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Palm Beach County, Florida  
Sharon R. Bock, CLERK & COMPTROLLER  
Pgs 1097 - 1102; (6pgs)

Record and Return to:  
Evan R. Bachove, Esquire  
FIELDS & BACHOVE, PLLC  
4440 PGA Boulevard, Suite 308  
Palm Beach Gardens, FL 33410

## **NOTICE PRESERVING COVENANTS AND RESTRICTIONS FOR INDIAN CREEK PHASE VIII HOMEOWNERS ASSOCIATION, INC.**

THIS NOTICE PRESERVING COVENANTS AND RESTRICTIONS FOR INDIAN CREEK PHASE VIII HOMEOWNERS ASSOCIATION, INC. is made and executed as of the 18<sup>th</sup> day of JANUARY, 2017, by INDIAN CREEK PHASE VIII HOMEOWNERS ASSOCIATION, INC. (the "Association"), whose address is c/o Allied Property Management Group, Inc., 1711 Worthington Road, Suite 103, West Palm Beach, FL 33409.

### **WITNESSETH:**

1. This Notice Preserving Covenants and Restrictions is recorded pursuant to Chapter 712, Florida Statutes.

2. The Association and the land affected by this Notice are subject to the following covenants and restrictions (the "Governing Documents"), which the Association desires to preserve in accordance with Chapter 712, Florida Statutes:

- A. Declaration (the "Declaration"), recorded commencing at Official Records Book 5770, Page 1131, of the Public Records of Palm Beach County, Florida;
- B. Five amendments to the Declaration, recorded commencing at Official Records Book 5907, Page 148; at Official Records Book 5914, Page 1606; at Official Records Book 5956, Page 986; at Official Records Book 7432, Page 1665; and at Official Records Book 8409, Page 168, of the Public Records of Palm Beach County;
- C. Articles of Incorporation recorded commencing at Official Records Book 5770, Page 1163, of the Public Records of Palm Beach County, Florida;
- D. By-Laws, recorded commencing at Official Records Book 5770, Page 1151, of the Public Records of Palm Beach County, Florida;
- E. Easements and Assignments recorded commencing at Official

Records Book 5680, Page 202; at Official Records Book 6421, Page 760; and at Official Records Book 6855, Page 427, of the Public Records of Palm Beach County, Florida;

F. Notices of Lien Rights recorded commencing at Official Records Book 4984, Page 1254; at Official Records Book 7048, Page 655; and at Official Records Book 7187, Page 1712, of the Public Records of Palm Beach County, Florida;

G. Memorandum of Agreement recorded commencing at Official Records Book 7572, Page 1247 of the Public Records of Palm Beach County, Florida; and

H. The following Plats (which shall remain subject to the above referenced recorded documents):

Plat of Indian Creek Phase VIII - A, recorded commencing at Plat Book 59, Page 54; and Plat of Indian Creek Phase VIII - B, recorded commencing at Plat Book 61, Page 30 of the Public Records of Palm Beach County, Florida;

3. The legal description of the land affected by this Notice is as follows:

Plat of Indian Creek Phase VIII - A, recorded commencing at Plat Book 59, Page 54; and Plat of Indian Creek Phase VIII - B, recorded commencing at Plat Book 61, Page 30 of the Public Records of Palm Beach County, Florida;

NOW, THEREFORE, the President and Secretary of the Association certify that:

4. The Governing Documents shall be preserved and protected from extinguishment by operation of Chapter 712, Florida Statutes, which is the marketable record title act. The Governing Documents, as may be hereafter amended from time to time, currently burdening the property of each and every member of the Association, retain their status as the source of marketable title with regard to the transfer of a member's residence.

5. The preservation of the Governing Documents has been duly approved at a meeting by at least two-thirds (2/3) of the Board of Directors at a meeting duly noticed and conducted in accordance with the requirements of Chapter 712, Florida Statutes, and the By-Laws of the Association.

6. Attached hereto and incorporated herein as Exhibit "A" is an Affidavit of Notice Regarding Preservation of Covenants and Restrictions which attests to the required

notice being given to the members of the Association in accordance with Chapter 712, Florida Statutes.

IN WITNESS WHEREOF, the undersigned have executed this document as of the day and year first above written.

INDIAN CREEK PHASE VIII  
HOMEOWNERS ASSOCIATION, INC.

By: [Signature], President

(signature)

ERNEST KUONEN

(printed name)

Witness Signature

J. VINCENT KAUFER

Print Name of Witness

Witness Signature

MICHAEL MARAGLIA

Print Name of Witness

Witness Signature

J. VINCENT KAUFER

Print Name of Witness

Witness Signature

MICHAEL MARAGLIA

Print Name of Witness

Attest:

[Signature]  
James A. Diorio, Secretary

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of JANUARY, 2017, by ERNEST KUONEN as President, and by JAMES A. DIORIO as Secretary, respectively, of Indian Creek Phase VIII Homeowners Association, Inc., on behalf of the corporation.

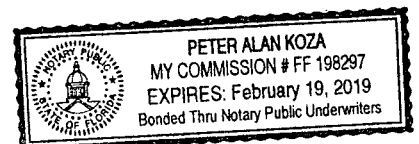
[Signature]  
Signature of Notary Public

Peter Alan Koza

Print Name of Notary Public

Personally known \_\_\_\_\_ or Produced Identification ✓

Type of Identification Produced FL D/C's



**Exhibit "A"**

**AFFIDAVIT OF NOTICE REGARDING PRESERVATION OF COVENANTS  
AND RESTRICTIONS FOR INDIAN CREEK PHASE VIII HOMEOWNERS  
ASSOCIATION, INC.**

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared ERNEST KUONEN,  
who states:

1. He is the President of the Board of Directors of INDIAN CREEK PHASE VIII HOMEOWNERS ASSOCIATION, INC. (the "Association").

2. The Board of Directors of the Association, as required by Chapter 712, Florida Statutes, caused a statement in substantially the following form to be mailed or hand delivered to the members of the Association not less than seven (7) days prior to the meeting of the Board of Directors to approve the preservation of the below listed Governing Documents:

**"STATEMENT OF MARKETABLE TITLE ACTION**


INDIAN CREEK PHASE VIII HOMEOWNERS ASSOCIATION, INC. (the "Association") has taken action to ensure that the following covenants and restrictions (the "Governing Documents"):

- A. Declaration (the "Declaration"), recorded commencing at Official Records Book 5770, Page 1131, of the Public Records of Palm Beach County, Florida;
- B. Five amendments to the Declaration, recorded commencing at Official Records Book 5907, Page 148; at Official Records Book 5914, Page 1606; at Official Records Book 5956, Page 986; at Official Records Book 7432, Page 1665; and at Official Records Book 8409, Page 168, of the Public Records of Palm Beach County;
- C. Articles of Incorporation recorded commencing at Official Records Book 5770, Page 1163, of the Public Records of Palm Beach County, Florida;

- D. By-Laws, recorded commencing at Official Records Book 5770, Page 1151, of the Public Records of Palm Beach County, Florida;
- E. Easements and Assignments recorded commencing at Official Records Book 5680, Page 202; at Official Records Book 6421, Page 760; and at Official Records Book 6855, Page 427, of the Public Records of Palm Beach County, Florida;
- F. Notices of Lien Rights recorded commencing at Official Records Book 4984, Page 1254; at Official Records Book 7048, Page 655; and at Official Records Book 7187, Page 1712, of the Public Records of Palm Beach County, Florida;
- G. Memorandum of Agreement recorded commencing at Official Records Book 7572, Page 1247 of the Public Records of Palm Beach County, Florida; and
- H. The following Plats (which shall remain subject to the above referenced recorded documents):
- Plat of Indian Creek Phase VIII - A, recorded commencing at Plat Book 59, Page 54; and Plat of Indian Creek Phase VIII - B, recorded commencing at Plat Book 61, Page 30 of the Public Records of Palm Beach County, Florida;

as may be hereafter amended from time to time, currently burdening the property of each and every member of the Association, retain their 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 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."

Executed this 18 day of JAN, 2017

  
(signature)  
ERNEST KUONEN  
(printed name)

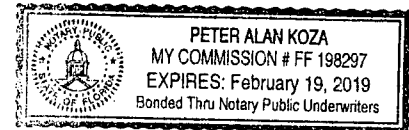
SWORN TO AND SUBSCRIBED before me this 18 day of January  
2017, by ERNEST KUONEN, as President of Indian Creek Phase VIII Homeowners  
Association, Inc.

Peter Alan Koza  
Signature of Notary Public

Peter Alan Koza  
Print Name of Notary Public

Personally known \_\_\_\_\_ or Produced Identification ✓

Type of Identification Produced FLA D/L



This is not a certified copy