

Prepared by and Return to:
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INSTR # 2007064439
BK 07224 PGS 0340-0345 PG(s) 6
RECORDED 03/26/2007 05:00:44 PM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 52.50
RECORDED BY T Tierney

PROTECTIVE COVENANTS AND DEED RESTRICTIONS FOR WASHINGTON ESTATES

STATE OF FLORIDA
COUNTY OF POLK

Whereas, Eastern-Western Ventures, Inc., is the owner in fee simple of the property legally described as:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

NOW, THEREFORE, Eastern-Western Ventures, Inc., hereinafter called the Developer, herewith files the following covenants and deed restrictions running with the land hereinabove described, also known as:

Lots 1 through 13 of Washington Estates, per Plat Book N/A Page N/A, Public Records of Polk County, Florida.

These Protective Covenants and Deed Restrictions (the "Covenants") shall run with the land and shall be binding on all parties, their successors, assigns and heirs, and all persons claiming by or under them. The following Protective Covenants and Deed Restrictions are enforceable by the Washington Estates Homeowners Association (the "Association") as well as by the individual Lot Owners within Washington Estates.

DEED RESTRICTIONS

PROPOSED DEED RESTRICTIONS for WASHINGTON ESTATES TO BE RECORDED ON ALL THIRTEEN LOTS WITHIN THE SUBDIVISION PRIOR TO CLOSING

1. ONLY CONVENTIONAL, SITE-BUILT HOMES MEETING POLK COUNTY BUILDING CODES, SHALL BE PERMITTED. MOBILE, MANUFACTURED OR MODULAR HOMES ARE NOT ALLOWED.
2. PRINCIPAL USE OF THE PROPERTY SHALL BE SINGLE FAMILY, RESIDENTIAL DETACHED HOMES.
3. EACH DWELLING SHALL CONTAIN A MINIMUM OF 2,400 SQ. FT. UNDER ROOF WHICH MAY INCLUDE ATTACHED GARAGES OR PORCHES UNDER THE MAIN ROOF.

4. EACH HOME MUST HAVE AN ATTACHED GARAGE LARGE ENOUGH TO ACCOMMODATE TWO VEHICLES. PORTABLE/TEMPORARY CARPORTS OR COVERED AWNINGS CONSTRUCTED OF ALUMINUM SUPPORTS WITH CANVAS, VINYL OR METAL ROOF SHALL NOT BE PERMITTED IN THE FRONT OR SIDE YARDS. ANY CARPORTS THAT ARE ATTACHED TO THE HOUSE OR LOCATED IN THE REAR YARD MUST MEET THE MINIMUM STANDARD FOR ACCESSORY STRUCTURES AS STATED IN # 10 BELOW.
5. NO OUTDOOR STORAGE OF HEAVY EQUIPMENT, SEMI-TRACTORS OR TRAILERS, NON-OPERATIONAL VEHICLES, OR JUNK OF ANY KIND.
6. NO COMMERCIAL AGRICULTURAL ACTIVITIES OR ANIMAL PRODUCTION UNITS ARE ALLOWED, AS DEFINED BY THE POLK COUNTY LAND DEVELOPMENT CODE. HOGS, PIGS, SWINE, CHICKENS, DOG KENNELS, COWS, HORSES, GOATS OR OTHER FARM ANIMALS ARE NOT ALLOWED. PET BIRDS MUST BE KEPT INSIDE.
7. ANY DWELLING IN EXCESS OF 5,000 SQ. FT. MUST PROVIDE WATER TO MEET FIRE DEPARTMENT FIRE FLOW REQUIREMENTS.
8. ALL STRUCTURES GREATER THAN 600 SQ. FT. MUST MAINTAIN A DISTANCE SEPARATION OF AT LEAST 100 FT. BETWEEN STRUCTURES. ANY DETACHED ACCESSORY STRUCTURE OF 600 SQ. FT. OR LESS MAY BE LOCATED WITHIN 100 FT. OF PRINCIPAL STRUCTURES.
9. MINIMUM LOT SIZE SHALL BE 1 ACRE OF UPLANDS.
10. AT A MINIMUM, ANY DETACHED ACCESSORY STRUCTURES MUST MEET THE FOLLOWING STANDARDS:
 - A. THE BUILDING MUST BE ATTACHED TO THE GROUND.
 - B. THE BUILDING MUST HAVE A PITCHED ROOF WITH ROOFING MATERIALS THAT MATCH THE PRIMARY DWELLING.
 - C. THE BUILDING MUST BE PAINTED THE SAME COLOR AS THE PRIMARY BUILDING.NOTE: GAZEBOS LOCATED IN THE REAR YARD DO NOT HAVE TO MEET THE RESTRICTIONS STATED ABOVE.
11. ELECTRIC, PHONE OR CABLE LINES LOCATED WITHIN THE RIGHT-OF-WAY OF THE ROAD SHALL BE UNDERGROUND ONLY. EACH LOT OWNER IS RESPONSIBLE FOR THE INSTALLATION OF THE UNDERGROUND LINES FROM THEIR HOME TO CONNECT WITH THE LINES WITHIN ROAD RIGHT-OF-WAY. NO OVERHEAD LINES ARE PERMITTED WITHIN WASHINGTON ESTATES.
12. PORTABLE BASKETBALL POLE/HOOPS ARE NOT PERMITTED TO BE LOCATED OR USED WITHIN THE RIGHT-OF-WAY OF THE ROAD.
13. EACH LOT OWNER SHALL BE RESPONSIBLE FOR COMPLETING THE CONSTRUCTION OF THEIR HOME AND OBTAINING A CERTIFICATE OF OCCUPANCY FROM POLK COUNTY WITHIN EIGHTEEN (18) MONTHS FROM THE DATE THAT THE BUILDING PERMIT IS ISSUED. THERE IS NO RESTRICTION OR TIME LIMIT ON WHEN THE BUILDING PERMIT OR COMMENCEMENT OF CONSTRUCTION SHALL BEGIN.
14. EACH LOT OWNER WILL BE RESPONSIBLE FOR THE INSTALLATION OF THE REQUIRED DRAINAGE CULVERT PIPE WITHIN THE SWALE AS PART OF THEIR PRIVATE DRIVEWAY TO THEIR HOME AS MAY BE REQUIRED BY THE COUNTY AND SWFWMD. THIS MUST BE COMPLETED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THEIR HOME.
15. BUILDING SETBACKS FOR THE PRIMARY HOME SHALL BE AS SHOWN ON THE PLAT. THERE SHALL BE NO PERMANENT STRUCTURES CONSTRUCTED WITHIN THE DRAINAGE EASEMENTS.
16. ALL FENCING MUST MEET THE CURRENT POLK COUNTY LAND DEVELOPMENT CODE REGULATIONS WHICH LIMITS FENCE HEIGHT TO SIX (6) FEET IN THE REAR YARD AND FOUR (4) FEET IN THE FRONT YARD. ANY FENCING LOCATED IN THE FRONT YARD SHALL BE MADE OF PVC OR OTHER COMPARABLE MATERIAL WITH PERMANENT COLORATION. NO SOLID OR OPAQUE FENCING IS PERMITTED IN THE FRONT YARD. ANY FENCING MATERIALS PERMITTED BY POLK COUNTY WILL BE ALLOWED IN THE REAR YARD.
17. IN THE EVENT THAT THE SEPTIC TANK AND DRAIN FIELD SYSTEM ARE ELEVATED ABOVE EXISTING GRADE OF THE LOT, THEY SHALL BE LOCATED BEHIND THE FRONT WALL OF THE HOUSE IN EITHER THE SIDE OR REAR YARD.
18. THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES SHALL INCLUDE, BUT ARE NOT LIMITED TO: ALL DITCHES, DITCH BLOCKS, SWALES, CULVERTS, RETENTION AREAS, WETLANDS AND ANY ASSOCIATED BUFFER AREAS AS SHOWN ON THE APPROVED SWFWMD PLANS/PERMIT.
19. NO CONSTRUCTION ACTIVITIES MAY BE CONDUCTED RELATIVE TO ANY PORTION OF THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES. PROHIBITED ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO: DIGGING OR EXCAVATION; DEPOSITING FILL, DEBRIS OR ANY OTHER MATERIAL OR ITEM; CONSTRUCTING OR ALTERING ANY WATER CONTROL STRUCTURE; OR ANY OTHER CONSTRUCTION TO MODIFY THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES. IF THE PROJECT INCLUDES A WETLAND MITIGATION AREA, AS DEFINED IN SECTION 1.7.24, OR A WET DETENTION POND, NO VEGETATION IN THESE AREAS SHALL BE REMOVED, CUT, TRIMMED OR SPRAYED WITH HERBICIDE WITHOUT SPECIFIC WRITTEN APPROVAL FROM THE DISTRICT. CONSTRUCTION AND MAINTENANCE ACTIVITIES WHICH ARE CONSISTENT WITH THE DESIGN AND PERMIT CONDITIONS APPROVED BY THE DISTRICT IN THE ENVIRONMENTAL RESOURCE PERMIT MAY BE CONDUCTED WITHOUT SPECIFIC WRITTEN APPROVAL FROM THE DISTRICT.

20. THE RESTRICTIONS SHALL BE IN EFFECT FOR 25 YEARS WITH AUTOMATIC RENEWAL PERIODS THEREAFTER OF TEN YEARS AT A TIME. ANY AMENDMENTS OR ADDITIONS TO THE DEED RESTRICTIONS REQUIRE A UNANIMOUS DECISION OF ALL LOT OWNERS AND MUST BE CONSISTENT WITH THE APPROVED SWFWMD PERMIT.
21. THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES ARE LOCATED ON LAND THAT IS DESIGNATED COMMON PROPERTY ON THE PLAT OR ARE LOCATED ON LAND SUBJECT TO AN EASEMENT IN FAVOR OF ALL THE LOT OWNERS WITH ACCESS TO THAT EASEMENT.
22. THE PERMITEE SHALL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES UNTIL THE SUCCESSFUL REINSPECTION IS CONDUCTED PURSUANT TO THE ENVIRONMENTAL RESOURCE PERMIT. THE TRANSFER OF RESPONSIBILITY TO THE LOT OWNERS WILL NOT BE EFFECTIVE UNTIL THE DISTRICT APPROVES THE TRANSFER IN WRITING.
23. THE LOT OWNERS SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES AFTER THE FIRST SUCCESSFUL REINSPECTION.
24. OPERATION AND MAINTENANCE, AND REINSPECTION REPORTING SHALL BE PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ENVIRONMENTAL RESOURCE PERMIT.
25. THE DISTRICT HAS THE RIGHT TO TAKE ENFORCEMENT MEASURES, INCLUDING A CIVIL ACTION FOR INJUNCTION AND /OR PENALTIES, AGAINST ANY LOT OWNER(S) TO COMPEL SUCH LOT OWNER(S) TO CORRECT ANY OUTSTANDING MAINTENANCE PROBLEMS WITH THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES.
26. IF THE ASSOCIATION CEASES TO EXIST, ALL OF THE LOT OWNERS, PARCEL OWNERS OR UNIT OWNERS SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE SURFACE WATER MANAGEMENT SYSTEMS FACILITIES IN ACCORDANCE WITH THE REQUIREMENT OF THE ENVIRONMENTAL RESOURCE PERMIT, UNLESS AND UNTIL AN ALTERNATE ENTITY ASSUMES RESPONSIBILITY AS EXPLAINED IN SUBSECTION 2.6.2.2.4.h.
27. ANY AMENDMENT OF THE DECLARATION OF PROTECTIVE COVENANTS, DEED RESTRICTIONS OR DECLARATION OF CONDOMINIUM AFFECTING THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES OR THE OPERATION AND MAINTENANCE OF THE SURFACE WATER MANAGEMENT SYSTEM FACILITIES SHALL HAVE THE PRIOR WRITTEN APPROVAL OF THE DISTRICT.
28. FOR PROJECTS WHICH HAVE ON-SITE WETLAND MITIGATION AS DEFINED IN SECTION 1.7.24 WHICH REQUIRES ONGOING MONITORING AND MAINTENANCE, THE DECLARATION OF PROTECTIVE COVENANTS, DEED RESTRICTIONS OR DECLARATION OF CONDOMINIUM SHALL INCLUDE A PROVISION REQUIRING THE ASSOCIATION TO ALLOCATE SUFFICIENT FUNDS IN ITS BUDGET FOR MONITORING AND MAINTENANCE OF THE WETLAND MITIGATION AREA(S) EACH YEAR UNTIL THE DISTRICT DETERMINES THAT THE AREA(S) IS SUCCESSFUL IN ACCORDANCE WITH THE ENVIRONMENTAL RESOURCE PERMIT. *Revised 10/13/03*

DECLARATION OF PROTECTIVE COVENANTS

ARTICLE I

A. Definitions

1. The "common surface water management system" shall mean those water management areas defined by Rule 40D-4.031(5) Florida Administrative Code. Examples of components of the common surface water management system include, but are not limited to, the following: streets, roads, rights-of-way, inlets, ditches, culverts, structures, retention and detention areas, ponds, lakes, conservation/preservation areas, swales, diversion swales and treatment area.

2. "Association" shall mean and refer to Washington Estates Homeowners Association, Inc., a Florida corporation not for profit, which corporation has been formed for the primary purpose of owning, operating and maintaining the Common Properties (including the common surface water management system) and enforcing the covenants contained herein, and whose membership shall be comprised of the owners of LOTS 1 through 13 of WASHINGTON ESTATES.

B. Association to Operate and Maintain the Surface Water Management System (BOR2.6.2.5a)

The Association has the responsibility to operate and maintain the common surface water management system in accordance with the Environmental Resource Permit issued by the Southwest Florida Water Mgmt. District.

C. Surface Water Management System Owned by Association (BOR2.6.2.5b)

The Association is and shall be the owner of the Common Properties as shown on the Plat for the Subdivision. The common surface water management system as defined herein included within the areas described as Common Properties on the Plat and any easements identified on the plat or site plan for use as drainage facilities.

ARTICLE II

Use and Maintenance Agreement of Ingress/Egress Easements and Drainage Swales

- A. The fifty (50) foot wide right-of-way for the public road known as Presidential Lane will be dedicated to Polk County and will be thereafter maintained by Polk County. There shall be no parking and there shall be no permanent buildings or structures built within the 50 ft. right-of-way. Said right-of-way shall also serve as utility easements for TECO (Tampa Electric Company) and Verizon (Telephone Company) or television cable company as depicted on the Plat.
- B. The drainage swales may not be blocked by any lot owner and culverts shall be installed per the approved SWFWMD plans and said culverts will be maintained by the lot owner(s) that the culvert serves. Swales and/or retention ponds shall be maintained at elevations as approved by the SWFWMD permits. The integrity of the drainage of the subdivision must be maintained as described in SWFWMD Permit No. 44025870.000 or as may be modified and recorded to run with the land.
- C. It shall be the responsibility of each property owner within the subdivision at the time of construction of a building, residence, or structure, to comply with the construction plans for the surface water management system pursuant to Chapter 40D-4, 40 and 400, F.A.C., approved and on file with the Southwest Florida Water Management District (SWFWMD).
- D. No owner of property within the subdivision may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands and drainage areas as described in the approved permit and recorded plat of the subdivision, unless prior written approval is received from SWFWMD Tampa Permitting Department pursuant to Chapter 40D-4, 40 and 400.

ARTICLE III

Method of Assessing and Collecting Assessed Funds (BOR2.6.2.5c)

- A. Through the Washington Estates Homeowners Association, dues, assessments or special assessments may be deemed necessary to accomplish the required maintenance and repair of improvements so as to keep original quality of construction, and to conform to the requirements of Polk County, Florida; and to maintain or repair the surface water management system. The Association will have annual assessments and may impose special assessments to cover extraordinary costs. The annual assessments will be determined at the annual budget meeting of the Association and shall be based on the previous year's actual costs for maintenance. Special assessments may be determined and voted on at a regular monthly Association meeting on an as needed basis.
- B. Any lot owner not in cooperation with the Association may be charged his pro-rata share and the Association may file and is hereby authorized to file a claim of lien in accordance with the provisions of Florida Statutes Chapters 713 and 720 for such pro-rata cost against such lot owners, and shall, thereafter have all remedies provided therein insofar as enforcing a claim of lien for the pro-rata share and for the cost thereof, including reasonable attorney's fees.

ARTICLE IV

Amendments Need Prior Written Approval of the Southwest Florida Water Mgt District (SWFWMD)

Any amendment (including termination) of this Declaration that would affect the ownership, operation or maintenance of the common surface water management system, or that would affect the common surface water management system itself, shall not be effective without prior written approval of the SWFWMD.

ARTICLE V

Declaration in Effect at least 25 years with Automatic Renewal Periods Thereafter

The covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded. After which time covenants will automatically extend for successive periods of ten years unless an instrument signed by at least seventy-five percent of the then lot owners of the lots has been recorded agreeing to change said covenants in whole or part. Invalidation of any one of these covenants by judgment or Court order shall in no way effect any of the other provisions which shall remain in full force and effect.

ARTICLE VI
Owners Right to Amend or Modify Covenants or Deed Restrictions

At any time, these Covenants and Deed Restrictions may be changed, amended, modified, clarified or interpreted by a written agreement of at least seventy-five percent of the owners of the lots in this subdivision. Each of the covenants and Deed Restrictions herein are independent of all others and invalidation, modification, or amendment of any of these covenants or restrictions shall in no way effect any of the others.

IN WITNESS WHEREOF, Richard C. Bennett, President of Eastern-Western Ventures, Inc., has caused this instrument to be executed this 26th day of MARCH, 2007.

Nancy J Kerr
NANCY J. KERR
Witness
Lorena S. Hutchenson
Witness LORENA S. HUTCHENSON

EASTERN-WESTERN VENTURES, INC.
a Florida corporation
By: Richard C. Bennett
Richard C. Bennett, President

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 26th day of MARCH, 2007,
by RICHARD C. BENNETT
who is personally known to me or who has produced
_____ as identification.

Lorena S. Hutchenson
Notary Signature
LORENA S. HUTCHENSON
Printed Notary Name

SEAL



Schedule A

Commencing at the Northeast corner of the West 1/2 of Section 20, Township 29 South, Range 23 East, run North 89°00'30" West along the North boundary thereof 685.0 feet; thence South 00°00'30" West 660.0 feet to the POINT OF BEGINNING; thence continue South 00°00'30" West 470.09 feet to the Northerly Right-of-Way line of Old Government Road; thence South 55°41' West along said Right-of-Way line 46.94 feet, thence South 72°01' West along said Right-of-Way 635.22 feet to the West boundary of the East 1/2 of said West 1/2 of Section 20; thence run North 00°00'25" West along said West boundary 698.52 feet; thence South 89°50'30" East 642.75 feet to the POINT OF BEGINNING. Together with Right of Ingress and Egress over the Old Government Road. All lying and being in Polk County, Florida.

Being the same property and more particularly described as follows:

Commence at the Northeast Corner of the West 1/2 of Section 20, Township 29 South, Range 23 East, Polk County, Florida and run thence North 89°49'10" West along the North Boundary thereof 685.00 feet; Run thence South 00°03'20" East 660.00 feet to the Point of Beginning; Continue thence South 00°03'20" East 471.91 feet to a point on the northerly Right-of-Way line of Old Government Road; Run thence South 55°41'00" West along said Right-of-Way line 46.94 feet; Run thence South 72°01'00" West along said Right-of-Way line 634.72 feet to a point on the West boundary of the East 1/2 of said West 1/2 of Section 20; Run thence North 00°05'34" East along said West boundary 696.60 feet; Run thence South 89°47'53" East 640.90 feet to the Point of Beginning.