

WHISKEY CREEK RESTRICTIONS REVITALIZATION

Whiskey Creek Civic Association

Facts:

- Florida has a 1963 law stating any restrictions (like WC's deed restrictions) expire after 30 years.
- WC's deed restrictions are all more than 30 years old.
- A new law, in effect as of October 1, 2018, gives **WC homeowners** (not the Civic Association) the authority to revitalize our restrictions. (Previous law only gave that authority to HOA's)
- The revitalization process will be done **unit by unit**.
 - Units were created by WC's developer years ago at the time sections were platted.

Already completed by WCCA:

- Through prior community meetings, gained a sense of WC owners wanting to renew our restrictions
- Retained and paid a lobbyist, and HB 617 was passed and became law earlier this year.
- Retained an attorney to guide us through the process.
- Committee has met to discuss possible amendments to original restrictions, which can only be **less restrictive**.

To be completed by homeowners:

- Find at least four owners in each unit willing to serve on an organizing committee which will lead the process in their unit.
 - Committee members should come from at least three residences.

To be completed by Organizing Committees:

- Each organizing committee decides, after due discussion with owners in their unit, the restrictions to be proposed for approval in their unit.
 - Can be done prior to October 1.
- Deliver draft of proposed restrictions to our attorney for review and vetting.
 - Also can be done prior to October 1.
- After October 1 deliver or mail a copy of the attorney-prepared proposed restrictions and an approval form to the owner/owners of each residence in the respective units.
 - Process will not be accomplished in all units at the same time. Rather, it will be rolled out, commencing after October 1. Start with one of the smaller units.
- Obtain approvals from at least a majority of owners in each unit.
- Deliver approvals to WCCA attorney.

To be completed by WCCA:

- Facilitate the revitalization process, including advising organizing committees.
- Communicate with our attorney, including transmittal of forms and documents to and from the organizing committees, to the extent not done by the committees.
- Accomplish any mailings to homeowners.
- Pay the expenses of the process, including postage, legal, and recording fees, and including reasonable expenses incurred in holding unit meetings.
- NOTE: WCCA will **not** dictate the restrictions to be proposed in any unit.

To be completed by WCCA attorney:

- Furnish list of owners and legal descriptions in each unit.
- Review and approve drafts of proposed restrictions and prepare final version.
- Furnish approval forms, proposed restrictions, and other information to be delivered to owners of each residence.
- Submit signed approval forms and other material to the FL Department of Economic Opportunity (DEO) for its approval.
- Record documents in Lee County after approval by DEO. New restrictions become effective upon recording.

Deadlines and options:

- Process must be **completed** in all units, except Unit 1 and Unit A, by **January 1, 2020**, when the original restrictions expire by their own terms.
 - The original restrictions for Unit 1 and Unit A can extend indefinitely, so revitalization there has no deadline.
- Any owner may opt-out by following the provision in the law.

What you can do:

- Know which unit you live in.
 - See whiskeycreeknews.net.
- Volunteer to serve on an organizing committee.
- Assist those on the committees in accomplishing their duties.
- Understand the basics of the revitalization process and correct mistaken impressions or statements.
- Promote approval within your unit.

Contact information

Send questions and comments
to whiskeycreekcode@gmail.com