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(Requestor's Name)

(Address)

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(City/State/Zip/Phone #)

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PICK-UP

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MAIL

(Business Entity Name)

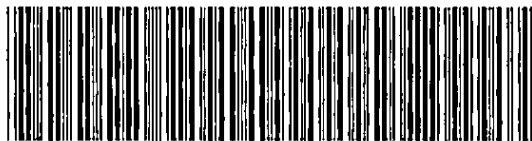
(Document Number)

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09/13/21--01038--014 **67.50

FILED
2021 OCT 20 PM 4:17
ATLANTA, GEORGIA

K. SALY
T-1



FLORIDA DEPARTMENT OF STATE
Division of Corporations

September 24, 2021

ATTORNEY BRYONY G. SWIFT
PORGES, HAMLIN, KNOWLES & HAWK, P.A.
1205 MANATEE AVE. WEST
BRADENTON, FL 34205

SUBJECT: TOMOKA HEIGHTS & DESIGN OF "TOMOKA HEIGHTS" IN TIMES
NEW ROMAN CAPITALS, WITH A MALE MALLARD TAKING FLIGHT
BETWEEN THE TWO WORDS. DUCK FACES THE WORD "TOMOKA" WITH
WINGS OUTSTREACHED
Ref. Number: W21000128871

We have received your document for TOMOKA HEIGHTS & DESIGN OF
"TOMOKA HEIGHTS" IN TIMES NEW ROMAN CAPITALS, WITH A MALE
MALLARD TAKING FLIGHT BETWEEN THE TWO WORDS. DUCK FACES
THE WORD "TOMOKA" WITH WINGS OUTSTREACHED and your check(s)
totaling \$87.50. However, the enclosed document has not been filed and is being
returned for the following correction(s):

Class(es) 35 would appear applicable to your specific mark. Please delete the
class(es) you have on line 2 (d) and insert the pertinent class(es) 35.

In Part II(1) a & b we need a month, a day, and a year for the date the mark was
first used anywhere and for the date it was first used in Florida.

Pursuant to s. 495.035(5), F.S., this application will be considered abandoned if
the applicant fails to reply or resubmit the corrected/amended application within
three months from date of this letter.

If you have any questions concerning the filing of your document, please call
(850) 245-6051.

Karen A Saly
Regulatory Specialist II

Letter Number: 521A00023215

JASON M. DEPAOLA
CURTIS D. HAMLIN* #
MARY R. HAWK*
TIMOTHY A. KNOWLES
GREGORY J. PORGES**
BRYONY G. SWIFT
JAMES C. TURFFS

OF COUNSEL:
ALAN H. PRATHER**



PORGES, HAMLIN,
KNOWLES & HAWK, P.A.

October 18, 2021

OFFICE ADDRESS
1205 MANATEE AVENUE WEST
BRADENTON, FL 34205
TEL.: (941) 748-3770
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*BOARD CERTIFIED REAL ESTATE LAWYER
#BOARD CERTIFIED IN CONDOMINIUM
AND PLANNED LAND DEVELOPMENT LAW
**BOARD CERTIFIED IN CITY, COUNTY AND
LOCAL GOVERNMENT LAW
*FLORIDA SUPREME COURT CERTIFIED
CIRCUIT CIVIL MEDIATOR
CERTIFIED ARBITRATOR
ALSO ADMITTED IN GEORGIA
**ALSO ADMITTED IN NEW YORK

Division of Corporations
Regulatory Specialist Karen Saly
P.O. Box 6327
Tallahassee, FL 32314

RE: Tomoka Heights Application for Registration of Service Mark
Reference Number W21000128871

Dear Regulatory Specialist Saly,

I am in receipt of your Letter Number 521A00023215 requesting amendments to the Tomoka Heights Owners Association's Application for Registration of Service Mark filed on or about September 3, 2021. Enclosed is the Amended Application for Registration of Service Mark with the changes made. Please let me know if you need anything further in this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Bryony G. Swift', with a long horizontal line extending to the right.

Bryony G. Swift
Associate Attorney
bgs@phkhlaw.com

Encl.

RECEIVED
OCT 20 2021

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Service Mark for Tomoka Heights Owners Association, Inc.

(Mark to be registered)

The enclosed Trademark/Service Mark Application, specimens and fee(s) are submitted for filing.

Please return all correspondence concerning this matter to the following:

Attorney Bryony G. Swift

(Name of Person)

Porges, Hamlin, Knowles & Hawk, P.A.

(Firm/Company)

1205 Manatee Ave West

(Address)

Bradenton, FL 34205

(City/State and Zip Code)

For further information concerning this matter, please call:

Bryony Swift

941

748-3770

at (

(Name of Person)

(Area Code & Daytime Telephone Number)

Mailing Address:

Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Street Address:

Registration Section
Division of Corporations
The Centre of Tallahassee
2415 N. Monroe Street, Suite 810
Tallahassee, FL 32303

(NOTE: The information contained in this cover letter will be included in the permanent record and will be available to the general public.)

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

TO: Division of Corporations
Post Office Box 6327
Tallahassee, FL 32314

FILED
2021 OCT 20 PM 4:17
TALLAHASSEE, FLORIDA

PART I

1. OWNER/APPLICANT: Enter the name and address of the individual or the business entity to be listed as the owner of the Trademark and/or Service Mark on the records of the Florida Department of State.

(a) Owner's/Applicant's name: Tomoka Heights Owners Association, Inc.

(b) Owner's/Applicant's business address: 108 Brentwood Drive South

Lake Placid, FL 33852

City/State/Zip

If different, Owner's/Applicant's mailing address:

City/State/Zip

(c) Owner's/Applicant's telephone number: (941 -) 748-3770

Check the appropriate box to indicate the Owner/Applicant is a(n):

☐ Individual ☒ Corporation ☐ Joint Venture ☐ Limited Liability Company
☐ General Partnership ☐ Limited Partnership ☐ Union ☐ Other:

If the Owner/Applicant is a business entity, the business entity must have an active filing or registration on file with the Florida Department of State. If the Owner/Applicant is not an individual, enter the business entity's Florida registration/document number in #1, the state or country under the laws of which the business entity is currently formed, organized or incorporated under in #2, and the entity's federal employer identification number (EIN) in #3.

(1) Florida registration/document number: 766602

(2) Domicile State or Country: Highlands County, Florida

(3) Federal Employer Identification Number: 59-2528916

2. (a) SERVICE MARK: If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with a type of service, the mark is a service mark. If the mark is a service mark, the applicant/owner must list the specific service(s) the mark is being used in connection with. For example: furniture moving services, diaper services, house painting services, wholesale and retail sales of tractor equipment, etc. If the owner/applicant is using the mark to identify services available in the market place, enter the specific service(s) being rendered here:

(Note: List only those services currently being rendered by the owner/applicant. Do not include future services.)

Promotion of community to potential buyers; operation of community website; publication of community newsletter;

Management of recreational facilities; enforcement of covenants; leasing of event space and Lakeside Pavillion;

Planned social activities; maintenance of facilities and grounds including tennis courts, shuffleboard, swimming pool and clubhouse,

bocce and pickleball courts.

2. (b) TRADEMARK: If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with an actual product manufactured by the owner/applicant or on the owner/applicant's behalf, the mark is a trademark. If the mark is a trademark, the applicant/owner must list the specific product(s) the name, logo, design and/or slogan is being used to identify. For example: ladies sportswear, cat food, barbecue grills, shoe laces, etc. If the owner/applicant is using the name, logo, design and/or slogan to identify goods available in the market place, enter the specific product(s) the name, logo, design and/or slogan is being used to identify:

(Note: List only those product(s) currently available. Do not include future products.)

2. (c) HOW IS THE NAME, LOGO, DESIGN AND/OR SLOGAN CURRENTLY USED:

SERVICE MARKS: If the name, logo, design and/or slogan are/is being used in connection with a type of service, you must specify the form(s)/mean(s) of advertisement the applicant/owner is using to advertise the services to the general public. For example: newspaper advertisements, business cards, brochures, flyers, pamphlets, menus, etc. If the mark is being used in connection with a type of service, state how the name, logo, design and/or slogan are/is being used in advertising here:

Mark is used on brochures, flyers, maps, community newsletters, contracts, policy statements and signage.

TRADEMARKS: If the name, logo, design and/or slogan are/is being used to identify a product manufactured by or for the applicant/owner, you must specify how the mark is applied or affixed to the actual product or its packaging. For example: a tag, label, imprinted or engraved on the actual product, etc. If the mark is being used in connection with a specific product, state how the name, logo, design and/or slogan is applied or affixed to the actual product(s) or the packaging:

2. (d) FEE(S) AND CLASS(ES): There are a total of 45 classes or categories in which all products or services must be categorized. The fee to register a mark is \$87.50 per class. Make check payable to Florida Department of State.

List the class(es) which apply to the product(s) and/or service(s) listed in 2(a) and/or 2(b) above:

Class 36

PART II

1. You must state the date the name, logo, design and/or slogan was first used in the state of Florida, and, if it was used in another state or country, the date you first used the name, logo, design and/or slogan in the other state or country. Enter the month, day, and year the name, logo, design and/or slogan was first used by the applicant/owner, the predecessor, or a related company in Florida. If the name, logo, design and/or slogan has been used in another state or country, then you must also enter the month, day, and year the name, logo, design and/or slogan was/were used in another state or country, when applicable.

Note: The Florida Statutes require a mark to be in use prior to registration.

(a) Date first used in other state or country, if applicable: _____

(b) Date first used in Florida: 6/16/1983

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OCT 20 PM 4:11
TAMPA, FLORIDA

PART III

ENTER NAME, LOGO, DESIGN AND/OR SLOGAN BEING REGISTERED:

1. Enter the name, a brief description of the logo or design, and/or the slogan you are registering. The description of the logo and/or design must be 25 words or less. List the exact name, slogan, and/or description of the logo/design here: (NOTE: The name, logo, design and/or slogan listed in this section must match the exact name, logo, design and/or slogan listed on your specimens or examples.)

Times New Roman capitals two words, "TOMOKA HEIGHTS" with male mallard duck taking flight between these two words.

Duck facing word Tomoka with wings outstretched.

Provide the English translation of any and all terms listed #1 above, when applicable: _____

2. DISCLAIMER STATEMENT (if applicable):

Your mark may include a word or design that is commonly used by others. Commonly used terms or designs must be disclaimed. When you disclaim a specific term or design, you are acknowledging this term is commonly used by others and that you do not claim the exclusive right to use the disclaimed term or design. All geographical terms and representations of cities, states or countries must be disclaimed (i.e., Miami, Orlando, Florida, the design of the state of Florida, the design of the United States of America, etc.). Corporate suffixes and terms readily associated with the specific product(s) and/or(s) service being provided must also be disclaimed.

Enter all terms listed in #1 above which require a disclaimer in the space provided below:

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM(S)" _____

_____ " APART FROM THE MARK AS SHOWN.

3. ATTACH OR INCLUDE THREE SPECIMENS OR EXAMPLES OF THE TRADEMARK OR SERVICE MARK BEING REGISTERED .

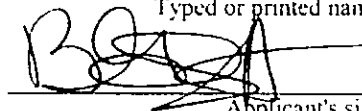
Chapter 495, F.S., requires you to submit three specimens (samples or examples) of the mark in use. You must submit three specimens FOR EACH CLASS listed in Part I #2(d). The name, logo, design and/or slogan on the specimens must be identical to the name, logo, design and/or slogan being registered. You may provide three identical specimens or three different specimens. For each service mark class (classes 35-45), you may provide three newspaper advertisements, business cards, brochures, flyers, or any combination thereof. For each trademark class (classes 1-34), you may provide three tags, labels, boxes, etc. or any combination thereof. Photographs of bulky specimens are acceptable if the mark being registered and the good(s) or product(s) are clearly legible.

SIGNATURE OF APPLICANT/OWNER AND NOTARIZATION:

I, Brvony G. Swift being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and to the best of my knowledge no other person except a related company has registered this mark in this state or has the right to use such mark in Florida either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person to cause confusion, to cause mistake or to deceive. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct.

Brvony G. Swift

Typed or printed name of applicant



Applicant's signature
(List name and title)

STATE OF FLORIDA
COUNTY OF MANATEE

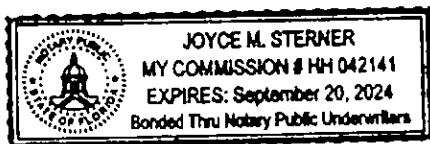
Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this (numeric date) this 18th day of October, 2021, by (Brvony G. Swift).

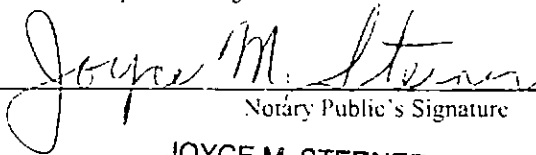
numeric date

month

year

name of person making statement





Notary Public's Signature

JOYCE M. STERNER

Notary Public's Printed Name

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____

FILING FEE: \$87.50 per class

FILED
2021 OCT 20 PM 4:17
CLERK OF DISTRICT COURT
MANATEE COUNTY, FLORIDA

TOMOKA HEIGHTS
OWNERS ASSOCIATION INC.

108 Brentwood Drive South, Lake Placid, Florida 33852 ~ 863-465-6712

CLUBHOUSE RESERVATION CONTRACT

FOR PRIVATE GATHERINGS

Applicant Name: _____

Address: _____

Phone: _____ E-Mail: _____

Name of Event: _____ Date: _____ Hours: _____

Attendees: Property Owners: _____ Family Members _____ Tenants/Guests _____

Use Fee: \$100.00 Refundable Clean-up Deposit: \$50.00

(Two separate checks made out to "THOA".)

I am aware of the "Guidelines & Rules For the Use of Tomoka Heights Common Areas", specifically of the Clubhouse as listed on the reverse side of this contract and I agree to abide by these rules. I understand my failure to do so is grounds for cancellation of the planned event as well as justification for refusal to grant me permission to plan other functions at a later date. I hereby assert that I will assume full responsibility for any accidents or injuries that occur during my use of the facility and that no claim will be made against Tomoka Heights Owners Association, Inc. because of any such accidents or injuries. I further agree to indemnify and hold harmless the Tomoka Heights Activities Organization for any claim, demand, or damages on account of such accidents or injuries during my use of the facility.

Signature of Applicant: _____ Date: _____

For Office Use Only

Approval of Event: Activities Organization: _____ Date: _____

Board of Directors: _____ Date: _____



TOMOKA HEIGHTS

OWNERS ASSOCIATION INC.

108 Brentwood Drive South, Lake Placid, Florida 33852 ~ 863-465-6712

GUIDELINES FOR CLUBHOUSE USE AND CLEAN-UP

Reserving the Tomoka Heights Clubhouse for a private gathering will follow these guidelines:

The Applicant of the reservation will report the number of people invited to the gathering, and those invited must include residents of the Community, as well as family and friends of the applicant.

___ A Clubhouse reservation reserves the use of the main meeting room and kitchen only.

___ Clubhouse entrances and exits must not be locked or blocked.

___ Equipment such as cutlery, china, cooking equipment, tables and chairs are available for use. The ovens may be used to reheat food and/or keep food warm.

___ Those reserving the Clubhouse for a private event must provide their own paper products, foodstuffs and beverages. Alcohol cannot be served in the Clubhouse. BYOB only.

___ Clean-up must include:

Leave the kitchen clean.

Clean and return any equipment to its proper storage area.

Replace chairs and tables as they were before your event.

Vacuum the meeting room and leave it in order. Vacuum or mop the kitchen floor.

Remove all trash in bags and place in dumpster. Reline garbage can with clean plastic bag.

___ If you have changed the thermostat for comfort, return it to 80 degrees before you leave.

___ If this is an evening event and it is 8:00 or after, turn off lights and lock the doors before leaving. Please do not leave the door unlocked for safety purposes.

___ Your clean-up fee will be refunded if no clean-up by the Association is necessary.

___ Young people are welcome and must always be in the presence of a responsible adult, preferably a Tomoka Heights owner or resident.