

## ABOUT DEED RESTRICTIONS AND COUNTY ORDINANCES \*

The Lake Padgett Estates Civic Association (LPECA) is not a Homeowner's Association. LPECA was formed prior to the Florida Legislature's creation of statutes governing Homeowner's Associations. The builder of Lake Padgett Estates, DeCarr Covington, relinquished his powers over the subdivision to LPECA as recorded in the public records.

The subdivision known as **Lake Padgett Estates** actually consists of 21 small subdivisions. This is because the developer-builder completed the area in increments over several years. Although the original deed restrictions were similar there were some differences. All the deed restrictions had a clause that they were renewable after 25 years. In 2002 the LPECA hired Attorney Donald Peyton in New Port Richey to renew the deed restrictions. **This was not possible so we do not have any deed restrictions.**

Mr. Peyton's review of our documents indicated that there were many problems with our restrictions:

- 1) The restrictions were recorded as an entire subdivision and not attached to each individual lot and did not show up in title searches; hence, new buyers were not adequately informed of these restrictions.
- 2) The Florida Legislature had passed, in the interim years, a Marketable Title Act – Law making automatic renewal non-enforceable. At 30 years an association had to renew the restrictions in a manner prescribed in the statute.
- 3) According to the law a majority vote would be required to renew the restrictions. LPECA was not able to obtain that vote within the required time.
- 4) Continued enforcement of all deed restrictions was required to enforce any deed restrictions. LPECA had not enforced, by court action, any deed restrictions and LPECA operating as a VOLUNTEER ORGANIZATION was inconsistent in all aspects of enforcement.

Based on these findings LPECA was unable to renew the deed restrictions. LPECA has continued to use a committee that contacts homeowner's when they are violating **Pasco County Ordinances**. These ordinances cover parking of boats and trailers in driveways, vacant lots, street parking, signs operating a business from home, building seawalls or docks and major landscaping projects, etc. Notification to the homeowner is strictly a courtesy. If the violation is not corrected a letter is sent to the County Code Enforcement office as a violation complaint. Pasco County Code Enforcement may issue a violations notice to include a fine.

This information is provided to existing and prospective homeowners so that they can understand the history behind the deed restrictions as they relate to properties within the subdivision generally known as Lake Padgett Estates. This area of 21 subdivisions does not include the subdivisions of Lake Padgett East or Lake Padgett Pines or Lake Padgett South Lakes. An easy way to determine if you in Lake Padgett Estates would be to check your tax bill for an assessment for the Parks and Recreation District known as Lake Padgett Estates Independent Special District (LPEISD).

**\*Please consult your attorney and title company prior to purchasing property. This information is provided only to provide some direction for those searching for history on the above matters.**