

639834

RECORDED IN THE PUBLIC
RECORDS OF FLORIDA

OCT 4 2 54 PM 1983

PAUL J. HARRIS
CLERK OF CIRCUIT COURT

DR1084PG2387

THIRD DECLARATION
OF RESTRICTIVE COVENANTS

OF

VILLAS, PHASE II

at Tallahassee, Leon County, Florida

THIS Third Declaration of Restrictive Covenants, made this
3rd day of October, 1983, by EVERHART CONSTRUCTION
COMPANY, INC., a Florida corporation, hereinafter referred to as
"Declarant" for itself, its successors, grantees and assigns.

W I T N E S S E T H:

WHEREAS, Declarant has heretofore recorded restrictive
covenants on those certain lands known as The Villas, Unit No. 2,
as recorded in Official Records Book 935 at Page 1773, in the
Public Records of Leon County, Florida, the lands being covered
by said Declaration being described therein by that Exhibit "A"
attached thereto (said Declaration being sometime herein called
the "First Declaration"); and

WHEREAS, pursuant to the provisions of paragraph 51 of the
First Declaration, Declarant has the right and authority to cause
the First Declaration to be applicable to additional lands, which
lands are contiguous to the lands originally impressed with such
restrictions by the First Declaration and may further modify the
said First Declaration; provided, however, that no modification
shall be applicable to the lands initially covered by the First
Declaration but shall be applicable only to the additional lands
so impressed with such restrictive covenants; and

WHEREAS, Declarant now desires to add an additional parcel
of real property to be impressed with the First Declaration
subject to the modifications hereinafter set forth.

NOW, THEREFORE, in consideration of the above set forth
premises, Declarant does hereby adopt by reference that certain

OR1084PG2388

Declaration of Restrictive Covenants as recorded in Official Records Book 935 at Page 1773, which is hereby incorporated as if fully set forth herein (the First Declaration) and the property described in Exhibit "1" attached hereto shall be impressed and Declarant does hereby impose upon said property the restrictive covenants, obligations, covenants and conditions set forth and provided for herein. The First Declaration is adopted and shall be applied to the lands described in Exhibit "1" subject only to the modifications of the First Declaration as set forth herein and to the degree that any modification or other provision herein is inconsistent with the First Declaration, then this Third Declaration shall control as to any such inconsistency. This instrument shall be referred to as the Third Declaration.

1. The lands covered by this Third Declaration are described in Exhibit "1" attached hereto and by reference made a part hereof.

2. The said lands shall be from time to time referred to herein as the "Property". When the "property" is referred to in the First Declaration it shall also mean the "property" herein described.

3. Paragraphs 1, 4, 5, 7, 8, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 50, 51, 52, 53, 54, and 55 of the First Declaration are hereby adopted without change or modification and by the provisions hereof made applicable to the additional lands described in Exhibit "1" of the Property.

4. Paragraph 2 is adopted and modified as follows:

"Declarant intends to improve the real property by constructing thereon certain buildings and other improvements. Declarant further intends to impose upon such property mutually beneficial restrictions under a general plan for the benefit of all parcels of real property and subsequent purchases thereof. There are no common areas as hereinafter defined within the Property being impressed by this Third Declaration. However, pursuant to the terms and provisions of the First Declaration and by the provisions hereof, Declarant does hereby grant and give unto the owners of the Property covered

by this Third Declaration and subsequent purchasers thereof, all rights relating to the use of the common property owned by the Homeowners Association referred to in the First Declaration and in the Third Declaration by reference, to be used in accordance with the rules and regulations of the Homeowners Association".

5. Paragraph 6 of the First Declaration is adopted in full except that the last sentence thereof is modified so that the Exhibit "C" attached to this Third Declaration shall be the Exhibit "C" therein referred to applicable to the Property covered by the Third Declaration.

6. Paragraph 9 is adopted in full except that Exhibit "C" referred to therein in the First Declaration shall be deleted and the Exhibit "E" attached to the Third Declaration shall be the Exhibit "C" applicable to the lands covered by this Third Declaration and the Exhibit "1" shall likewise be substituted so that the Exhibit "A" referred to in paragraph 9 in the First Declaration shall, for purposes of this property covered by the Third Declaration, be the Exhibit "A" attached hereto.

7. Paragraph 11 is adopted in full except it is modified hereby to recognize that Villas Homeowners Association, Inc., has been and is now an existing non-profit Florida corporation. Each homeowner as defined in the First Declaration shall upon purchase of property covered by the Third Declaration automatically become a member of the Association subject to all the terms, covenants, provisions and conditions of the First Declaration as adopted and incorporated by this Third Declaration.

8. Paragraph 15 is adopted in full without change except that the maximum annual assessment shall be \$80.00 per month per home and the following sentence shall be deemed added to the end of paragraph 15:

"Notwithstanding anything to the contrary herein provided, those houses covered by this Third Declaration shall always be not more than, nor less than, one hundred sixteen percent (116%) of the assessment made against those houses covered solely by the First Declaration".

9. Paragraph 46 is adopted as it exists except that the time limit provided for in the first sentence having expired, the

DR1084PG2390

first sentence is hereby deleted.

10. Paragraph 49 is hereby adopted except that it is acknowledged that the time limits provided for therein have expired and the Homeowners Association shall be turned over to the homeowners in full at the next annual meeting. Declarants shall have a vote for each house and lot on the Property described in Exhibit "1" attached to this Third Declaration as well as a vote for any house or lot that Declarant still owns in the lands covered solely by the First Declaration.

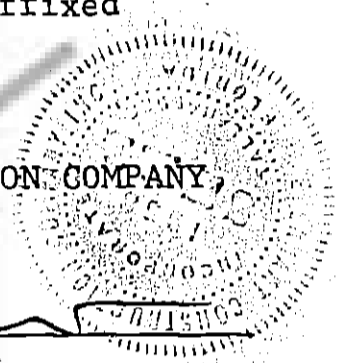
IN WITNESS WHEREOF, the Declarant EVERHART CONSTRUCTION COMPANY, INC., has caused this Third Declaration of Restrictive Covenants to be executed and its corporate seal to be affixed the day and year first above written.

WITNESSES:

EVERHART CONSTRUCTION COMPANY, INC.

Edgar B. Baker
J. H. Sanders

By: *Lee A. Everhart*
Lee A. Everhart
Its President



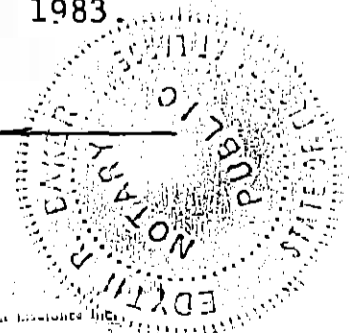
STATE OF FLORIDA,
COUNTY OF LEON.

I HEREBY CERTIFY that on this day, before me, a Notary Public duly authorized in the State and County aforesaid to take acknowledgements, personally appeared LEE A. EVERHART, to me known to be the person described as President of EVERHART CONSTRUCTION COMPANY, INC., in and who executed the foregoing THIRD DECLARATION OF RESTRICTIVE COVENANTS, and acknowledged before me that that person executed the foregoing THIRD DECLARATION OF RESTRICTIVE COVENANTS in the name of and for that Corporation, affixing the corporate seal of that Corporation thereto; that as such corporate officer that person is duly authorized by that Corporation to do so; and that the foregoing THIRD DECLARATION OF RESTRICTIVE COVENANTS is the act and THIRD DECLARATION OF RESTRICTIVE COVENANTS of that Corporation.

WITNESS my hand and official seal in the County and State named above this 3rd day of October, A.D. 1983.

Edgar B. Baker
NOTARY PUBLIC

My Commission expires:
7-10-84



Notary Public
Bounded Area Only - Not to be used for other purposes

EXHIBIT 1.

TRACT D, LOT 14

Commence at the Southwest corner of Lot 14 of Villas Unit 2, a subdivision as per map or plat thereof recorded in Plat Book 8, Page 34 of the Public Records of Leon County, Florida, and run thence North 89 degrees 59 minutes 11 seconds East (bearing base) along the Southerly boundary of said Lot 14 a distance of 182.06 feet to an iron pin for the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 02 minutes 23 seconds East 130.73 feet to an iron pin on the Southerly right of way boundary of Villas Court Northeast (50 foot right of way), thence North 89 degrees 59 minutes 11 seconds East along said Southerly right of way boundary 43.5 feet to a concrete monument, thence South 00 degrees 02 minutes 23 seconds West 130.73 feet to a concrete monument on the Southerly boundary of said Lot 14, thence South 89 degrees 59 minutes 11 seconds West along said Southerly boundary 43.5 feet to the POINT OF BEGINNING: containing 5687 Sq.Ft.

Bearings and source of information were taken from Villas Unit 2 as recorded in Plat Book 8, Page 34 of the Public Records of Leon County, Florida.

TRACT E, LOT 14

Commence at the Southwest corner of Lot 14 of Villas Unit 2, a subdivision as per map or plat thereof recorded in Plat Book 8, Page 34 of the Public Records of Leon County, Florida, and run thence North 89 degrees 59 minutes 11 seconds East (bearing base) along the Southerly boundary of said Lot 14 a distance of 138.56 feet to a concrete monument for the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 02 minutes 23 seconds East along the Easterly boundary of Tract C (unrecorded lot) of said Lot 14 a distance of 130.73 feet to a concrete monument on the Southerly right of way boundary of Villas Court Northeast (50 foot right of way), thence North 89 degrees 59 minutes 11 seconds East along said Southerly right of way boundary 43.5 feet to an iron pin, thence South 00 degrees 02 minutes 23 seconds West 130.73 feet to an iron pin to the Southerly boundary of said Lot 14, thence South 89 degrees 59 minutes 11 seconds West along said Southerly boundary 43.5 feet to the POINT OF BEGINNING: containing 5687 Sq.Ft.

Bearings and source of information taken from Villas Unit 2 as recorded in Plat Book 8, Page 34 of the Public Records of Leon County, Florida.

BROWARD DAVIS & ASSOC., INC.

PLANNING • SURVEYING • ENGINEERING
DEVELOPMENT MANAGEMENT

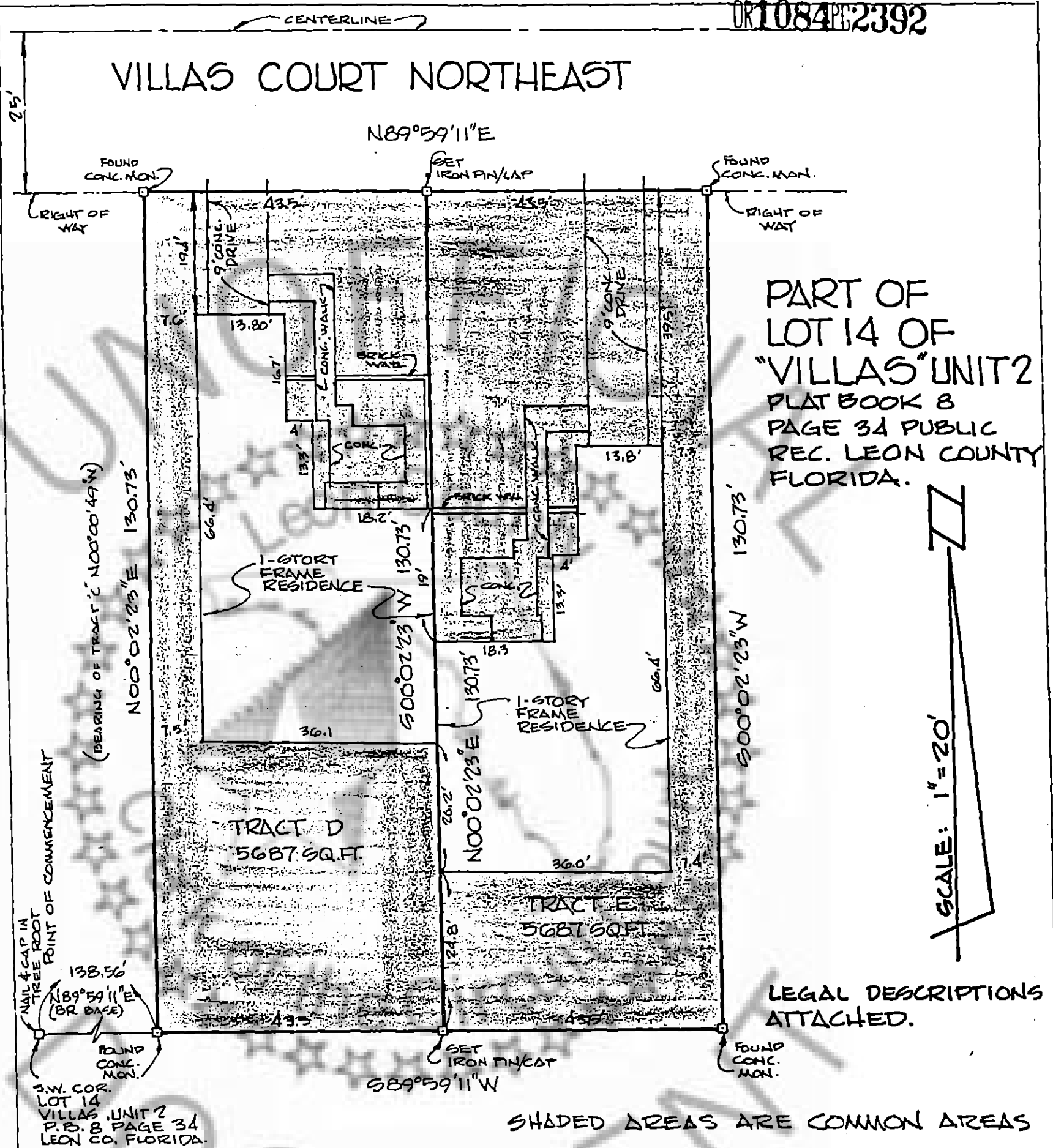
2414 Mahan Drive
P. O. Box 12367
Tallahassee, Florida 32308

904-878-4195
904-877-5900

CLIENT
EVERHART CONSTRUCTION

SHEET TITLE
BOUNDARY SURVEY

OR1084PG2392



Bearings and source of information were taken from The Villas Unit 2 as recorded in Plat Book 8, Page 34 of the Public Records of Leon County, Florida.

I hereby certify that the survey shown hereon meets the Minimum Technical Standards for Land Surveying (F.A.C. 21HH-6).

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE PROPERTY SHOWN HEREON AND THAT THERE ARE NO ENCROACHMENTS THEREON EXCEPT AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR THE BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES SHOWN.

EXHIBIT "C"

NOTEBOOK	817/69
JOB NO.	76-042
PSR NO.	3139

APPROVED and SIGNED	<i>[Signature]</i>
Date	23 SEPT. 1983

SHEET	1 OF 3
-------	--------