

ROCKY BAYOU OWNERS ASSOCIATION

RBOA President • P.O. BOX 848, NICEVILLE, FL 32588-0848 • E-MAIL: President@RBOA.net

22 May 2019

Dear Property Owners,

I am writing to you to advise that the Board of Directors will address the attached motion/ resolution at the June monthly Board meeting (12 June 2019) to extend the Declaration of Covenants, Conditions, Restrictions and Easements for all 13 Units within Rocky Bayou Country Club Estates in accordance with Florida Statute 712.05. See attached meeting notice and resolution.

Statute 712.05

"Title XL REAL AND PERSONAL PROPERTY

Chapter 712 MARKETABLE RECORD TITLES TO REAL PROPERTY

SECTION 05 Effect of filing notice.

712.05 Effect of filing notice.—

(1) A person claiming an interest in land or other right subject to extinguishment under this chapter may preserve and protect such interest or right from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title, a written notice in accordance with s. 712.06.

(2) A property owners' association may preserve and protect a community covenant or restriction from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title:

- (a) A written notice in accordance with s. 712.06; or
- (b) A summary notice in substantial form and content as required under s. 720.303 (2); or an amendment to a community covenant or restriction that is indexed under the legal name of the property owners' association and references the recording information of the covenant or restriction to be preserved. Failure of a summary notice or amendment to be indexed to the current owners of the affected property does not affect the validity of the notice or vitiate the effect of the filing of such notice.

(3) A notice under subsection (1) or subsection (2) preserves an interest in land or other right subject to extinguishment under this chapter, or a covenant or restriction or portion of such covenant

or restriction, for not less than 30 years after filing the notice unless the notice is filed again as required in this chapter. A person's disability or lack of knowledge of any kind may not delay the commencement of or suspend the running of the 30-year period. Such notice may be filed for record by the claimant or by any other person acting on behalf of a claimant who is:

- (a) Under a disability;
- (b) Unable to assert a claim on his or her behalf; or
- (c) One of a class, but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

The property owners' association or clerk of the circuit court is not required to provide additional notice pursuant to s. 712.06(3) for a notice filed under subsection (2). The preceding sentence is intended to clarify existing law.

(4) It is not necessary for the owner of the marketable record title, as described in s. 712.02, to file a notice to protect his or her marketable record title.

History.—s. 5, ch. 63-133; s. 798, ch. 97-102; s. 3, ch. 97-202; s. 1, ch. 2003-79; s. 7, ch. 2014-133; s. 3, ch. 2018-55”.

In short, the resolution will preserve the marketability of title for all properties within Rocky Bayou Country Club Estates.

All members are invited to attend the meeting to be held 12 June 2019, at Niceville City Hall, beginning at 7:00 PM.

Thank you,


Paul Maryeski

President

2 Atch:

- (1) Notice of Board Meeting
- (2) Motion/Resolution to Extend Covenants w/exhibit A

**NOTICE OF BOARD MEETING
ROCKY BAYOU OWNERS ASSOCIATION, INC.**

NOTICE IS HEREBY GIVEN that a Special Meeting of the Board of Directors of Rocky Bayou Owners Association, Inc. will be held at the following date, time and place:

Date of Meeting: 12 JUN 2019
Time of Meeting: 7:00 PM
Place of Meeting: NICEVILLE CITY HALL

Purpose: (1) Consideration of extending Declaration of Covenants for all Units within Rocky Bayou Owners Association, Inc.

Rocky Bayou Owners Association, Inc. (the "Association") has taken action to ensure that the Declaration of Covenants, Conditions, Restrictions and Easements for all Units within Rocky Bayou, originally recorded Official Record Books and Pages shown on Exhibit A hereto as same may be amended from time to time, currently burdening the property of each and every member of Rocky Bayou Country Club Estates retains its status as the source of marketable title with regard to the transfer of a 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 Okaloosa 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.

AGENDA

- A. Call to order
- B. Calling of the roll, determination of a quorum
- C. Proof of notice of meeting
- D. New Business
 - (1) Consideration of extending all Unit Declaration of Covenants, Conditions, Restrictions and Easements.
- E. Adjournment

Date: 22 MAY 2019


By the Order of the Board of Directors
PRES. RISOA

ROCKY BAYOU MOTION / RESOLUTION TO EXTEND COVENANTS

MOTION:

"I hereby move that the Board of Directors approve the following resolution:"

RESOLUTION:

"Be it hereby resolved that the Rocky Bayou Owners Association, Inc. Board of Directors approves the extension of the Declaration of Covenants, Conditions, Restrictions and Easements for all Units listed in Exhibit A hereto, Rocky Bayou Country Club Estates in accordance with Section 712.05, Florida Statutes."

EXHIBIT A – PLAT AND COVENANT RECORDATION LIST

Unit #1

- Plat Book 5, Pages 45, Okaloosa County, Florida Public Records
- Official Records Book 742, Page 934, Public Records of Okaloosa County, Florida

Unit #2

- Plat Book 5, Page 59, Okaloosa County, Florida Public Records
- Official Records Book 772, Page 703, Public Records of Okaloosa County, Florida

Unit #3

- Plat Book 7, Pages 1 & 2, Okaloosa County, Florida Public Records
- Official Records Book 1151, Page 1556, Public Records of Okaloosa County, Florida

Unit #4

- Plat Book 8, Page 13, Okaloosa County, Florida Public Records
- Official Records Book 1243, Page 1829, Public Records of Okaloosa County, Florida

Unit #5

- Plat Book 10, Page 52, Okaloosa County, Florida Public Records
- Official Records Book 1390, Page 1458, Public Records of Okaloosa County, Florida

Unit #6

- Plat Book 10, Page 95, Okaloosa County, Florida Public Records
- Official Records Book 1432, Page 82, Public Records of Okaloosa County, Florida

Unit #7

- Plat Book 12, Page 68, Okaloosa County, Florida Public Records
- Official Records Book 1616, Page 1066, Public Records of Okaloosa County, Florida

Unit #8

- Plat Book 14, Page 5, Okaloosa County, Florida Public Records
- Official Records Book 1757, Page 466, Public Records of Okaloosa County, Florida

Unit #9

- Plat Book 15, Pages 69 & 70, Okaloosa County, Florida Public Records
- Official Records Book 1903, Page 868, Public Records of Okaloosa County, Florida

Unit #10

- Plat Book 16, Page 50, Okaloosa County, Florida Public Records
- Official Records Book 2005, Page 2358, Public Records of Okaloosa County, Florida

Unit #11

- Plat Book 17, Page 18, Okaloosa County, Florida Public Records
- Official Records Book 2070, Page 376, Public Records of Okaloosa County, Florida

Lake Way Villas Unit II

- Plat Book 10, Page 94, Okaloosa County, Florida Public Records
- Official Records Book 1434, Page 306, Public Records of Okaloosa County, Florida

Lake Way Villas Unit III

- Plat Book 11, Page 57, Okaloosa County, Florida Public Records
- Official Records Book 1492, Page 1702, Public Records of Okaloosa County, Florida