

Prepared by and returned to:

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INSTR 5529615 OR 5490 PG 2590
RECORDED 3/26/2018 12:23 PM PAGES 39
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT
COLLIER COUNTY FLORIDA
REC \$333.00

NOTICE OF PRESERVATION OF COVENANTS AND RESTRICTIONS UNDER MARKETABLE RECORD TITLE ACT

Pursuant to Chapter 712, Florida Statutes, the undersigned Homeowners' Association files this Notice and in support thereof states:

1. The name of the entity filing this Notice is **Glendevon Association, Inc.** (the "Association"), a Florida corporation, not for profit, whose mailing address is **98 Wyndemere Way, Naples, Florida 34105**. The Articles of Incorporation were originally filed in the office of the Secretary of State on the 26th day of January 1989. The Association has been organized for the purpose of operating and administering the community known as **Glendevon**, pursuant to the Declaration of Covenants, Restrictions and Easements which were filed of record on January 24, 1989, at O.R. Book 1411, Page 1584 *et seq.*, of the Public Records of Collier County, Florida, and which have been amended from time to time.

2. The Association has sent a Statement of Marketable Title Action in the form set forth in Section 712.06(1)(b), Florida Statutes, to all members of the Association and attaches hereto an Affidavit executed by a member of the Board of Directors of the Association affirming that the Board of Directors caused the Statement of Marketable Title Action to be mailed to all members of the Association and further attaches the Statement of Marketable Title Action which was mailed to all members of the Association as **composite Exhibit A**.

3. The lands affected by this Notice are legally described in the attached **Exhibit B**, and further legally described and depicted in the Plats listed below:

- Glendevon at Wyndemere, as described in Plat Book 16, Page 18 *et seq.*, of the Public Records of Collier County, Florida, attached hereto as **Exhibit C-1**.

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LAW OFFICES
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4001 TAMIAMI TRAIL NORTH • SUITE 410 • NAPLES, FL 34103
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- Glendevon Replat at Wyndemere, as described in Plat Book 18, Page 72 *et seq.*, of the Public Records of Collier County, Florida, attached hereto as **Exhibit C-2**.

4. The real property interest claimed under this Notice is the right to preserve for thirty (30) years from the date of this filing those certain covenants, restrictions and agreements described below:

(a) Declaration of Covenants, Restrictions and Easements recorded on January 24, 1989, at O.R. Book 1411, Page 1584 *et seq.*, of the Public Records of Collier County, Florida, attached as **Exhibit D**, as amended from time to time in accordance with the terms, provisions and conditions thereof, including but not limited to:

- First Amendment to Declaration of Covenants, Restrictions and Easements recorded at O.R. Book 1423, Page 0977 *et seq.*, of the Public Records of Collier County, Florida;

- Second Amendment to Declaration of Covenants, Restrictions and Easements recorded at O.R. Book 1543, Page 0285 *et seq.*, of the Public Records of Collier County, Florida;

- Second Amendment (Rerecorded) to Declaration of Covenants, Restrictions and Easements recorded at O.R. Book 1820, Page 0437 *et seq.*, of the Public Records of Collier County, Florida;

- Amended and Restated Declaration of Covenants, Restrictions and Easements, Amended and Restated Articles of Incorporation and Amended and Restated Bylaws recorded at O.R. Book 3196, Page 3101 *et seq.*, of the Public Records of Collier County, Florida;

- Amendments to Amended and Restated Declaration of Covenants, Restrictions and Easements, Amended and Restated Articles of Incorporation and Amended and Restated Bylaws recorded at O.R. Book 4703, Page 2077 *et seq.*, of the Public Records of Collier County, Florida;

- Corrective Certificate of Amendment to Amended and Restated Declaration of Covenants, Restrictions and Easements recorded at O.R. Book 5267, Page 1636 *et seq.*, of the Public Records of Collier County, Florida;

- Amendment to Amended and Restated Declaration of Covenants, Restrictions and Easements recorded at O.R. Book 5267, Page 1669 *et seq.*, of the Public Records of Collier County, Florida;

- Corrective Certificate of Amendment to Amended and Restated Declaration of Covenants, Restrictions and Easements recorded at O.R. Book 5267, Page 1671 *et seq.*, of the Public Records of Collier County, Florida;

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• Amendment to Amended and Restated Articles of Incorporation recorded at O.R. Book 5276, Page 1865 et seq., of the Public Records of Collier County, Florida.

5. The preservation of the Declaration of Covenants, Restrictions and Easements, described above, was approved by at least two-thirds of the members of the Board of Directors of the Association, for which a notice of the meeting, stating the time and place and containing the Statement of Marketable Title Action described in the Statute, was mailed or hand delivered to members of the Association not less than 7 days prior to the meetings.

WITNESSES (TWO)

Glendevon Association, Inc.

[Handwritten Signature]

Witness Signature

Obi Germann

Printed Name

BY: Donald Higgins

Print Name: Donald Higgins

Title: President

Date: 3-1-2018

[Handwritten Signature]

Witness Signature

SUZANNE E. GEPHART

Printed Name

(CORPORATE SEAL)

STATE OF FLORIDA :

COUNTY OF COLLIER :

Sworn to (or affirmed) and subscribed before me this 1 day of March 2018, by Donald Higgins, as President of **Glendevon Association, Inc.**, a Florida Corporation. He/She is personally known to me or who has produced _____ (type of identification) as identification.



Kristi A. Valentine

Notary Public

Printed Name: Kristi A. Valentine

My commission expires: 12/8/2018

**AFFIDAVIT OF MAILING OF NOTICE TO ASSOCIATION MEMBERS
AND MAILING OF STATEMENT OF MARKETABLE TITLE ACTION
TO ASSOCIATION MEMBERS**

I, the undersigned, Donald Higgins for Glendevon Association, Inc. ("Association") whose name appears at the bottom of this affidavit do hereby swear and affirm that the Notice of Special Meeting of Board of Directors for Preservation of Covenants and Restrictions Under Marketable Record Title Act held March 1, 2018, at 11:30 A.M., at Wyndemere Homeowners Association, 98 Wyndemere Way, Naples, Florida 34105, a copy of which is attached hereto, was mailed (or hand-delivered) to each Association Member on February 21, 2018 at the address last furnished to the Association, as such address appears on the books of the Association. The Statement of Marketable Title Action, which was considered and approved at the Special Meeting of the Board of Directors, was included in the above-referenced Notice.

Sworn to this 21 day of February 2018.

Glendevon Association, Inc.

BY: Donald Higgins
Print Name: Donald Higgins
Title: President

STATE OF FLORIDA :

COUNTY OF COLLIER :

Sworn to (or affirmed) and subscribed before me this 21 day of February 2018, by Donald Higgins, as President of Glendevon Association, Inc., a Florida Corporation. He is personally known to me or who has produced _____ (type of identification) as identification.



Kristi A. Valentine
Notary Public

Printed Name: Kristi A. Valentine

My commission expires: 12/8/2018

**NOTICE OF SPECIAL MEETING OF BOARD OF DIRECTORS
FOR PRESERVATION OF COVENANTS AND RESTRICTIONS UNDER
MARKETABLE RECORD TITLE ACT**

TO ALL ASSOCIATION MEMBERS:

The Board of Directors of **Glendevon Association, Inc.** will hold a special meeting on March 1, 2018, at 11:30A.M., at **Wyndemere Homeowners Association, 98 Wyndemere Way, Naples, Florida 34105**. The sole agenda item at the Special Meeting of the Board of Directors will be a vote on preservation of recorded covenants and restrictions in accordance with the Marketable Record Title Act. The following is the Statement of Marketable Title Action that will be considered and adopted by the Board.

**STATEMENT OF
MARKETABLE TITLE ACTION**

Glendevon Association, Inc. (the "Association") has taken action and will be taking further action to ensure that the Declaration of Covenants, Restrictions and Easements for **Glendevon** recorded on January 24, 1989, at O.R. Book 1411, Page 1584 *et seq.*, of the Public Records of Collier County, Florida, as 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, the Association shall cause the notice required by Chapter 712, Florida Statutes, to be recorded in the Public Records of Collier County, Florida. Copies of this notice are available through the Association pursuant to the Association's governing documents regarding official records of the Association and the applicable Statute.

Glendevon Association, Inc.

By: 
Donald Higgins, President