

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALMETTO HALL PLANTATION

(Article & Section headings)

Covenants and Restrictions dated February 28, 1991

## PART ONE - GENERAL REFERENCES

### Article I: Definitions

Section 1.1: Definitions

### Article II: Property Description / General Plan of Development

Section 2.1: The Property

Section 2.2: Additional Property

Section 2.3: Excluded Property

Section 2.4: General Plan of Development

## PART TWO - LAND USE RESTRICTIONS

### Article III: General Land Use Restrictions and Obligations

Section 3.1: Use of Property (10<sup>th</sup> Amendment)

**Section 3.2: Architectural Review of Specifications for New Construction or Additions, Reconstructions, Alterations or Changes to Structures, Landscaping and Siting**

**Section 3.3: Architectural Review Board**

**Section 3.4: Exterior Antennas and Towers** (12<sup>th</sup> Amendment)

**Section 3.5: Tree Removal**

**Section 3.6: Screening**

**Section 3.7: Fuel Storage and Garbage Receptacles**

**Section 3.8: Minimizing Construction Disturbances**

**Section 3.9: Temporary Structures, Outbuildings and Construction Site Clean-Up**

Section 3.10: Lot Coverage

**Section 3.11: Water and Sewage**

*Section 3.12: Water Conservation*

**Section 3.13: Waterfront Setback Requirements**

**Section 3.14: Minimum Required Square Footage**

**Section 3.15: Animals**

Section 3.16: Completion of Construction (13<sup>th</sup> Amendment)

Section 3.17: Unsightly Conditions

Section 3.18: Offensive Activity

**Section 3.19: Other Buildings**

*Section 3.20: Signs*

*Section 3.21: Restrictions of Use of Roadway*

**Section 3.22: Restrictions on Types of Vehicles**

*Section 3.23: Landscaping Maintenance*

*Section 3.24: Right of Entry*

**Section 3.25: Subdivision / Consolidation of Property**

**Section 3.26: Interval Ownership, Timesharing and devices to Effect Interval Ownership Prohibited**

Section 3.27: Rental Restrictions / Leases

### Article IV: Environmental Controls

**Section 4.1: Topography and Vegetation**

*Section 4.2: Certain Controls*

*Section 4.3: Erosion in Common Properties*

Section 4.4: Lagoon and Wetland Easements

Section 4.5: Standard of Reasonableness

### Article V: Special Restrictions Affecting Golf Fairway Residential Areas

*Section 5.1: Landscaping*

Section 5.2: Golf Course Maintenance Easement

**Bold Articles/Sections Assigned to Association** - *Italic Articles/Sections Delegated to Association*

Underlined Articles/Sections have been amended

Modified – 4/3/2007 Page 1 of 6

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALMETTO HALL PLANTATION

(Article & Section headings)

Section 5.3: Entry by Golfers  
Section 5.4: Prohibited Activities  
Section 5.5: No Reserved Rights  
Section 5.6: Liability

Article VI: Special Restrictions Affecting Open Space  
Section 6.1: Declarant's Intention for Open Space  
*Section 6.2: Erosion Prevention Activities Permitted*  
Section 6.3: Dumping Prohibited  
Section 6.4: Consistent Rights to Use Reserved  
Section 6.5: Corrective Action No Trespass  
Section 6.6: No General Easement Intended  
Section 6.7: No Affirmative Action Required of Declarant

## PART THREE - PROVISIONS FOR PALMETTO HALL PLANTATION OWNERS' ASSOCIATION

Article VII: Membership and Voting Rights in the Association  
Section 7.1: Membership (14<sup>th</sup> Amendment)  
Section 7.2: Type of Members (14<sup>th</sup> Amendment)  
Section 7.3: Quorum for any Action Authorized (14<sup>th</sup> Amendment)  
Section 7.4: By-Laws  
Section 7.5: Powers and Duties of Declarant / Association

Article VIII: Property Rights and Common Property  
Section 8.1: Members' Easement of Enjoyment  
Section 8.2: Title to Common Property  
Section 8.3: Extent of Members' Easement  
Section 8.4: Use of Common Property; Liability of Association and Declarant

Article IX: Covenant for Maintenance Assessment  
Section 9.1: Creation of the Lien and Personal Obligation of Assessment  
Section 9.2: Purpose of Assessments  
Section 9.3: Basis and Maximum of Annual Assessment (14<sup>th</sup> Amendment)  
Section 9.4: Special Assessments for Improvements and Additions  
Section 9.5: Date of Commencement of Annual Assessment and Due Date  
Section 9.6: Duties of the Board of Directors  
Section 9.7: Effect of Non-Payment of Assessment; Personal Obligation of Owner; Lien Remedies of the Association (10<sup>th</sup> Amendment)  
Section 9.8: Subordination of the Lien to Mortgage  
Section 9.9: Declarant Assessment  
Section 9.10: Exempt Property

Article X: Functions of Association  
Section 10.1: Association  
Section 10.2: Limitation on Duties and Obligations  
Section 10.3: Powers of the Association  
Section 10.4: Ownership and Maintenance of Common Property  
Section 10.5: Authorized Services  
**Section 10.6: Mortgage and Pledge**  
Section 10.7: Information  
Section 10.8: Insurance Requirements (10<sup>th</sup> & 11<sup>th</sup> Amendment)  
Section 10.9: Indemnification (10<sup>th</sup> & 11<sup>th</sup> Amendment)

Article XI: Rules and Regulations  
Section 11.1: Establishment of Rules and Regulations  
Section 11.2: Authority and Enforcement

**Bold Articles/Sections Assigned to Association** - *Italic Articles/Sections Delegated to Association*

Underlined Articles/Sections have been amended

Modified – 4/3/2007 Page 2 of 6

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALMETTO HALL PLANTATION

(Article & Section headings)

Section 11.3: Procedure

## PART FOUR - PALMETTO HALL CULB

### Article XII: Club Membership and Facilities

Section 12.1: Club Organization and Structure

Section 12.2: Club Facilities

Section 12.3: Right of Access

Section 12.4: Assessments

## PART FIVE - GENERAL PROVISIONS

### Article XIII: General Rights Reserved by Declarant

*Section 13.01: Repurchases by the Declarant*

Section 13.02: Rights, Easements Retained by Declarant

*Section 13.03: Ingress and Egress: Roadways*

Section 13.04: Additional Restrictions

Section 13.05: Duration of Covenants

*Section 13.06: Remedies in the Event of Violation or Breach*

Section 13.07: Declarant Approval

Section 13.08: Severability and Rule Against Perpetuities

Section 13.09: Modifications and Additions

Section 13.10: Assignment

Section 13.11: Use of Trademark

### Article XIV: Amendments

Section 14.1: Amendments

### Article XV: Notice

Section 15.1: How Notice Given

Section 15.2: Notice to Co-Owners

Section 15.3: Notice of Address or Ownership Change

### Article XVI: Enforcement, Severability and Interpretation

*Section 16.1: Who May Enforce Generally*

*Section 16.2: Enforcement by the Association*

*Section 16.3: Enforcement by the Declarant*

Section 16.4: Against Whom May the Covenants be Enforced

Section 16.5: Litigation (11<sup>th</sup> Amendment)

Section 16.6: Means of Enforcement

Section 16.7: Severability

Section 16.8: Interpretation

Section 16.9: Authorized Action

Section 16.10: Gender, Tense and Number

Section 16.11: No Waiver

Section 16.12: Captions

Section 16.13: No Implied Liabilities or Duties

EXHIBIT "A" - 69 Lots in Phase I (# 1 - 69)

FIRST AMENDMENT (October 22, 1991) - Added 48 Lots (# 70 - 77, 79 - 105 and 146 - 158)

SECOND AMENDMENT (June 1, 1992) - Added 54 Lots (# 160 - 213)

THIRD AMENDMENT (April 30, 1993) - Added 72 Lots (# 214 - 285)

**Bold Articles/Sections Assigned to Association** - *Italic Articles/Sections Delegated to Association*

Underlined Articles/Sections have been amended

Modified – 4/3/2007 Page 3 of 6

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALMETTO HALL PLANTATION

(Article & Section headings)

FOURTH AMENDMENT (December 1, 1993) - Added 62 Lots (# 106 - 111, 142 - 145, 501 - 552)

TUCKER RIDGE COVENANTS (Lots 501 through 552)

Article I: Definitions

Section 1: Definitions

Article II: Property Description

Section 2-1: Existing Property

## COVENANTS AND RESTRICTIONS APPLICABLE TO THE PROPERTY

Article III: General Covenants Applicable to All Property Owners and All Lands Within the Property

**Section 3-1: Architectural Review of Specifications for New Construction or Additions,  
Reconstructions, Alterations or Changes to Structures and Landscaping**

**Section 3-2: Specific House Designs**

**Section 3-3: Siting / Setback**

**Section 3-4: Privacy Wall**

Section 3-5: Easement for Service Yards, Landscaping, Construction and Maintenance

*Section 3-6: Restrictions of Use of Roadways*

*Section 3-7: Owner's Landscaping Maintenance*

**Section 3-8: Minimum Required Square Footage**

Article IV: Rights Reserved by Declarant Its Successors and Assigns

Section 4-1: Other Rights and Reservations

Section 4-2: No Affirmative Obligation Unless Stated

**Section 4-3: Modification and Revision of the Detailed Plans and Specifications**

Section 4-4: Recording of Additional Restrictions on Land Use by the Owner Thereof

*Section 4-5: Enforcement*

Section 4-6: Limited Right to Amend Covenants

## GENERAL PROVISIONS

Article V: Duration, Obligation and Appurtenancy of Rights and Obligations Created Herein

Section 5-1: Duration

Section 5-2: Savings Clauses: The Rules Against Perpetuities, Remote Vesting, and Restraints on  
Alienation

Section 5-3: Protection of Mortgages and Other Encumbrances

Section 5-4: Owner's Rights and Obligations Appurtenant

Article VI: Effect of Covenants and Enforcement

Section 6-1: Effect of Provisions of These Tucker Ridge Covenants

*Section 6-2: Who May Enforce*

Section 6-3: Against Whom May the Covenants be Enforced

*Section 6-4: Enforcement Remedies*

Article VII: Interpretation and Construction

Section 7-1: Severability

Section 7-2: Interpretation

Section 7-3: Gender, Tense and Number

Section 7-4: No Waiver

Section 7-5: Captions and Whereas Clauses

Section 7-6: Successors and Assigns

Section 7-7: No implied Reciprocal Covenants

FIFTH AMENDMENT (June 7, 1994) - Added 79 Lots (# 286 - 364)

**Bold Articles/Sections Assigned to Association** - *Italic Articles/Sections Delegated to Association*

Underlined Articles/Sections have been amended

Modified – 4/3/2007 Page 4 of 6

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALMETTO HALL PLANTATION

(Article & Section headings)

SIXTH AMENDMENT (June 30, 1995) - Added 63 Lots (# 365 - 427)

SEVENTH AMENDMENT (November 7, 1995) - Added 41 Lots (# 428 - 468). Also included an exhibit that established a record of an amendment to the By-Laws as approved at the October 21, 1993 Annual Meeting - THIS EXHIBIT NOT INCLUDED IN PACKAGE.

EIGHTH AMENDMENT (January 2, 1997) - Added 23 Lots (# 469 - 491)

NINTH AMENDMENT (July 23, 1997) - Added 12 Lots (# 553 - 564)

TENTH AMENDMENT (March 5, 2001) - Amended Declaration Article III, Section 3.1; Amended Declaration Article IX, Section 9.7; Amended Declaration Article X, Section 10.8; Amended Declaration Article X, Section 10.9; Amended By-Laws Article VII, Section 2(c); Amended By-Laws Article VIII, Section 8(a); Amended By-Laws Article XI

ELEVENTH AMENDMENT (February 7, 2002) - Amended Declaration Article X, Section 10.8; Amended Declaration Article X, Section 10.9; Amended Declaration Article XVI, Section 16.5

TWELVETH AMENDMENT (January 23, 2003) - Amended Declaration Article III, Section 3.4; Amended By-Laws Article III, Section 1; Amended By-Laws Article IV, Section 1; Amended By-Laws Article IV, Section 2

THIRTEENTH AMENDMENT (January 20, 2005) – Amended Declaration Article III, Section 3.16; Amended By-Laws Article IV, Section 2; Amended By-Laws Article V, Section 1; Amended By-Laws Article V, Section 2; Amended By-Laws Article VI, Section 1; Amended By-Laws Article VIII, Section 8(a)

FOURTEENTH AMENDMENT (February 20, 2006) – Amended Declaration Article VII, Sections 7.1, 7.2 and 7.3; Amended Declaration Article IX, Section 9.3; Amended By-Laws Article I; Amended By-Laws Article III, Section 4; Amended By-Laws Article VIII, Section 8(d)

FIFTEENTH AMENDMENT (January 30, 2007) – Amended Declaration Article IX, Adding Section 9.11

## BYLAWS OF PALMETTO HALL PLANTATION OWNERS' ASSOCIATION, INC.

### Article I: Name and Location (14<sup>th</sup> Amendment)

#### Article II: Definitions

- Section 1: Association
- Section 2: Property
- Section 3: Declaration
- Section 4: Declarant
- Section 5: Member

#### Article III: Meetings of Members

- Section 1: Annual Meeting (7<sup>th</sup> Amendment; 12<sup>th</sup> Amendment)
- Section 2: Special Meetings
- Section 3: Notice of Meetings
- Section 4: Quorum (14<sup>th</sup> Amendment)
- Section 5: Proxies

#### Article IV: Board of Directors: Selection; Term of Office

- Section 1: Number (12<sup>th</sup> Amendment)
- Section 2: Term of Office (12<sup>th</sup> Amendment, 13<sup>th</sup> Amendment)

**Bold Articles/Sections Assigned to Association** - *Italic Articles/Sections Delegated to Association*

Underlined Articles/Sections have been amended

Modified – 4/3/2007 Page 5 of 6

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALMETTO HALL PLANTATION

(Article & Section headings)

Section 3: Removal  
Section 4: Compensation  
Section 5: Action taken Without a Meeting

Article V: Nomination and Election of Directors  
Section 1: Nomination (13<sup>th</sup> Amendment)  
Section 2: Election (7<sup>th</sup> Amendment, 13<sup>th</sup> Amendment)

Article VI: Meetings of Directors  
Section 1: Regular Meetings (13<sup>th</sup> Amendment)  
Section 2: Special Meetings  
Section 3: Quorum

Article VII: Powers and Duties of the Board of Directors  
Section 1: Powers  
Section 2: Duties (10<sup>th</sup> Amendment)

Article VIII: Officers and Their Duties  
Section 1: Enumeration of Offices  
Section 2: Election of Officers  
Section 3: Term  
Section 4: Special Appointments  
Section 5: Resignation and Removal  
Section 6: Vacancies  
Section 7: Multiple Offices  
Section 8: Duties (10<sup>th</sup> Amendment, 13<sup>th</sup> Amendment, 14<sup>th</sup> Amendment)

Article IX: Committees

Article X: Books and Records

Article XI: Assessments (10<sup>th</sup> Amendment)

Article XII: Corporate Seal

Article XIII: Amendments  
Section 1: (How Amended)  
Section 2: (Conflict with Declaration)

Article XIV: Dissolution

Article XV: Miscellaneous