

REC-202 187

NOW ALL MEN BY THESE PRESENTS:

WHEREAS M. W. Green and Frances B. Green, his wife; George P. Croy and Minnie Lee Croy, his wife; and Bertel N. Raa, unmarried, all of the County of Leon, State of Florida, are the owners in fee simple of a subdivision located in Leon County, Florida, known as Forest Heights Unit No. 4 according to that certain plat thereof recorded in Plat Book 3 Page 168 of the Public Records of Leon County, Florida, and

WHEREAS the owners are now in the process of developing such property into a residential area in or near the city of Tallahassee, Leon County, Florida, and

WHEREAS the said owners desire to create certain restrictive covenants to run with the lots situated in said subdivision so that said lots shall be secured for the period hereinafter specified, and such covenants are solely for the purpose of establishing a permanent and substantial community within said subdivision.

NOW THEREFORE, THIS INDENTURE WITNESSETH:

1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1986, at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

2. If the parties hereto, or any of them or their heirs, or assigns, shall violate or attempt to violate any part of the covenants herein it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing to recover damages or other dues for such violation.

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

4. All lots in the tract shall be known, designated and used as residential lots. No structures shall be erected, altered, placed or permitted to remain on a residential building plot other than one detached single-family dwelling not to exceed two stories in height and a private garage for not more than two cars and a servant's room, tool room or storage room attached to the ground floor of the garage.

PAGE 187

5. No building shall be located on any residential building plot nearer than 30 feet to the front lot line, nor nearer than 15 feet to any side street line. No building except a detached garage or other outbuilding located 75 feet or more from the front lot line shall be located nearer than 10 feet to any interior side lot line.

6. No residential structure shall be placed on any building plot unless the same contains at least one entire lot according to the recorded plat of Forest Heights Unit No. 4.

7. No horses, sheep, cows, goats, swine, or poultry shall be kept, raised, or maintained on the hereinabove described area.

8. No trade or commercial activity shall be carried on upon any lot or plot within the above described area and no commercial, advertising or display signs and no large or unsightly signs shall be permitted on said land, provided, however, nothing herein contained shall be construed to prevent the developers or their agents from erecting or maintaining on any part of said land owned by them such commercial and display signs or such temporary structure as may be reasonably required by them, for development and sale purposes.

9. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

10. No trailer, basement, tent, shack, garage, barn or other building erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

11. No dwelling shall be less than 1100 square feet in the body of the main structure exclusive of any open porches, garage, car-ports, and other appurtenances.

12. All residential structures shall be in harmony with existing homes in the neighborhood and all dwellings must have a solid front foundation, sub-flooring for a frame house and furred-out inside walls for masonry construction. No residence shall be constructed with a metal roof or composition roof other than shingles.

13. E. W. Green and Frances B. Green, his wife; George P. Croy and Minnie Lee Croy, his wife; and Bertel N. Raa, owners, reserve the right to waive minor violations of restrictions until such time as the hereinabove described property has been developed and sold in its entirety.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals this 24<sup>th</sup> day of May A. D. 1956.

E. W. Green (SEAL)  
E. W. Green  
Frances B. Green (SEAL)  
FRANCES B. GREEN  
George P. Croy (SEAL)  
George P. Croy  
Minnie Lee Croy (SEAL)  
Minnie Lee Croy  
Bertel N. Raa (SEAL)  
Bertel N. Raa

Signed, sealed and delivered in the presence of:

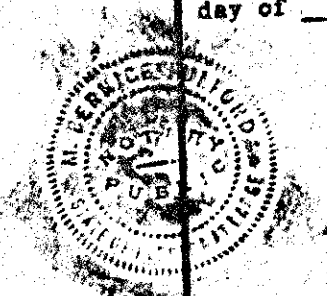
M. B. [unclear]  
Mrs. [unclear]

202 189

-3-

STATE OF FLORIDA  
COUNTY OF LEON

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, M. W. Green and Frances B. Green, his wife; George P. Croy and Minnie Lee Croy, his wife; and Bertel N. Raa, to me well known to be the persons described in and who executed the foregoing instrument and duly acknowledged before me that they executed the same for the uses and purposes therein expressed. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Tallahassee, Leon County, Florida, this 24<sup>th</sup> day of May, A. D. 1956.



*M. Bernice Fulford*

Notary Public, State of Florida at large  
My commission expires Jan. 5, 1960.  
Bonded by American Surety Co. of N. Y.

65071

RECORDED IN PUBLIC  
RECORDS OF LEON CO. FLA  
IN THE BOOK & PAGE IND.

MAY 24 11 56 AM '56

AT THE TIME & DATED  
GEO. C. CHAWFORD,  
CLERK OF CIRCUIT COURT.



PAGE 189

Affects 2 Vol 6 "AA"

Filed 1/28/59

AMENDMENT TO THE RESTRICTIVE COVENANTS OF UNIT NO. 4, FOREST HEIGHTS, AS RECORDED IN DEED BOOK 202, PAGE 187 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

WHEREAS M. V. Green and Francis B. Green, his wife; George P. Groy, and Minnie Lee Groy, his wife; and Bertel N. Raa, unmarried, all of the County of Leon, State of Florida, are the owners in fee simple of a subdivision located in Leon County, Florida, known as Forest Heights Unit No. #4, according to a map or plat thereof recorded in Plat Book 3, Page 168 of the Public records of Leon County, Florida, and

WHEREAS said owners desire to amend the restrictive covenants as to Lots 2, 3, 4, 5, & 6 of said Unit No. #4, Forest Heights, said covenants being recorded in Deed Book 202, Page 187 of the Public Records of Leon County, Florida, and

WHEREAS said covenants shall be amended to permit the erection of a church, auditorium and educational buildings to be used for religious purposes only. Said amendment to affect only Lots No. 2, 3, 4, 5, & 6 Block "AA" Unit No. #4, Forest Heights,

THEREFORE the owners do approve and are desirous of amending the restrictive covenants effecting Unit No. 4 of Forest Heights as hereinabove recited.

WITNESS, their hand and seals this 27<sup>th</sup> day of January, 1959.

86962  
RECORDED IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA  
JAN 28 12 05 PM '59  
AT THE TIME AND PLACE ABOVE SAID



BLOCK "AA" UNIT 4, FOREST HEIGHTS

Lot 1. C. W. Brault

Mrs. B. Brault

Lots 2, 3, 4, 5, & 6.

W. W. Green

James B. Brown

George J. Gray

Minnie Lee Gray

Bertie N. Ross

Lot 7. W. W. Brault

Mrs. C. W. Brault

BLOCK "A" UNIT 4, FOREST HEIGHTS

Lot 21. W. W. Turner

Mary L. Turner

Lot 22. John R. Maguire

Jessie L. Maguire

Lot 23. J. W. Croft

James H. Croft Secretary

Lot 24. John H. Croft

Jessie H. Croft Secretary

Lot 25. Leslie J. Ross

Caroline Ross

Lot 26. Marion E. Shepard

Sarah E. Shepard

Lot 27. L. M. Bruch Jr.

Jane W. Bruch

Lot 28. L. M. Bruch Jr.

Jane W. Bruch

Lot 29. Robert G. Maize

Mrs. R. G. Maize

Lot 30. W. W. Green

James B. Brown

George J. Gray

Minnie Lee Gray

Bertie N. Ross

Warren Langston

Mattie A. Langston

Charles E. Paul

Elizabeth Paul

BLOCK "B" UNIT 4, FOREST HEIGHTS

- |                    |   |                                   |
|--------------------|---|-----------------------------------|
| Lot 9.             | <u>Margaret H. Upchurch</u>             | <u>Jimmie G. Upchurch</u>         |
| Lot 10.            | <u>Elmer H. Ballou, Jr. &amp; Helen</u> | <u>Elmer Ballou</u>               |
| Lot 11.            | <u>J. H. Turner</u>                     | <u>Mrs. J. H. Turner</u>          |
| Lot 12.            | <u>Chas. H. Oberman</u>                 | <u>Chas. H. Oberman</u>           |
| Lot 13.            | <u>Chas. H. Oberman</u>                 | <u>Jessie H. Craft, Secretary</u> |
| Lot 14.            | <u>James C. Talley</u>                  | <u>Ann R. Talley</u>              |
| Lot 15.            | <u>Harland H. Page</u>                  | <u>Constance H. Page</u>          |
| Lot 16.            | <u>Walter H. Kember</u>                 | <u>Mitzi L. Kember</u>            |
| Lot 17.            | <u>_____</u>                            |                                   |
| Lot 18.            | <u>W. S. Brock</u>                      | <u>Mrs. W. S. Brock</u>           |
| Lot 19.            | <u>Joseph S. Carrin</u>                 | <u>Mrs. J. S. Carrin</u>          |
| Lot 20.            | <u>Frank E. Emery</u>                   | <u>Mrs. Emmette Emery</u>         |
| Lot 21.            | <u>Richard A. Davis</u>                 | <u>Marie A. Davis</u>             |
| Lot 22.            | <u>_____</u>                            | <u>_____</u>                      |
| Lots, 23, 24 & 25. |   |                                   |
|                    | <u>W. S. Brock</u>                      | <u>_____</u>                      |
|                    | <u>George P. Gray</u>                   | <u>Winnie Lee Gray</u>            |
|                    | <u>Bertie M. Roe</u>                    | <u>_____</u>                      |

STATE OF FLORIDA  
COUNTY OF LEON

I, \_\_\_\_\_, the undersigned authority, personally appeared the persons named above, reading two pages whose names appear thereon (except as to \_\_\_\_\_ who is the Notary Public herein), and each of said parties acknowledged that they executed said instrument of writing freely and voluntarily for the uses and purposes therein expressed.

Witness my hand and official seal in the County and State last aforesaid  
 this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1955.

as hereinbefore stated.

Block "B" Unit 4, Forest Heights

As to Lot Numbered 17, Block "B" Unit No. 4 of Forest Heights, according to a map or plat thereof recorded in Plat Book 3, Page 166 of the Public Records of Leon County, Florida

Walter F. Fennell

Ruby H. Fennell

Signed, Sealed and Delivered in the Presence of.

G. P. Croft

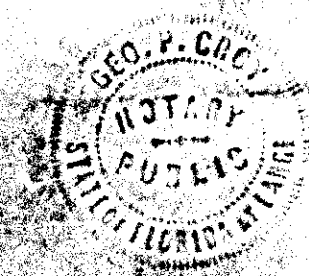
George J. Croft

COUNTY OF Hillsborough

STATE OF FLORIDA

On this 17 day of November, A.D. 1958, before me personally appeared Walter F. Fennell and Ruby H. Fennell, his wife, to me known to be the persons described in and who executed the foregoing instrument, and they severally acknowledge the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and the said Ruby H. Fennell, the wife of the said Walter F. Fennell, on an examination taken and made separately and apart from her said husband, did acknowledge the execution of the foregoing instrument to be made and made by her freely and voluntarily and without any compulsion, constraint, apprehension of or from her said husband.

WITNESS my hand and official seal the date and year first above written.



George J. Croft  
Notary Public, State of Florida at Large  
My Commission Expires April 15, 1960

Notary Public, State of Florida at Large  
My Commission Expires April 15, 1960  
Successor to Successor for J. Croft, Sr.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, the undersigned authority, personally appeared GEORGE J. CROFT, Notary Public, State of Florida at Large, and he executed the foregoing instrument freely and voluntarily in my presence and in the presence of my witnesses, and I have signed my name and official seal, this 17 day of November, 1958.