

Nautica
8355 Lawrence
Boynton Beach, FL 33436

Return to: (enclose self-addressed stamped envelope)

Name: Mark F. Grant, Esq.

Address: P.O. Box 1900
Fort Lauderdale, Florida 33302

This Instrument Prepared by:
Ruden, Barnett, McClosky, Smith
Schuster & Russell, P.A.
200 East Broward Boulevard
15th Floor
Fort Lauderdale, Florida 33301

JUN-14-1995 11:49am 95-188212
ORB 8789 Pg 1171

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR NAUTICA

THIS DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR NAUTICA ("Declaration") is made this 12TH day of JUNE, 1995 by G.L. HOMES OF BOYNTON BEACH ASSOCIATES, LTD., a Florida limited partnership, its successors and assigns ("Declarant"), and is joined in by NAUTICA HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit ("Association").

WHEREAS, Declarant is the owner in fee simple of the real property more particularly described on Exhibit "A" ("Property") attached hereto and made a part hereof; and

WHEREAS, Declarant desires to develop a community on the Property to be known as "Nautica" as hereinafter set forth; and

WHEREAS, in order to develop and maintain Nautica as a planned residential community and to preserve the values and amenities of such community, it is necessary to declare, commit and subject the Property and the improvements now or hereafter constructed thereon to certain land use covenants, restrictions, reservations, regulations, burdens, liens, and easements; and to delegate and assign to the Association certain powers and duties of ownership, administration, operation, maintenance and enforcement; and

WHEREAS, the Association is joining in this Declaration in order to acknowledge its obligations hereunder.

NOW, THEREFORE, in consideration of the premises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used,

Declarant reserves the right, but shall not be obligated, to construct additional recreational facilities upon the Recreation Tract or to change the facilities planned for the Recreation Tract. The decision as to whether to construct additional recreational facilities, or to change the planned facilities, and the erection thereof shall be in the sole discretion of Declarant.

B. Lakes. The "Lakes" are those portions of the Property designated on the Plat as Tracts "L1", "L2" and "L3," and shall always be kept and maintained as lakes for water retention, drainage, irrigation and water management purposes in compliance with all applicable governmental and water management district requirements. The Lakes shall be a part of the Association Property and shall be maintained, administered and ultimately owned by the Association. In furtherance of the foregoing, Declarant hereby reserves and grants an easement in favor of the Association throughout all portions of Nautica necessary for the purpose of accessing, maintaining and administering the Lakes, and no Owner shall do any act which may interfere with the performance by the Association of its obligations hereunder.

The Lakes include the littoral zones within and surrounding the Lakes. The Association shall be required to maintain the littoral zones in accordance with the "Nautica f/k/a. Boynton Nurseries P.U.D. Lake Area Management Plan, MPMD #94.004, January, 1995" ("Lake Area Management Plan"), as prepared by Kilday & Associates, Inc. and which is attached hereto as Exhibit "F" and made a part hereof.

DECLARANT AND THE ASSOCIATION SHALL NOT BE OBLIGATED TO PROVIDE SUPERVISORY PERSONNEL FOR THE RECREATION AREA AND THE LAKES, INCLUDING, BUT NOT LIMITED TO, LIFEGUARDS. ANY INDIVIDUAL USING THE RECREATION AREA AND THE LAKES SHALL DO SO AT HIS OWN RISK AND HEREBY HOLDS DECLARANT AND THE ASSOCIATION HARMLESS FROM AND AGAINST ANY CLAIM OR LOSS ARISING FROM SUCH USE.

C. Streets, Drives, Roads and/or Roadways. The "Streets," "Drives," "Roads" and/or "Roadways" are those portions of the Property designated on the Plat as Tract "A" and which are reserved for or dedicated to the Association but specifically excluding any street or roadway dedicated to the public on the Plat or the Additional Plat. The Streets, Drives, Roads and/or Roadways shall be used as private roads by Declarant, the Association and the Owners, their family members, guests, lessees and invitees in accordance with the provisions of this Declaration. The Streets, Drives, Roads and/or Roadways shall be maintained, administered and ultimately owned by the Association.

D. Landscaped Areas or Grassed Areas. The "Landscaped Areas" and "Grassed Areas" are those portions of the Property designated on the Plat as Tracts "E" and "G," respectively, and are to be used, kept and maintained as such by Declarant, the Association and the Owners, their family members, guests, lessees and invitees in accordance with the provisions of this Declaration. The Landscaped Areas and Grassed Areas shall not include those portions of an Owner's Lot which the Owner is required to maintain pursuant to this Declaration. The Landscaped Areas and Grassed Areas shall be ultimately owned by the Association and shall be administered and maintained by the Association in accordance