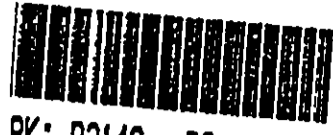


R980051836

RECORDED IN  
PUBLIC RECORDS LEON CNTY FL  
BOOK: R2143 PAGE: 00869

JUL 06 1998 01:53 PM

AMENDED  
DAVE LANG, CLERK OF COURTS



BK: R2143 PG: 00869

DECLARATION OF RESTRICTIVE COVENANTS

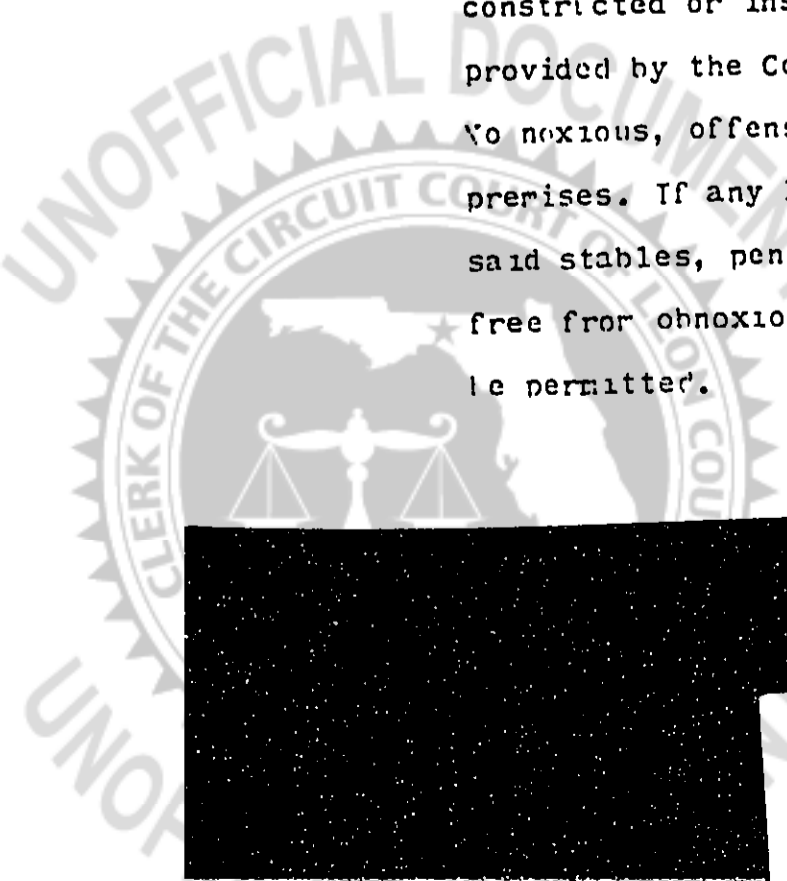
This is an amendment, which replaces and supercedes, the Tully Estates Restrictive Covenants dated March 12, 1996 and Recorded in O. R. Book 1886, pages 329, 330, 331, 332 of the Clerk of Circuit Court Leon County, Florida, and the following is to take its place.

NEW DECLARATION OF RESTRICTIVE COVENANTS

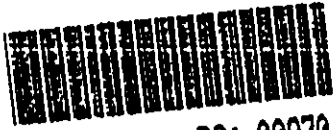
For TULLY ESTATES, a recorded subdivision located in the State of Florida, County of Leon.

KNOW ALL MEN BY THESE PRESENTS, that Leon C. Tully of Leon County, Florida, does hereby covenant and agree to and with all other persons, firms or corporations now owning or hereinafter acquiring any interest in the property described in Exhibit "A" attached hereto, shall be subject to the following restrictions as to the uses thereof, running with said property by whomsoever owned, to-wit:

1. No lot or plot shall be divided or subdivided.
2. Only single family residences shall be constructed or permitted on any sold lot, except for Lots 1, 2, and 3, which are zoned C-2 (LTCF) and are reserved for commercial use.
3. All homes constructed on said lots must contain at least twelve hundred (1200) square feet of enclosed, heated area, floor space. No mobile homes or modular homes shall be permitted in this subdivision. No trailer, tent, shack, garage, or any out-buildings shall be at any time be used as a residence, temporary or permanently.
4. The lot set-back lines shall comply with the County Building Code, All buildings permitted in said subdivision shall be constructed or installed in accordance with all regulations provided by the County of Leon and the State of Florida. No noxious, offensive or unlawful use shall be made of the premises. If any livestock is to be kept on the premises, said stables, pens, etc shall be kept clean, sanitary and free from obnoxious odors, and in no instance shall hogs be permitted.

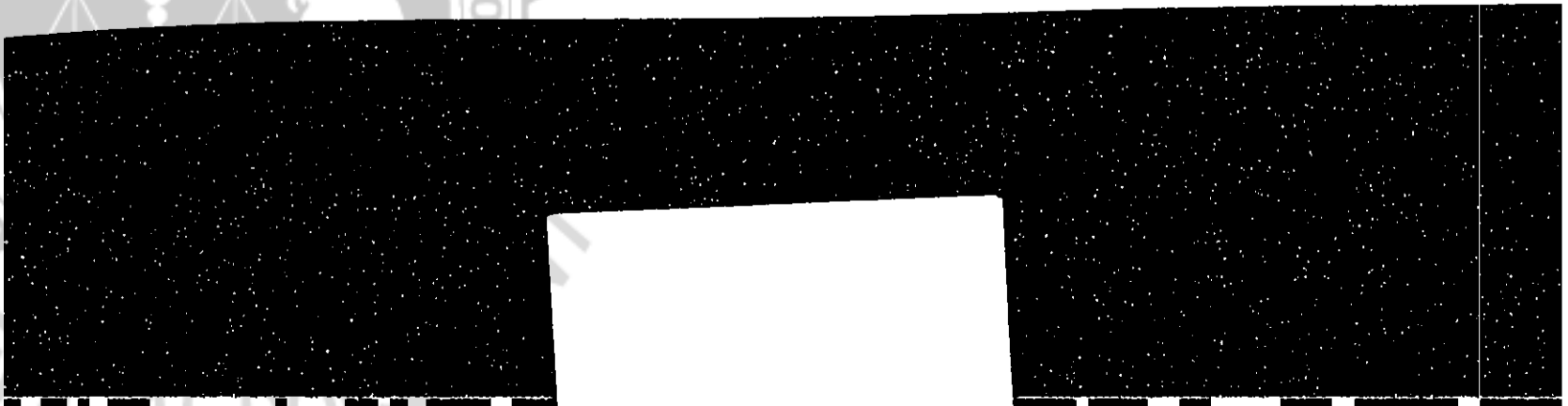


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5. In addition to the above restrictive covenants and in order to meet environmental requirements to protect and preserve a ravine and spring branch that runs across some of the lots in said subdivision, these lots are limited as to use by a conservation easement and it shall be the responsibility of the Purchaser to observe said rules of easement. Lots # 19 through Lot # 35 are affected by these restrictions and designate as to where a building or buildings, homes, etc. may be located on these lots.
  
6. All easements and restrictive covenants, as shown on subdivision plat, are subject to applicable zoning rules and regulations. Invalidation of any of these covenants by judgement by judgement or court order shall in no way affect any of the other provisions, which shall remain in full force and effect. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the restrictive covenants herein, it shall be lawful for any other person or persons owning any real estate property situated in said development 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 or to recover damages or other dues for such violation.



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IN WITNESS THEREOF the parties hereto have hereunto set  
their hands and seals on the 6<sup>th</sup> day of July, 1998.

*Personally Known*  
  
Witness

CHARLOTTE A. ODUM

Printed Name of Witness

Witness

KRISTY CLARK

Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me on  
this the 6<sup>th</sup> day of July, 1998 by Leon C. Tully.



*Personally Known*  
  
Notary Public Clerk of Circuit Court  
Commission Expires:  
Dave Lang, Clerk Circuit Court

This document was prepared by: LEON C. TULLY,  
1113 N. ADAMS STREET, TALLAHASSEE, FLORIDA, 32303.



# BROWARD DAVIS & ASSOC., INC.

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PATRICK J. MADISON, Ph.D., REP

NEVINS C. SMITH, PE  
SPECIAL CONSULTANT

EXHIBIT "A"  
February 27, 1996

## TULLY ESTATES

I hereby certify that the survey shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F A C 61G17-6).

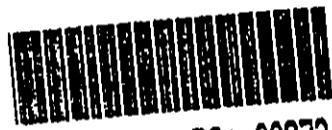
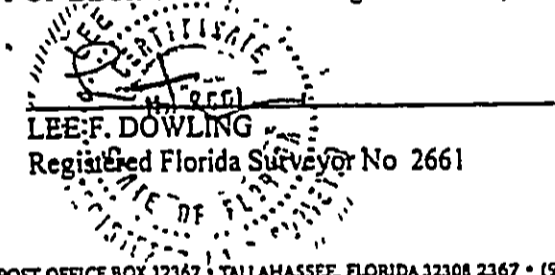
The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

A tract of land lying in Section 34, Township 1 North, Range 3 West, Leon County, Florida, more particularly described as follows

Begin at a concrete monument marking the Northwest corner of the Northeast Quarter of said Section 34 and run South 00 degrees 16 minutes 42 seconds West along the West boundary of the East Half of said Section 34 a distance of 4099.62 feet to a concrete monument lying on a curve concave to the Southerly on the Northerly right of way boundary of State Road No. 20 (66 foot right of way), thence Northeasterly along said right of way boundary and along said curve with a radius of 3852.72 feet, through a central angle of 03 degrees 09 minutes 43 seconds, for an arc distance of 212.61 feet (the chord of said arc being North 69 degrees 26 minutes 10 seconds East 212.58 feet to a concrete monument marking the intersection of the Northerly right of way boundary of said State Road No. 20 with the Westerly right of way boundary of Williams Landing Road (60 foot right of way), thence North 05 degrees 03 minutes 19 seconds East along the Westerly right of way boundary of said Williams Landing Road 2370.82 feet to a concrete monument marking a point of curve to the left, thence along said right of way curve with a radius of 5696.65 feet, through a central angle of 04 degrees 59 minutes 14 seconds, for an arc distance of 495.86 feet (the chord of said arc being North 02 degrees 33 minutes 42 seconds East 495.70 feet) to a concrete monument, thence North 00 degrees 04 minutes 05 seconds East along said right of way boundary 602.27 feet to a concrete monument marking a point of curve to the left, thence along said right of way curve with a radius of 683.77 feet, through a central angle of 51 degrees 17 minutes 40 seconds, for an arc distance of 612.15 feet (the chord of said arc being North 25 degrees 34 minutes 45 seconds West 591.91 feet) to a concrete monument, thence North 51 degrees 13 minutes 35 seconds West along said right of way boundary 51.16 feet to a concrete monument on the North boundary of said Section 34, thence leaving said right of way boundary run South 89 degrees 56 minutes 50 seconds West along the North boundary of said Section 34 a distance of 115.46 feet to the POINT OF BEGINNING, containing 30.88 acres, more or less.

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PSR #14496-2



BK: R2143 PG: 00872

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