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RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.

MAY 16 12 54 PM 1984

PAUL S. WOODFIELD
CLERK OF CIRCUIT COURT

FIFTH DECLARATION
OF RESTRICTIVE COVENANTS
OF

VILLAS, PHASE II
at Tallahassee, Leon County, Florida

THIS Fifth Declaration of Restrictive Covenants, made this
15th day of May, 1984, 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 herein 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.

OR1114PG1252

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 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 Fifth Declaration shall control as to any such inconsistency. This instrument shall be referred to as the Fifth Declaration.

1. The lands covered by this Fifth 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 Fifth 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 Fifth 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 Fifth 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 Fifth Declaration shall be the Exhibit "C" therein referred to applicable to the Property covered by the Fifth 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 Fifth Declaration shall be the Exhibit "C" applicable to the lands covered by this Fifth 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 Fifth 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 Fifth 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 Fifth 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:

OR1114PG1254

"Notwithstanding anything to the contrary herein provided, those houses covered by this Fifth 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 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 Fifth 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 Fifth 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

Carol M. Anderson

By:

Lee A. Everhart

Susan 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 FIFTH DECLARATION OF RESTRICTIVE COVENANTS, and acknowledged before me that that person executed the foregoing FIFTH 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 FIFTH DECLARATION OF RESTRICTIVE COVENANTS is the act and FIFTH DECLARATION OF RESTRICTIVE COVENANTS of that Corporation.

WITNESS my hand and official seal in the County and State named above this 15th day of May, A.D. 1984.

My Commission expires:

Susan A. Everhart
NOTARY PUBLIC

Notary Public, State of Florida
My Commission Expires Dec. 8, 1984
Bounded IPM Toy Fair Insurance, Inc

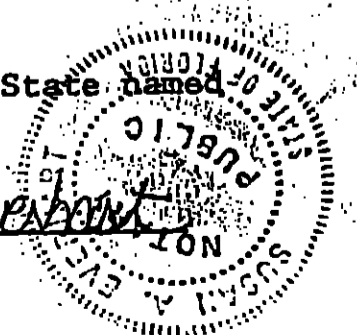


EXHIBIT I

DR1114PC1255

TRACT H, Lot 14

Commence at a nail and cap in a tree root marking the Southwest corner of said Lot 14 and run North 89 degrees 59 minutes 11 seconds East along the South boundary of said Lot 14 a distance of 312.56 feet to a concrete monument for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 89 degrees 59 minutes 11 seconds East along said South boundary 49.00 feet to a concrete monument, thence North 00 degrees 00 minutes 49 seconds West 130.73 feet to a concrete monument on the South right of way boundary of Villas Court Northeast, thence South 89 degrees 59 minutes 11 seconds West along said right of way boundary 49.00 feet to an iron pipe, thence South 00 degrees 00 minutes 49 seconds East 130.73 feet to the POINT OF BEGINNING; containing 0.15 acre, more or less.

Bearings are based on the South boundary of Lot 14 of The Villas Unit 2 as recorded in Plat Book 8, Page 34 of the Public Records of Leon County, Florida.

TRACT I, Lot 14

Commence at a nail and cap in a tree root marking the Southwest corner of said Lot 14 and run North 89 degrees 59 minutes 11 seconds East along the South boundary of said Lot 14 a distance of 361.56 feet to a concrete monument for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 89 degrees 59 minutes 11 seconds East along said South boundary 41.80 feet to a concrete monument, thence North 00 degrees 00 minutes 49 seconds West along a line 8 feet West of and parallel with the East boundary of said Lot 14 a distance of 114.92 feet to a concrete monument on a curve concave to the Northeasterly on the Southerly right of way boundary of Villas Court Northeast, thence Northwesterly along said right of way curve with a radius of 50.00 feet, through a central angle of 24 degrees 42 minutes 59 seconds for an arc distance of 21.57 feet (the chord of said arc begin North 42 degrees 22 minutes 18 seconds West 21.40 feet) to a nail and cap, thence South 89 degrees 59 minutes 11 seconds West along the Southerly right of way boundary of said Villas Court Northeast a distance of 27.38 feet to a concrete monument, thence South 00 degrees 00 minutes 49 seconds East 130.73 feet to the POINT OF BEGINNING; containing 0.12 acre, mor or less.

Bearings are based on the South boundary of Lot 14 of The 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 32317

904-878-4195
904-877-5900

CLIENT

EVERHART CONST. CO

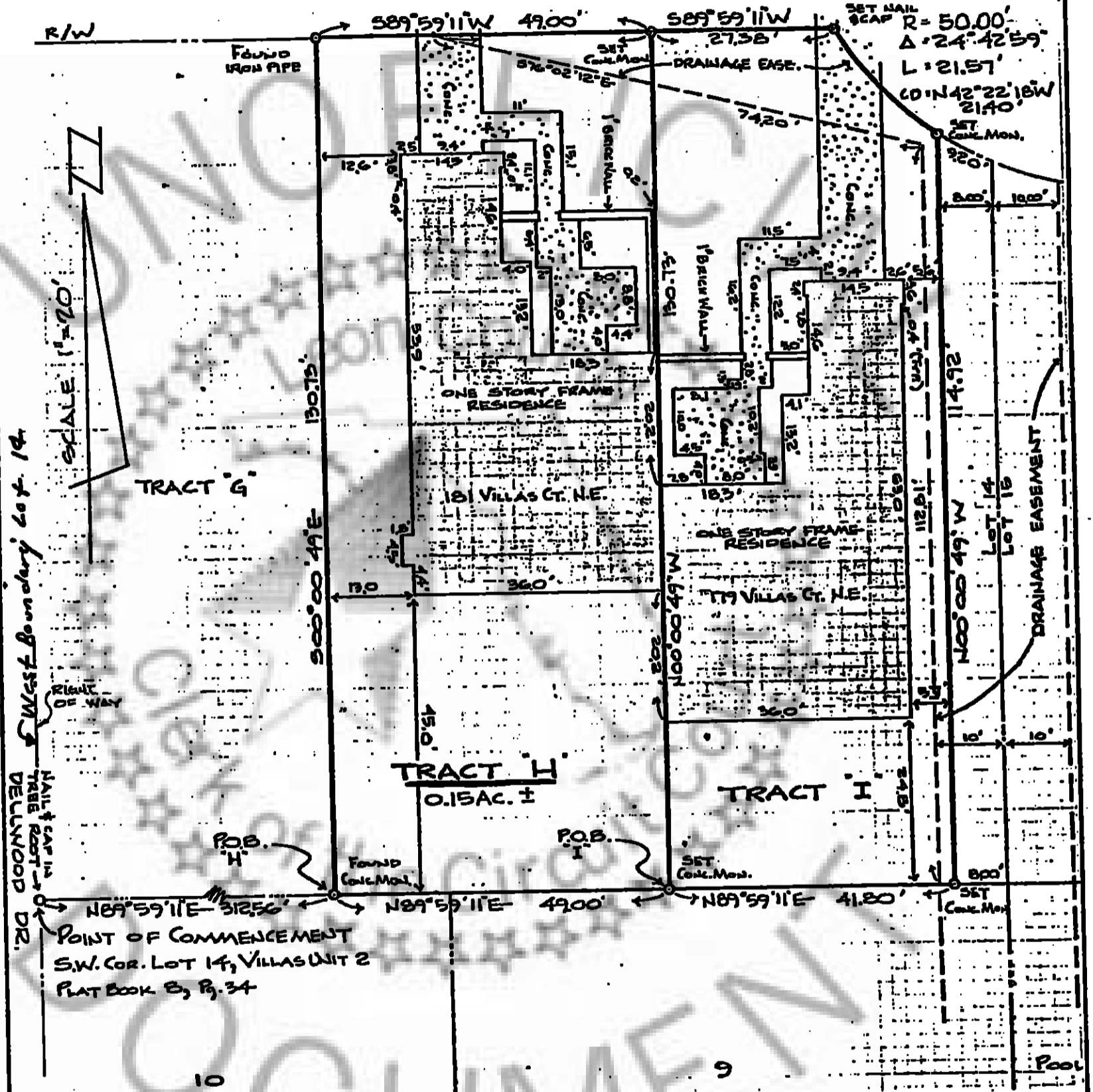
SHEET TITLE

SURVEY OF PROPERTY

CENTERLINE

OR1114PG1256

VILLAS COURT NORTHEAST



I hereby certify that the survey 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.

No attempt has been made to locate improvements except as shown.

NOTEBOOK	862/46-47
JOB NO.	76-042
PSR NO.	3587

APPROVED and SIGNED	<i>[Signature]</i>
REGISTERED LAND SURVEYOR	1254
FLORIDA REG. NO.	1254
Date	12 APRIL 1984

SHEET	1
OF	1