

25

25491795

SUMMERHAVEN PHASE II

BOOK PAGE
VOLUSIA COUNTY
FLORIDA

DECLARATION OF COVENANTS AND RESTRICTIONS
AS FILED OF RECORD IN VOLUSIA COUNTY, FLORIDA, BY THE DEVELOPER

THIS DECLARATION, made this 27th day of March 1984, by CHINELLI-MARSHALL, INC., a Florida Corporation, with its principal place of business at 465 South Volusia Ave., Orange City, Volusia County, Florida. (hereinafter sometimes referred to as the "Developer");

W I T N E S S E T H:

WHEREAS, the Developer is the record owner in fee simple absolute of certain real property located in Volusia County, Florida, and more particularly described in the "Schedule of Legal Description" which is attached hereto as Exhibit "A" and made a part hereof; and,

WHEREAS, in accordance with the applicable provisions of State law and local ordinance, the Developer caused the above described real property to be subdivided into a platted subdivision know as Summerhaven, Phase II, and a subdivision plat thereof duly filed in the Office of Clerk of the Circuit Court, Volusia County, Florida, on March 1, 1984, and recorded in Map Book 39 at pages 147 and 148 of the Public Records of Volusia County, Florida.

NOW THEREFORE, this Declaration is made, filed and recorded by the Developer so that from the effective date hereof, the real property described in the Schedule of Legal Description which is attached hereto as Exhibit "A", is and shall be held, transferred, sold, conveyed, given, donated, leased, occupied, and used subject to the restrictions, conditions, easements, charges, burdens, assessments, affirmative obligations, and liens (all hereinafter sometimes referred to as the "covenants") hereinafter set forth. This Declaration shall become effective for Summerhaven, Phase II on the date and at the time it is filed and recorded in the Public Records of Volusia County, Florida, and shall become effective as to additional units of Summerhaven on the date and at the time the respective plats of said additional units are recorded in the Public Records of Volusia County, Florida.

ARTICLE I
RESTRICTIVE COVENANTS

Section 1.1 - No lot shall be used for any purpose except residential. No building shall be erected, altered, placed or permitted to remain on any other than one single-family residence (which shall not exceed 35 feet in height) and an attached or unattached garage sufficient for not less than two full sized automobiles.

CLERK OF CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA

By [Signature]

MAR 27 3 13 PM '84

FILED FOR RECORD
RECORD VERIFIED

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Section 1.2 - No building or structure shall be erected on, placed upon, have its exterior altered, or be permitted to remain on any lot unless and until the owner submits to the Architectural Review Board, hereinafter provided for, the floor plan, elevation, site clearing plan, and abbreviated specifications (including exterior materials and colors) and such plans have been reviewed and approved by the Architectural Review Board, as hereinafter provided. The Architectural Review Board (hereinafter referred to as "ARB") shall review the proposed building or structure (including plans and specifications for same) as to the materials, the harmony of the external design and location of the building or structure with respect to topography, vegetation and the finished grade and elevation of the lot, and any other relevant considerations which are based on acceptable standards of planning, zoning, and construction - including considerations based exclusively on aesthetic factors, compatible with other structures and the general area, these restrictions and the "guidelines" furnished by the developer to persons building in the area.

BOOK
VOLUSIA COUNTY
FLORIDA
PAGE

25491796

Section 1.3 - The ARB shall be composed of not less than three (3) nor more than five (5) persons. The members of the ARB shall be appointed for staggered, three-year terms by the Board of Directors of Chinelli-Marshall, Inc., a Florida Corporation. In the event of death, resignation, inability to serve or other vacancy in office of any member of the ARB, the Board of Directors of Chinelli-Marshall, Inc. shall promptly appoint a successor member who shall serve for the duration of the unexpired term of the member replaced. The membership, rules of procedure and duties of the committee shall be prescribed by and, from time to time, changed or modified by the Board of Directors of Chinelli-Marshall, Inc. When the Board of Directors of Chinelli-Marshall, Inc., in their exclusive determination, deem the circumstances appropriate, they shall terminate the ARB.

Section 1.4 - All front, side and rear setback lot line construction restrictions in the subdivision shall be as prescribed for single family residences, approved by Volusia County, Florida. No residence shall contain less than 1800 square feet of enclosed living area, nor shall any residence contain less than 2,200 square feet of total area covered by roof (including attached porticos, garages, porches). All garages shall be of sufficient size so as to accommodate at least two regular-size automobiles. No unenclosed garages or carports shall be permitted. No overhead garage door shall face street that house fronts on. Front yards must be completely sodded from house to pavement.

Section 1.5 - No Structure of a temporary nature or character, including but not limited to, a trailer, house trailer, mobile home, camper, tent, shack, treehouse, garage, barn, or other similar structure or vehicle, shall be used or permitted to remain on any lot as a storage facility or residence, or other living quarter whether temporary or permanent. Nothing herein contained shall prevent the construction of a permanent storage facility which has been approved by the ARB in accordance with procedures set forth herein

Section 1.6 - No automobile, truck, boat and trailer, trailer, house trailer, mobile home, camper, or other similar vehicle shall be parked on the street (including the right-of-way thereof) overnight or for a continuous period of time in excess of ten consecutive hours.

Section 1.7 - No boat, boat and trailer, camper, motorized home, house trailer or other trailer shall be parked for any period of time in excess of 48 consecutive hours or stored or otherwise permitted to remain on any lot except in an approved boathouse, enclosure or garage at the residence. No automobile, truck or other commercial vehicle which contains lettering or advertising thereon or which is identified with a business or commercial activity, shall be parked (for any period of time) or stored or otherwise permitted to remain on any lot except in a garage at the residence.

BOOK
VOLUSIA COUNTY
PAGE
25491797

Section 1.8 - No livestock, poultry, or farm animals of any kind or size shall be raised, bred, or kept on any lot; provided, however, that dogs, cats, or other domesticated household pets may be raised and kept provided such pets are not kept, bred or maintained for any commercial purposes. Said pets shall be kept and maintained in such a manner that they do not constitute an annoyance or nuisance to residents of the area.

Section 1.9 - No sign of any kind shall be erected, permitted to remain on or displayed to public view on or from any lot, except an approved sign giving the name of the contractor and owner during construction and giving the name of the occupant of the residence located on said lot or one approved sign advertising the premises for sale or rent. All signs shall be approved by the ARB.

Section 1.10 - No noxious or offensive activity shall be carried on or suffered to exist upon any lot, nor shall anything be done or permitted to exist on any lot that may be or may eminently become an annoyance or private or public nuisance.

Section 1.11 - No lot shall be used or maintained for dumping or discharge of rubbish, trash, garbage, or other solid waste material. All lots shall be kept free of the accumulation of rubbish, trash, garbage, other solid waste materials, and unsightly weeds and underbrush.

Section 1.12 - Restrictions regarding the fence, wall, hedge or shrub planting on corner lots at intersections shall be as prescribed, from time to time, in the applicable provision of the Zoning Ordinance of Volusia County, Florida.

Section 1.13 - No wall, fence, or hedge over six feet in height shall be erected, placed, altered, maintained, or permitted to remain on any lot unless and until the height, type and location thereof have been approved by the ARB in accordance with the procedure and criteria set forth in Section 1.2 hereof.

Section 1.14 - No discharge, overflow, or accumulation of sewage effluent from any drain field, mobile home storage tank, or other similar container shall be permitted to exist on any lot.

Section 1.15 - No driveway shall be constructed, maintained, altered or permitted to exist on any lot if the driveway obstructs or would obstruct or significantly impede the flow of surface drainage in the area adjacent to the lot or in the street right-of-way or swale area adjoining or abutting the lot.

Section 1.16 - The system from primary utility lines, including but not limited to water, sewer, electric, telephone and cable TV (if any), shall all be underground and the cost of the installation and maintenance thereof shall be at the expense of the lot owner.

Section 1.17 - All structures started on "standard" lots shall be completed within six (6) months of the beginning of construction; all structures started on "estate" lots shall be completed within one (1) year of the beginning of construction.

ARTICLE II
CONVENANTS TO RUN WITH LAND

Section 2.1 - The restrictions and burdens imposed by the provisions and covenants of the Declaration shall constitute covenants running with the land, and each shall constitute an equitable servitude upon the owner of each lot and dwelling unit and any appurtenant undivided interest in the common areas and upon the heirs, personal representatives, successors, and assigns of each owner.

Section 2.2 - Enforcement shall be by action against any person or persons violating or attempting to violate any covenants, either to restrain violations or to recover damages. The party bringing the action shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the court may adjudge to be reasonable for the services of his attorney.

Section 2.3 - Invalidation of any one of these covenants by judgment or court order in no wise shall affect any of the other provisions, which shall remain in full force and effect.

BOOK 25491798
VOLUSIA COUNTY
FLORIDA
PAGE

SUMMERHAVEN, PHASE II

LEGAL DESCRIPTION: Part of the South 1/2 of the NW 1/4 of Section 25, Township 18 South, Range 30 East, Volusia County, Florida, described as: Begin at the NW corner of the SW 1/4 of the NW 1/4 of said Section 25, run thence S 89°58'43".0 E along the North line of the said South 1/2 of the NW 1/4 a dist. of 1843.586 ft. to the West Right-of-Way of Interstate Hwy. No. 4; thence from a radial bearing of S 68°56'47".3 E, run S'ly., along a R/W curve concave to the SE having a radius of 7757.490 ft. and a central angle of 08°14'24".3, an arc dist. of 1115.657 ft.; thence from a radial bearing of S77°14'57".8 E run West 769.423 ft.; thence S 78°01'04".1 W a dist. of 110.086 ft.; thence S 61°47'11".2 W a dist. of 312.978 ft. to the centerline of a 50 ft. wide Gas Pipeline Easement (O.R. Bk. 500, Pg. 330, Public Records of Volusia County, Florida); thence N00°07'54".5 E along said centerline 75.00 ft.; thence N 89°45'45".4 W a dist. of 145.952 ft.; thence S 78°38'21".0 W a dist. of 61.149 ft.; thence N 89°45'45".4 W a dist. of 153.218 ft. to the West line of said Section 25 at a point 125.036 ft. N 00°15'03".3 W from the West 1/4 cor. of said Sec. 25; thence N 00°15'03".3 W along the East line of Summerhaven Phase I (Plat Bk. 39, Pg. 41) a dist. of 1184.454 ft. to the Point of Beginning; subject to aforesaid Gas Pipeline Easement.

IN WITNESS WHEREOF, the Developer has hereunto set its hand and seal
the day and year first above written.

25491800
BOOK PAGE
VOLUSIA COUNTY
FLORIDA

WITNESSES:

CHINELLI-MARSHALL, INC.

Kay Hawkins
Russell J. Marshall

BY: John E. Marshall
John E. Marshall, President
Joseph A. Chinelli
Joseph A. Chinelli, Secretary

(CORP. SEAL)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27th
day of March 1984 by John E. Marshall and Joseph A. Chinelli as
president and secretary, respectively, of Chinelli-Marshall, Inc.,
a Florida Corporation, on behalf of the Corporation.

Russell J. Marshall
Notary Public, State of Florida
My Commission Expires

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 28 1985
BONDED THRU GENERAL INS. UNDERWRITERS