

# Affidavit

Application No.(s)

Permit No.

Project Name

I, \_\_\_\_\_, on behalf of \_\_\_\_\_  
 in \_\_\_\_\_ capacity, hereby attest to the following pertaining to the above project:

**(9.2.3, BOR)** I attest that the Home or Property Owners' or Condominium or Community or Master-Association has the following general powers and attributes set forth in the Articles of Incorporation or other documents on the page numbers indicated:

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1. a. all the powers set forth in Section 617, Florida Statutes
- b. all the powers set forth in Section 718, Florida Statutes

OR

1. The power to:
  - a. own and convey property;
  - b. operate and maintain common property, specifically the surface water management (SWM) as permitted by the SFWMD including all lakes, retention areas, culverts and related appurtenances;
  - c. establish rules and regulations;
  - d. assess members and enforce assessments;
  - e. to sue and be sued; and
  - f. contract for services to provide for operation and maintenance services.
2. All homeowners, lot owners, property owners, unit owners and golf course(s), if any are members of the Association.
3. The Association exists in perpetuity; however, if the Association is dissolved, the property consisting of the SWM system will be conveyed to an appropriate agency of local government. If this is not accepted, then the SWM system will be dedicated to a similar non-profit corporation.

**(9.2.4, BOR)** I further attest that the following covenants and restrictions are contained in the Declaration of Protective Covenants, Declaration of Condominium, Deed Restrictions or Articles of Incorporation (documents) on the page numbers indicated:

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|--|----------|
| 1. The Association is responsible for the operation and maintenance of the SWM system described in the permit.   | _____    |
| 2. The SWM system is:  |          |
| a. owned by the Association; or  | _____    |
| b. described in the documents as common property   | _____    |
| 3. The Association is responsible for assessing and collecting fees for the operation, maintenance, and if necessary, replacement of the SWM system.   | _____    |
| 4. Any amendment proposed to these documents which would affect the SWM system, conservation areas or water management portions of the common areas will be submitted to the District for a determination of whether the amendment necessitates a modification of the SFWMD permit. If a modification is necessary, the District will so advise the permittee. | _____    |
| 5. The rules and regulations shall remain in effect for a minimum of twenty-five (25) years and shall be automatically renewed thereafter.   | _____    |
| 6. If wetland mitigation or monitoring is required, the Association shall be responsible to carry out this obligation. The rules and regulations state that it shall be the Association's responsibility to complete the task successfully, including meeting all (permit) conditions associated with wetland mitigation, maintenance and monitoring.*         | _____    |
| 7. a. A Notice of Environmental Resource Permit or Surface Water Management Permit is recorded in the public records of _____ County, Official Records Book _____ Page _____ ;   | _____    |
| OR for permits issued prior to February 12, 2006:  |          |
| The SFWMD Permit No. _____ is attached to the documents as Exhibit _____ .   | _____    |
| b. Copies of the permit and any future SFWMD permit actions shall be maintained by the Association's Registered Agent for the Association's benefit.*  | _____    |
| 8. The District has the right to take enforcement action, including a civil action for an injunction and penalties against the Association to compel it to correct any outstanding problems with the SWM system facilities or in mitigation or conservation areas under the responsibility or control of the Association.                                      | _____    |

\*You may strike out this section if it is not applicable.

**(9.2.6. BOR)** If the project is a phased project or has independent associations, I further attest that the following powers and duties are contained in the documents:

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|---|----------|
| 1. The (Master) Association has the power to accept into the Association subsequent phases, that will utilize the same SWM system; or   | _____    |
| 2. a. The documents provide that independent Associations have the right to utilize the permitted SWM system;   | _____    |
| b. The documents delineate maintenance responsibilities between the independent associations;   | _____    |
| c. Cross easements for drainage, and ingress and egress for maintenance, copies of which are attached, have been granted between all independent associations utilizing the SWM system. | _____    |
| d. The golf course owner/operator is a member of the Association and the documents reflect this relationship.   | _____    |

\_\_\_\_\_  
Signature

State of Florida )  
County of \_\_\_\_\_ ) ss

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me, an officer authorized in the State aforesaid and in the County aforesaid to take acknowledgements by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
Notary Public, State of Florida

\*You may strike out this section if it is not applicable.