

**HOLIDAY ESTATES I & II  
HOMEOWNERS CORPORATION  
1445 SEAGULL DRIVE  
ENGLEWOOD, FL 34224**

BARBARA T. SCOTT, CLERK  
CHARLOTTE COUNTY  
CR BOOK 1755 PAGE 0441  
RECORDED 12/15/99 12:08 PM  
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AMENDMENTS TO AND RESTATEMENT OF  
DEED RESTRICTIONS

The following Deed Restrictions shall run with the land so platted in the Public Records of Charlotte County, Florida as to the Holiday Mobile Estates First Addition in Plat Book 9 Page 5A, as to the Holiday Mobile Estates Second Addition in Plat Book 11 Pages 6A, 6B, and 6C, known as Holiday Estates I & II:

1

ALL OF HOLIDAY MOBILE ESTATES FIRST ADDITION AND HOLIDAY MOBILE ESTATES SECOND ADDITION ARE DEED RESTRICTED TO ADULT OCCUPANCY ONLY. Adult means at least one occupant of the home is 55 years of age or older. This Deed Restriction applies to owners or renters who permanently occupy any mobile home in this subdivision.

The use of any home as a day care center for children for income is not permitted. No children shall be allowed to permanently occupy any home. Children shall be defined as persons under the age of 18.

Occupancy of any home for more than ninety days in a calendar year is construed to be permanent. Emergency or extraordinary circumstances may be reviewed by the Holiday Estates I & II Homeowners Corporation Board of Directors for consideration of a waiver of this Deed Restriction.

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ONLY NEW MOBILE HOMES shall be placed on any lot in said subdivision and they must comply with all current Building and Zoning Requirements of Charlotte County, Florida. "New" shall be defined as no more than one (1) year old as established by its certificate of origin. No new home shall contain less than 560 square feet of floor space, exclusive of porches, carports, utility rooms and lanais. No more than one home shall be placed on each lot and shall be used for single family residential purposes only.

Deed  
Restrictions

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BEFORE A NEW HOME IS OCCUPIED, the following items must be completed:

- a) Homes must be placed and anchored according to Charlotte County Building Codes. Any additions or improvements must conform in style and construction with the mobile home to which it is attached.
- b) All necessary permits including occupancy permits must be obtained.
- c) A concrete driveway, from the street to the home inclusive of carport, that is at least 12 X 70 feet. The driveway must have a swale or drainage pipe.
- d) A carport with a width not less than 13 feet. *\*code compliant*
- e) Brick, vinyl or decorative block skirting.
- f) Complete landscaping with sod or seed within 60 days of occupancy.

A LANAI AND/OR A FLORIDA ROOM may be attached to any mobile home. Said lanai or Florida Room shall not exceed a maximum of 75% of the square foot capacity of said mobile home. All attached structures shall conform with the mobile home to which they are attached and must comply with all Building and Zoning Regulations of Charlotte County, Florida.

A UTILITY ROOM OR BUILDING that is in addition to a utility room attached to the mobile home, may be located on the rear portion of any lot. Said utility room or building shall conform with the mobile home on said property and must comply with all Building and Zoning Regulations of Charlotte County, Florida.

NO ANIMALS shall be kept on any lot, except that two domestic animals, ie dogs and/or cats, may be kept inside each residence. Animal owners must comply with the Charlotte County Leash Law. All animal excrement must be promptly removed from all properties.

THE LOTS in said subdivision must be kept clean and mowed; including to the water's edge on canal lots. In case of failure to do so, the Holiday Estates I & II Homeowners Corporation reserves the right to enter upon all lots, mow grass, and clean up the lot. The owner will be charged for the cost of the services performed, and if said cost is not repaid to the corporation, a lien will be placed on the property for the amounts due.

NO MOTOR VEHICLES OR BOATS except those bearing current licenses and used by residents of this subdivision shall be kept on any Lot. Overnight parking of any commercial truck classified larger than a 1-ton pick-up is not permitted.

NO BOAT shall maintain a speed which would create a wake in any part of the canal located in said subdivision.

10

NO ACCESS TO NOR EGRESS FROM Holiday Mobile Estates First Addition and Holiday Mobile Estates Second Addition shall be permitted, except by platted streets. There shall be no access to nor egress from individual commercial lots fronting on State Route 776, except by platted streets.

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ENFORCEMENT OF THESE DEED RESTRICTIONS shall be by proceedings at law in equity against any person or persons violating or attempting to violate any of said Deed Restrictions either to restrain violations or to recover damages. Said action may be brought by the Holiday Estates I & II Homeowners Corporation, or any owners adversely affected by such violation.

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THESE DEED RESTRICTIONS shall run with the land and shall be binding upon all parties and all persons claiming under them.

HOLIDAY ESTATES I & II

HOMEOWNERS CORPORATION



Prepared By and Return To:  
Hill Law Firm, P.A.  
456 S. Tamiami Trail  
Osprey, FL 34229

**AMENDMENTS TO  
THE DECLARATION OF RESTRICTIONS  
FOR HOLIDAY ESTATES SECTIONS I & II HOMEOWNERS  
CORPORATION, INC.**

THIS CERTIFICATE OF AMENDMENT is executed this 9<sup>th</sup> day of Feb, 2016, by THE HOLIDAY ESTATES SECTIONS I & II HOMEOWNERS CORPORATION, INC., a Florida not-for-profit corporation (hereinafter "Corporation").

**RECITALS**

WHEREAS, the Corporation has been established for the operation of Holiday Estates I & II, in accordance with the Declaration of Restrictions for Holiday Estates Sections I & II Homeowners Corporation, Inc. recorded in in Book 323, Pages 251, et seq. of the Official Records of Charlotte County, Florida, as amended from time to time ("Declaration"); and the original Bylaws of Holiday Estates Sections I & II Homeowners Corporation, Inc. which were submitted to the Secretary of State of Florida on November 9, 1998, as amended from time to time ("Bylaws.") and,

WHEREAS, amendments to the Declaration, Sections 1, 13 and 14, were submitted to the Members of the Corporation at a Meeting of the Members held on March 9, 2015, which Meeting was duly noticed in accordance with Article 5 of the Corporation's Bylaws; and,

WHEREAS, not less than a majority of the units voted to approve the proposed amendments to Declaration;

NOW THEREFORE, the Corporation does hereby state as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. All present and future Members of the Corporation shall be bound by the amendments to the Declaration:

New language is indicated by underlined type. Deleted language is indicated by ~~strikethrough~~ type.

The proposed Amendments are as follows:

**1. Section 1 of the Declaration is amended in the following manner:**

1. Occupancy of any home for more than ~~ninety~~ thirty (30) days in a ~~calendar-year~~ twelve (12) month period is construed to be permanent. Emergency or extraordinary circumstances may be reviewed by the Holiday Estates I & II Homeowners Corporation Board of Directors for consideration of a waiver of this Deed Restriction.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK: 4054 PAGE 1210 PAGE 1 OF 2  
INSTR # 2415979 Doc Type: RES  
Recorded: 2/18/2016 at 4:27 PM  
Rec. Fee: RECORDING \$18.50  
Cashier By: MARGARETK

2. Article 13 of the Declaration is amended in the following manner:

Enforcement. Subject to statutory pre-suit mediation requirements provided in Chapter 720, Florida Statutes, these covenants and restrictions may be enforced by the Corporation or by any other Lot Owner by filing an action at law or in equity against any person violating or attempting to violate the covenants and restrictions. The party bringing the action may recover damages and/or injunctive relief and the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, both at the trial and the appellate levels.

3. Article 14 Declaration is amended in the following manner:

Sexual Offenders and Sexual Predators Prohibited as Tenants. Tenants in the community shall not have been convicted (either via an adjudication of guilt or a withhold of adjudication) of heinous crimes, such as murder, sexual battery, child molestation, rape or their equivalent under Federal or State laws. No person who is classified as a sexual offender or a sexual predator under Florida law shall be permitted to be a tenant. It shall be the responsibility of each Lot Owner to check with the Florida Department of Law Enforcement's ("FDLE") website (currently www.fdle.state.fl.us) prior to entering into a lease with any person. The Lot Owner shall not be held responsible if a person or conviction record is added to the FDLE's website after the date the Lot Owner conducts his or her original search. A waiver of this provision or the failure to enforce it in any particular instance shall not constitute a waiver or estop the Corporation from enforcing this provision in any other instance.

All other sections remain unchanged.

IN WITNESS WHEREOF, we have affixed our hands this 9<sup>th</sup> day of Feb, 2016, in Charlotte County, Florida.

[Signature]  
Witness Signature

**HOLIDAY ESTATES SECTIONS I & II HOMEOWNERS CORPORATION, INC.**

By: [Signature]  
Gary Schofield, President

ROBERT H. STENECK JR  
Printed Name

[Signature]  
Witness Signature

GRACE L. STENECK  
Printed Name

[Signature]  
Attest: Joseph Spress, Secretary

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of Feb. 2016, by Gary Schofield, as President, and by Joseph Spress, as Secretary of Holiday Estates Sections I & II Homeowners Corporation, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced Driver's License as identification.

[Signature]  
Notary Public, State of Florida

