

THIS DOCUMENT PREPARED BY  
AND RETURN TO:  
NEAL McCULLOH, ESQ.  
CLAYTON & MCCULLOH  
1065 Maitland Center Commons Blvd.  
Maitland, Florida 32751

**MARKETABLE RECORD TITLE ACT NOTICE**

**Notice of Island Villas Homeowners Association, Inc. under s. 720.3032, Florida Statutes, and notice to preserve and protect covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712, Florida Statutes.**

[Instructions to recorder: Please index both the legal name of the Association and the names shown in item 3.]

Island Villas Homeowners Association, Inc., a Florida not-for-profit corporation, (hereinafter referred to as the "Association"), is a homeowners association subject to Chapter 720, Florida Statutes. The Association hereby certifies that preservation of the covenants or restrictions affecting the land identified hereinafter has been approved by the Association's Board of Directors at a meeting at which a quorum of the Board was present. The Association hereby preserves the covenants or restrictions imposed on the land affected by filing this Marketable Record Title Act Notice (the "Notice") under section 720.3032, Florida Statutes, and notice to preserve and protect covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712, Florida Statutes, as follows:

1. **LEGAL NAME OF ASSOCIATION:**

The legal name of the Association desiring to preserve the covenants or restrictions is as follows:

ISLAND VILLAS HOMEOWNERS ASSOCIATION, INC.

2. **MAILING AND PHYSICAL ADDRESSES OF THE ASSOCIATION:**

The physical and mailing address of the Association desiring to preserve the covenants or restrictions is as follows:

Physical Address:  
Island Villas Homeowners  
Association, Inc.  
7145 Turner Road  
Suite 101  
Rockledge, FL 32955

Mailing Address:  
Island Villas Homeowners  
Association, Inc.  
7145 Turner Road  
Suite 101  
Rockledge, FL 32955

3. **NAMES OF SUBDIVISION ON PLATS/COMMON NAME OF THE COMMUNITY:**

The names of the subdivision plats, or, if none, the common name of the community is as follows:

Island Villas

4. **MANAGEMENT COMPANY:**

The name, address and telephone number of the management company for the Association desiring to preserve the covenants or restrictions, if any, is as follows:

Omega Community Management, Inc.  
7145 Turner Road  
Suite 101  
Rockledge, FL 32955

(321) 757-7902

5. **THIS NOTICE DOES CONSTITUTE A NOTICE TO PRESERVE AND PROTECT COVENANTS OR RESTRICTIONS FROM EXTINGUISHMENT UNDER THE MARKETABLE RECORD TITLE ACT.**

6. **COVENANTS OR RESTRICTIONS AFFECTING THE COMMUNITY WHICH THE ASSOCIATION DESIRES TO BE PRESERVED FROM EXTINGUISHMENT:**

The following covenants or restrictions affecting the community which the association desires to be preserved from extinguishment are set forth on the Plat(s) and in the governing documents identified hereinafter as the "Governing Documents",

<u>Document</u>	<u>Official Records</u> <u>Book</u>	<u>Page</u>	<u>et seq.</u>
Declaration of Covenants and Restrictions of Island Villas	3237	0784	0785-0820
Amendment to Declaration of Covenants and Restrictions of Island Villas	3239	3089	3090-3091
Second Amendment to Declaration of Covenants and Restrictions of Island Villas	3241	0476	0477
Third Amendment to Declaration of	3758	0560	0561-0568

## Covenants and Restrictions

Certificate of Amendment to Declaration of Covenants and Restrictions of Island Villas	5783	2127	2128-2148
Certificate of Amendment to Declaration of Covenants and Restrictions of Island Villas	5885	4920	4921-4924
Certificate of Amendment to Declaration of Covenants and Restrictions of Island Villas	6363	208	209-219
Articles of Incorporation of Island Villas Homeowners Association, Inc.	3239	3092	3093-3112
Articles of Amendment to Articles of Incorporation of Island Villas Homeowners Association, Inc.	5802	4748	4749-4752
By-Laws of Island Villas Homeowners Association, Inc.	3237	0821	0822-0840
Certificate of Amendment to By-Laws of Island Villas Homeowners Association, Inc.	5783	2149	2150-2153
Drainage Easement	3031	2674	2675-2676
Deed of Conservation Easement Island Villas	3241	0478	0479-0483
Deed of Conservation Easement Island Villas	3233	2642	2643-2647
Grant of Easement	3269	4936	4937-4940
Public Utility Easement	3425	0219	0220-0223
Quitclaim Deed	4290	1712	1713
Joinder by island Villas Homeowners Association, Inc.	3269	4935	-
Easement	3333	2367	2368-2370
Perpetual Easement	3413	3047	3048-3049

Public Utility Easement	3425	219	220-0223
Easement and Memorandum of Agreement	6605	1197	1198-1199

All of the Public Records of Brevard County, Florida.

7. **LAND AFFECTED:**

The legal description(s) of the community affected by the listed covenants or restrictions is/are set forth on the plat(s) filed in the Public Records of Brevard County, Florida (the "Lands" as follows. See Attached Exhibit "A".

All of the Public Records of Brevard County, Florida.

This notice is filed on behalf of Island Villas Homeowner's Association, Inc. as of August 25<sup>th</sup>, 2022:

IN WITNESS WHEREOF, the undersigned have set their hand and seal this 25 day of August, 2022.

Signed, Sealed and Delivered  
in the Presence of:

David Hoffman  
Witness - Sign Name

David Hoffman  
Print Name

David Hoffman  
Witness - Sign Name

David Hoffman  
Print Name

Island Villas Homeowners Association,  
Inc., a Florida not-for-profit corporation

By: Mark S. Mikolajczyk  
(Sign)

Mark S. Mikolajczyk  
(Print)

President  
(Title)

Island Villas Homeowner's  
Association, Inc.

Attest: Kimberly D. Downs  
(Sign)

KIMBERLY D. DOWNS  
(Print)

Vice President  
(Title)

Island Villas Homeowner's  
Association, Inc.

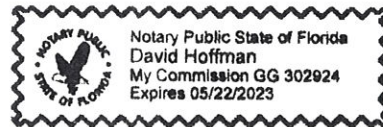
STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing was acknowledged before me this 25 day of August,  
2022, by Mark Mikolajczyk, as  
President, and Kimberly Downs, as  
Vice President, of Island Villas Homeowner's Association, Inc., who is personally known  
to me or who has produced \_\_\_\_\_ as identification and who did take  
an oath.

David Hoffman  
Signature of Notary

David Hoffman  
Print

(Seal)



BK 3239 PG 3091

LEGAL DESCRIPTION: (BY SURVEYOR)

A PARCEL OF LAND LYING IN SECTION 2 AND SECTION 3, TOWNSHIP 27 SOUTH, RANGE 37 EAST OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 2, AND GO NORTH 09 53'41" EAST ALONG THE SOUTH LINE OF SAID SECTION 2 A DISTANCE OF 1619.38 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH PATRICK DRIVE AND THE SOUTHEAST CORNER OF WINDWARD COVE AS RECORDED IN PLAT BOOK 32, PAGE 91 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 31 08'19" WEST ALONG THE SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1818.02 FEET TO THE POINT-OF-CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 16 30'36" AND A RADIUS OF 2050.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 590.72 FEET TO THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 76 55'05" WEST A DISTANCE OF 389.25 FEET; THENCE NORTH 11 46'05" EAST A DISTANCE OF 38.25 FEET TO THE SAFE UPLAND LINE OF THE GRAND CANAL (1.00 FOOT H.G.V.D. CONTOUR LINE); THENCE CONTINUE ALONG THE SAID SAFE UPLAND LINE FOR THE FOLLOWING 7 CALLS; NORTH 15 55'04" WEST - 22.49'; NORTH 36 51'29" WEST - 82.25'; NORTH 00 29'55" EAST - 103.03; NORTH 04 50'12" WEST - 88.74; NORTH 12 51'06" WEST - 90.85; NORTH 04 59'46" WEST - 106.44; NORTH 06 38'15" WEST - 88.73; THENCE NORTH 82 26'59" EAST A DISTANCE OF 117.07 FEET; THENCE NORTH 10 00'75" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 82 26'59" EAST A DISTANCE OF 94.55 FEET; THENCE NORTH 00 05'11" WEST A DISTANCE OF 20.67 FEET TO A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 09 12'59" RADIUS OF 392.51 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 72 08'59" EAST - 63.07 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 63.14 FEET; THENCE SOUTH 00 05' 11" EAST A DISTANCE OF 36.25 FEET; THENCE NORTH 89 54'51" EAST A DISTANCE OF 138.61 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF SOUTH PATRICK DRIVE; THENCE SOUTH 00 16'01" EAST ALONG SAID WEST RIGHT-OF-WAY OF SOUTH PATRICK DRIVE A DISTANCE OF 5.76 FEET TO THE POINT-OF-CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 14 21'39" AND A RADIUS OF 2050.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, BEING THE SAID WEST RIGHT-OF-WAY OF SOUTH PATRICK DRIVE AN ARC DISTANCE OF 513.82 FEET TO THE POINT-OF-BEGINNING. CONTAINING 5.25 ACRES OF LAND MORE OR LESS TOGETHER WITH ANY LANDS LYING BETWEEN THE SAFE UPLAND LINE AND THE ORDINARY HIGH WATER LINE. SUBJECT TO A DRAINAGE EASEMENT ALONG THE SOUTH 50 FEET.

LEGAL DESCRIPTION

Exhibit "A"

# ISLAND VILLAS HOMEOWNER'S ASSOCIATION, INC.

## Notice and Agenda for Board of Directors Meeting August 25<sup>TH</sup>, 2022 at 5:30 p.m.

503 Island Court, Indian Harbour Beach, Florida 32937

### AGENDA

#### Call to Order

- 1) Establish quorum.
- 2) Reading and disposal of unapproved minutes.
- 3) **Discussion and Resolution to Approve Marketable Record Title Act Notice (MRTA)**  
This procedure preserves the Governing Documents of the association and must be done every 30 years. Original Declaration was recorded October 14th, 1992. *Needs to be completed no later than October 14th, 2022.*
- 4) Adjournment

  
Jeff Franko - Community Association Manager  
August 18, 2022