

DECLARATION
OF
COVENANTS AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that J.VERN WILLIAMS and MARCIA L. HUMPHRESS, whose principal office is at 1713 Mahan Drive, Tallahassee, FL 32308, do hereby declare as follows:

WHEREAS, they are the developers and owners of certain properties located in Wakulla County, Florida, described more particularly on Exhibit "A" which is attached to and incorporated herein, and

WHEREAS, the above described property is known as SUMMERWIND, an unrecorded subdivision, and

WHEREAS, J. Vern Williams and Marcia L. Humphress, as the developers of Summerwind, intend to install roads in order to provide access to the lots in this subdivision, and

WHEREAS, the lots which are to be sold shall provide ownership to the centerline of these roads with retention of an easement in the Summerwind Roadowners Maintenance Association, Inc., a non-profit corporation (the Association), and

WHEREAS, that existing Association presently consists of all property owners in the Summerwind subdivision and that Association shall henceforth be responsible for the maintenance and upkeep of all the roads within Summerwind, and all property owners in Summerwind, shall be members of the Association,

NOW, THEREFORE,

J. VERN WILLIAMS and MARCIA L. HUMPHRESS declare that the real property described on the attached Exhibit "A" and such additions thereto as may be made, shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth.

OFF. REC. 102 PAGE 322

OFF. REC. 102 PAGE 396

Article I

DUES AND ASSESSMENTS

It is hereby declared that all lots and parcels within Summerwind, shall annually be assessed and charged an amount necessary in order to operate the Association and to maintain all roadways, shoulders, drainage ditches and all related improvements, whether then existing or to be constructed so as to provide continuous, attractive, comfortable and ready access to each lot. To accomplish this, each property shall be required to belong to the Association. The Association is a Florida corporation and a copy of its Bylaws are attached hereto as Exhibit "B and incorporated herein. The initial meeting of the members (shareholders) of the Association shall be held in April of 1984 at which time Directors shall be elected as provided for in the Bylaws. The initial assessment against all property, based on acreage, shall be made by the Directors in April of 1984 and that assessment shall constitute a lien on all property subject to these restrictions and covenants as of April, 1984. As provided for in the Bylaws of the Corporation, the Directors may provide that the payment of the assessment be made on an annual, or semi-annual basis. Failure to make payment in a timely manner shall result in foreclosure as is provided for in the Bylaws. The Association shall also have the authority to collect all costs, expenses, attorney and other fees relating to the collection of delinquencies, and they shall further have the authority to assess interest for any delinquent account. As is provided for in the Bylaws the members (shareholders) shall elect Directors each year and the Directors in turn shall make an assessment which shall become a lien on the property effective April of each succeeding year. The lien provided for herein shall be subordinate to any lien created by any first mortgage held by a bank, savings and loan association or insurance company on any individual lot or group of lots under one ownership.

OFF. REC. 102 PAGE 323

OFF. REC. 102 PAGE 397

Article II

PROHIBITED LAND USE

The keeping of swine, under any circumstances, on the property is strictly prohibited. Commercial stabling or kennelling operations are prohibited whether such operations actually earn a profit or not. No property shall be used for garbage or trash disposal, no inoperative motor vehicle may remain on any property for longer than two weeks and no activity shall be permitted which is of an objectionable nature so as to result in a diminution of the value of the surrounding properties. No commercial activities shall be permitted. There shall be no churches, cemeteries, convalescent or nursing homes on any of the property.

Article III

DURATION

The duration of these restrictions and covenants shall be twenty (20) years from the date on which they were recorded in the public records of Wakulla County, Florida.

Article IV

INSERTIONS IN DEEDS

J. VERN WILLIAMS and MARCIA L. HUMPHRESS, their assigns and successors in interest, hereby agree to inform any prospective purchasers of any of the property of the existence of this Declaration and the covenants and restrictions herein contained; further agree that in every deed conveying a portion of the property shall contain a clause stating essentially the following:

"Subject to the terms and conditions of a Declaration of covenants and restrictions dated _____, 1984, recorded in the public records of Wakulla County, Florida, at Official Records Book _____, Page_____.

OFF. REC. 102 PAGE 324
OFF. REC. 102 PAGE 398

Article V

NATURE OF RESTRICTIONS AND COVENANTS

The restrictions and covenants imposed by this instrument shall run with the land and shall apply equally to all present and future property owners, their heirs and assigns, throughout the entire term of these restrictions and covenants.

IN WITNESS WHEREOF, J. Vern Williams and Marcia L. Humphress have executed this document this 5th day of April, 1984.

Signed and sealed in the presence of:

Leo Antyfield
Spice & Sweet
Leo Antyfield
Spice & Sweet

J. Vern Williams (SEAL)
J. VERN WILLIAMS
Marcia L. Humphress (SEAL)
MARCIA L. HUMPHRESS

STATE OF FLORIDA

COUNTY OF LEON

The foregoing instrument was acknowledged before me this 5th day of April, 1984, by J. VERN WILLIAMS and MARCIA L. HUMPHRESS.

Leo Antyfield
Notary Public
Notary Public, State of Florida
My Commission Expires 3/31/85
Bonded Thru Troy Fair Insurance Co. 7-71623

This instrument prepared by:

OFF. REC. 102 PAGE 325

OFF. REC. 102 PAGE 399

"EXHIBIT A"

Begin at found concrete monument marking the Southwest corner of Section 32, Township 2 South, Range 1 East, Wakulla County, Florida and then run North 01 degrees 28 minutes 45 seconds East 2734.15 feet to a found concrete monument, then run North 00 degrees 13 minutes 26 seconds East 1331.82 feet to an old concrete monument, then run North 89 degrees 51 minutes 11 seconds East 2666.19 feet to an old concrete monument, then run South 89 degrees 39 minutes 17 seconds East 310.92 feet to the Westerly boundary of that property of St. Joe Paper Company marked by a concrete monument (set), then run South 00 degrees 01 minutes 07 seconds West along the West boundary of said property 614.51 feet, then run South 89 degrees 36 minutes 09 seconds East along the South boundary of said property a distance of 2341.00 feet to a old concrete monument on the East boundary of said Section 32, then run South 00 degrees 01 minutes 07 seconds West along said East boundary 42.99 feet to an old concrete monument, then run South 89 degrees 53 minutes 38 seconds East 1321.62 feet to a set concrete monument on the Westerly right of way of the Seaboard Coastline Railroad, then run South 10 degrees 46 minutes 44 seconds East along said Westerly right of way 671.02 feet, then run North 89 degrees 54 minutes 59 seconds West 1447.10 feet to an old concrete monument on the East boundary of said Section 32, then run South 01 degrees 26 minutes 09 seconds West along said East boundary of Section 32 a distance of 2748.76 feet to a concrete monument marking the Southeast corner of said Section 32, then run North 89 degrees 52 minutes 49 seconds West along the South boundary of said Section 32 a distance of 2681.90 feet to a St. Joe Paper Company concrete monument, then continue along the South boundary of said Section 32 a distance of 2642.85 feet to the POINT OF BEGINNING.

LESS AND EXCEPT 2.33 acres contained in two City of Tallahassee power line right of ways.

Total NET acreage of above tract is 483.09 acres, more or less.

FILED AND RECORDED
DATE 09/29/1994 TM 10:56

J. HAROLD THURMOND CLERK
CO:WAKULLA ST:FL

AMENDMENT TO RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that [REDACTED] [REDACTED]
[REDACTED], a Florida non-profit corporation,
does hereby declare and amend the Declaration of Covenants and
Restrictions dated the 5th day of April, 1984, and recorded April
6, 1994, in Official Records Book 102 at Pages 322-325 of the
Public Records of Wakulla County, Florida, and being recorded
against certain properties located in Wakulla County, Florida,
described more particularly in Exhibit A attached hereto and
incorporated herein, as follows:

1. Article III of said Restrictions and Covenants is hereby
amended to read as follows:

The duration of these restrictions and
covenants shall be 99 years from the date on
which they were recorded in the Public Records
of Wakulla County, Florida.

2. In all other respects, the Declaration of Covenants and
Restrictions recorded on the 6th day of April, 1984, and as amended
in Official Records Book 102 at Page 396 of the Public Records of
Wakulla County, Florida, shall remain unchanged and in full force
and effect.

IN WITNESS WHEREOF Summerwind Roadowners Maintenance

FL# 119222 B 242 P 4
REC NO. 11000001347

Association, Inc., has executed this document on the 22nd day of September, 1994.

WITNESSES:

SUMMERWIND ROADOWNERS
MAINTENANCE ASSOCIATION, INC.

[Signature]

[Signature]

By [Signature]
Its: President

STATE OF FLORIDA
COUNTY OF LEON

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Elmer Forester, for SUMMERWIND ROADOWNERS MAINTENANCE ASSOCIATION, INC., known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that s/he executed the same, and an oath was not taken. Said person is personally known to me. Said person provided the following type of identification: FL # F623-212-27-263-D.

Witness my hand and official seal in the County and State last aforesaid this 22nd day of September, 1994.

[Signature]
NOTARY PUBLIC

My Commission Expires:



FL# 119222 B 242 P 5
REC NO. 11000001347