

**Declaration of Covenants,
Conditions, and Restrictions of
Abington Woods Planned Development**

WHEREAS, ABINGTON WOODS, L.L.C., a Corporation under the laws of the State of Florida, is the owner of the following described property, situate, lying, and being in Indian River County, Florida;
to-wit:

Abington Woods, a Planned Development in Indian River County, Florida,
according to the Plat thereof recorded in Plat Book 17, at
Page 99-101, of the Public Records of Indian River County,
Florida; and

WHEREAS, ABINGTON WOODS, L.L.C. desires to establish a general plan for the development of Abington Woods Planned Development, which will be for its own benefit and the benefit of all future owners and occupants of all or any part of said Planned Development.

NOW, THEREFORE, ABINGTON WOODS, L.L.C. does hereby declare that the aforescribed lands are hereby restricted as hereinafter set forth, and all of which restrictions and limitations are intended to be and shall be taken as consideration for any agreement for deed or any deed of conveyance hereafter made, and one of the express conditions thereof, and that said restrictions and limitations are to be and shall be taken as covenants to run with the land which shall be binding on all parties having any right, title, or interest in said lands or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof, as follows:

1. LAND USE AND BUILDING TYPE.

No lot in the Planned Development shall be used except for residential purposes and only one residence for occupancy by a single family shall be erected on each lot. For use with such residence, appropriate buildings for guest house, servant's quarters, garages and tool house, and so on shall be permitted upon any one lot in the Planned Development. Such auxiliary buildings shall not be constructed prior to the erection of the residence and shall only be constructed simultaneously therewith or subsequent thereto, and shall be of the same architectural design and constructed of the same materials as the residence

2. BUILDING LOCATIONS, SIZE, HEIGHT, AND USE RESTRICTIONS.

No building or structure for any purpose shall be erected, placed or permitted to remain in said Planned Development which shall be more than two stories in height.

No Building or structure for any purpose shall be erected, placed or permitted to remain on any lot in said Planned Development which shall be less than 25 feet from the front yard Right-of-way line, nor less than 7.5 feet from any side lot line to any adjacent buildable lot in said Planned Development, nor less than 20 feet from any rear boundary line.

Setbacks requirements listed above do not apply to driveways, pools, pool enclosures, and roof overhangs. For these items please refer to Indian River County setback requirements.

No residence shall be erected, placed, or permitted to remain in the Planned Development which shall consist of a size less than 1700 air conditioned square feet, exclusive of one-story open porches, attached carports and garages, and auxiliary buildings.

The lots in said Planned Development shall not be used for any purpose, except as single-family residences and there shall be no commercial or professional use of the lands in the Planned Development, no matter how incidental such use may be to the single-family dwelling purpose.

No lot shall be conveyed, assigned, transferred, leased, licensed, devised, or in any way held, dealt with or built upon, save as one single tract.

3. ARCHITECTURAL CONTROL REQUIREMENTS.

All homes and auxiliary buildings to homes located in the Planned Development shall comply with the following Architectural Requirements.

The Architectural Review Committee shall be the same as the Abington Woods Board of Directors. The A.R.C. (Architectural Review Committee) and the Board (Abington Woods Board of Directors) shall be synonymous.

All lot owners must submit a set of final house plans to the Abington Woods Board of Directors. These plans must be reviewed by the Board and approved as to their compliance with the Architectural Control Requirements listed, prior to initiating construction of any structure.

1. Facia. Facia must be a minimum of 5 1/2 inches.
2. Driveways. Driveways must be of concrete, or brick pavers. Pavers must be approved by the Board.
3. Garages. Each home shall have a garage that is designed to hold not less than two full size cars.
4. Roofs. The roof pitch must be 5/12 or steeper. Roofing materials permitted are concrete tile, metal, slate, synthetic material designed to appear as concrete or clay, and asphalt or fiberglass shingles. Asphalt and/or fiberglass shingles must be dimensional (architectural), three tab shingles and roll roofing is prohibited.
5. Air Conditioning Units. Air conditioning units, and irrigation pumps must be screened from view by landscaping or a wall structure. Wall structures must be of the same materials and design used in construction of the home.
6. Fences. Fences are permitted. Fences shall not be located nearer to the front of the lot

than the rear corner of the home located nearest the front of the lot. Fencing must have a uniform color. Either painted or stained to match or compliment the house, or left a natural color. Fences must be kept in good repair. Fencing and/or sections of fence that sag or are in poor condition must be repaired or replaced. Chain link fencing is strictly prohibited. The Abington Woods P.O.A. Board of Directors shall render decisions concerning proper fence location. The P.O.A.'s decision concerning fence location shall be the final authority on such matters. There shall be no fencing permitted on Lots that share a boundary line with a stormwater management area (lake or pond).

7. Exterior Lights. Each home must have wall mounted lights opposite each side of the garage (carriage lights). Each home must have front door/entry lighting.

8. Landscaping. All lawns must have Floratam sod. Bahia sod is prohibited. All lawns must have an irrigation system. All exterior walls must be landscaped. Plants used to landscape exterior walls must be not less than three (3) gallons in size (at least 30" tall when planted) and spaced not more than 30 inches apart. Smaller plants are permitted in other areas. Not less than four (4) hardwood trees (minimum 4 inch caliper and measuring not less than 15 feet tall) shall be added to each lot as part of the landscaping (credit may be given for existing hardwood trees). The location of the hardwood trees to be planted must be approved by the Board.

9. Satellite Dish. A satellite dish not exceeding 24 inches may be installed in the rear or side of the house. If possible, these must be located so as not to be seen by passing cars.

10. Mailboxes. Each homeowner is required to purchase and install a mailbox designated by the P.O.A. No other mailbox is authorized, installation and/or use of any other mailbox is prohibited.

11. Exterior walls shall generally be not less than 9 feet 4 inches high when measured from the slab to the top of the bond beam.

12. Houses shall be completed, and be issued a Certificate of Occupancy from the Indian River County Building Department, within 270 days of Commencing Construction. Commencing construction shall be defined as pouring the slab.

13. Exterior paint colors must be approved by the Board prior to applying paint to any structure. Small sample areas, not to exceed 200 square feet, are permitted. The Board reserves the right to request a sample area be painted in order to determine if a color is appropriate for approval. The Board will supply a pre-approved color chart.

Each lot owner shall be required to grade and fill such lot according to the requirements promulgated in the master grading plan established by Indian River County, Florida.

No grantee or successor in title shall subdivide or convey less than the whole of any lot

4. ENFORCEMENT PROVISIONS.

THE ABINGTON WOODS PROPERTY OWNER'S ASSOCIATION, INC. is granted the right, in case of any violation or breach of any of the restrictions, rights, reservations, limitations, agreements, covenants and conditions herein contained, to enter the property, upon or as to which such violation or breach exists, and summarily abate and remove, at the expense of the owner thereof, any erection, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof as interpreted by said Association, and the Association shall not, by reason thereof, be deemed guilty of or liable for any manner of trespass for such entry, abatement or removal. A failure of said Association to enforce any of the restrictions, rights, reservations, limitations, agreements, covenants, and conditions contained herein shall in no event be construed, taken or held to be a waiver thereof, or acquiescence in or consent to any continuing further or succeeding breach or violation thereof, and the Association shall at any and all times have the right to enforce the same. Enforcement of these covenants shall be by action by any lot owner or by ABINGTON WOODS PROPERTY OWNER'S ASSOCIATION, INC., against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. In the event that the person or entity bringing the action to enforce these covenants shall prevail in that action, such person or entity shall be entitled to recover, in addition to cost and disbursements allowed by law, such sum as the Court may judge to be reasonable for attorney fees.

The St. Johns River Water Management District shall have the right to enforce, by a proceeding at law or in equity, the provisions contained in the Covenants and Restrictions which relate to the maintenance, operation and repair of the surface water or stormwater management system.

5. UTILITY EASEMENTS.

Each lot in the Planned Development, as platted and subdivided, shall be subject to an easement, on, over, and across the front ten (10) feet of each lot for the location of utilities, including, but not limited to the location of the underground utilities for the Planned Development. By the words "the front ten (10) feet", it is intended that said easement shall apply to and cover a depth of ten (10) feet abutting any street right-of-way bordering each lot, as shown by the plat of ABINGTON WOODS Planned Development, for the full width of the lot.

6. OTHER EASEMENTS.

The Association shall have a perpetual non-exclusive easement over all areas of the surface water or stormwater management system for access to operate, maintain or repair the system. By this easement, the Association shall have the right to enter upon any portion of any lot which is a part of the surface water or stormwater management system, at a reasonable time and in a reasonable manner, to operate, maintain or repair the surface water or stormwater management system as required by the St. Johns River Water Management District permit. Additionally, the Association shall have perpetual non-exclusive easement for drainage over the entire surface water or stormwater management system. No person shall alter the drainage flow of the surface water or stormwater management system, including buffer areas or swells, without the prior written approval of the St. Johns River Water Management District.

7. LANDSCAPE, SPRINKLER SYSTEM, AND YARD STANDARDS.

All lawns shall be fully landscaped, within twenty (20) days following the completion of a house.

Each lot owner shall be required to install a sprinkler system to irrigate all plant material simultaneously to the installation of the landscaping. Plant material shall be defined as any and all improved landscaping, in accordance with an approved landscape plan.

All lawns and plants shall be maintained in a neat and well trimmed manner so as not to permit the following:

(a) Grass to exceed four and one-half inches (4-1/2") in height from the time of issuance of Certificate of Occupancy, and ten inches (10") on vacant lots.

(b) Excessive growth of weeds.

(c) Large bare spots on the lawn.

(d) Dead branches on trees, bushes and hedges.

Lot owners shall be responsible for maintenance of the lot, in accordance with the previously submitted and approved landscaping plans, and including that portion of the street right-of-way, in front of owners lot, lying between the actual street pavement and the outer street right-of-way line, being also the owners front lot line.

Lot owners are prohibited from planting any plants designated by Indian River County as Fruit Fly Host Plants. This list is available from Indian River County Environmental Planning, and may be expanded and/or amended from time to time. This restriction will be expanded to include any and all additions to said list.

8. UTILITY CONNECTIONS.

Building connections for all utilities, including, but not limited to water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure, and in such a manner as to be approved and acceptable to the governing utility authority.

9. DRIVEWAY CONSTRUCTION AND STANDARDS.

All dwellings shall have a paved driveway consisting of a stable and permanent type construction, which shall be maintained in good repair. See approved materials in the Architectural Control Requirements, Section 3.

10. MISCELLANEOUS RESTRICTIONS.

No boat houses, piers or wharves shall be constructed or erected on or in any part of

said Planned Development, other than structures in the common area, which structures shall be owned by ABINGTON WOODS PROPERTY OWNER'S ASSOCIATION, INC.

All portions of lots referred to in these restrictions lying in front of the building line, as hereinafter set forth, shall be used only for ornamental, decorative purposes.

No sign, except for "For Sale" signs measuring not more than one square foot, shall be permitted. Developer shall be the sole party making a determination of compliance or violation with this restriction. Except that Developer may permit builders to erect larger signs and/or flags as Developer deems appropriate.

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that the same are not kept, bred, or maintained for commercial purposes

No kennel or animal enclosure of any kind shall be erected.

No structure of a temporary character, trailer, basement, tent, shack, garage or other outbuilding shall be used on any lot in this Planned Development as a residence.

No boats, recreational vehicles, commercial trucks, or trailers are permitted to be stored or parked in the streets, yards or driveways in this Planned Development. All boats, commercial trucks, and trailers shall be parked in an enclosed structure. Enclosed structures shall be at the discretion of the Abington Woods P.O.A.

No debris, garbage or rubbish shall be permitted on any of the lots in said Planned Development, except as may be stored in any approved container made for the purpose of being buried or kept in a garage or a house. Any unnecessary debris left on any lot during or after construction of a dwelling house thereon may be removed by the Association and the owner of such lot shall be liable to the Association for the cost of such removal. Lawns shall be mowed and landscaping trimmed regularly, so as to present neat and well kept appearance. The external appearance of all structures in the Planned Development shall be maintained in conformance with the general standards of other similar structures within the Planned Development.

No clothes, sheets, blankets or other articles shall be hung out or exposed on any part of said premises.

No antennas shall be allowed on any Lot. No satellite dish larger than 24 inches in diameter shall be allowed on any Lot except that prior written approval from the Architectural Review Committee is received.

No oak tree measuring 4 or more inches in circumference at a point 4 feet above ground level shall be cut down and/or removed without prior written consent of the Association.

No basketball goals shall be permitted in the common areas or the road rights-of-way. This shall include permanent, temporary, and/or portable goals. Portable goals are prohibited anywhere in the Planned Development. Basketball goals attached to the house, garage, or other