

DECLARATION AND ESTABLISHMENT
OF
CONDITIONS, RESERVATIONS AND RESTRICTIONS
FOR
PHEASANT WALK SECTION SEVEN

KNOW ALL MEN BY THESE PRESENTS:

PHEASANT RUN, INC., a Florida corporation, hereinafter sometimes called Owner, being the owner of all of the following described premises, situate within the County of Palm Beach, State of Florida, to wit:

(See Legal Description attached hereto as Exhibit "A")

Said premises being also known" as PHEASANT WALK, SECTION SEVEN, as recorded in Plat Book 44 Pages 48 & 49 the Public Records of Palm Beach County, Florida, has established a general plan for the improvement and development of such premises, and does hereby establish the covenants, conditions, reservations and restrictions upon which, and subject to which, all lots and portions, of such lots shall be improved or sold and conveyed to it as Owner thereof. Each and every one of these covenants, conditions, reservations and restrictions is and all are for the benefit of each owner of land in such subdivision, or any interest therein, and shall inure to and pass with each and every parcel of such subdivision, and shall bind the respective successors in interest of. the present owner thereof. These covenants, conditions, reservations, and restrictions are and each thereof is imposed 'upon such lots, all of which are to be construed as restrictive covenants running with the title to such lots and with each and every parcel thereof, to-wit:

DECLARATION OF
CONDITIONS, RESERVATIONS AND RESTRICTIONS
FOR
PHEASANT WALK, SECTION SEVEN

Each and every paragraph, 1 through 24, inclusive, of the Declaration and Establishment of Conditions, Reservations and Restrictions for PHEASANT WALK, SECTION TWO as recorded on February 8, 1977, in Official Records Book 2638 at Page 967 of the Public Records of Palm Beach County, Florida, are hereby incorporated by reference and hereby adopted as the covenants, conditions, reservations and restrictions for PHEASANT WALK, SECTION SEVEN.

In addition to those above-referenced restrictions 1-24, the following are hereby adopted as additional restrictions for PHEASANT WALK, SECTION SEVEN:

25. Color of Residence. All residences shall be painted in earth tones (shades of tan) and shades of white or such other color or colors as may be approved in writing in advance by the PHEASANT WALK HOMEOWNERS' ASSOCIATION, INC. In the event of non-compliance, PHEASANT WALK HOMEOWNERS' ASSOCIATION, INC. reserves the right to paint the residence so as to comply with this restriction and assess the owner for the costs thereof.

26. Paragraph 33 of the Amended Declaration and Establishment of Conditions, Reservations and Restrictions for PHEASANT WALK, SECTION EIGHT clarifying the Owner's intent and procedure with respect to liens in favor of the ASSOCIATION is incorporated herein and made a part hereof.

27. For the purpose of clarifying the lot owner's duty to maintain the premises and the ASSOCIATION'S

rights with respect to the enforcement of said duty, as set forth in paragraph nine (9), the following procedure shall be adhered to: The owner of each lot shall at all times maintain his lot, including the shrubbery and landscaping thereon, in a neat, green and trim condition. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain on any lot and;no refuse pile or other unsightly object shall be placed or allowed to remain thereon. The property, buildings, .improvements and appurtenances shall be kept in a clean, neat and attractive condition and all buildings and structures shall be maintained in a finished, neat and attractive condition. All residential units shall be maintained and regularly painted in a manner which is harmonious with other units in the Subdivision, particularly those on adjoining lots, and each owner shall be responsible for the prevention and removal of rust from the external surface of his residential unit. All driveways and other paved or pebbled, areas shall be kept in a neat and orderly condition. In the event the owner or owners of any lot fail to maintain such lot In accordance with the above requirements of this paragraph, the Board may:

- (a) Enter upon the Lot for the purpose of performing the maintenance necessary.to comply with the provisions hereof, which entry shall not be deemed as a trespass;
- (b) Contract with third persons to perform the maintenance necessary to bring the Lot arid Its improvements in compliance with the above provisions, which said third persons may do without committing trespass.

Prior to exercise of either remedy (a) or remedy (b) above, the Board shall mail written notice to the Lot Owner at either the address of the Lot, or the last known address of the Lot Owner advising the Lot Owner of the defects, and shall not proceed with either of said remedies unless the Lot Owner has failed to correct such defects within a period of thirty (30) days after mailing of such notice. All costs of curing of such defects whether incurred by the Board or third persons shall be paid by the Lot Owner and shall become a lien against the Lot upon the filing of a Claim of Lien among the Public Records of Palm Beach County, Florida. Such lien may be enforced by foreclosure in the same manner as a mortgage. The cost of curing of such defects shall bear Interest at the rate of ten percent (10%) per annum from the date such costs were incurred, sustained or expended by- the Board, whichever is the sooner, until paid. In addition, the owner of the Lot shall be obligated to pay a reasonable attorney's fee and all costs of collection, in the event the sums due by the Lot Owner hereunder are collected through the services of an attorney. The lien above-described shall secure this obligation to pay interest, attorney's fees and costs.

IN WITNESS WHEREOF, PHEASANT RUN, INC.. a Florida Corporation, has caused this instrument to be executed by its duly authorized officer, and its corporate seal to hereunto affixed this 8th day of January.
President
Secretary

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County, aforesaid, to take acknowledgments, personally appeared ERMINIO P. GIULIANO and ARTHUR V. STROCK, well known to me to be the President and Secretary respectively of PHEASANT RUN, INC., a Florida corporation, and that they severally and jointly acknowledge executing the same, in the presence of two subscribing witnesses, freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid, this 8th day of January, 1982.

LEGAL DESCRIPTION
FOR
PHEASANT WALK, SECTION SEVEN

KNOW ALL MEN BY THESE PRESENTS; THAT PHEASANT RUN, INC., A FLORIDA CORPORATION, OWNER OF THE LAND SHOWN ON THIS PLAT ENTITLED PHEASANT WALK SECTION SEVEN, BEING IN SECTION 36, TOWNSHIP 46 SOUTH, RANGE 42 EAST, COUNTY OF PALM BEACH, STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE RUN N 00°18'55"E 1599.61 FEET ALONG THE EAST LINE OF SAID SECTION 36 TO THE NORTHEAST CORNER OF TRACT "E" AS SHOWN ON THE PLAT OF PHEASANT WALK SECTION SIX, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 35, PAGES 193 AND 194, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN N 89°40'13"W 110.11 FEET ALONG THE NORTH LINE OF SAID TRACT "F", ALSO BEING THE SOUTH LINE OF LOT 29, BLOCK 21, OF SAID PHEASANT WALK SECTION SIX, TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF BIRCHWOOD (DRIVE AS SHOWN ON SAID PLAT OF PHEASANT WALK SECTION SIX; THENCE RUNS S 00°19'47"W 39.61 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A POINT; THENCE RUN N 89°40'13"W 110.60 FEET ALONG THE SOUTH BOUNDARY OF SAID PHEASANT WALK SECTION SIX, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF WOODS END ROAD, TO THE POINT OF BEGINNING: THENCE CONTINUE N 89°40'13"W 712.83 FEET ALONG SAID LINE TO THE NORTHEAST CORNER OF LOT 5, BLOCK 25, PHEASANT WALK SECTION FOUR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGES 1 AND 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: THENCE RUN S 00°19'47"W 110.00 FEET ALONG THE EAST LINE OF SAID LOT 5 TO THE SOUTHEAST CORNER THEREOF: THENCE RUN N 89°40'13"W 407.57 FEET ALONG THE SOUTH LINE OF LOTS 1 THROUGH 5, INCLUSIVE, OF SAID BLOCK 25 TO A POINT ON A CURVE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF S 03°55'10"W, A RADIUS OF 2620.00 FEET, A CENTRAL ANGLE OF 06° 08'18", FOR AN ARC DISTANCE OF 280.69 FEET TO A POINT, SAID CURVE BEING THE EAST RIGHT-OF-WAY LINE OF FOXWOOD WAY, AS SHOWN ON SAID PLAT OF PHEASANT WALK SECTION FOUR AND ALSO PHEASANT WALK SECTION FIVE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 35, PAGES 13 AND 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN S 89°40'13"E 244.40 FEET ALONG THE NORTH LINE OF LOTS 1, 2, AND 3, BLOCK 23 OF SAID PHEASANT WALK SECTION FIVE TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE RUN S 00°19'47"W 170.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR CREEK ROAD AS SHOWN ON SAID PLAT OF PHEASANT WALK SECTION FIVE; THENCE RUN N 89°40'13"W 37.56 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF LOT 1, BLOCK 19 OF SAID PHEASANT WALK SECTION FIVE; THENCE RUN S 00°19'47"W 220.00 FEET TO THE SOUTHEAST CORNER OF LOT 20, BLOCK 19, OF SAID PHEASANT WALK SECTION FIVE; THENCE RUN S 0037'48"E 60.01 FEET TO THE NORTHEAST CORNER OF LOT 14, BLOCK 20, OF SAID PHEASANT WALK SECTION FIVE; THENCE RUN S 00°19'47"W 110.02 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14, SAID SOUTHEAST CORNER OF LOT 14 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF FLORIDA POWER AND LIGHT COMPANY EASEMENT AS DESCRIBED IN OFFICIAL RECORD BOOK 1590, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THEN RUN S 89°40'13"E 266.50 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE, BEING 610.00 FEET NORTH OF AND PARALLEL, AS MEASURED AT RIGHT ANGLES, WITH THE SOUTH LINE OF SAID SECTION 36, THENCE RUN N 00°19'47"E 270.00 FEET TO A POINT;

THENCE RUN S 89°40'13"E 237.50 FEET TO A POINT; THENCE RUN N 86°15'14"E 102.21 FEET TO A POINT; THENCE RUN N 71°23'00"E 111.48 FEET TO A POINT; THENCE RUN N 55°21'49"E 111.48 FEET TO A POINT; THENCE RUN N 39! 20'37"E 111.48 FEET TO A POINT: THENCE RUN N 23°19'26"E 111.48 FEET TO A POINT; THENCE RUN N 07°26'50"E 109.77 FEET TO A POINT; THENCE RUN N 00°19'47"E 274.50 FEET TO THE POINT OF BEGINNING, THE. ABOVE DESCRIBED LAND CONTAINING AN AREA OF 15.92 ACRES, MORE OR LESS.

EXHIBIT "A"