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August 20, 2024

VIA E-MAIL ONLY

PRIVILEGED & CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION

Board of Directors
Bayside Key Homeowners Association, Inc.
c/o Ameri-Tech Community Management, Inc.
5434 Grand Boulevard
New Port Richey, FL 34652

**Re: Deed Restrictions for Bayside Key
Bayside Key Homeowners Association, Inc.**

Dear Board Members:

Enclosed please find documents relative to continuing the Deed Restrictions.

Notice of Meeting including Statement of Marketable Title Action

The Notice of Meeting of the Board of Directors contains a Statement of Marketable Title Action and should be ***posted at least 48 hours prior to the meeting just as any other notice of a board meeting.*** The Board must approve that the Notice of Preservation shall be executed and recorded.

Affidavit of Delivery to Members and Statement of Marketable Title Action

After the Board votes to preserve the governing documents, the Statement of Marketable Title Action shall be ***mailed to the membership.*** The Affidavit of Delivery to Members should be executed by the Secretary upon mailing of the Statement of Marketable Title Action.

Notice of Preservation of the Declaration

This Notice must be executed by the President before two witnesses and a Notary. The notary may serve as one of the witnesses but must sign both as a witness and as the notary. This will evidence that the proper steps were taken to preserve the governing documents.

Certificate of Authenticity as to the Articles of Incorporation and By-Laws

This Certificate needs to be signed by the President and Secretary before two witnesses, one of which may be the required Notary. This will be attached to the Notice of Preservation to allow for recording of the Articles of Incorporation and By-Laws since same have not ever been recorded.

Upon receipt of the original Notice of Preservation of the Declaration, the Certificate of Authenticity and the Affidavit of Delivery to Members, we will attach the Certificate of Authenticity as Exhibit "A" and the Affidavit of Delivery as Exhibit "B" and will record the Notice of Preservation. Please note that there will be recording costs of \$10.00 for the first page and \$8.50 for each additional page. We will front these costs and include same on the billing invoice for the applicable monthly billing.

The recorded Notice of Preservation will need to be mailed to all owners with the next mailing to the membership. Pursuant to Chapter 712 of the Florida Statutes, the above procedure will then continue the covenants and restrictions for another 30 years from the date of recording the Notice of Preservation.

The governing documents that we have in our records and have included in the list of documents to be preserved are as follows:

1. Declaration for Bayside Key recorded at O.R. Book 7561, Page 1573 et seq.
2. Amendment to Declaration recorded at O.R. Book 7674, Page 847 et seq.
3. Supplement to Declaration recorded at O.R. Book 7725 Page 1862 et seq.
4. Amendment to Declaration recorded at O.R. Book 7839, Page 778 et seq.
5. Unrecorded Articles of Incorporation
6. Unrecorded By-Laws

Please confirm that the above documents constitute a complete set of documents which have been recorded *and that we are not missing any amendments*. It may be beneficial to order a complete set of documents from Attorney's Title to ensure that we have any and all of the applicable amendments as same may have been recorded in the public records from time to time. Please advise if we are authorized to order a complete set of documents. The approximate cost to run a search will be \$100.00-\$300.00.

I have also included copies of the Plats which were originally recorded in Plat Book 75, Pages 4-1 through 4-3 (Bayside Key Phase I) and Plat Book 75 Pages 50-1 and 50-2 (Bayside Key Phase II), of the public records of Hillsborough County, Florida. Please verify that the only properties to be affected by the continuation of the Declaration lie within the properties shown on the enclosed Plat.

Lastly, please note that Florida Statute Section 720.303(2)(e) provides as follows:

- (e) At the first board meeting, excluding the organizational meeting, which follows the annual meeting of the members, the board shall consider the desirability of filing notices to preserve the covenants or restrictions affecting the community or association from extinguishment under the Marketable Record

PREPARED BY AND RETURN TO:
GREENBERG NIKOLOFF, P.A.
1964 BAYSHORE BLVD., SUITE A
DUNEDIN, FLORIDA 34698

NOTICE OF PRESERVATION OF THE
DECLARATION OF COVENANTS CONDITIONS AND RESTRICTION
FOR
BAYSIDE KEY

Pursuant to Florida Statute §720.3032, this notice constitutes a notice to preserve and protect covenants and restrictions from possible extinguishment under the Marketable Record Title Act, Chapter 712 of the Florida Statutes wherein Bayside Key Homeowners Association, Inc. whose post office address is c/o Ameri-Tech Community Management, Inc., 5434 Grand Boulevard, New Port Richey, FL 34652, one specific lot being at the address of 5907 Bayside Key Dr., Tampa, FL 33615, files this notice, that the Deed Restrictions for Bayside Key originally recorded in O.R. Book 7561, Page 1573 et seq. of the Public Records of Hillsborough County, Florida, as same has been amended, supplemented or resolutions adopted and recorded at O.R. Book 7674, Page 847 et seq., O.R. Book 7728, Page 1862 et seq., and O.R. Book 7839, Page 778 et seq. all of the public records of Hillsborough County, Florida has been preserved for thirty (30) years from the filing date of this Notice to protect against the possible extinguishing effects of the Marketable Record Title Act, Chapter 712 of the Florida Statutes.

The name of the Subdivision Plat affected and encumbered by the Declaration and all of the amendments referenced above, is Bayside Key Phase I as reflected in Plat Book 75, Pages 4-1 through 4-3 and Bayside Key Phase II at Plat Book 75, Pages 50-1 and 50-2 of the public records of Hillsborough County, Florida, respectively. The subdivision is commonly referred to as Bayside Key.

The name, address and telephone number for the current community association management company is: Ameri-Tech Community Management, Inc., 5434 Grand Blvd., New Port Richey, FL 34652.

The Articles of Incorporation and the By-Laws of Bayside Key Homeowners Association, Inc. and any amendments to those documents, along with a Certificate of Authenticity are attached hereto as Exhibit "A" and are incorporate herein by this reference.

An Affidavit of Delivery to Members was made by the Secretary or other appropriate officer of Bayside Key Homeowners Association, Inc., pursuant to Florida Statute §712.06(b) and is attached hereto and made a part hereof as Exhibit "B".

Approval of the preservation of the Declaration and the referenced amendment(s) was by a ___ to ___ vote of the Board of Directors of Bayside Key Homeowners Association, Inc., at a duly noticed and called meeting taking place on August 28, 2024 in favor of preservation of the above-referenced recorded documents to prevent their possible extinguishment under the Marketable Record Title Act.

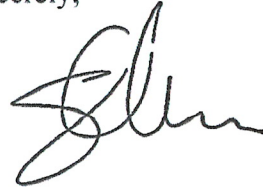
The Land affected by this Notice is as described in the Plats recorded in Plat Book 75, Pages 4-1 through 4-3 (Bayside Key Phase I) and Plat Book 75, Pages 50-1 and 50-2 (Bayside Key Phase 2) of the public records of Hillsborough County, Florida.

Title Act, chapter 712, and to authorize and direct the appropriate officer to file notice in accordance with s. 720.3032.

YOU DO NOT NEED TO NOR DO WE ADVISE THAT YOU WAIT UNTIL THE FIRST BOARD MEETING FOLLOWING THE ANNUAL MEETING TO CONSIDER AND VOTE ON THE ENCLOSED NOTICE OF PRESERVATION; HOWEVER, WE DO RECOMMEND THAT EVEN AFTER YOU VOTE ON AND SIGN THE ENCLOSED NOTICE OF PRESERVATION THAT IT BE RAISED AGAIN AND NOTED IN THE MINUTES AT THE FIRST BOARD MEETING FOLLOWING EACH ANNUAL MEETING THAT THE MATTER HAS BEEN CONSIDERED AND ACTION WAS TAKEN TO PRESERVE THE DOCUMENTS FOR 30 YEARS FROM _____ (THE DATE OF RECORDING THE NOTICE OF PRESERVATION).

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Nikoloff', written in a cursive style.

Stephan C. Nikoloff, Esq.

SCN:cmg
Enclosures

AFFIDAVIT OF DELIVERY TO MEMBERS

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me the undersigned authority, personally appeared Dana Mininson, being first sworn, deposes and says:

- 1. Affiant is the current Secretary of Bayside Key Homeowners Association, Inc., and has personal knowledge of the facts and circumstances set forth in this affidavit.
- 2. The Board of Directors for Bayside Key Homeowners Association, Inc., caused a Notice of a Board of Directors Meeting that took place on Wednesday, August 28, 2024 pm at 6:30 pm in the employee breakroom at Publix, 8701 W. Hillsborough Ave., Tampa, FL 33615, together with the Statement of Marketable Title Action to be delivered to all of the members of BAYSIDE KEY HOMEOWNERS ASSOCIATION, Inc., by hand delivery/mail on _____, 2024.

FURTHER AFFIANT SAYETH NAUGHT

BAYSIDE KEY
HOMEOWNERS ASSOCIATION, INC.

By: *AR-Rafiq Khan*
AR-RAFIQ KHAN, Secretary
Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8 day of September, 2024, by AR-RAFIQ KHAN, as Secretary of Bayside Key Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He/She is personally known to me or has produced Florida Driver License as identification and did take an oath.

My Commission expires:

Dana Mininson
Notary Public

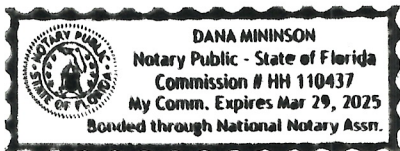


Exhibit "A"

**NOTICE OF MEETING OF THE BOARD OF DIRECTORS
OF
BAYSIDE KEY HOMEOWNERS ASSOCIATION, INC.**

The Board of Directors met at the time and place indicated below to consider the issue of preserving the Deed Restrictions for Bayside Key recorded at O.R. Book 7561, Page 1573 et seq. of the Public Records of Hillsborough County, Florida, in accordance with Chapter 712, Florida Statutes:

Date: Wednesday, August 28, 2024

Time: 6:30 pm

Location: Publix – Employee Breakroom / 8701 W. Hillsborough Ave., Tampa, FL 33615

STATEMENT OF MARKETABLE TITLE ACTION

Bayside Key Homeowners Association, Inc. (the "Association") has taken action to ensure that the Deed Restrictions recorded in Official Records Book 7561, Page 1573 et seq. of the Public Records of Hillsborough County, Florida, as same may have been or may in the future be amended or supplemented from time to time, currently burdening the property of each and every lot owner within Bayside Key Phase I at Plat Book 75, Pages 4-1 through 4-3 and Bayside Key Phase II at Plat Book 75, Page 50-1 and 50-2 of the public records of Hillsborough County, Florida governed by Bayside Key Homeowners Association, Inc., retains its status with regard to the affected real property. To this end, the Association shall cause the notice required by Chapter 712, Florida Statutes, to be recorded in the Public Records of Hillsborough County, Florida. Copies of this notice and its attachments are available through the Association pursuant to the Association's governing documents regarding the official records of the Association.

THIS NOTICE RELATES TO ACTION WHICH HAS ALREADY BEEN NOTICED BY THE BOARD OF DIRECTORS AND HELD AND THUS THE MEMBERS ARE BEING MAILED THIS NOTICE OF CONFIRMATION OF SAID MEETING. MEMBERS WERE NOT REQUIRED TO VOTE AT OR ATTEND THIS MEETING. HOWEVER, THIS MEETING OF THE BOARD OF DIRECTORS WAS OPEN TO THE MEMBERS OF THE ASSOCIATION.

INSTRUCTIONS TO RECORDER: PLEASE INDEX BOTH THE LEGAL NAME OF THE ASSOCIATION, **BAYSIDE KEY HOMEOWNERS ASSOCIATION, INC.**, AND THE NAME OF THE SUBDIVISION PLAT, **BAYSIDE KEY PHASE I & BAYSIDE KEY PHASE II.**

WITNESSES:

BAYSIDE KEY HOMEOWNERS ASSOCIATION, INC.

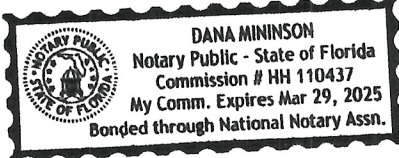
[Signature]
Witness Signature
Dana Mininson
Printed Name

By: James D. Gamble II
James Gamble, as President

[Signature]
Witness Signature
Annette Gamble
Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this B day of September, 2024, by James Gamble, as President of Bayside Key Homeowners Association, Inc., and is personally known to me or has produced Florida Driver License as identification.



[Signature]
Notary Public

**CERTIFICATE OF AUTHENTICITY
AS TO THE
ARTICLES OF INCORPORATION
AND BY-LAWS
FOR
BAYSIDE KEY HOMEOWNERS ASSOCIATION, INC.**

NOTICE IS HEREBY GIVEN that the attached Exhibit "1" constitutes a true and correct copy of the Articles of Incorporation for Bayside Key Homeowners Association, Inc., and any amendments to same and the attached Exhibit "2" constitutes a true and correct copy of the By-Laws for Bayside Key Homeowners Association, Inc., and any amendments to same.

Bayside Key Homeowners Association, Inc. is the Homeowners Association organized for the purpose of administering the property known as Bayside Key in Hillsborough County, Florida, in accordance with that certain set of Restrictions, recorded in O.R. Book 7561, Page 1573 et seq. of the public records of Hillsborough County, Florida, and all amendments thereto, all of the Public Records of Hillsborough County, Florida.

IN WITNESS WHEREOF, James Gamble, as President, and AR-RAFIO KHAN, as Secretary, of Bayside Key Homeowners Association, Inc. have executed this Certificate in accordance with the authority vested in them as President and Secretary of the corporation, for and on behalf of the corporation, on this 8 day of September, 2024.

Two Witnesses as to
President

BAYSIDE KEY
HOMEOWNERS ASSOCIATION, INC

[Signature]
Witness Signature
Dana Mininson
Witness Printed Name

By: James D. Gamble
James Gamble, as President

[Signature]
Witness Signature
Amelke Gamble
Witness Printed Name

ATTEST:
[Signature]
AR-RAFIO KHAN, as Secretary
Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 8 day of September, 2024 by James Gamble and AR-RAFIO KHAN, President and Secretary, respectively, of Bayside Key Homeowners Association, Inc., and are personally known to me or have produced Florida Drivers Licenses identification.

[Signature]
NOTARY PUBLIC

