

# ICARD MERRILL

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April 21, 2010

Robert Capos, President  
The Landings Management Association, Inc.  
1724 Starling Drive  
Sarasota, Florida 34231

**Re: Eagles Nest Area (Tract F) - Use of Restriction**

Dear Mr. Capos:

Please be advised that I have been engaged by a group of property owners whose homes abut the Eagles Nest Area described as "Tract F" in various documents recorded in connection with the development of The Landings. I have been engaged in direct response to the apparent attempt by The Landings Management Association to amend the Declaration of Maintenance, Covenants and Restrictions on the Commons for The Landings (the "Declaration") in a manner which would purport to substantively alter the language in the Declaration having to do with Tract F. In that regard, I have been furnished with copies of various correspondence between attorneys Michael Hartenstine and Chad McClenathen addressing the issue, as well as a copy of proposed amendments to the Declaration which purport to change and re-number paragraph 29 of the Declaration to restate same as paragraph 22. While I have not seen any indication that the proposed amendment has been recorded in the public records, it is my understanding that The Landings Management Association either has or intends to proceed with passage and recordation of the proposed amendment.

The reason for concern on my clients' part as to the future of Tract F should be self-evident. Tract F is completely surrounded by my clients' homes and most, if not all, of my clients' homes are situated in order to take advantage of the pristine views and privacy offered by the preserve. My clients purchased their homes in the belief and in reliance upon the fact that the area would remain essentially untouched and inaccessible except for the very limited purposes described in paragraph 29 of the Declaration.

April 21, 2010

Page 2

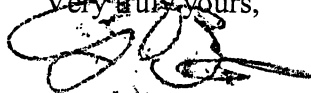
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Whether intentionally or not, the proposed amendment to the Declaration has the potential to substantively alter the future restrictions on use of Tract F. More importantly, given the insistence on passage of this amendment over the objections by my clients and prior counsel, Mr. Hartenstine, coupled with the failure and refusal of The Landings Management Association to replace the fence and gate which restricted access to the Tract for many years, my clients are concerned about the intent of The Landings Management Association Board (and future Boards) with regard to Tract F. Simply stated, the restrictions embodied in paragraph 29 of the Declaration are an important property right that my clients intend to protect at all costs. Although it is not the purpose of this letter to debate the legal issues addressed by prior counsel for the parties in their correspondence, suffice it to say that it is my belief that the legal position outlined in Mr. Hartenstine's prior correspondence is sound, well reasoned and would be adopted by the court in the event that the matter were litigated.

It is not my clients' desire to engage The Landings Management Association in litigation over this matter. It is, however, imperative to my clients that any issues regarding the future use of Tract F be fully and finally determined in a manner consistent with the development plan and the Tract F restrictions as embodied in paragraph 29 of the Declaration. There are a variety of ways in which this goal can be accomplished and I am amenable to working with The Landings Management Association Board and its counsel to achieve an amicable resolution which will bring certainty and finality to this matter for all concerned. Please be advised, however, in the event that we are unable to resolve this matter amicably through negotiation, I have been authorized by my clients to pursue an action for declaratory relief through the courts. I am truly hopeful that this will not be necessary and that this matter can be resolved in a neighborly fashion with resultant benefits to all.

I would appreciate hearing from you or your legal counsel in response to this letter by May 15, 2010. Since I am aware that Mr. McClenathen has previously represented The Landings Management Association in connection with this matter, I have taken the liberty of copying him on this correspondence.

Very truly yours,



CHARLES J. BARTLETT  
For the Firm

*Dictated but not read.  
Signed in his absence to  
avoid delay in delivery.*

CJB/tkh

cc: clients;  
Chad McClenathen, Esq.