

Prepared by and return to:  
Cianfrone and De Furio  
James R. De Furio, P.A.  
201 E. Kennedy Blvd. Suite 775  
Tampa, Florida 33602

**NOTICE OF PRESERVATION OF DECLARATION OF PARTY WALL AGREEMENT,  
COMMON ROOF AGREEMENT, CROSS-EASEMENTS, COVENANTS, CONDITIONS  
AND RESTRICTIONS**

**THIS NOTICE OF PRESERVATION OF DECLARATION OF PARTY WALL AGREEMENT, COMMON ROOF AGREEMENT, CROSS-EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS** (the "Notice") is executed this 21 day of February, 2014, by **COLONY OAKS HOMEOWNERS ASSOCIATION, INC.**, a Florida non-profit corporation, whose address is 777 S. Harbour Island Blvd., Suite 270, Tampa, FL 33602 (the "Association");

**W I T N E S S E T H:**

**WHEREAS**, the Association is the non-profit homeowners association formed for the governance of the residential subdivision known as Colony Oaks located in Hillsborough County, Florida ("Colony Oaks"); and

**WHEREAS**, Colony Oaks is governed by the provisions of that Declaration of Party Wall Agreement, Common Roof Agreement, Cross-Easements, Covenants, Conditions and Restrictions dated March 2, 1984 and originally recorded in Official Records Book 4343, Page 1941 of the Public Records of Hillsborough County, Florida, as the same has been amended from time to time (the "Declaration"); and

**WHEREAS**, pursuant to Sections 712.05 and 712.06 of the Florida Statutes, the Association desires to and has taken the actions necessary to preserve the covenants and restrictions which are the subject of the Declaration by the filing of this Notice;

**NOW THEREFORE**, the Association does hereby state and declare as follows:

1. **Recitals.** The recitals set forth above are true and correct and are incorporated herein by reference.

2. **Preservation of Declaration.** On Monday, November 25, 2013, the Board of Directors of the Association voted unanimously to preserve the Declaration and protect the Declaration from extinguishment by the operation of the Marketable Record Titles to Real Property Act, Chapter 712 of the Florida Statutes, pursuant to the provisions of Section 712.05 of the 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 in the Public Records of Hillsborough County, Florida.

3. **Land Affected by Notice.** A full and complete legal description of all land affected by this Notice is set forth in Exhibit C attached to this Notice.

4. **Statement of Marketable Record Title Action.** Attached to this Notice as Exhibit A 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 of the Florida Statutes, to be included in a notice which was mailed to all members of the Association, a copy of which is attached hereto as Exhibit B.

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

COLONY OAKS HOMEOWNERS  
ASSOCIATION, INC., a Florida non-profit  
corporation

Rita Szymanski

By: Rita Szymanski, President of Colony Oaks  
Homeowners Association, Inc.

**Signed and Sealed in Our Presence:**

Allison J. Brandt  
Witness Print Name: ALLISON J. BRANDT

Robert Ellis  
Witness Print Name: ROBERT ELLIS

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

The foregoing instrument was acknowledged before me this 21 day of February, 2014,  
by Rita Szymanski, as President of COLONY OAKS HOMEOWNERS ASSOCIATION,  
INC., a Florida non-profit corporation, on behalf of the corporation.

(Notary Seal)



STEVEN M. DELACH  
MY COMMISSION # EE 180125  
EXPIRES: April 7, 2016  
Bonded Thru Budget Notary Services

Steven M. Delach

Signature of Notary Public – State of Florida

Print, Type or Stamp Commissioned Name of  
Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification ✓  
Type of Identification Produced Drivers License

Exhibit "A"

**AFFIDAVIT**

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

1. That Affiant is the President and is a Director of Colony Oaks Homeowners Association, Inc., a Florida non-profit corporation (the "Association").

2. That the Association is the homeowners association which governs the community known as Colony Oaks, located in Hillsborough County, Florida, pursuant to that certain Declaration of Party Wall Agreement, Common Roof Agreement, Cross-Easements, Covenants, Conditions and Restrictions dated March 2, 1984 and originally recorded in Official Records Book 4343, Page 1941 of the Public Records of Hillsborough County, Florida, as the same has been amended from time to time (the "Declaration").

3. That the Board of Directors of the Association caused a statement in substantially the form required by Section 712.06(b) of the 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 of the Association held on November 25, 2013 at 6:30 p.m. in Unit 12 at 5203 S. Bayshore Blvd. Tampa, FL 33611, at which the Board of Directors voted unanimously to preserve the covenants and restrictions contained in the Master Declaration.

FURTHER AFFIANT SAYETH NOT.

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

Rita Szymanski  
Rita Szymanski, President of Colony Oaks Homeowners Association, Inc.

Sworn to (or affirmed) and subscribed before me this 21 day of February, 2014 by Rita Szymanski, President of Colony Oaks Homeowners Association, Inc.

(Notary Seal)



STEVEN M. DELACH  
MY COMMISSION # EE 180125  
EXPIRES: April 7, 2016  
Bonded Thru Budget Notary Services

Steven M. Delach  
Signature of Notary Public – State of Florida

Print, Type or Stamp Commissioned Name of Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification ✓  
Type of Identification Produced Drivers License

Exhibit "B"

**NOTICE OF BOARD OF DIRECTORS VOTE ON  
THE PROPOSED PRESERVATION OF  
DECLARATION OF PARTY WALL AGREEMENT, COMMON ROOF AGREEMENT,  
CROSS-EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS**

Notice is hereby given to all Members of Colony Oaks Homeowners Association, Inc. (the "Association") that at a meeting of the Board of Directors of the Association, which will be held on **Monday, November 25, 2013 at 6:30 p.m. in Unit 12 at 5203 S. Bayshore Blvd. Tampa, FL 33611**, the Board of Directors of the Association intends to vote on a proposal to preserve the Declaration of Party Wall Agreement, Common Roof Agreement, Cross-Easements, Covenants, Conditions and Restrictions (the "Declaration") dated March 2, 1984 and originally recorded in Official Records Book 4343, Page 1941 of the Public Records of Hillsborough County, Florida, as has been amended from time to time.

Copies of the Declaration and other governing documents of the Association can be found in the Governing Documents section of the Community Information page on the Association's website, [www.condominiumassociates.com](http://www.condominiumassociates.com). Owners may use their username and password to log into the website; Owners may contact Tampa Client Services at 813-209-9300 or by email at [tampa@condominiumassociates.com](mailto:tampa@condominiumassociates.com) if assistance is needed to access copies of the governing documents.

If action is not taken before March 2, 2014 to preserve the covenants and restrictions contained in the Declaration, then the Declaration will be extinguished at that time in accordance with Florida's Marketable Record Titles to Real Property Act, Chapter 712 of the Florida Statutes.

If at least 2/3rds of the Board of Directors votes at the Board Meeting to preserve the Declaration, then the Declaration will be renewed as a matter of law for a period of thirty (30) years.

The following Statement is hereby given to all Members as required by the provisions of Sections 712.05 and 712.06, Florida Statutes:

***STATEMENT OF MARKETABLE TITLE ACTION***

*The Colony Oaks Homeowners Association, Inc. (the "Association") has taken action to ensure that the Declaration of Party Wall Agreement, Common Roof Agreement, Cross-Easements, Covenants, Conditions and Restrictions, recorded in Official Records Book 4343, Page 1941, of the public records of Hillsborough County, Florida, as may be amended from time to time, currently burdening the property of each and every member of the Association, retains its status as the source of marketable title with regard to the transfer of a member's residence. To this end, if the proposal to preserve the Declaration is approved, the Association shall cause the notice required by Chapter 712 of the 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 official records of the Association.*

Exhibit "C"

**DESCRIPTION OF LAND AFFECTED**

All of Lots 1 through 6 inclusive in Block 6, JULES VERNE PARK Subdivision, as per map or plat thereof, recorded in Plat Book 1, Page 70 of the Public Records of Hillsborough County, Florida, LESS right-of-way for Bayshore Boulevard.