

NOTICE OF PRESERVATION
OF
COVENANTS AND RESTRICTIONS
FOR
RESTRICTED PROPERTY

WHEREAS, the Declaration of COVENANTS AND RESTRICTIONS for the “Restricted Property,” described therein, was made by the Declarant, JOSHUA A. MUSS, as Trustee under Land Trust Agreement dated March 8, 1989, and was recorded on April 22, 1993 at Official Record Book 7676, Page 657, *et seq.*, in the Public Records of Palm Beach County, Florida, as same may have been amended from time to time (hereinafter referred to as the “Declaration”), and imposes covenants and restrictions upon the “Restricted Property,” mandating that, for a period of 75 years from the date thereof, “No portion of the Restricted Property shall be used for any purpose or business other than as a regulation eighteen (18) hole golf course and uses appurtenant thereto (including, without limitation, clubhouse and related facilities, utility installations and surface water management to the Restricted Property and all or portions of Winston Trails)”;

and, WHEREAS, the Declaration describes the real property affected by same Declaration as hereinafter set forth;

and, WHEREAS, the aforementioned Declaration will be extinguished thirty (30) years following the root of title pursuant to the Florida Marketable Title Act (“MRTA”), Chapter 712, Florida Statutes, *et seq.*;

and, WHEREAS, the Declaration grants to the Owners of portions of WINSTON TRAILS the right to enforce the covenants and restrictions set forth therein;

WHEREAS, the WINSTON TRAILS FOUNDATION, INC. (the "Association"), through its Board of Directors, is one of the representative bodies of the Owners within WINSTON TRAILS; and,

WHEREAS, notice of a special meeting of the Association's Board of Directors, held on April 17, 2019, was mailed to all voting members of WINSTON TRAILS at least seven (7) days prior to the meeting. The meeting notice contained a Statement of Marketable Title Action in accordance with Section 712.06(1)(b), Florida Statutes. A copy of the proof of notice affidavit, executed by the Association's President, is attached hereto and incorporated herewith as Exhibit "B."

WHEREAS, at said meeting, the Association's Board of Directors voted by at least a majority of a quorum to exercise the Owners' right of enforcement as granted in the Declaration and to extend the aforementioned Declaration of Covenants and Restrictions pursuant to Section 712.05, Florida Statutes; and,

WHEREAS, the Association desires to preserve and reaffirm the Declaration of COVENANTS AND RESTRICTIONS for the "Restricted Property," which affects the following real property:

SEE EXHIBIT "C" ATTACHED HERETO

NOW THEREFORE, by filing this Notice of Preservation of COVENANTS AND RESTRICTIONS, the Association hereby declares that the COVENANTS AND RESTRICTIONS as set forth in the Declaration shall be extended for a period of thirty (30) years following the recording date of this Notice of Preservation, and in support thereof, and in compliance with Section 712.06, Florida Statutes, states as follows:

1. The name or description of the claimant or the homeowners' association desiring to preserve any covenant or restriction and the name and particular post office

address of the person filing the claim or the homeowners' association is attached hereto and incorporated herewith as Exhibit "A."

2. An affidavit executed by the appropriate member of the Association's board of directors affirming that the board of directors of the Association has caused a "Statement of Marketable Title Action" to be mailed or hand delivered to the members of the Association is attached hereto and incorporated herewith as Exhibit "B."
3. A full and complete description of all land affected by such notice, which description shall be set forth in particular terms, and not by general reference, but if said claim is founded upon a recorded instrument or a covenant or a restriction, then the description in such notice may be the same as that contained in such recorded instrument or covenant or restriction, provided the same shall be sufficient to identify the property, which description is attached hereto and incorporated herewith as Exhibit "C."
4. A statement of the claim showing the nature, description, and extent of such claim or other right subject to extinguishment under this chapter or, in the case of a covenant or restriction, a copy of the covenant or restriction or a reference to the book and page or instrument number in which the same is recorded, except that it is not necessary to show the amount of any claim for money or the terms of payment. A copy of the Declaration of Covenants and Restrictions, recorded in the Official Records of Palm Beach County, Florida on April 22, 1993, at Official Record Book 7676, Page 657, *et seq.*, is attached hereto and is incorporated herewith as Exhibit "D."

5. The originally recorded Declaration of Covenants and Restrictions is recorded at Official Record Book 7676, Page 657, *et seq.*, in the Public Records of Palm Beach County, Florida.

IN WITNESS WHEREOF, the Association has executed this Notice this 17th day of May, 2019.

Sealed and Delivered in the presence of:

WINSTON TRAILS FOUNDATION, INC.

Paula Rappold
Witness
Paula Rappold
Print Name
Kelly J. McKenzie
Witness
Kelly J. McKenzie
Print Name

By: [Signature]
Print Name: Acqueline Witt
President
Its

State of Florida
County of Palm Beach

The foregoing instrument was sworn to, subscribed and acknowledged before me this _____ day of _____, 2019 by _____ of WINSTON TRAILS FOUNDATION, INC., who [] is personally known to me, or [] who produced identification, to be the person and who executed the foregoing instrument and acknowledged before me that (s)he executed same.



Regina A. Matos
Notary Public
Regina A. Matos
Print Name

My Commission Expires: 5/23/22

Filed By:

Michael E. Chapnick, Esq.
Attorney and Agent for the Association
Sachs Sax Caplan, P.L.
Broken Sound Parkway NW
Suite 200
Boca Raton, Florida 33487
(561) 994-4499

EXHIBIT "A"

WINSTON TRAILS FOUNDATION, INC.

PRINCIPAL ADDRESS

WINSTON TRAILS FOUNDATION, INC.
5980 Winston Trails Boulevard
Lake Worth, Florida 33463

FILED BY

Michael E. Chapnick, Esq.
Attorney and Agent for the Association
Sachs Sax Caplan, P.L.
Broken Sound Parkway NW
Suite 200
Boca Raton, Florida 33487
(561) 994-4499

WINSTON TRAILS FOUNDATION, INC.
A Florida Corporation Not for Profit

NOTICE OF SPECIAL BOARD OF DIRECTORS MEETING

NOTICE is hereby given, in accordance with Section 712.05, Florida Statutes, that a special meeting of the Association's Board of Directors will be held on the following date, at the time and place listed below:

DATE: 4-17-2019
TIME: 7 pm
PLACE: PBSO District 6 7894 Jog Rd.
Lake Worth, FL 33467
PURPOSE: STATEMENT OF MARKETABLE TITLE ACTION

The WINSTON TRAILS FOUNDATION, INC. (the "Association") has taken action to ensure that the Declaration of Covenants and Restrictions, recorded in Official Records Book 7676, Page 657, *et seq.*, in the Public Records of Palm Beach County, Florida, as amended from time to time, currently burdening the "Restricted Property" described therein, retains its status as the source of marketable title with regard to the restrictions affecting the use of such property. To this end, the Association shall cause the notice required by Chapter 712, Florida Statutes, to be recorded in the public records of Palm Beach 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. The Board will be voting to approve the filing of this Notice of Preservation of Covenants and Restrictions at this meeting.

EXHIBIT "B"

AFFIDAVIT OF MAILING OR HAND DELIVERING OF NOTICE TO UNIT OWNERS

I, the undersigned, Jackie Witt, President of the Board of Directors for the Association whose name appears at the bottom of this affidavit, do hereby swear and affirm that notice of the meeting held on April 17, 2019 at 7 o'clock a.m. at the 7894 Jog Road, Lake Worth, FL 33467 was mailed or hand delivered in accordance with the requirements of Section 712.05, Florida Statutes. The notice was mailed or hand delivered to each unit owner at the address last furnished to the Association, as such address appears on the books of the Association, and included the following statement:

STATEMENT OF MARKETABLE TITLE ACTION

The WINSTON TRAILS FOUNDATION, INC. (the "Association") has taken action to ensure that the Declaration of Covenants and Restrictions, recorded in Official Records Book 7676, Page 657, et seq., in the Public Records of Palm Beach County, Florida, as amended from time to time, currently burdening the "Restricted Property" described therein, retains its status as the source of marketable title with regard to the restrictions affecting the use of such property. To this end, the Association shall cause the notice required by Chapter 712, Florida Statutes, to be recorded in the public records of Palm Beach 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. The Board will be voting to approve the filing of this Notice of Preservation of Covenants and Restrictions at this meeting.

Acknowledged this 17 day of May, 2019.

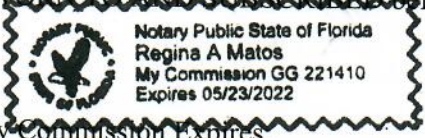
WINSTON TRAILS FOUNDATION, INC.

By: [Signature]
President of the Association's Board of Directors

STATE OF FLORIDA)
COUNTY OF Palm Beach)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, PERSONALLY APPEARED before me the undersigned authority, Jackie Witt, who is personally known to me or who has produced a Florida Drivers License as identification, and who did take an oath and, after being duly cautioned and sworn, deposes and says that (s)he has freely and voluntarily executed this AFFIDAVIT OF MAILING OR HAND DELIVERING OF NOTICE TO UNIT OWNERS, and that (s)he has set his or her hand and seal thereto.

SWORN TO AND SUBSCRIBED before me this 17 day of May, 2019.



[Signature]
Notary Public, State of Florida at Large

My Commission Expires:
My Commission Number: 5123/22