



Clayton & McCulloh

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August 21, 2018

Via U.S. Mail and E-Mail: Vscigliano41@gmail.com
Lancaster at Kings Ridge Neighborhood Association, Inc.
c/o Virginia Scigliano, President
1645 Hwy 50, Suite 201
Clermont, FL 34711

RE: Lancaster at Kings Ridge Neighborhood Association, Inc.

Dear Board:

Pursuant to the request as provided to Clayton & McCulloh by Ms. Scigliano on August 13, 2018, please accept the following as a written summary opinion from Clayton & McCulloh regarding the following issue:

“What is Clayton & McCulloh’s opinion with regard to the MRTA deadline date for Lancaster at Kings Ridge Neighborhood Association, Inc. (hereinafter the “Association”)?”

Please note, pursuant to a review of the recording date of the Declaration of Covenants, Restrictions and Easements for Lancaster Neighborhood, as recorded in Official Records Book 1743, at Page 1867 of the Public Records of Lake County, Florida, on August 17, 1999, please note, that it is Clayton & McCulloh’s opinion that MRTA corrective actions, at least under current Florida law, should be completed by the Association by no later than August 16, 2029.

Nevertheless, however, it should be noted that the recording date for the Declaration is a good faith approximation of the “root of title” for all of the lots located within the Lancaster Neighborhood. More specifically, in order to determine the root of title for the entire community, the Association would need to conduct a title search of all Association lots by which the initial deed for each lot within the Lancaster Neighborhood would be reviewed. Ostensibly, the earliest date of the recording of a deed within the Lancaster Neighborhood would set for the root of title for lots within the Lancaster Neighborhood for MRTA purposes. Nevertheless, however, as Clayton & McCulloh has been limited in the scope in the research and review on this particular

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Lancaster at Kings Ridge Neighborhood Association, Inc.
August 21, 2018
Page 2

issue (e.g., in that Clayton & McCulloh anticipates that a title search of each lot in the community such that the initial deeds could be found and reviewed far exceed the four hours allocated for research and drafting of an opinion), Clayton & McCulloh reasonably approximates the MRTA date to be thirty (30) years from the date of the recording of the initial Declaration for the community. It should be noted, however, that if the development of the community happened properly, the recording of the Declaration should have happened before the recording of the first deed within the community. As such, if MRTA corrective actions take place before the thirtieth (30th) anniversary of the recording date of the Declaration as mentioned above, such should comply with MRTA under current Florida law.

Of course, it should be noted, in accordance with Florida law, that the requirements for MRTA corrective actions do change. In fact, there are significant changes to the Marketable Record Title Act (e.g., Florida Statute 712) which will go into effect on October 1, 2018. Naturally, it is quite possible that over the next ten (10) years that the MRTA act could change, thereby obviating the legal advice provided by this letter. As such, Clayton & McCulloh strongly recommends that the Association revisit this issue (and in fact under the new Florida statutes effective October 1, Florida law requires the Board of Directors at its first regular Board Meeting after each election) to review its MRTA status at least yearly. Clayton & McCulloh will advise its clients as to any changes to the MRTA statute accordingly.

Clayton & McCulloh trusts that the proceeding has provided the information that Association requests with regard to this issue. Should the Association desire any further details with regard to this issue, please feel free to contact me at any time.

Sincerely,

CLAYTON & McCULLOH



Brian S. Hess, Esq.
BSH:dmd