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Mr. Jack Garrity
[REDACTED]
[REDACTED]

Re: Hidden Lake Homeowners
Association of Pinellas, Inc.
Tract C, Hidden Lake

Dear Jack:

This will confirm our recent office conference regarding Hidden Lake Homeowners Association of Pinellas, Inc. (the "HOA"), and specifically the property known as "Tract C" in the Hidden Lake subdivision. I have reviewed the HOA documents, including the Articles of Incorporation, Restrictions, and Bylaws (as amended). I have also researched the recording of the original plat of Hidden Lake (the "Plat"), and the title to Tract C contained therein.

You had a concern as to whether the Board of Directors of the Association has the authority to convey real estate. From my review of the documents, I see no prohibition or restriction on the Board's authority to do so. Indeed, the President is specifically authorized to execute deeds, among other powers.

A threshold issue, however, is the actual ownership of Tract C. The Plat of Hidden Lake was recorded in 1979, and all of the property contained therein is legally described either in residential Lots, or by Tracts. All of Tract C is described in the Plat (page 58 thereof) as a "Drainage and/or Utility Easement". In the language on the face of the Plat (page 54 thereof), all of the easement areas, as well as the streets in the subdivision, are dedicated to public use. Thus, consistent with Florida Statute 177.081, upon recording of the Plat, the ownership of the easement areas belonged to Pinellas County on behalf of the public. I have attached copies of the Plat pages for your reference.

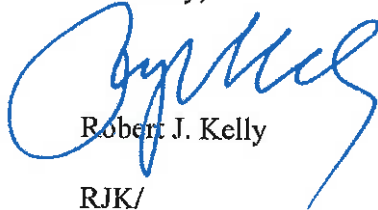
The corporate records of the Florida Secretary of State show that the HOA was formed and Articles of Incorporation filed in 1981. The Bylaws of the HOA (as amended) reference Tract C as part of the "Common Area" of Hidden Lake, implying that the HOA maintains some ownership interest. However, I have found no documents in the public

records reflecting a conveyance of Tract C from the County to the HOA after the recording of the Plat, nor any indication that the HOA is the successor in interest of either the developer or the County as to Tract C. Likewise, I have found no evidence of a "Vacation of Easement", whereby the County would release any claims to the property. Thus, it appears that the HOA has no ownership interest in Tract C, and therefore no authority to attempt to sell or convey title. I have requested an Ownership and Encumbrance report from Old Republic Title, confirming this conclusion from a title insurance standpoint, and have also requested confirmation from the County as to the status of Hidden Lake from its standpoint, and whether the Lake has been accepted into the County maintenance program. I will forward same to you upon receipt of each.

If the HOA wishes to take this a step further, I suggest that the Planning Department of Pinellas County be contacted to determine whether it would be willing to convey Tract C to the HOA, especially if the Lake has not been accepted into the County maintenance program, therefore rendering County access by easement unnecessary and moot. I do not believe that a request for a Vacation of Easement from the County will be successful, as according to Florida Statute 177.101, the applicant must be able to show an ownership interest in the subject property. Further, I believe a Vacation typically results in the property subject to the vacation being added to the property of the adjacent owners, not a third party (in this case, the HOA). However, the appropriate representatives of the County would be the best authority for this.

Please let me know if you have any questions or concerns in this regard.

Sincerely,



Robert J. Kelly

RJK/

Enclosure