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February 23, 2009

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VIA E-Mail: Lgaudet@primemg.com; fshafe@comcast.net

Boca Chase Property Owners' Association, Inc.
c/o Prime Management Group Inc.
Attn: Lynn Gaudet, Property Manager
6300 Park of Commerce Boulevard
Boca Raton, Florida 33487

Re: Extension of Covenants / Marketable Record Title Act

Dear Members of the Board:

The Board of Directors of the Boca Chase Property Owners' Association, Inc. ("Association") has inquired about the Florida Marketable Record Title Act ("Act") and the Association's obligations thereunder. Upon review of documents recorded in the Palm Beach County Public Records and the relevant portions of the Florida Statutes, please allow Counsel to respond.

The Marketable Record Title Act, as found under Chapter 712, Florida Statutes, provides a mechanism by which an Owner or, in this case, a homeowners' association, may preserve the First Amended Declaration of Covenants and Restrictions for Boca Chase ("Declaration") from extinguishment. The operative provisions of the Marketable Record Title Act are found, respectively, in Section 712.05 and 712.06, Florida Statutes. Section 712.05, Florida Statutes, provides in pertinent part, as follows:

- (1) Any person claiming an interest in land or a homeowners' association desiring to preserve any covenant or restriction may preserve and protect same from extinguishment by the operation of this act by filing for record, during the 30-year period immediately following the effective date of the root of title, a notice, in writing,

in accordance with the provisions hereof, which notice shall have the effect of so preserving such claim of right or such covenant or restriction . . . for a period of not longer than 30 years after filing the same unless again filed as required herein . . .

Such notice may be filed by a homeowner's association only if the preservation of such covenant or restriction or portion of such covenant or restriction is approved by at least two-thirds of the members of the board of directors of an incorporated homeowners' association at a meeting for which a notice, stating the meeting's time and place and containing the statement of marketable title action described in s. 712.06(1)(b), was mailed or hand delivered to members of the homeowners' association not less than 7 days prior to such meeting.

Pursuant to the above Statute, the Association may preserve its covenants from extinguishment if it has filed a "notice" in the public records within 30 years after the effective beginning date of the Association's covenants. Additionally, for a homeowners' association, the preservation of its covenants must comply with the following: (a) the action must be approved by at least two-thirds (2/3) of the members of the board of directors; (b) notice of the meeting of the board must have been delivered to the Membership not less than 7 days prior to the board meeting; and (c) the notice must contain the specific content as found under Section 712.06(1), Florida Statutes, as described below. Accordingly, the Association must comply with the above requirements in order to preserve the Covenants contained within the Declaration from extinguishment.

Counsel's research of the Palm Beach County Public Records indicates that the Declaration was recorded on September 26, 1979 at Official Records Book 3143, Page 0192, et seq. of the Public Records of Palm Beach County. Further, Counsel's research has discovered that on December 20, 2006, the Association recorded a Statement of Marketable Title Action Under Chapter 712, Florida Statutes ("Statement") in the Palm Beach County Public Records, recorded at Official Records Book 21212, Page 1534. Such Statement recites that the Association caused a Statement of Marketable Title Action to be mailed to the members of the Association and that a duly noticed meeting of the Board of Directors was held on September 14, 2006, at which a quorum was present and that at least 2/3 of the total number of Directors of the Association approved the preservation of the Declaration. A copy of the Statement of Marketable Title Action, Affidavit of Mailing Notice of Meeting of the Board of Directors of Boca Chase Property Owners Association, Inc., and recording information for the Declaration, is enclosed herewith for the Board's review and information. As such, Counsel is of the opinion that the Association has already complied with its obligations pursuant to Chapter 712, Florida Statutes, regarding the Marketable Record Title Act. The Association will next need to address this issue before September 26, 2039.

Members of the Board
February 23, 2009
Page 3

We trust that the above is responsive to the Board's inquiry. As always, please feel welcome to contact me at the above telephone number if the Board has any questions or concerns on any of the above.

Sincerely,

GERARD S. COLLINS

Enclosures

GSC/s

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