

RECORDED  
AT THE TIME & DATE NOTED

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J. HAROLD THURMOND  
CLERK CIRCUIT COURT  
WALDELA COUNTY FLORIDA

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

SECTION I

Dedication

Declarants dedicate the lands as shown on the plat, attached hereto as Exhibit "A", as a plantation which shall be called "St. Marks River's Edge Community". These lands consist of tracts with a private roadway and drainage system.

SECTION II

Description

The particular description of the lands embraced within the land division "St. Marks River's Edge Community" and within the terms and provisions of the declaration is attached and incorporated herein as Exhibit "A" and Exhibit "B".

SECTION III

Reservations, Restrictions and Covenants

The parties declare that the land, shown on the survey, is held and shall be conveyed subject to the reservations, restrictions and covenants set forth herein.

SECTION IV

Membership in Association; Voting Rights

Section 1. Every owner of a tract shall be a member of the St. Marks River's Edge Homeowners Association, Inc.; membership shall be appurtenant to and may not be separated from ownership of a tract.

Section 2. Members shall all be owners and shall be entitled to one (1) vote for each tract owned. When more than one person holds an interest in a given tract, all such persons shall be members and the vote for such tract shall be exercised as they may determine among themselves. In no event shall more than one (1) vote be cast with respect to any tract.

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SECTION V

Assessments

Section 1. Lien and personal obligation of assessments. Declarant covenants for each tract within the plantation, and each owner of a tract is hereby deemed to covenant by acceptance of the deed for such tract, whether or not it shall be so expressed in the deed, to pay to the association (1) annual assessments and (2) special assessments for capital improvements. Such assessments will be established and collected as herein provided. The annual and special assessments, together with interest, costs, and reasonable attorney fees, shall be a charge on the land and a continuing lien on each tract against which such an assessment is made. Each such assessment, together with interest, costs, and reasonable attorney fees shall also be the personal obligation of the person or persons who owned the tract at the time the assessment fell due, but such personal obligation shall not pass to the successors in title of such person or persons unless expressly assumed by them.

Section 2. Purpose of annual assessments. The annual assessments levied by the association shall be used exclusively to promote the health, safety, welfare, and recreation of the residents in the plantation, and for the improvement and maintenance of the roadways, easements, and common areas within the plantation.

Section 3. Assessments. The owners of property within the St. Marks River's Edge Community shall be assessed a yearly assessment, with special assessments prorated uniformly among the tracts (properties) of its members, as provided in the By-Laws. Annual dues shall become due and payable the 30th day of June each year.

Section 4. Subordination of assessment of lien to mortgages. The assessment lien provided for herein shall be subordinate to the lien of any first mortgage. A sale or transfer of any tract shall not affect the assessment lien. However, the sale or transfer of any tract pursuant to a mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the assessment lien as to payments that become due prior to such sale or transfer. No sale or transfer shall relieve such tract from liability for any assessments thereafter becoming due or from the lien thereof.

SECTION VI

Use of Land

Section 1. No land shall be used except for rural residential purposes and each home shall be no less than 1500 sq. ft.

Section 2. Each owner must install no less than an eighteen inch culvert for access from River's Edge Road.

Section 3. Only single family homes may be constructed. No mobile homes or manufactured or modular homes shall be allowed. Each home shall have a minimum of 1,500 square feet of enclosed area, and all homes must meet the flood elevation requirements as established by local code.

Section 4. Only one acre per tract may be cleared for construction of a single family home.

Section 5. No building shall be closer than fifty (50) feet to any street right-of-way, nor closer than fifteen (15) feet to a side property line. No development within eight-hundred (800) feet of the St. Marks River except that each lot will be permitted a ten (10) foot wide cleared access to River. Any access structure such as a boardwalk shall be constructed within this ten foot wide path.

If an individual owner wishes to develop within eight-hundred (800) feet of St. Marks River, then a stormwater facility shall be designed and constructed on the affected lot which will achieve compliance with applicable regulations including F.A.C., Chapter 17-25. The tract owner will be responsible for retaining and paying for the services of a Florida registered professional engineer. Signed and sealed copies of all stormwater facility as-built certifications prepared by the engineer shall be sent to the Florida Department of Environmental Protection.

Section 6. No outdoor toilets may be maintained on said property, and no septic tank may be constructed without complying with the regulations of the Wakulla County Health Department or other appropriate governmental agency.

Section 7. No trash or debris may be placed or dumped into the St. Marks River, nor will junk piles, junk, disabled vehicles or other unsightly debris be permitted or maintained on said property.

Section 8. No noxious or offensive activity shall be carried upon any tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

Section 9. No animals or livestock of any kind may be raised, bred, or kept on any land, other than dogs, cats, and other household pets, except as hereinafter provided. On any tract containing five or more acres, chickens may be kept at the rate of one-half dozen (6) per acre. Cows and horses may be permitted at the rate of one (1) per acre.

Section 10. No trees greater than six (6) inches in diameter at breast height (d.b.h.) may be removed except for site of construction of home, associated buildings, boardwalks and for access to the St. Marks River. The only exception to this rule will be for the health and safety of the owners of said land.

Section 11. Enforcement of these covenants shall be by proceedings at law or in equity against any persons violating or attempting to violate any covenant either to restrain or to recover damages.

Section 12. Should Wakulla County, Florida agree to accept title to any of the road right-of-way easements over said property, then the owners of the fee simple in the right-of-way agree to convey all their right, title and interest in such portion of the road right-of-way that they own to Wakulla County, Florida.

Section 13. Each tract may be divided once with only one home on the River side and one on the off-River side, subject to approval by the Wakulla County Planning Department.

Section 14. Invalidity of any 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.

## SECTION VII

### Right to Enforce

The restrictions set forth herein shall run with the land and bind the parties and their successors and assigns, and all parties claiming by, through or under the parties, shall be taken to hold, agree and covenant with the parties,

their successors and assigns and with each of them to conform to and observe the restrictions as to the use of the tracts and the construction of improvements thereon. The owner or owners of any of the above land shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions, in addition to ordinary legal actions for damages, and failure of the parties or owner or owners of any other tract or tracts shown on this plat to enforce any of the restrictions herein set forth at the time of its violation shall in no event, be deemed to be a waiver of a right to do so thereafter.

Executed at Crawfordville, Fl. on Aug 18, 1993.

Patricia Foe  
witness - Patricia Foe

E. T. Culbreath  
E. T. Culbreath, Declarant  
INDIVIDUALLY AND AS TRUSTEE OF THE  
EDWIN T. Culbreath Revocable Trust  
E.T. Culbreath A/K/A Edwin T. Culbreath

Kimberly Tucker  
Kimberly Tucker - witness  
STATE OF FLORIDA  
COUNTY OF wakulla

The foregoing instrument was acknowledged before me this 18 day of Aug, 1993, by E. T. CULBREATH, who is personally known to me or produced identification number \_\_\_\_\_.

Patricia Foe  
Notary Public

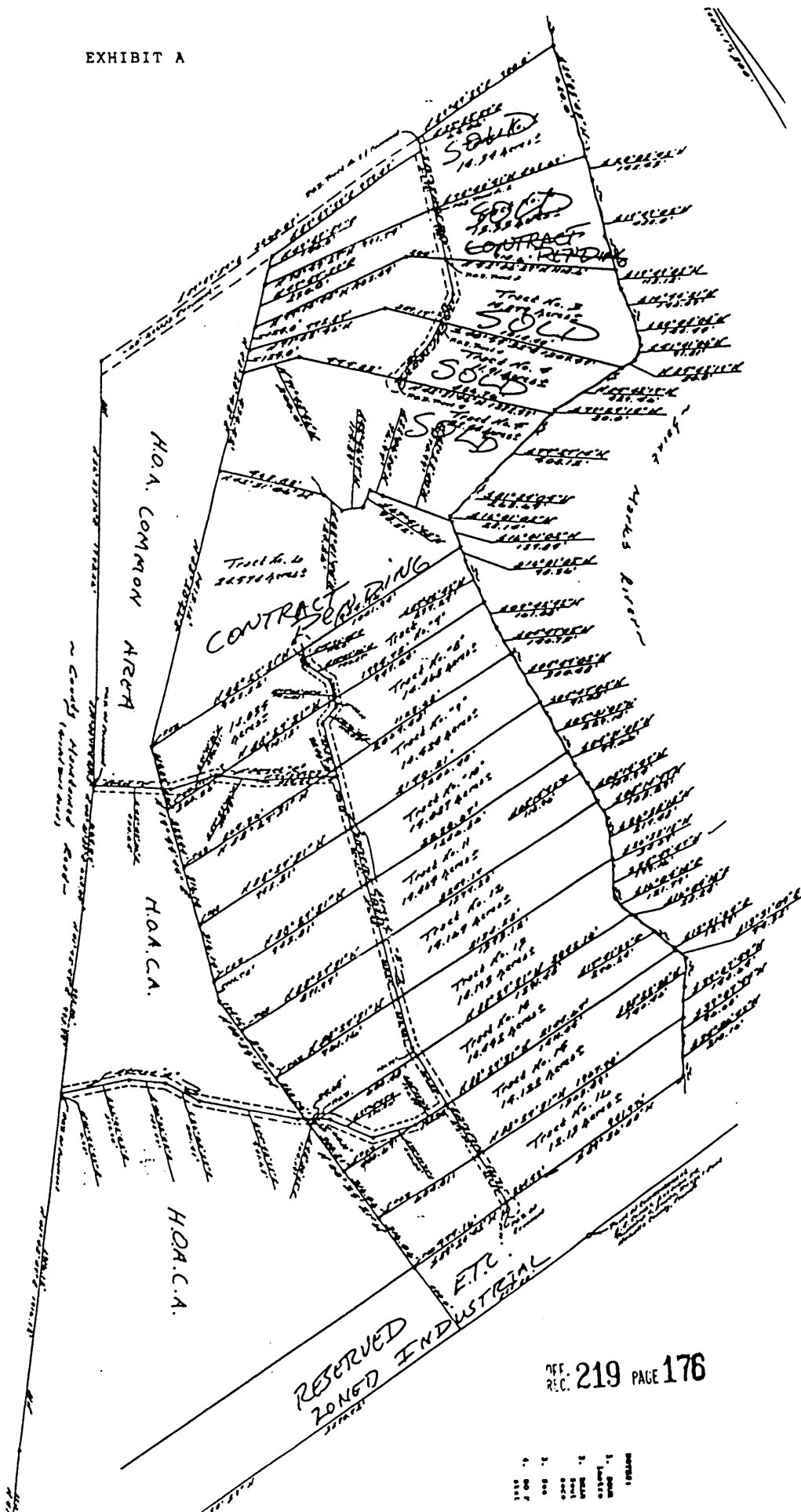
My Commission Expires:

Notary Public, State of Florida  
My Commission Expires Nov. 3, 1993  
Bonded Thru Troy Fain - Insurance Inc.



OFF. REC. 219 PAGE 175

EXHIBIT A



OFF. REC. 219 PAGE 176

- 1. Land
- 2. Water
- 3. Air
- 4. Other

EXHIBIT "B"

Commence at a St. Joe Paper Company concrete monument marking the Southeast corner of Section 35 (also being the Southwest corner of Section 36), Township 3 South, Range 1 East, Wakulla County, Florida and proceed South 89 degrees 24 minutes 39 seconds West along the South boundary of said Section 35 a distance of 3870.72 feet to the Southeasterly right-of-way boundary of a county maintained roadway, thence run North 41 degrees 05 minutes 57 seconds East along said Southeasterly right-of-way boundary 535.69 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue along the Southerly right-of-way boundary the following six (6) courses and distances, North 41 degrees 05 minutes 57 seconds East 568.56 feet, North 41 degrees 48 minutes 47 seconds East 1916.12 feet, North 41 degrees 52 minutes 57 seconds East 993.77 feet, North 40 degrees 21 minutes 37 seconds East 664.05 feet, North 37 degrees 45 minutes 17 seconds East 439.30 feet, North 36 degrees 22 minutes 00 seconds East 1798.25 feet, thence leaving said Southeasterly right-of-way boundary run North 89 degrees 47 minutes 39 seconds East 2960.07 feet to the Rivers Edge of the St. Marks River thence run along said rivers edge the following twenty four (24) courses and distances: South 20 degrees 03 minutes 43 seconds West 762.43 feet, South 19 degrees 49 minutes 02 seconds West 593.12 feet, thence South 10 degrees 54 minutes 21 seconds West 158.09 feet, thence South 20 degrees 08 minutes 08 seconds West 154.55 feet, thence South 51 degrees 41 minutes 06 seconds West 91.81 feet, thence North 85 degrees 42 minutes 19 seconds West 509.56 feet, thence South 79 degrees 27 minutes 14 seconds West 538.13 feet thence South 81 degrees 24 minutes 05 seconds West 268.65 feet, thence South 16 degrees 01 minutes 02 seconds West 244.35 feet, thence South 09 degrees 42 minutes 52 seconds West 399.15 feet, thence South 04 degrees 47 minutes 02 seconds West 522.69 feet, thence South 05 degrees 21 minutes 03 seconds West 306.80 feet, thence South 02 degrees 15 minutes 53 seconds East 118.96 feet, thence South 08 degrees 14 minutes 57 seconds West 208.24 feet, thence South 26 degrees 28 minutes 18 seconds West 251.55 feet, thence South 32 degrees 59 minutes 57 seconds West 179.16 feet, thence South 16 degrees 05 minutes 18 seconds East 150.03 feet, thence South 17 degrees 51 minutes 23 seconds East 276.24 feet, thence South 13 degrees 31 minutes 05 seconds East 88.35 feet, thence South 38 degrees 22 minutes 28 seconds West 150.56 feet, thence South 39 degrees 07 minutes 55 seconds West 251.25 feet, thence South 34 degrees 36 minutes 53 seconds West 210.16 feet. thence leaving said rivers edge run South 89 degrees 24 minutes 42 seconds West 3511.34 feet to the POINT OF BEGINNING.

Subject to a 200.00 foot wide powerline right-of-way over and across the Southwesterly portion thereof.

Said Lands lying and being situate in Section 35 and 36, Township 3 South Range 1 East, Wakulla County, Florida.