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This instrument was prepared by:

Name: Ben Fernandez, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner hold the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion attached as Exhibit "B", and

IN ORDER TO ASSURE the *Community Zoning Appeals Board 10* and *Concerned Citizens of West Dade, Inc. Subdivision No. 1*, a not-for profit corporation ("West Dade"), that the representations made by the owner during consideration of Public Hearing No. 02-168 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property: as follows:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by *Thomas & Calzadilla Metropolitan Architects* titled, "*Coral Way & 147th Avenue*", consisting of 4 sheets, dated the 20th day of January, 2003, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

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2. That the total number of units on the Property shall not exceed 154.
3. That subject to all necessary approvals from Miami-Dade County, a five (5) foot masonry wall shall be provided and maintained along the Southwest 26th Street frontage of the Property setback approximately two (2) feet from the Property line. A hedge shall be provided between the wall and the Property line.
4. That the garages for the homes on the Property shall not be enclosed with a masonry wall or otherwise.
5. That each lot within the west 75 feet of the Property shall have a minimum width of forty-five feet (45').
6. That each townhouse with the west 75 feet of the Property shall be no less than 2,300 square feet in size and shall include a garage capable of accommodating at least two (2) passenger cars.
7. That all townhomes shall provide a garage capable of accommodating at least one (1) passenger car.
8. That any modification to the Site Plan shall require the written approval of Concerned Citizens of West Dade, Inc. Subdivision No. 1.



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A. County Inspection.

As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County Department of Planning and Zoning, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. Covenant Running with the Land.

This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

C. Term.

This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

D. Modification, Amendment, Release.

This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of

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Miami-Dade County, Florida, or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

E. Enforcement.

Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

F. Authorization for Miami-Dade County to Withhold Permits and Inspections.

In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

G. Election of Remedies.

All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

H. Presumption of Compliance.

Where construction has occurred on the Property or any portion thereof, pursuant to a lawful

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permit issued by the County, and inspections made and approval of occupancy given the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

I. Severability.

Invalidation of any one of these covenants, by judgment of Court in no way shall not affect any of the other provisions which shall remain in full force and effect.

J. Recording.

This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the Application.

[SIGNATURE PAGE(S) TO FOLLOW]



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Exhibit "A"

LEGAL DESCRIPTION:

THE NORTH ½, OF THE EAST ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 9,
TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA.
CONTAINING 435,571 SQUARE FEET, 9.9993 ACRES.

AND,

THE SOUTH ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 9,
TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE SOUTH 50.00 FEET THEREOF FOR RIGHT-OF-
WAY OF SOUTHWEST 26TH. STREET (CORAL WAY) PER OFFICIAL RECORDS BOOK 18324, PAGE
4152, MIAMI-DADE COUNTY, FLORIDA.
CONTAINING 402,562 SQUARE FEET, 9.2415 ACRES.



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ACKNOWLEDGMENT INDIVIDUAL

Signed, witnessed, executed and acknowledged on this 2 day of December, 20 02.

WITNESSES:

Signature Ellen Rose

Print Name Ellen Rose

Signature Sergio Delgado

Print Name Sergio Delgado

CORAL WEST, LTD., A FLORIDA LIMITED PARTNER SHIP

BY: AMERICAN EQUITY CENTERS CORP, GEN. PARTNER

Individual Signature

SALO WAGENBERG, SR. VICE PRESIDENT

Print Name

Address:

2010 NE 214 Terrace N. Miami Beach, FL 33129

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Salo Wagenberg**, who is personally known to me or has produced xxxxxxxxxxxxxxxxxxxxxxxxx identification.

Witness my signature and official seal this 2nd day of December, 20 02, in the County and State aforesaid.

**as Sr. Vice President of American Equity Centers Corp, a Florida corporation by and on behalf of said corporation as general partner of Coral West, Ltd., a Florida limited partnership, by and on behalf of said partnership.

My Commission Expires:

Signature of Notary Public

Notary Public-State of Florida

Print Name Leticia Companioni



Leticia Companioni Commission # DD 027672 Expires July 5, 2005 Bonded Thru Atlantic Bonding Co., Inc.

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JOINDER BY MORTGAGEE

The undersigned PointeBanka Banking Florida, corporation, and Mortgagee under a certain mortgage recorded on 09/07/2001 in Official Records Book 19887, Page 4751 of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of this Declaration of Restrictions are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 13 day of February, 2003.

Witnesses:

[Signature]
Signature

John P. Dover
Print Name

[Signature]
Signature
JOHN A. VOLZBERG

POINTE BANK, a Florida banking corporation

Address:
21845 Powerline Road
Boca Raton, Florida 33433

[Signature]
By: Ronald Blumstein, V.P.
Authorized Representative

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by Ronald Blumstein V. President of Pointe Bank, on behalf of the corporation. He is personally known to me.

Witness my signature and official seal this 13 day of February, 2003, in the County and State aforesaid, the date and year last aforesaid.

[Signature]
Notary Public-State of Florida

Kikki L. Moorman
Print Name

My Commission Expires:



RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK, CIRCUIT COURT