

This instrument prepared by )  
 and should be returned to: )  
 )  
 Michael J. McCabe, Esq. )  
 McCabe Law Group, P.A. )  
 111 Solana Road, Suite B )  
 Ponte Vedra Beach, Florida 32082 )  
 (904) 396-0090 )  
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 RONNIE FUSSELL CLERK CIRCUIT COURT DUVAL  
 COUNTY  
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**NOTICE TO PRESERVE  
 DECLARATION OF COVENANTS, RESTRICTIONS, CONDITIONS AND  
 EASEMENTS  
 FOR  
 WHISPERING PINES  
 FROM EXTINGUISHMENT UNDER THE MARKETABLE RECORD TITLE ACT,  
 CHAPTER 712, FLORIDA STATUTES**

**THIS NOTICE OF PRESERVATION OF DECLARATION OF COVENANTS, RESTRICTIONS, CONDITIONS AND EASEMENTS FOR WHISPERING PINES** (“Notice”) is made this 5<sup>th</sup> day of March, 2018, by **WHISPERING PINES HOMEOWNERS ASSOCIATION OF JACKSONVILLE, INC.**, a not-for-profit Florida corporation operating as a homeowners association, whose mailing address is: c/o Duval Realty, Inc., 2980 Hartley Road, Suite 2, Jacksonville, Florida 32257 (hereinafter “Association”). The Association is filing this Notice on behalf of the members and the Notice is being recorded pursuant to Sections 712.05 and 712.06, Florida Statutes, in order to preserve the covenants and restrictions and all other provisions of the recorded documents listed herein.

**A. The Association’s Claim.** The Association has claims affecting the Property and certain portions of the Property in Whispering Pines, based on the following recorded instruments, as amended from time to time, which the Association desires to preserve from extinguishment:

- 1. Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recording in Official Records Book 5584, Page 1291, et seq., of the public records of Duval County, Florida.**
- 2. Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 5720, Page 1854, et seq., of the public records of Duval County, Florida**

3. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 5812, Page 1247, et seq., of the public records of Duval County, Florida**
4. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 6141, Page 2109, et seq., of the public records of Duval County, Florida**
5. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 6259, Page 356, et seq., of the public records of Duval County, Florida**
6. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 6682, Page 1997, et seq., of the public records of Duval County, Florida**

**B. The property affected by this notice is described as follows:**

1. **Whispering Pines, Unit I, as recorded in Plat Book 38, pages 24, 24A and 24B of the Public Records of Duval County, Florida**
2. **Whispering Pines Unit II as recorded in Plat Book 38, Pages 94, 94A, and 94B of the public records of Duval County, Florida**
3. **Whispering Pines Unit III as recorded in Plat Book 39, Pages 87, 87A and 87B of the public records of Duval County, Florida**
4. **Whispering Pines Unit IV as recorded in Plat Book 41, Pages 86, 86A, 86B, 86C and 86D of the public records of Duval County**
5. **Whispering Pines Unit 4A as recorded in Plat Book 42, Page(s) 67 and 67A of the public records of Duval County, Florida**
6. **Whispering Pines Unit V, according to the plat thereof recorded in Plat Book 44, Page(s) 36, 36A, 36B and 36C of the public records of Duval County, Florida**

A list of the affected parcel owners is attached hereto as Exhibit "B." Attached hereto as Exhibit "C" is an affidavit executed by the President of the Association affirming the meeting's date, time, place, and the Statement of Marketable Title Action, required by Section 712.06(1)(b), Florida Statutes, was mailed to the Members at least seven (7) days prior to the Special Board of Directors meeting where the Board of Directors approved the Preservation of the Declaration.



By their signatures below, the President and Secretary of the Association hereby certify that preservation of the Declaration was duly approved by at least two-thirds (2/3) of the members of the Board of Directors at a Special Board of Directors Meeting held on March 5, 2018.

EXECUTED at Jacksonville, Duval County, Florida on this 5<sup>th</sup> day of March, 2018.

WITNESSES:

WHISPERING PINES HOMEOWNERS ASSOCIATION OF JACKSONVILLE, INC.

Carol R. Hodz  
Print Name: Carol R. Hodz

Patricia A. Mallard  
Print Name: Patricia A. Mallard

By: [Signature]  
Print Name: CARL W. CLINE  
PRESIDENT

Freddie Shugrue  
Print Name: FREDDIE SHUGRUE  
SECRETARY

Address: c/o Duval Realty, Inc., 2980  
Hartley Road, Suite 2, Jacksonville,  
Florida 32257  
(CORPORATE SEAL)

STATE OF FLORIDA  
COUNTY OF DUVAL

THE FOREGOING INSTRUMENT was acknowledged before me this 5<sup>th</sup> day of March, 2018, by Carl W. Cline and Freddie Shugrue as the President and Secretary, respectively, of WHISPERING PINES HOMEOWNERS ASSOCIATION OF JACKSONVILLE, INC., a Florida not-for-profit corporation, who produced \_\_\_\_\_ as identification or ✓ are known to me personally. They acknowledged executing this documents in the presence of two subscribing witnesses, freely and voluntarily, under authority duly vested in them by the Corporation and that the seal affixed thereto is the true corporate seal of the Corporation.

WITNESS my hand and official seal in the County and State last aforesaid on this 5<sup>th</sup> day of March, 2018.

Theresa L. DeVries  
Notary Public - State of Florida  
Print Name: Theresa L. DeVries  
Commission No.: \_\_\_\_\_ Expiration: 1/9/22

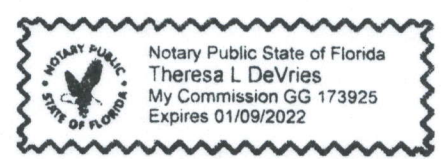


EXHIBIT "C"

AFFIDAVIT OF ASSOCIATION PRESIDENT

STATE OF FLORIDA  
COUNTY OF DUVAL

BEFORE ME, the undersigned authority personally appeared Carl W. Cline, who, after being duly sworn, deposes and states:

1. I am the President of Whispering Pines Homeowners Association of Jacksonville, Inc. (the "Association"), and I have personal knowledge of the matters contained herein and know them to be true and correct.

2. That the special Board of Directors Meeting was scheduled for March 5, 2018, at 7:00 p.m. That the Board of Directors of the Association caused a notice setting forth the date, time, place and the Statement of Marketable Title Action, as set forth below, to be mailed to the members of the Association not less than seven (7) days prior to the Board of Directors meeting, at which the Board of Directors voted to preserve the following from extinguishment:

1. **Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recording in Official Records Book 5584, Page 1291, et seq., of the public records of Duval County, Florida.**
2. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 5720, Page 1854, et seq., of the public records of Duval County, Florida**
3. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 5812, Page 1247, et seq., of the public records of Duval County, Florida**
4. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 6141, Page 2109, et seq., of the public records of Duval County, Florida**
5. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 6259, Page 356, et seq., of the public records of Duval County, Florida**
6. **Supplementary Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines, recorded in Official Records Book 6682, Page 1997, et seq., of the public records of Duval County, Florida**

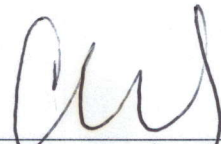


(the "Declaration"), burdening the property of the Members of the Association described therein, pursuant to Chapter 712, Florida Statutes.

**STATEMENT OF MARKETABLE TITLE ACTION**

Whispering Pines Homeowners Association of Jacksonville, Inc. (the "Association") has taken action to ensure that the Declaration of Covenants, Restrictions, Conditions and Easements for Whispering Pines recorded in Official Records Book 5584, Page 1291, et seq., of the public records of Duval County, Florida, the Supplementary Declaration of Covenants, Restrictions, Conditions and Easement for Whispering Pines, recorded in Official Records Book 5720, Page 1854, et seq., of the public records of Duval County, Florida, the Supplementary Declaration of Covenants, Restrictions, Conditions and Easement for Whispering Pines, recorded in Official Records Book 5812, Page 1247, et seq., of the public records of Duval County, Florida, the Supplementary Declaration of Covenants, Restrictions, Conditions and Easement for Whispering Pines, recorded in Official Records Book 6141, Page 2109, et seq., of the public records of Duval County, Florida, Supplementary Declaration of Covenants, Restrictions, Conditions and Easement for Whispering Pines, recorded in Official Records Book 6259, Page 356, et seq., of the public records of Duval County, Florida, and Supplementary Declaration of Covenants, Restrictions, Conditions and Easement for Whispering Pines, recorded in Official Records Book 6682, Page 1997, et seq., of the public records of Duval County, Florida (the "Declaration"), as may be 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 Duval 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.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Affiant, CARL W. CLINE  
Print Name

Sworn and Subscribed before me  
This 5<sup>th</sup> day of March, 2018

Print Name: Theresa L. DeVries  
Notary Public at Large  
My Commission expires 1/9/22  
Commission No.: \_\_\_\_\_  
Personally known to me  or produced identification \_\_\_\_\_  
Type of identification produced \_\_\_\_\_

