

State of Florida



CORRESPONDENCE
JAN 25, 2017
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Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: January 25, 2017

TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

FROM: Matthew Vogel, Public Utility Analyst II, Division of Accounting & Finance

RE: Quitclaim Deed for land titled, "Tract B" in Docket No. 150257-WS

Please include the attached file in Consumer Correspondence for Docket No. 150257-WS.

TO: Matthew Vogel
FROM: Becky Klutz, President
Lakewood Woods POA
DATE: January 16, 2017
RE: Quitclaim Deed TRACT B

6 pages including
cover page

ORDER AND RESOLUTION

OF THE BOARD OF DIRECTORS

LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC.

Pursuant to the By-Laws, Articles of Incorporation, and Restrictive Covenants and Restrictions for Trails East, Article VII Section 1, wherein, The Board of Directors are granted the powers necessary to operate and maintain the Association; (a) to adopt and publish rules and regulations; (b) designate use of common areas; (c) to exercise all powers, duties and authority vested in or delegated to this Association; it hereby Resolved that:

THE UNDERSIGNED, Board of Directors of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., a Florida Not for Profit Corporation, (hereinafter referred to as "the Association"), at a Meeting of the Board, and with a quorum of Directors present; upon proper Motion, and Second; and upon a vote of a majority of the Directors present at the Special Meeting of the Board of Directors of the Association, hereby proclaims, certifies and consents to the following:

Upon the following Motion.

MOTION: FOR THE BOARD TO EXECUTE A QUITCLAIM DEED TRANSFERRING TRACT "B" FROM THE BOARD OF DIRECTORS OF LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC. LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC.

Public Records of Marion County Book 2147, page 1281, to wit:

Tract "B" of Trails East subdivision, as recorded in Plat Book "Z" Pages 37 through 40, inclusive of the Public Records of Marion County, Florida, hereinafter called "the property" subject to restrictions, reservations and easements of record."

MOVANT: _____

SECOND: _____

VOTE OF THE BOARD: _____

1. **WHEREAS** LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC. is a validly existing corporation in good standing under the laws of the State of Florida, and
2. **WHEREAS** the Certificate of Incorporation, Articles, By-Laws, and Restrictive Covenants, of the Corporation and the Association, in effect as of the date hereof, authorize and permit the action hereunder more particularly described above, and
3. **WHEREAS** on August 4, 2008, an election of Six (6) Directors of the Association, was directed by the Circuit Court in and for Marion County, Florida; and six Board Members were elected, wherein, said Board was assigned the right to vote, pursuant to Article IV, Section 2 of the Bylaws of the Association; and pursuant to the Order of the Circuit Court, dated August 4, 2008, in Case No. 05-2156-CA-B, Lakeview Woods Property Owner's Association, Inc. v Mabelle R. Gregorio; which is attached hereto and made a part hereof; and
4. **WHEREAS** That from and after the entry of the Court's order, the members, and the Association, were granted the right to vote, by the then Declarant; pursuant to the Articles and By-Laws, Article IV section 2, which states the Association, upon being granted the right to vote, is thereupon granted the rights, duties and obligations as the Declarant, and undertook those duties with full authority provided by the Protective Covenants of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., previously Trails East." , and
4. **WHEREAS** Tract "B" is a part of the lands which are contained in the original PLAT MAP of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., in the Public Records of Marion County, Florida Plat Book "Z"; previously, Trails East, and
5. **WHEREAS** Tract "B" is designated as real property subject to the by-laws and Protective Covenants of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., previously Trails East; pursuant to Article VIII, Section 1 RESTRICTIVE COVENANTS; and
6. **WHEREAS** on May 16, 1995, Tract "B" was, under a Land Trust Agreement Pursuant to Section 689.071, Florida Statutes, transferred to a trustee: Universal Sonlight Inc., A Nevada Corporation, as Trustee of the East Marion Water Distribution Trust, dated May 4, 1995, subject to the restrictions, reservations, and easements of record, in Public Records of Marion County

Book 2147, page 1355, to wit:

Tract "B" of Trails East subdivision, as recorded in Plat Book "Z" Pages 37 through 40, inclusive of the Public Records of Marion County, Florida, hereinafter called "the property" subject to restrictions, reservations and easements of record., and

7. **WHEREAS** pursuant to the Protective Covenants of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., previously Trails East; the Association is the Declarant, pursuant to Article I, Section 1; which states:

(d) "Declarant" shall mean ERIC E. WAGNER, TRUSTEE, owner of those certain tracts of land which have been platted as TRAILS EAST, as well as his assigns, or the Association."

and that from and after the members were granted the right to vote, by the then Declarant; the Association was thereupon granted the rights and obligations as the Declarant, and undertook those duties with full authority provided by the Protective Covenants of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., previously Trails East."

8. **WHEREAS** Tract "B" is, pursuant to Article VIII, Section 1 RESTRICTIVE COVENANTS, subsection (m), designated for particular uses, upon established rules as the Declarant, and the utility companies, Article VIII, Section 1 RESTRICTIVE COVENANTS, subsection (m), which states

"Tract "B" is reserved for water plant site, television antenna system, and such other uses as may be designated by either East Marion Water Distribution, Inc., and/or Declarant. A portion of this Tract may be utilized for additional recreational facilities or storage.... "Tract "B" and "C" may be utilized for storage of recreational vehicles and boats under rules and regulations established by Declarant and the utility companies including the charge of reasonable fees." , and

9. **WHEREAS** East Marion Water Distribution, Inc., is a corporation which is organized and existing under the laws of the state of Florida, whose officers and directors are the Board of LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC.,

10. **IT IS THEREFORE RESOLVED** that the Board shall execute a Quitclaim Deed transferring Tract "B" to LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., to preserve, control and designate such real property to the use and benefit of its members.

11. **IT IS FURTHER RESOLVED** that LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC., shall designate such "other uses of Tract "B"," as are necessary and beneficial to the members; and shall establish rules related to the use of Tract "B", for the benefit of the members, and to preserve, control and designate such real property to the use and benefit of its members.

IN WITNESS WHEREOF, the undersigned has placed his hand and affixed the corporate seal of the corporation on this ____ day of _____, 2013.

Kevin Pollitte
President of Lakeview Woods Property
Owner's Association, Inc.

as approved by a Vote of the Board of Directors of
LAKEVIEW WOODS PROPERTY OWNER'S ASSOCIATION, INC.,

Board Member, Director

Board Member, Director

Board Member, Director

Board Member, Director