

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

WILLIAM D. MORROW and)
GAIL M. MORROW,)
21 Tropicana Drive)
Indian Lake Estates, FL 33855,)
Plaintiffs,)

vs.)

CASE NO. GC-G-94-661

INDIAN LAKE MAINTENANCE, INC.,)
a Florida corporation, and)
INDIAN LAKE CIVIC ASSOCIATION,)
INC., a Florida corporation,)
Red Grange Boulevard)
P. O. Box 7395)
Indian Lake Estates, FL 33855,)
Defendants.)

DEPT 115 13.80
DEPT 291 2.80
DEPT 128 4.00
TOTAL 19.00
CHECKS 2.00
CHECKS 17.00

FINAL DECLARATORY JUDGMENT 06/13/95

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THIS MATTER came on before the Court for final hearing on May 15, 1995 in relation to the Amended Complaint for Declaratory Relief of the Plaintiffs, WILLIAM D. MORROW and GAIL M. MORROW. The essential issues for judicial determination revolve around whether a sufficient number of written approvals was obtained for a change in the Indian Lake Estates residential maintenance fees, as governed by the restrictive covenants for the Indian Lake Estates community. The covenants construed by this Court are recorded in the Polk County public records, and include the Residential Restrictive Covenants dated September 25, 1957, recorded in O.R. Book 88, page 637; Residential Restrictive Covenants dated March 11, 1958, recorded in O.R. Book 125, page 47; together with the Commercial Restrictive Covenants dated September 25, 1957, recorded in O.R. Book 88, page 635; which

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SRARIT, BURN, CHILTON & HOLDEN

P.O. BOX 9498

WINTER HAVEN, FL. 33883

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apply to all lots as shown on the recorded plats of Indian Lake Estates.

The Plaintiffs contend that a majority approval was not obtained, as required by Paragraph 14 of the Residential Restrictive Covenants and, even if the requisite number was obtained, the procedure utilized in obtaining the written approval was somehow flawed.

The Defendants, INDIAN LAKE MAINTENANCE, INC. and INDIAN LAKE CIVIC ASSOCIATION, INC. (now merged and known as INDIAN LAKE ESTATES, INC.), contend that the change in maintenance fees (with an effective date of December 28, 1993) did receive written approval by the owners of a majority of the lots as shown on the recorded plats of Indian Lake Estates, Inc., and that the formula for arriving at these assessments -- a function of the net appraised value of each lot, as determined by the Polk County Property Appraiser's office -- is not prohibited by the Restrictive Covenants, and is fair and equitable to the property owners at the Indian Lake Estates community.

Based on the substantial evidence and legal argument presented by the parties, this Court specifically finds that a majority of the owners of the lots as shown on the recorded Indian Lake estates plats approved of this change in writing and that the procedure utilized in obtaining the written approvals by the owners of a majority of the lots for the 1993 maintenance fee change (which is referred to in that January 28, 1994 Affidavit

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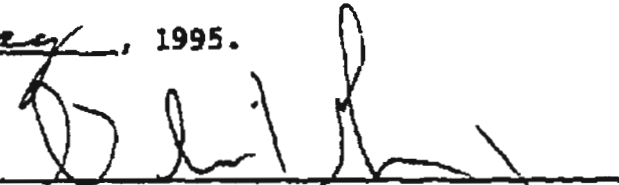
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BY D. "BUD" DIXON, CLERK

recorded by the Indian Lake Civic Association, Inc. in O.R. Book 3341, page 0924 of the Polk County public records) was properly conducted and that the requirements of Covenant 14 have been fully satisfied for the subject change in residential maintenance fees. It is, therefore,

ORDERED and ADJUDGED that the 1993 maintenance fee change conducted by the Defendants, INDIAN LAKE MAINTENANCE, INC. and INDIAN LAKE CIVIC ASSOCIATION, INC. (now merged and known as INDIAN LAKE ESTATES, INC.), and the substance of that change (now based on the net appraised value of each lot as determined by the Polk County Property Appraiser's office) be, and the same is hereby, approved, and the Plaintiffs, WILLIAM D. MORROW and GAIL M. MORROW, shall take nothing by their declaratory action.

DONE and ORDERED in Chambers in Bartow, Polk County, Florida, this 25 day of May, 1995.


HONORABLE OLIVER L. GREEN, JR.)

Case No. GC-G-94-661

Indian Lake Estates, Inc., P. O. Box 7395, Indian Lake Estates, FL 33855

Lance Holden, Esq., P.O. Box 9498, Winter Haven, FL 33883-9498

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Mrs. Gail M. Morrow, P. O. Box 7007, Indian Lake Estates, FL 33855

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STATE OF FLORIDA, COUNTY OF POLK
CERTIFIED TO BE A TRUE COPY OF ORIGINAL.
THIS 6-12-95
BY S. D. "BOB" DIXON, Clerk of Courts
Deputy Clerk