

Counties in Florida pursuant to a request for revitalization of declarations of covenants submitted by Three Rivers Estates Property Owner's, Inc.² ("**TREPO**") (hereinafter the revitalization package submitted by TREPO referenced as the "**Revitalization Package**"). A copy of the Freedom of Information Act response from the Agency to the undersigned's request for a copy of the Revitalization Package is attached as **Exhibit 2**.

In support of this Petition, Petitioners state as follows:

1. Statement of Substantial Interests Affected

Each of the 59 Petitioners own (i) parcels included within the "legal description of the property subject to the revitalization declaration" in the Revitalization Package that was approved by the Agency in the Decision and (ii) parcels identified on the plat map included as the "graphic depiction of affected properties" subject to the revitalized declarations of covenants submitted in the Revitalization Package that was approved by the Agency in the Decision. The 59 Petitioners own 134 of the affected parcels. The Agency's improper approval of the revitalization of the declarations of covenants submitted in the Revitalization Package resulted in the recording of the Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates recorded at Book 1560, Page 650 in the Official Public Records of Columbia County, Florida, which included a copy of the Decision ("**Columbia Revived Declaration**"), attached as **Exhibit 3**, and the Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates recorded at Book 2671, Page 288 in the Official Public Records of Suwannee County, Florida, which included a copy of the Decision ("**Suwannee Revived Declaration**"), attached as **Exhibit 4**, that, like the Revitalization Package submitted to the Agency, included a Schedule A identified

² There is no corporation registered in Florida under this name. There is corporation registered with the Division of Corporations as Three Rivers Estates Property Owners, Inc. (Document Number 754904)- no apostrophe in the corporate name registered, even though one is present in the name used in the submission of the Revitalization Package to the Agency

as the legal description of the property subject to the Revived Declarations and plat maps identified as being the “graphic depiction of the property to be governed by the [revived] declaration[s]” that unlawfully encumbered Petitioners’ parcels with the covenants and restrictions in the Revived Declarations (collectively together the Columbia Revived Declaration and the Suwannee Revived Declaration hereinafter referenced as the “*Revived Declarations*”). These unlawful Revived Declarations constitute a cloud on the title to each of the Petitioners’ parcels and permit the unlawful levy of assessments, liens and foreclosure of such parcels, all of which also causes additional damage, attorneys fees and costs. The Revived Declarations were only recorded because the Agency issued the Decision.

2. **Notice of Agency Decision**

The earliest Petitioners received notice of the Agency’s action, the Decision, was on February 10, 2026, when a few of the Petitioners saw a notice posted in the community that stated that “our neighborhoods have been restored This action has been recorded at the Suwannee and Columbia courthouses,” see **Exhibit 5** attached. The posted notice is dated February 10, 2026, and was first seen by at least one Petitioner on the evening of February 10th. After seeing the posted notice, some Petitioners living in Columbia County went online to search the public records of Columbia County to locate the Columbia Revived Declaration in the Official Public Records of Columbia County, Florida, which included a copy of the Decision; and other Petitioners who live in Suwannee County went online to search the public records of Suwannee County to locate the Suwannee Revived Declaration in the Official Public Records of Suwannee County, Florida, which included a copy of the Decision. The undersigned counsel received an email from one Petitioner (“*Initial Petitioner*”) on February 11, 2026, advising that they saw the posted notice on the evening of February 10, 2026, and thereafter located the Columbia Revived Declaration. On

February 11, 2026, and for several days following, the Initial Petitioner spoke to the other Petitioners who had not seen the posted notice and were not aware of the Revived Declarations, sharing the news of the Decision. These other Petitioners received notice of the Decisions on or after February 11, 2026.

3. Disputed Issues of Material Fact

a. Whether a declaration of covenants can be revitalized under Ch. 712 and Part III of Ch. 720 of the Florida Statutes in a Florida county where they were never recorded in the public records of such county.

b. Whether the inclusion of two very different and extremely inconsistent legal descriptions in the Revitalization Package is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package, specifically when one of the legal descriptions includes an exponentially larger number of parcels than the list of parcels and parcel owners that is also required by Part III of Ch. 720 of the Florida Statutes.

c. Whether the inclusion of substantially more parcels in the graphic depiction of the property included in the Revitalization Package than what is legally described as the property to be governed by the Revived Declaration is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

d. Whether the inclusion of substantially more parcels in the graphic depiction of the property included in the Revitalization Package than what is identified in the list of parcels and parcel owners to be governed by the Revived Declaration is a violation of Ch. 712 of the Florida

Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

e. Whether the Revitalization Package identified each parcel proposed to be governed by the Revived Declarations as required and whether such failure is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

f. Whether the failure to identify all parcels and parcel owners who own parcels within the legal description of property identified to be governed by the Revived Declaration in the Revitalization Package is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package; especially when a substantially less number of parcels and parcel owners are identified in the Revitalization Package.

g. Whether the failure to identify all parcels and parcel owners who own parcels identified in the graphic depiction of the property identified to be governed by the Revived Declarations in the Revitalization Package is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package; especially when a substantially less number of parcels and parcel owners are identified in the Revitalization Package.

h. Whether a parcel owner and their parcel can be identified in the “list of owners” subject to the Columbia Revived Declaration if their parcel is not within the “legal description of the property subject to the revitalized declaration,” as occurred in the Revitalization Package for Columbia County; and, whether such defect is a violation of Ch. 712 of the Florida Statutes and

Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

i. Whether a majority of affected parcel owners approved the Revitalization Package and if not, whether such defect is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

j. Whether the Revitalization Package was sent to each parcel owner proposed to be governed by the Revived Declarations and whether the failure to send the Revitalization Package to all parcel owners who own parcels within the “legal description of the property subject to the revitalized declaration” is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

k. Whether the Revitalization Package was sent to each parcel owner who owns a parcel identified on the graphic depiction of property identified as the property subject to the Revived Declarations and whether the failure to send the Revitalization Package to all parcel owners who own a parcel identified on the graphic depiction of property is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

l. Whether a written consent submitted with the Revitalization Package can be counted towards the requisite number of affected parcel owners who approved the Columbia Revived Declaration if the property identified on the written consent is not located within the legal description of property identified to be governed by the Columbia Revived Declaration.

m. Whether the declaration of covenants submitted for revitalization (the Revived

Declarations) contained restrictions that are more restrictive than those that had previously existed in violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

n. Whether the submission of a document identifying no legal description and no signature page constitutes a “verified copy of the previous document declaration of covenants” as is required by F.S. §720.406 and if not, whether the inclusion of this document is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

o. Whether all “other previous governing documents for the community, including any amendments thereto” were submitted in the Revitalization Package as required by F.S. §720.406 and if not, whether such failure to include is a violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes requiring the Agency to deny the request to approve the Revitalization Package.

p. Whether all parcels identified in the legal description of the property subject to the Revived Declarations were once governed by the Revived Declarations as is required, and if not, whether this violation of F.S. §720.404(1) required the Agency to deny the request to approve the Revitalization Package.

q. Whether the failure of affected parcel owners to have a copy of the Revitalization Package 14 days prior to the organizing committee seeking consent is a violation of F.S. §720.405(5) and required the Agency to deny the request to approve the Revitalization Package.

r. Whether Three Rivers Estates Property Owners Association, Inc. (“TREPO”) was legally authorized to submit the Revitalization Package on behalf of all affected parcel owners

when not all owners of parcels within the legal description of the property identified in the Revitalization Package to be subject to the revitalized declaration are members of TREPO.

4. Ultimate Facts Alleged

For the reasons set forth in this Petition, including those ultimate facts described below, the Decision of the Agency must be reversed. The Decision wrongly, and in violation of Ch. 712 of the Florida Statutes and Part III of Ch. 720 of the Florida Statutes, approved the revitalization of the Revived Declarations, which authorized TREPO to record the Revived Declarations that now constitute a cloud on Petitioners' title to their parcel(s) and permit the unlawful levy of assessments, liens and foreclosure, all of which also causes additional damage, attorneys fees and costs.

a. The Revitalization Package for Suwannee County included "Exhibit A- [the] Revived Declaration of Covenants," which was only one page. All Exhibits included page numbers (such as X of Y) except for Exhibit A, which was only one (1) page. This one page Exhibit A represented the entire Suwannee Revived Declaration. The Suwannee Revived Declaration has the label of "Restrictions" at the top with a book and page stamp of "Book 130, Page 57." There is no Florida County Clerk of Court office identified but the assumption must be that this was recorded in the Official Public Records of Suwannee County, Florida in order to represent a declaration that once governed all affected parcels. A search of the Official Public Records of Suwannee County, Florida for what is recorded in Book 130, Page 57 reveals this book and page to be the second page of an "Indenture" between Harmon W. Suggs, Jr. and Carolyn Gaye Suggs, his wife as Mortgagor and H. Wilson Suggs, Sr. as Mortgagee. On the first page of this Indenture is the stamp of the Suwannee County Clerk of Court, where there is filled in by hand-writing the date of August 1975, though the exact day in August is illegible due the physical stamp, as well as

the Book Number “130” and the Page “56-57.” The stamp of Page 130, Book 56 and Book 130, Page 67 is also present. Another search of the Official Public Records of Suwannee County demonstrates that the “Restrictions” contained in the Revitalization Package were never recorded in Suwannee County, Florida. Accordingly, the Suwannee Revived Declaration, as the only declaration included in the Revitalization Package for Suwannee County, Florida, never once governed any parcel in Suwannee County, Florida and certainly not the parcels identified in Schedule A, the graphic depiction, nor even Exhibit E-2. Florida law does not permit the Agency to create or revive declarations that never existed. The Agency must reverse its approval of the Revitalization Package for Suwannee County for this reason alone, even though there are many other valid reasons set forth in this Petition that also require the Agency to reverse its Decision. These defects also, at a minimum, violate F.S. §720.404(1), F.S. §720.404(3), F.S. §720.405(4)(d), F.S. §720.405(5), and require the Agency to reverse its Decision.

b. Schedule A for both Columbia and Suwannee Counties in the Revitalization Package does not legally describe the graphic depictions in the Revitalization Package, and Exhibits E-1 and E-2 in the Revitalization Package do not identify all parcels and parcel owners whose properties are described in either Schedule A or the graphic depiction. Plainly stated, none of the legal descriptions in the Revitalization Package for either Columbia or Suwannee County match, and this discrepancy creates clouds on title, confusion and causes damage to Petitioners. The Revitalization Package identifies Schedule A to be “*the legal description of property subject to the revitalized declaration... one for each county,*” identifies Exhibit F-1 and F-2 as the “*graphic depiction of the affected properties in the subdivision; one for Columbia County enclosed as Exhibit F-1 and another for Suwannee County enclosed as Exhibit F-2,*” and Exhibit E-1 and E-2 to be “*each parcel and name of the owner of record in the subdivision to be subject to the revived*

declaration and other governing documents [-] One for Columbia County enclosed as Exhibit E-1 and another for Suwannee County enclosed as Exhibit E-2.” There are also additional defects in Exhibit E-1 described below. The defects in the required legal descriptions, graphic depiction and list of parcels and parcel owners, at a minimum, violate F.S. §720.405(2), §720.405(5), F.S. §720.406(1)(c) and F.S. §720.407(3) and require the Agency to reverse its Decision.

Columbia County

- i. **Schedule A** identifies Units 1-10 and 12-24 of Three Rivers Estates by plat books and pages and identifies **1937 parcels**. Unit 1A and Unit 11 are listed on the graphic depiction of affected parcels but are not included in Schedule A
- ii. **The graphic depiction** of affected parcels includes Units 1, 1A, 2-24 and identifies **2114 parcels**.
- iii. **Exhibit E-1** identifies only **100 parcels** and their owners (though some of the owners are incorrect).

In Columbia County, without accounting for the additional errors described herein, Exhibit E-1 of the Revitalization Package is missing the identification of 2014 parcels and parcel owners when compared to the graphic depiction and is missing 1837 parcels when compared to those legally described in Schedule A; and the graphic depiction in the Revitalization Package includes 177 more parcels than are legally described in Schedule A. The Columbia Revived Declaration was recorded with the same glaring discrepancies pursuant to the Decision.

In addition, Exhibit E-1 for Columbia County, identified as being the list of parcels and parcel owners subject to the revitalized declaration of covenants, included 17 (*out of the 100 listed*) parcels that are not within the legal description of property subject to the

revitalized declaration as identified on Schedule A in Columbia County. This only adds to the issues between the legal descriptions identified in the Revitalization Package.

Other errors in Exhibit E-1 for Columbia County include the fact that Exhibit E-1 identified Barry Michael Foret III as owning parcel/Lots 41-44 in Unit 10 and listed Mr. Foret 4 times under 4 different property appraiser parcel numbers. Mr. Foret transferred, via two recorded quit claim deeds, all four parcels to Kyle and Lacie Sullivan on September 10, 2025 (identified as Lots 41 & 42) and October 9, 2025 (identified as Lots 43 & 44). The Revitalization Package cover letter is dated October 30, 2025. Pursuant to F.S. §720.405 (2) the Revitalization Package “*must identify each parcel that is to be subject to the governing documents by its legal description, and by the name of the parcel owner ...at the time when the proposed revived declaration is submitted for approval by the parcel owners.*” (emphasis added) Exhibit E-1 of the Revitalization Package, which is identified as the list of parcel owners subject to the revitalized declaration in the Revitalization Package, incorrectly identified Barry Michael Foret as the owner of these 4 lots/parcels, which is a further defect in Exhibit E-1 and the legal description of the parcels and parcel owners. Finally, Exhibit E-1 included the name of owner Miles Riecker, associated with the address 1531 SW Newark Dr. Fort White, FL. There is also a consent of approval included in the Revitalization Package from Mr. Rieker, but a different address is identified. The address on the consent is within the Three Rivers community but is not listed on Exhibit E-1. The most reasonable assumption in favor of the submitting party is that Mr. Riecker intended to express consent as to both of his properties, yet only one was listed on Exhibit E-1. This appears to be yet another defect in Exhibit E-1, though the

previously listed defects are far greater and should act to invalidate not only E-1 but the entire Decision.

Suwannee County

- i. **Schedule A** identifies Units 1-8 of Three Rivers Estates by plat books and pages and assuming Unit 1 in Plat Book 1, Pages 57-58 is the same as the 2 plat map pages in the graphic depiction identified as Unit 1S, identifies **1111 parcels**. The mis-identification of Unit 1S as Unit 1 in the legal description, Schedule A, is a defect in the legal description and an inconsistency between the legal description and graphic depiction.
- ii. **The graphic depiction** of affected properties includes and identifies **1111 parcels**.
- iii. **Exhibit E-1** identifies only **18 parcels** and their owners.

In Suwannee County, Exhibit E-1 is missing the identification of 1,093 parcels and parcel owners compared to the graphic depiction and Schedule A³. Schedule A identifies Unit 1, but no Unit 1 appears to exist⁴. The graphic depiction does not include Unit 1 but does include Unit 1S, which is not listed on Schedule A. Accordingly, it is unclear whether Unit 1 is the same as Unit 1S and thus whether the legal description in Schedule A matches up with the graphic depiction. Notwithstanding this error, the failure to identify 1093 parcels and parcel owners on Exhibit E-2 should constitute a fatal flaw on its own. Pursuant to the Revitalization Package, including the cover letter describing the Revitalization Package, the Suwannee Revived Declaration identified 1111 parcels but only identified the owners of 18 parcels and their parcel owners.

³ Assuming the inconsistency in the description of Unit 1S as 1 is ignored

⁴ Petitioners were unable to locate this using the public access to the online Official Records

Finally, the argument and analysis presented in this Petition has used the same method of identifying “parcels” as reflected on the Agency’s tally sheet and notes, which identified “55 of 100 approval votes,” in Columbia County⁵. This can only be accurate if the Agency considered the “lots,” whether combined or not in a single parcel as identified by the county property appraisers, to be the same as “parcel” as used in Part III of Ch. 720 of the Florida Statutes. If the Agency revises its analysis so as to consider “parcels” as those with separate parcel numbers as identified by the property appraiser office, Petitioners have this data as well, and such numbers reflect the same level of discrepancy between Schedule A, the graphic depiction and the list of owners (Ex. E of the Revitalization Package), although the numbers are different. Some parcel numbers as identified by the property appraisers contain more than one lot, but none more than 5, with most parcel numbers containing only 1 or 2 lots. For example, the Columbia County graphic depiction includes 2114 lots, which is identified in 1493 separately identified parcel numbers on the Columbia County Property Appraiser office.

c. The Revitalization Package contained defects with regard to the required owner consents of approval, both in substance and in number. Some consents were not valid on their face, and without accounting for these consents with errors, the Revitalization Package contained far less approvals than the required majority of affected parcel owners. These defects, at a minimum, violate F.S. §720.403(2), F.S. §720.405(6) and F.S. §720.406(1) and require the Agency to reverse its Decision.

Columbia County

i. Assuming every consent submitted in the Revitalization Package can be counted,

⁵ No tally of Suwannee County was included in the information received from the Agency in response to a FOIA for the Revitalization Package

only 55 of 2114 parcels approved the Revitalization Package. This is far less than the required “majority of the affected parcel owners.”

- ii. 16 consents identify property not within the legal description of property subject to the revitalized declaration as identified on Schedule A in Columbia County.
- iii. The Consent signed by Joanna Kepple was included twice in the Revitalization Package and appears to have been counted twice by the Agency. In addition, the property identified is not within the legal description of property subject to the revitalized declaration as identified on Schedule A in Columbia County.
- iv. Based on the above, the submitted 55 consents of approval should be reduced by 17, resulting in only 38 approval votes out of the 2114 total parcels identified in the Revitalization Package. Again, this is far less than the required “majority of the affected parcel owners.” *Id.* In addition, these errors result in the consents submitted being less than a majority of the parcels and parcel owners listed on Exhibit E.-1.
- v. If the Agency revises its analysis to be by parcels as identified on the property appraiser website, then it must consider that 8 consents submitted constitute only 4 parcels on the property appraiser website and 6 consents submitted constitute only 2 parcels and 4 consents submitted constitute only 1 parcel. Accordingly, if the Agency revises its analysis to be by parcels as identified on the property appraiser website then the number of approval votes should be reduced by 11 based on this change in analysis alone, which would result in only 44 parcels approving the revitalization out of the 1493 parcels as identified on the property appraiser website that have been identified to be bound by the Revived Columbia Declaration; and,

in light of the above other defects, possibly as few as 27 parcels approving the revitalization.

Suwannee County

- i. Victoria Imm owns 4 parcels but there are 5 consents signed by Ms. Imm in the Revitalization Package.
- ii. Based on the extra consent from Ms. Imm, only 13 of the consents can possibly be valid, leaving only 13 parcels out of the 1111 total parcels identified in the legal description of property subject to the Suwannee Revived Declaration as identified on Schedule A and the graphic depiction of property to be subject to the Suwannee Revived Declaration.
- iii. These 13 consents were signed by only 4 separate people/owners.
- vi. If the Agency revises its analysis to be by parcels as identified on the property appraiser website, then it must consider that of these 13 consents, 5 consents were signed by the owner of 1 parcel, 4 consents were signed by the owner of 1 parcel, and 2 consents were signed by the owner of 1 parcel. Accordingly, if the Agency revises its analysis to be by parcels on the property appraiser website then the number of approval votes should be reduced by 8 to account for this change in analysis alone, which would result in only 5 parcels approving the revitalization out of the 418 total parcels as identified on the property appraiser website that have been identified to be bound by the Suwannee Revived Declaration.
- d. The letter from the organizing committee, sent by the law firm of McCarty Focks, PLLC, included in the Revitalization Package is dated October 30, 2025, and said to be delivered “by U.S. Mail or Hand Delivery.” Accordingly, the earliest date consent could have been signed

is November 13, 2025, since owners must receive the Revitalization Package “not less than 14 days before the time that the consent ... is sought.” (See F.S. §720.405(5)). Counting consents signed when the parcel owner had not received the Revitalization Package 14 days prior, at a minimum, violates F.S. §720.405(5) and requires the Agency to reverse its Decision.

Columbia County

- i. 46 consents of the 55 consents sent with the Revitalization Package for Columbia County were signed before November 13, 2025, and several consents were signed as early as November 5, 2025. These 46 consents must be disregarded, which leaves only 9⁶ parcels approving out of the total 2114, and these 9 must still withstand the analysis for other defects as described above.
- ii. The affidavit signed by Terri Hester submitted with the Revitalization Package stated that “on or about October 27, 2025” the organizing committee commenced the hand delivery or mailing” of the Revitalization Package. There is no explanation provided for the discrepancy in the date in the affidavit and the date on the letter. Accordingly, Petitioners’ must assume this is a typographical error and that the date on the letter is accurate. If this is not a typographical error, some explanation should have been provided, but none was provided.
 1. Notwithstanding, assuming the date of presenting the Revitalization Packages to affected owners began on October 27, then the first day consents could be received and counted is November 10, 2025. 22 of the 55 consents sent with the Revitalization Package for Columbia County were signed before November 10, 2025. Accordingly, these 22 consents must be disregarded, leaving only 33⁷

⁶ And, 9 of the 99 parcels on Exhibit E-1, notwithstanding the other identified glaring defects in E-1

⁷ And, 33 of the 99 parcels on Exhibit E-1, notwithstanding the other identified glaring defects in E-1

parcels approving out of the total 2114 parcels, and these 33 must still withstand the analysis for other defects of noted above.

Suwannee County

- i. 11 of the 18 consents sent with the Revitalization Package for Suwannee County were signed before November 13, 2025, and several consents were signed as early as November 5, 2025. Seeking consent before affected parcel owners are asked to consent to the Revitalization Package violates F.S. §720.405(5) and at a minimum must result in the invalidation of those consents. These 11 consents must be disregarded which leaves only 7⁸ parcels approving out of the total 1111 parcels, and these 7 must still withstand the analysis for other defects as described above.
- ii. The affidavit signed by Terri Hester submitted with the Revitalization Package stated what “on or about October 27, 2025” the organizing committee commenced the hand delivery or mailing” of the Revitalization Package. There is no explanation provided for the discrepancy in the date in the affidavit and the date on the letter. Accordingly, Petitioners’ must assume this is a typographical error and that the date on the letter is accurate. If this is not a typographical error, some explanation should have been provided, but none was provided.
 1. Notwithstanding, assuming the date of presenting the Revitalization Packages to affected owners began on October 27, then the first day consents could be received and counted is November 10, 2025. 7 of the 18 consents sent with the Revitalization Package for Suwannee County were signed before November 10,

⁸ And, 7 of the 18 parcels on Exhibit E-1, notwithstanding the other identified glaring defects in E-1

2025. Accordingly, these 7 consents must be disregarded, leaving only 11 parcels approving out of the total 1111 parcel, and these 7 still must withstand the analysis for other defects of noted above.

e. The Revitalization Package was not sent to all affected parcel owners. The Revitalization Package was not sent or given to a large number of affected parcel owners. In Columbia County no owner of property in Units 3, 4, 14, 19, 22 or 24 received a Revitalization Package, and in Suwannee County no owner of property within Units 2, 5, 6 or 8 received a Revitalization Package, yet their Units and properties are identified in Schedule A (the legal description of the property subject to the revitalized declarations) and yet these Units and the parcels are identified on the graphic depiction of properties subject to the Revived Declarations in the Revitalization Package. Many other parcel owners outside those Units identified above to have been completely left out of the mailing or hand delivery also did not receive a Revitalization Package and their Units and parcels are also identified in the Revitalization Package and Revived Declarations. None of the Petitioners, who own 134 parcels, received a Revitalization Package even though all of their parcels are identified in the Revitalization Package and the Revived Declarations. This defect violates, at a minimum, F.S. §720.405(2), .), and.405(5), and F.S. §720.406(1)(e), and requires the Agency to reverse its Decision.

f. Exhibit A of the Revitalization Package for Columbia County was identified as both a copy of the prior declaration and as the “Revived Declaration of Covenants.” All Exhibits in the Revitalization Package included page numbers (such as X of Y) and Exhibit A is identified to consist of 4 pages. Page 1 of 4 of Exhibit A is a document labelled “Restrictions” at the top, underneath the title “3 Rivers Estates, Fort White, Florida.” The document appearing on this first of four pages of Exhibit A is only one page. The top left of the document has a book and page

stamp from the Columbia County clerk where the book and page is handwritten and identified to be Book 129, Page 90; and the top right has a Stamp bearing Book 129 and Page 90. The date on the stamp is hard to read but appears to read May 2, 1962 (“1962 Restrictions”). There is no entity or person identified in the 1962 Restrictions purporting to hold title to property that would legally permit the list of items to be legal restrictions on real property in the State of Florida. There is also no legal description identified in the 1962 Restrictions that would identify what properties are/were bound by the restrictions listed in the 1962 Restrictions. In addition, there is no signature page to the 1962 Restrictions, leaving the copy of the 1962 Restrictions submitted an incomplete copy. There is nothing in the 1962 Restrictions that confirms that these were ever covenants or restrictions in the title of the parcels identified in Schedule A, the graphic depiction or even Exhibit E-1. There is nothing on or in the 1962 Restrictions that demonstrates that these restrictions ever governed any of the parcels identified in the Revitalization Package or Columbia Revived Declaration and certainly nothing to demonstrate they governed all parcels identified in the Revitalization Package or the Columbia Revived Declaration. There is nothing in the Revitalization Package that permits the 1962 Restrictions to represent a verified copy of declaration of covenants “for the community” nor as a previous declaration governing the parcels legally described in the Columbia Revived Declaration. There is no developer, association or other corporate entity identified in the 1962 Restrictions. The name “Three Rivers Estates Property Owners, Inc.” does not appear in the 1962 Restrictions. Including the 1962 Restrictions in the Revitalization Package violates, at a minimum, F.S. §720.404(1) and F.S. §720.406(1)(b) and requires the Agency to reverse its Decision.

g. Exhibit A of the Revitalization Package for Columbia County was identified as both a copy of the prior declaration and as the “Revived Declaration of Covenants.” Pages 2

through 4 of the 4 page Exhibit A is a document labelled “Statement of Restrictions & Protective Covenants For Three Rivers Estates, Fort White, Florida” at the top. The document bears a Book and Page stamp at the top bearing Book 0733, Page 0144. The last page of this document bears a stamp from the Clerk dated October 9, 1990, which is at Book 0733, Page 0146. Hereinafter this document shall be referenced as the “1990 Restrictions.” The last page of the 1990 Restrictions is signed by “Three Rivers Estates Property Owners, Inc.” through “Keith Adams, its President” on October 7, 1990. The treasurer attested to the document. No other person or owner executed the 1990 Restrictions or expressed their consent and joinder. The first page of the 1990 Restrictions states that the “following Restrictions and Protective Covenants apply to property herein conveyed as Units 1, 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23 and 24, Three Rivers Estates ... exclusive of Lot 1AAA, Unit 11” (“1990 legal description”). Thereafter the 1990 Restrictions state that they are “made by the authority of and in accordance with paragraph no. 11 of the Statement and Restrictions & Restrictions of Three Rivers Estates, Inc., dated May 2, 1967, recorded in official record book 129, page 90.” The 1990 Restrictions never governed the parcels identified in the Revitalization Package. The 1990 Restrictions contain covenants that are more restrictive than those identified in the 1962 Restrictions. Paragraph 19 of the 1990 Restrictions provides that “all new property owners [shall] become members of Three Rivers Estates Property Owners, Inc.” and established for the first time as a restrictive covenants mandatory “annual dues” that were “subject to change.” Including the 1990 Restrictions in the Revitalization Package violates, at a minimum, F.S. §720.404(1), F.S. §720.404(3), and F.S. §720.405(4)(b), F.S. §720.406(1)(b) and requires the Agency to reverse its Decision.

- i. The 1990 Restrictions are not covenants or restrictions that ever governed all of the parcels identified in the Revitalization Package. At the time the 1990 Restrictions

were recorded, Three Rivers Estates Property Owners, Inc. (“TREPO”) did not have the authority to place restrictions on any of the parcels identified in the 1990 Restrictions or in the Columbia Revived Declaration.

A. TREPO did not own all of the property identified in the 1990 legal description.

Accordingly, TREPO was limited to the authority in some other document that would authorize it to amend some previously existing restrictions. The 1990 Restrictions state that TREPO was amending restrictions from 1967 and pursuant to such 1967 restrictions. (The reference to the 1967 restrictions also identify the same book and page as the 1962 Restrictions. Even assuming this is a permissible scrivener’s error, the 1962 restrictions do not provide this authority to TREPO).

B. Nothing in the 1962 Restrictions authorized TREPO to amend the 1962

Restrictions. Paragraph 11 of the 1962 Restrictions states that “*The Seller, in the interest of retaining property values and to insure the comfort, health and safety of all owners, occupants and guests, expressly reserves the right to establish and enforce such further restrictions and reasonable rules and regulations which the Seller and a committee representing a majority of the landowners hereof may from time to time deem necessary.*” Nothing in the copy of the 1962 Restrictions contained in the Revitalization Package defines or identifies the “Seller.” No document was included in the Revitalization Package to help identify the Seller or to assign the rights of the Seller to TREPO. As a result, pursuant to Florida law, TREPO had no authority to place

restrictions on any property identified in the 1990 legal description. The 1962 Restrictions cannot be amended without the Seller.

C. No individual parcel owner (nor any predecessor in title) of any parcel identified in the Revitalization Package joined or consented to the 1990 Restrictions.

D. There is nothing on or in the 1990 Restrictions that demonstrate that these restrictions ever governed any of the parcels identified in the Revitalization Package or Columbia Revived Declaration and certainly nothing to demonstrate they governed all parcels identified in the Revitalization Package or the Columbia Revived Declaration.

ii. Paragraph 19 of the 1990 Restrictions requires “all new property owners [to] become members of Three Rivers Estates Property Owners, Inc.” and established for the first time as a restrictive covenant a mandatory “annual dues” which were “subject to change.” The 1990 Restrictions attempt to create a mandatory association with mandatory dues where no such association previously existed and where no such mandatory dues were previously owed as a condition, covenant and restriction to the ownership of a parcel. As noted above, no parcel owner (nor any predecessor in title) of any parcel identified in the Revitalization Package or the Columbia Revived Declaration joined or consented to the 1990 Restrictions and TREPO did not have the authority to amend the 1962 Restrictions, nevertheless to create a mandatory association with mandatory dues.

h. The Revitalization Package did not include “all other previous governing documents for the community, including any amendments thereto,” as required by F.S. §720.406

(1)(b) and did not properly describe several included or excluded documents. The Revitalization Package did not include an amendment to the Articles of Incorporation that is on file with the Department of State, Division of Corporations from 2008. The Revitalization Package did not include the invalid attempt to preserve the 1962 Restrictions and 1990 Restrictions, though a preservation document was recorded in both Columbia and Suwannee County in 2020. The Revitalization Package did not include any document that would explain the missing pages of the 1962 Covenants, the identity of the Seller in the 1962 Restrictions, nor anything that confirmed that the 1962 Restrictions applied to the parcels identified in the Revitalization package. The Revitalization Package did not include any document purporting to provide authority to TREPO to create and record the 1990 Restrictions nor anything proving the 1990 Restrictions are valid restrictions on parcels identified in the Revitalization Package or the Columbia Revived Declaration. The Revitalization Package did not include any document providing authority for TREPO to create a mandatory association with mandatory dues, as reflected in the 1990 Restrictions, without specific parcel owner joinder and consent. The Revitalization Package did not include any document demonstrating that the Suwannee Revived Declaration was ever of record in Suwannee County or constituted a previous declaration governing the parcels identified in the Suwannee Revived Declaration or Revitalization Package. Finally, the Revitalization Package did not include any document providing authority to TREPO to attempt the revitalization of restrictions in the Revitalization Package or submit the Revitalization Package to the Agency. These defects, at a minimum, violate §720.406 (1)(b), and other sections as can be cross referenced herein, and requires the Agency to reverse its Decision.

5. Rules or Statutes at Issue

a. F.S. §720.404(1) (all parcels to be governed by the revived covenants must have been governed by a previous declaration that is to be submitted with the revitalization package)

b. F.S. §720.404(2) (The revived declaration must be approved in the manner provided in s. 720.405(6))

c. F.S. §720.404(3) & F.S. §720.405(4)(d) (the revived declaration may not contain covenants that are more restrictive on parcel owners than covenants contained in the previous declaration)

d. F.S. §720.405(2) (the organizing committee shall prepare or caused to be prepared the complete text of the proposed revived declaration of covenants that are then submitted to all affected parcel owners for approval)

e. F.S. §720.405(2) (the proposed revived documents must identify each parcel that is to be subject to the governing documents by its legal description and by name the parcel owner or person whose name is assessed when the revived declaration is submitted for approval by the parcel owners).

f. F.S. §720.405(4)(b) (the proposed revived declaration and other governing documents for the community shall provide that the proportional-assessment obligations of each parcel owner shall be the same as the proportional-assessment obligations of the parcel owner under the previous governing documents.)

g. F.S. §720.405(4)(c) (the proposed revived declaration and other governing documents for the community shall contain the same respective amendment provisions as the previous governing documents.)

h. F.S. §720.405(5) (A copy of the complete text of the proposed revived declarations of covenants, articles and bylaws, and a graphic depiction of the property shall be presented to all of the affected parcel owners)

i. F.S. §720.405(5) (Not less than 14 days prior to the time that the consent of the affected parcel owners is sought, a copy of the complete text of the proposed revived declarations of covenants, articles and bylaws, and a graphic depiction of the property shall be presented to all of the affected parcel owners)

j. F.S. §720.405(6) (a majority of the affected parcel owners must agree in writing to the revived declaration of covenants and governing documents or approve the revived declaration and governing documents by a vote at a meeting of the affected parcel owners and proof of notice to all affected owners of the meeting and minutes recording the votes must be certified by a court reporter or attorney licensed in Florida)

k. F.S. §720.406(1)(a) (the submission to the department must include the full text of the proposed revived declaration of covenants)

F.S. §720.406 (1)(b) (the submission to the department must include a verified copy of the previous declaration of covenants and other previous governing documents for the community, including all amendments)

l. F.S. §720.406(1)(c) (the submission to the department must include the legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties)

m. F.S. §720.406(1)(c) (the submission to the department must include written consents of the requisite number of affected parcel owners approving the revived declaration and other governing documents).

n. F.S. §720.407(3) (the recorded documents shall include the legal description of each affected parcel of property).

6. Relief Sought

Petitioners request the following relief from the Agency:

- a. Issue an Order Rescinding, declaring null and void, the Decision.
- b. Issue an Order requiring, within no less than five (5) business days, Three Rivers Estates Property Owners, Inc., to record in the Columbia County Official Public Records the Order Rescinding, declaring null and void, Determination Number 26002-A (and Determination Number 26002) and the approval of the Columbia Revived Declaration along with a Certificate confirming that the Columbia Revived Declaration is not valid nor legally binding and that the approval by the Agency of the Columbia Revived Declaration has been rescinded, declared null and void.
- c. Issue an Order requiring, within no less than five (5) business days, Three Rivers Estates Property Owners, Inc., to record in the Suwannee County Official Public Records the Order Rescinding, declaring null and void, Determination Number 26002-A (and Determination Number 26002) along with a Certificate confirming that the Suwannee Revived Declaration is not valid nor legally binding and that the approval by the Agency of the Suwannee Revived Declaration has been rescinded, declared null and void.
- d. Issue an Order permitting Petitioners to record in the Columbia County Official Public Records the Order Rescinding (“Order of Rescission), declaring null and void, Determination Number 26002-A (and Determination Number 26002) and the approval of the Columbia Revived Declaration along with a Certificate confirming

that the Agency's approval of the Columbia Revived Declaration has been rescinded, declared null and void and that as a result is that the Columbia Revived Declaration is not valid nor legally binding, if Three Rivers Estates Property Owners, Inc., violates the Order and does not record the Order of Rescission and Certificate invalidating the Columbia Revived Declaration.

- e. Issue an Order permitting Petitioners to record in the Suwannee County Official Public Records the Order Rescinding ("Order of Rescission), declaring null and void, Determination Number 26002-A (and Determination Number 26002) and the approval of the Suwannee Revived Declaration along with a Certificate confirming that the Agency's approval of the Suwannee Revived Declaration has been rescinded, declared null and void and that as a result is that the Suwannee Revived Declaration is not valid nor legally binding, if Three Rivers Estates Property Owners, Inc., violates the Order and does not record the Order of Rescission and Certificate invalidating the Suwannee Revived Declaration.
- f. Order that TREPO pay to Petitioners their attorney's fees and costs for violating Ch. 712 and Part III of Ch. 720 pursuant to F.S. §712.08. See also, Sand Lake Hills Homeowners Ass'n v. Busch, 210 So. 3d 706 (FLA. 5th DCA 2017).