

DR1092PG1150

**FOURTH DECLARATION
OF RESTRICTIVE COVENANTS**

OF

VILLAS, PHASE II

at Tallahassee, Leon County, Florida

THIS Fourth Declaration of Restrictive Covenants, made this 2nd day of December, 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 Declaration of Restrictive Covenants as recorded in Official

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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 modifications or other provision herein is inconsistent with the First Declaration, then this Fourth Declaration shall control as to any such inconsistency. This instrument shall be referred to as the Fourth Declaration.

1. The lands covered by this Fourth 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 Fourth 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

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this Second Declaration and subsequent purchases 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 Fourth 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 Fourth Declaration shall be the Exhibit "C" therein referred to applicable to the Property covered by the Fourth 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 "C" attached to the Fourth Declaration shall be the Exhibit "C" applicable to the lands covered by this Fourth Declaration and the Exhibit "1" shall likewise shall 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 Fourth 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 Fourth 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 Fourth 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 Fourth 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".

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

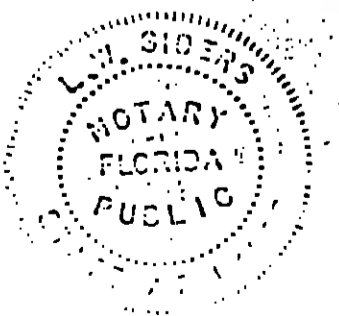
Caree M. Anderson
Mary K. Hampton

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 acknowledgments, 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 FOURTH DECLARATION OF RESTRICTIVE COVENANTS, and acknowledged before me that that person executed the foregoing FOURTH 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 FOURTH DECLARATION OF RESTRICTIVE COVENANTS is the act and FOURTH DECLARATION OF RESTRICTIVE COVENANTS of that corporation.

WITNESS my hand and official seal in the County and State named above this 2nd day of December, A.D. 1983.



L.W. Siders
NOTARY PUBLIC
10-27-86
My Commission Expires:

Notary Public, State of Florida
My Commission Expires Oct. 27, 1986
Bonded thru Troy Fain Insurance, Inc.

RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
DEC 2 2 26 PM 1983
PAUL J. ...
CLERK OF CIRCUIT COURT

647524

EXHIBIT "1"

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VILLAS UNIT 2

Tract F, Lot 14

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

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

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 225.56 feet to a concrete monument for the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 02 minutes 23 seconds East 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 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.

AND

VILLAS UNIT 2

Tract G, Lot 14

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

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

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 269.06 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 an iron pin, 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.

EXHIBIT "1"

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 CO.

SHEET TITLE
BOUNDARY SURVEY

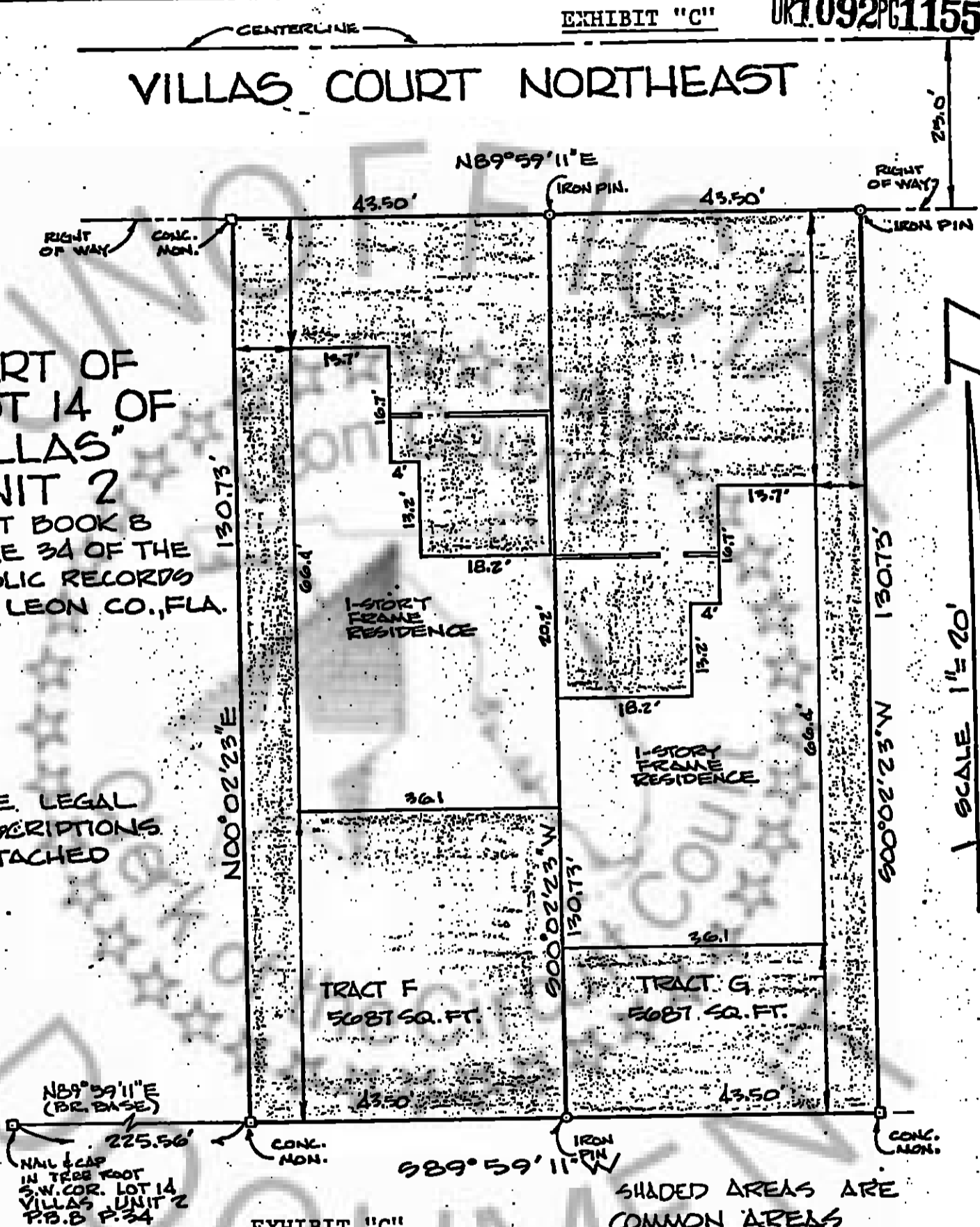
EXHIBIT "C"

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VILLAS COURT NORTHEAST

PART OF
 LOT 14 OF
 "VILLAS"
 UNIT 2
 PLAT BOOK 8
 PAGE 34 OF THE
 PUBLIC RECORDS
 OF LEON CO., FLA.

SEE LEGAL
 DESCRIPTIONS
 ATTACHED



SHADED AREAS ARE
 COMMON AREAS

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.

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.

NOTEBOOK	817/71
JOB NO.	76-042
DATE	3/7/74

APPROVED and SIGNED
[Signature]
 REGISTERED LAND SURVEYOR
 FLORIDA REG. NO. 2000
 21 NOVEMBER 1933
 Date

SHEET
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