or restrictions, and which is described in the Declaration, are attached hereto, and incorporated herein as Exhibit "A."

8. At a meeting held on November 20, 2023, the Board of Directors of the Association unanimously voted to preserve the Declaration and protect the Declaration from extinguishment by the operation of the Marketable Record Title to Real Property Act, Chapter 712, Florida Statutes, pursuant to the provisions of Section 712.05, Florida Statutes. Accordingly, this Notice has the effect of preserving the Declaration, for a period of not longer than thirty (30) years following the recordation of this Notice among the Public Records of Sarasota County, Florida.

9. Attached to this Notice, as Exhibit "B," is an Affidavit executed by the President of the Association (also being a member of the Board of Directors) affirming that the Board of Directors of the Association caused a statement, meeting the requirements of Section 712.06, Florida Statutes, to be included in a notice which was mailed to all members of the Association together with the Statement of Marketable Title Action described in Section 712.06(1)(b) of the Florida Statutes, not less than seven (7) days prior to the Meeting.

IN WITNESS WHEREOF, the Association has executed this Notice in manner and form sufficient to bind it as of the date set forth above.

WITNESSES:

THE FOREST OAKS SUBDIVISION
ASSOCIATION, INC.,
a Florida corporation not-for-profit

By: [Signature]
Print Name: AUGUSTO AECHEGONDA

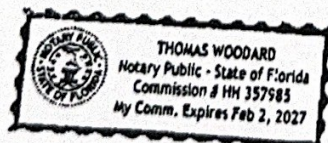
By: [Signature]
Steven Young, as President

By: [Signature]
Print Name: DAVE LEAVITT

Attest:
By: [Signature]
Terry Leavitt, as Secretary

STATE OF FLORIDA
COUNTY OF Sarasota

SWORN TO AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 13th day of December 2023, by Steven Young and Terry Leavitt, as President and Secretary, respectively, of THE FOREST OAKS SUBDIVISION ASSOCIATION, INC., a Florida corporation not-for-profit, on behalf of the corporation, who ☒ produced Florida Driver License as identification or ☐ is personally known to me.



Signature of Notary Public
Print Name: Thomas Woodard
My Commission expires on 2/2/27
NOTARY PUBLIC - STATE OF FLORIDA

EXHIBIT "A"

ARTICLE I

PROPERTY SUBJECT TO THESE COVENANTS

The real property which is owned by Developer and which shall henceforth be held, transferred, sold, conveyed and occupied subject to the terms of this Declaration is located in Sarasota County, Florida, and is legally described as follows:

A PART OF THE WEST HALF OF TRACT 3, BLOCK 3, SARASOTA-VENICE COMPANY'S SUBDIVISION OF SECTION 9, TOWNSHIP 37 SOUTH, RANGE 18 EAST AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 68 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NW CORNER OF SAID TRACT 3; (ALSO BEING THE NW CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 9) THENCE S.00°07'58"W. ALONG THE WESTERLY LINE OF SAID TRACT 3, A DISTANCE OF 30.00 FEET TO THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ASHTON ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°07'58"W ALONG SAID WESTERLY LINE A DISTANCE OF 1038.12 FEET; THENCE N.89°14'55"E. A DISTANCE OF 172.40 FEET TO THE WEST LINE OF LESS PARCEL AS RECORDED IN O.R. BOOK 2479, PAGE 1108, OF SAID PUBLIC RECORDS; THENCE N.00°07'47"E. ALONG SAID WESTERLY LINE OF LESS PARCEL A DISTANCE OF 22.01 FEET TO THE NW CORNER OF SAID LESS PARCEL; THENCE S.89°49'42"E. ALONG THE NORTHERLY LINE OF SAID LESS PARCEL A DISTANCE OF 164.64 FEET TO THE WESTERLY LINE OF SUN HAVEN, UNIT NO. 5 PER PLAT RECORDED IN PLAT BOOK 16, PAGE 19 OF SAID PUBLIC RECORDS; THENCE N.00°02'40"E. ALONG SAID WESTERLY LINE A DISTANCE OF 833.24 FEET TO A CONCRETE MONUMENT MARKING THE NW CORNER OF LOT 43 OF SAID SUN HAVEN, UNIT 5; THENCE N.89°51'15"E. ALONG THE NORTH LINE OF SAID LOT 43 A DISTANCE OF 1.61 FEET TO THE EASTERLY LINE OF THE WEST 1/2 OF SAID TRACT 3; THENCE N.00°07'47"E. ALONG SAID EASTERLY LINE A DISTANCE OF 179.34 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF ASHTON ROAD; THENCE N.89°42'07"W. ALONG SAID RIGHT OF WAY A DISTANCE OF 337.33 TO THE POINT OF BEGINNING.

CONTAINING 344,939 SQ. FT. +/- = 7.9187 ACRES MORE OR LESS.

said property, together with such other additional property as may be made subject to the terms of this Declaration pursuant to Article VI below, shall sometimes hereinafter be referred to as the "Subdivision".

.. OFFICIAL RECORDS ..
BOOK 2676 PAGE 2655

EXHIBIT "B"

This Instrument Prepared By:
Tilden & Prohidney, P.L.
431 12th Street West, Suite 204
Bradenton, Florida 34205

**THE FOREST OAKS SUBDIVISION ASSOCIATION, INC., PROOF OF NOTICE
AFFIDAVIT FOR STATEMENT OF MARKETABLE TITLE ACTION**

STATE OF FLORIDA
COUNTY OF SARASOTA

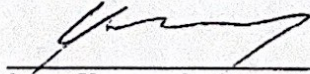
Before me, the undersigned authority, on this day personally appeared STEVEN YOUNG, ("Affiant"), who having been duly sworn, did depose and say as follows:

1. That Affiant is the President of **THE FOREST OAKS SUBDIVISION ASSOCIATION, INC.**, a Florida corporation not-for-profit (the "Association").

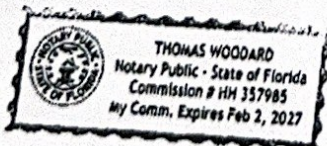
2. That the Association is the homeowners association that governs the community known as **FOREST OAKS SUBDIVISION**, located in Sarasota County, Florida, pursuant to that certain Declaration of Covenants and Restrictions for **FOREST OAKS SUBDIVISION COMMUNITY**, which Declaration was recorded October 11, 1994, as Instrument no. 94122040, in Official Records Book 2676, Page 2654, of the Public Records of Sarasota County, Florida, as amended (collectively, the "Declaration").

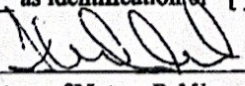
3. That the Board of Directors of the Association caused a statement in substantially the form required by Section 712.06(b), Florida Statutes, to be mailed to the members of the Association not less than seven (7) days prior to the meeting of the Board of Directors held on Monday, November 20, 2023, at which time the Board of Directors voted unanimously to preserve the covenants and restrictions contained in the Declaration. The notice of the meeting was provided in accordance with Section 712.05, Florida Statutes, and contained notice that the board was considering adopting the Statement of Marketable Title Action described in Section 712.06(1)(b), Florida Statutes.

FURTHER AFFIANT SAYETH NOT.


Steven Young, as President of
THE FOREST OAKS SUBDIVISION ASSOCIATION, INC.,
a Florida corporation not-for-profit

SWORN TO AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 13th day of December 2023, by STEVEN YOUNG, as President of **THE FOREST OAKS SUBDIVISION ASSOCIATION, INC.**, a Florida corporation not-for-profit, on behalf of the corporation, who ☒ produced Florida Driver License as identification or ☐ is personally known to me.




Signature of Notary Public
Print Name: Thomas Woodward
My Commission expires on 2/2/27
NOTARY PUBLIC - STATE OF FLORIDA