

AFFIDAVIT CONCERNING MAINTENANCE FEES  
AT INDIAN LAKE ESTATES SUBDIVISION,  
POLK COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF POLK

BEFORE ME, the undersigned authority personally appeared  
George R. Mills, who, upon being duly sworn, deposes and states:

1. This Affidavit concerns an increase in maintenance fees  
for all residential lots at Indian Lake Estates subdivision, Polk  
County, Florida.

2. Indian Lake Estates is a platted unincorporated  
subdivision consisting of a total of seventeen plats and  
revisions, hereinafter referred to as "Indian Lake Estates,"  
which is further described as:

- Unit No. 1, as recorded in Plat Book 39, page 1;
- Unit No. 2, as recorded in Plat Book 39, page 14;
- Unit No. 3, as recorded in Plat Book 39, page 18;
- Unit No. 4, as recorded in Plat Book 39, page 30;
- Unit No. 5, as recorded in Plat Book 39, page 31;
- Unit No. 6, as recorded in Plat Book 39, page 45,  
and revised in Plat Book 40, page 41;
- Unit No. 7, as recorded in Plat Book 39, page 46;
- Unit No. 8, as recorded in Plat Book 39, page 47;
- Unit No. 9, as recorded in Plat Book 39, page 48,  
and revised in Plat Book 40, page 42;
- Unit No. 10, as recorded in Plat Book 40, page 14;
- Unit No. 11, as recorded in Plat Book 40, page 15;
- Unit No. 12, as recorded in Plat Book 40, page 19;
- Unit No. 13, as recorded in Plat Book 40, page 20;

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

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- Unit No. 14, as recorded in Plat Book 40, page 21;
- Unit No. 15, as recorded in Plat Book 40, page 48;
- Unit No. 16, as recorded in Plat Book 40, page 49;
- Unit No. 17, as recorded in Plat Book 40, page 50;

all of the public records of Polk County, Florida.

3. The Indian Lake Civic Association, Inc. is the successor corporation to Indian Lake Estates, Inc. and has all rights and responsibilities given or reserved to Indian Lake Estates, Inc. in the covenants encumbering all lots located within the Indian Lake Estates subdivision, as declared by the Polk County Circuit Court in Special Investments, Inc. v. Indian Lake Estates, Inc., Case No. G-60-54238, as reflected by that November 12, 1992 Amended Order entered by the Honorable J. Tim Strickland and recorded in O.R. Book 3168, page 2172 of the public records of Polk County, Florida.

4. That Amended Order entered by the Polk County Circuit Court, as more fully described above, was predicated upon previous Polk County Circuit Court actions including:

A. Balzer v. Indian Lake Maintenance, Inc., Case No. GC-G-73-1557, which resulted in that May 28, 1976 Final Judgment upholding the enforceability of the restrictive covenants, as recorded in O.R. Book 1693, page 2006, of the public records of Polk County, Florida;

B. Oxford First Corporation v. Broadscope, Inc., Case No. GC-G-84-855, whereby Indian Lake Civic Association, Inc. was declared assignee, purchaser, and trustee of the stock of Indian Lake Maintenance, Inc., pursuant to that Order dated July 20, 1984 recorded in O.R. Book 2256, page 0690, and pursuant to that Order dated June 6, 1985, recorded in O.R. Book 2333, page 1981, all of the public records of Polk County, Florida.

C. Special Investments, Inc. v. Indian Lake Estates, Inc., Case No. 54238-71-532 and Case No. 56401-74-135, whereby the Polk County Circuit Court determined that the Indian Lake maintenance fees were trust funds for the use and benefit of the property owners and established a trust relationship for the Indian Lake Estates residents, as reflected in that July 30, 1964 Final Decree recorded in O.R. Book 842, page 224, of the public records of Polk County, Florida.

D. Special Investments, Inc. v. Indian Lake Estates, Inc., Case No. 56401-74-135 and Case No. 54238-71-532, whereby the Polk County Circuit Court recognized the November 9, 1965 Assignment from the Bankruptcy Trustee for Indian Lake Estates, Inc. to Indian Lake Maintenance, Inc. and modified that Trust and Reporting arrangement created by the Court's July 30, 1964 Final Decree, as reflected by that instrument dated February 16, 1966, and recorded in O.R. Book 998, page 752 of the public records of Polk County, Florida.

E. That class action known as Lakesite Properties, Inc. v. Indian Lake Civic Association, Inc., Case No. GC-G-78-363, whereby the Polk County Circuit Court specifically declared the perpetual use of certain common areas and amenities for the benefit of Indian Lake Estates property owners, as reflected by that Final Judgment entered by the Honorable William A. Norris on December 1, 1980 and recorded in O.R. Book 1982, page 1748 and which referenced that assignment from the Bankruptcy Trustee to Indian Lake Maintenance, Inc., dated November 9, 1965, recorded in O.R. Book 976, page 1015, all of the public records of Polk County, Florida.

5. Indian Lake Civic Association, Inc. has the authority to enforce the residential and commercial restrictive covenants encumbering all lots at Indian Lake Estates subdivision, which covenants were incorporated into all deeds executed by Indian Lake Estates, Inc. conveying property for the Indian Lake subdivision, and as also reflected in those instruments recorded in O.R. Book 88, pages 637 and 640; and O.R. Book 125, pages 47 and 48, of the public records of Polk County, Florida. Commercial restrictive covenants were also incorporated into

every deed executed by Indian Lake Estates, Inc. conveying commercial property at Indian Lake Estates subdivision, and these commercial restrictive covenants are also reflected in that instrument recorded in O.R. Book 88, pages 635 and 636, of the public records of Polk County, Florida. All restrictive covenants described above apply to the Indian Lake Estates subdivision, as more fully described hereinabove.

6. The affiant, George R. Mills, is President of Indian Lake Civic Association, Inc., a non-profit Florida corporation, whose membership is comprised of lot owners at Indian Lake Estates subdivision. As stated above, Indian Lake Civic Association, Inc. is charged with the responsibility of enforcing all restrictive covenants and collecting all maintenance fees due under the covenants and restrictions. This responsibility was recently reaffirmed by the Polk County Circuit Court in Indian Lake Civic Association, Inc. v. Kastenbein, Case No. GC-G-92-2672, through that Final Judgment entered by the Honorable Oliver L. Green, Jr. on December 27, 1993 and recorded in O.R. Book 3335, page 1222 of the public records of Polk County, Florida.

7. All lots at the Indian Lake Estates subdivision are subject to a common maintenance fee covenant which provides that such maintenance fees are due on January 15 of each year and that maintenance fees can only be changed with the written approval of the owners of the majority of the lots as shown on the recorded plats for Indian Lake Estates subdivision. Annual maintenance fees for the Indian Lake subdivision have previously been

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increased to \$50 per residential lot as reflected in that instrument dated March 24, 1981, recorded in O.R. Book 2006, page 259 of the public records of Polk County, Florida.

8. Pursuant to said maintenance fee covenants, Indian Lake Civic Association, Inc. mailed ballots to all lot owners at Indian Lake Estates subdivision requesting the written approval of said owners to increase the annual maintenance fees on all lots. For the residential lots, the increase shall be a \$50 base maintenance fee plus an additional \$2.86 per \$1,000 of the net assessed value of the subject property as assessed by the Polk County Property Appraiser's office, subject to a \$150 ceiling for the total maintenance fee amount due per lot per year. As used herein, net assessed value means that gross value currently assessed by the Polk County Property Appraiser's office, less any applicable exemptions allowed under state law and accepted by Polk County Tax Collector's office.

9. Of the 7,458 residential lots at Indian Lake Estates subdivision, the owners of 3,802 of said lots, or approximately 51%, voted affirmatively to increase the maintenance fees at Indian Lake Estates for residential lots.

10. As a result of said vote, and pursuant to the maintenance fee covenants, maintenance fees on residential lots coming due on January 15, 1994 and in all subsequent years, have been increased pursuant to that formula described in paragraph 8 above.

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11. Questions concerning the maintenance fee increase on the residential lots or the current status of maintenance fee payments on individual lots at Indian Lake Estates may be answered by contacting Indian Lake Civic Association, Inc., P. O. Box 7395, Indian Lake Estates, Florida 33855-7395.

FURTHER AFFIANT SAYETH NAUGHT.

INDIAN LAKE CIVIC ASSOCIATION, INC.

By: George R. Mills  
George R. Mills, President  
P. O. Box 7395  
Indian Lake Estates, FL 33855-7395

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STATE OF FLORIDA  
COUNTY OF POLK

Sworn to and subscribed before me this 28<sup>th</sup> day of January, 1994, by George R. Mills, to me personally known.

Mary M. Rankin  
Notary Public, State of Florida

THIS INSTRUMENT PREPARED BY:

Lance Holden  
Sharit, Bunn, Chilton & Holden  
99 Sixth Street, S.W.  
P. O. Box 9498  
Winter Haven, FL 33883-9498



MARY M. RANKIN  
MY COMMISSION # C0190081 EXPIRES  
April 1, 1996  
SIGNED THIRD TRUST FARM INSURANCE INC

DEPT 115 25.00  
DEPT 291 3.50  
7024 #  
CHECKS 28.50  
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FILED, RECORDED, AND  
RECORD VERIFIED  
E.D. "Doc" DIXON, CIR. CL. CL.  
POLK COUNTY, FLA.  
BY SD D.C.