

1079912

RECORDED IN THE PUBLIC  
RECORDS OF LEON CO. FLA.

JUL 24 2 55 PM '91

PAUL F. HARTSFIELD  
CLERK OF CIRCUIT COURT

OR1506PC0400

THIS INSTRUMENT PREPARED BY:  
FRANK S. SHAW, III, Attorney  
1300 Thomaswood Drive  
Tallahassee, Florida 32312  
(904) 385-0070

**DECLARATION OF RESTRICTIVE COVENANTS OF  
PINE TIP HILLS UNIT V  
A RECORDED SUBDIVISION IN LEON COUNTY, FLORIDA**

**CHERRY BLUFF, INC.**, a Florida corporation, and **CHERRY BLUFF, PART II, INC.**, whose collective address is 701 South Ride, Tallahassee, Florida, the owners of property described in Plat Book 10 Page 52 of the Public Records of Leon County, Florida and more particularly described in Exhibit "A" (herein referred to as the Property). By this instrument, the owners impose upon the Property for the benefit of the present and the future owners of the land, the following conditions, restrictions, and limitations which shall be covenants running with the land, binding upon the owners, its heirs and assigns, and all persons claiming any right, title or interest in the land and all subsequent purchasers of the land, their heirs, personal representatives and assigns.

**ARTICLE I - DEFINITIONS**

1. "Declarant" shall mean and refer to **CHERRY BLUFF, INC.**, a Florida corporation, and **CHERRY BLUFF, PART II, INC.**, the owner of the property described in Exhibit "A".

2. "Association" shall mean and refer to **PINE TIP HILLS HOMEOWNERS ASSOCIATION, PART II, INC.**, a Florida corporation not for profit.

3. "Lot": The property described in Exhibit "A" has been divided into parcels for sale by the Declarant to the general public. The plat of the subdivision either has or will be recorded in the Public Records of Leon County, Florida. Each subdivided parcel as shown on the recorded plat shall be known as a "lot".

4. "Maintenance" shall mean the exercise of reasonable care to keep the roads, landscaping, drainage, storm water detention facilities and other related improvements in good and functioning condition.

5. "Member" shall mean every person or entity that holds membership in the Association.

6. "Subdivision" shall mean the property described in Exhibit "A" as divided into lots as shown on the plat recorded in the Public Records of Leon County, Florida.

7. "Owner" shall mean the record owner, whether one (1) or more persons or entities, of a legal or beneficial interest in a lot, but shall not include those holding title as security for the performance of an obligation.

8. "Improvement" shall mean all buildings, out-buildings, sheds, driveways, parking areas, fences, swimming pools, tennis courts, lights and utility pole lines and any other structure of any type or kind. Improvements to be placed on any lot require the approval of the Committee

9. "Committee" shall mean the Architectural Control Committee as defined below.

10. "Living Area" shall mean those heated and air conditioned areas which are completely finished as a living area and shall not include garages, carports, porches, patios or storage areas.

11. "Common Area" shall mean any land or facilities which the Association owns or maintains, including the roadways within the subdivision and any easements for drainage and storm water retention reserved to the Association.

**ARTICLE II - PINE TIP HILLS HOMEOWNERS'  
ASSOCIATION, PART II, INC.**

Section 1. **GENERAL:** Declarant has deemed it desirable for the efficient preservation of the values and amenities in the subdivision to create an agency to which should be delegated and assigned the powers of maintaining and administering the common areas; administering and enforcing these covenants and restrictions; collecting and disbursing the assessments and charges hereinafter established; and for the purpose of promoting the common interest of the owners in the Subdivision. Declarant has filed with the Secretary of State of Florida, **PINE TIP HILLS HOMEOWNERS ASSOCIATION, PART II, INC.** The Association shall have such powers in the furtherance of its purposes as are set forth in its Articles of Incorporation and Bylaws and may include, but shall not be limited to, maintenance of roads, common areas, easements, drainage facilities and security systems. The Association may engage in any other activity or assume any responsibility that the Association may consider desirable to promote common interests of the residents of the Subdivision.

The Association shall operate and maintain at its cost and for the use and benefit of the owners of Lots in the Subdivision all land owned by the Association. The Association shall be responsible for the perpetual maintenance of the streets, roadways and drainage facilities within the subdivision, unless or until the appropriate governmental body of the City of Tallahassee or the County of Leon accepts this responsibility from the Association.

Section 2. **MEMBERSHIP IN THE ASSOCIATION:** Any person who owns a lot within the subdivision that is subject to these restrictions shall automatically be a member of the Association, provided, however, that where any lot is owned by more than one (1) person, one (1) of the owners shall be designated to cast the vote on matters to come before the Association on behalf of all of the owners of the lot. In the event the owner of a lot is a corporation or partnership, a partner or corporate officer shall be designated to cast the vote on behalf of the partnership or corporation.

Section 3. **VOTING RIGHTS:** The Association shall have two (2) classes of voting members as follows:

"Class A" - Class A membership shall be all owners with the exception of the Declarant, and shall be entitled to one (1) vote for each lot owned.

"Class B" - Class B membership shall be the Declarant, who shall be entitled to exercise two (2) votes for each lot owned. The Class B membership shall cease and be converted to Class A membership when seventy-five percent (75%) of the lots are owned by persons or entities other than the Declarant when Declarant elects to terminate Class B membership, whichever occurs first.