



Property Owners' Association, Inc.

CACHE CAY

PROPERTY OWNERS'

ASSOCIATION

By-Laws
Dedication and Declaration of Restrictions
(May 4, 2004)

DEDICATION AND DECLARATION OF RESTRICTIONS
(As Amended)

Article VI, Section 11 of the By-Laws of CACHE CAY Property Owners' Association, Incorporated (hereafter referred to as the Association) establishes that the Dedication and Declaration of Restrictions for the Association shall be incorporated in the By-Laws by reference, and that the Board of Directors of the Association is charged with the responsibility for ensuring compliance with said restrictions.

Therefore, the Association does hereby declare that all lots located within the following described property in the City of Vero Beach, Indian River County, Florida known as CACHE CAY, a subdivision, according to the Plat recorded in Plat Book 9, pages 62 and 62A, in the Public Records of Indian River County, Florida, are hereby restricted as follows, all of which restrictions and limitations are intended to be, and shall be taken as, a consideration for any agreement for deed or any deed of conveyance hereinafter made and one of the express conditions thereof, and the said restrictions and limitations are intended to be and are taken as covenants to run with the land, and shall be as follows, to wit:

1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes, and only one residence for occupancy by a single family may be erected on each lot. For use with a residence, appropriate buildings for a guest house, servant's quarters, garage and tool house shall be permitted upon any lot in said subdivision. Such auxiliary building(s) shall be constructed simultaneously with or subsequent to (never before) erection of the residence. Such auxiliary buildings shall be constructed of the same materials and shall be of the same architectural design as the residence.
2. EASEMENTS. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded Plat for CACHE CAY. The Association shall have a right of ingress and egress over all easements, roads and lakes in order to maintain, alter and repair the areas owned or for which the Association is responsible.
3. BUILDING SETBACKS. No building shall be located on any lot nearer to the front, side or rear lot lines than permitted by the City of Vero Beach zoning restrictions. Where it is deemed desirable and proper to further set or restrict such front, side or rear setbacks, then the Architectural Control Committee shall have the power to delineate said more-restrictive setbacks provided, however, that such action shall be taken prior to offering any affected lot or lots for sale to any interested party or parties.
4. ARCHITECTURAL CONTROL COMMITTEE. The Architectural Control Committee (hereafter referred to as the Committee) shall consist of no fewer than three (3) members of the Association, who must also be, during the term of their office as a member

of the Committee, a member of the Board of Directors of the Association, with the ultimate number to be determined by a two-thirds (2/3) majority vote of the members of the Association present, either in person or by proxy, at any Annual Meeting. The members of the Association shall at each Annual Meeting of the Association, by a two-thirds (2/3) majority vote of those present, either in person or by proxy, select the members of the Committee, which said members so selected shall immediately take office as members of the Committee. The Committee shall exist as long as these restrictions remain in effect. Each affirmative action taken by the Committee shall require a majority vote of its members. In the event of the death or resignation of any member of the Committee, the Board of Directors shall immediately designate a successor member to serve for the remainder of the unexpired term.

5. PLAN SUBMISSIONS. All plans and specifications required to be approved or disapproved by this Dedication and Declaration of Restrictions shall be submitted to the Committee, in duplicate, at the residence address of any Committee member (see Appendix A and Appendix B). The Committee shall approve or disapprove said plans and specifications in writing within thirty (30) days from the date of submission of the complete plans and specifications to the Committee. Written approval or disapproval shall be by either a letter or a copy of the application form, in either case setting forth any conditions or reservations attached to an approval, or reasons for disapproval.

6. TENURE OF APPROVAL. The aforementioned written approval by the Committee of a proposed construction, change or improvement shall be for a period of twelve (12) months commencing on the date that the written approval is given. The owner shall be required to complete the construction, change or improvement within said twelve month period of time. If not completed within said twelve (12) month period, the consent of the Committee shall expire, and the owner shall be required to resubmit the owner's plans and specifications for its approval.

7. VARIANCES FROM APPROVED PLANS. In all instances where plans and specifications are required to be submitted to and are approved by the committee, if subsequent thereto there shall be any variances in the actual construction and location of any improvements covered thereby without written permission of the Committee, any such variance shall be deemed a violation of these restrictions, and such variance will be required to be corrected or reverted to the original plan or removed, as decided by the Committee in its sole discretion.

8. DEPOSITS.

A. Construction Deposit. The Committee shall require the owner of a lot, in order for the owner to obtain the Committee's approval for the proposed construction, to deposit with the Association the sum of one thousand dollars (\$1,000) as a damage and

clean-up deposit, which shall be returned to the owner upon completion of the construction provided that no damage has been done to the roadway or other property of the subdivision and that the jobsite has been left in a clean and sanitary condition. Should damage occur or should the jobsite be left in an unclean or unsanitary condition, either during construction or after construction is completed, the Committee shall have the right to take whatever steps are necessary to repair the damage and to clean the jobsite, and shall use all or any part of the deposit to pay for the same. The deposit, or so much as is not required to be used by the Committee, shall be returned to the owner upon completion of construction. Damages and costs shall not be limited to the amount of the deposit.

B. Landscaping Deposit. The Committee shall require the owner of a lot, in order for the owner to obtain the Committee's approval for the proposed landscaping, to deposit with the Association the sum of one thousand dollars (\$1,000) as a guarantee that landscaping will be completed according to the submitted and approved plan. The deposit will be returned to the owner after the Committee has reviewed the actual landscaping and satisfied itself that plantings have been done in accordance with the approved plan. The deposit, or so much as is not required to be used by the Committee to complete the landscaping according to plan, shall be returned to the owner upon completion of the landscaping. Damages and costs shall not be limited to the amount of the deposit.

9. ARCHITECTURAL CONTROL. No dwelling house, swimming pool, screen enclosure, fence, hedge, wall, mailbox, permanent sports facility, grading, major landscaping change, or construction of any structure or facility whatsoever shall be commenced, erected, installed or maintained, nor shall any alteration, addition or change be made on any lot which affects the exterior appearance thereof, until the plans and specifications therefore showing the extent, nature, kind, shape, height, grade, materials to be used, floor plans, exterior colors, location of structure on the lot, driveway location, style of architecture and the approximate cost of such structure, facility or work to be done and other information as requested by the Committee shall have been submitted to and approved in writing by the Committee, or should the Committee disapprove the same, without the written approval of the Board of Directors or the members of the Association should the decision of the Committee or the Board of Directors be appealed as set forth in Section 11.

The Committee, or upon appeal, the Board of Directors or a majority of the total membership of the Association, shall have the right to disapprove any such plans or specifications that are not suitable or desirable in its or their opinion for aesthetic or other reasons, and in so passing on such plans, specifications or changes, they shall have the right to take into consideration the suitability of the proposed building, structure, facility or plantings and the materials with which it is to be built, or of which it is to consist, as the same relate to the site upon which it is proposed to erect or install the same, the harmony thereof with the surrounding area and the effect of the building or other structure as planned on the outlook from the adjacent or neighboring property and on the overall

character of the CACHE CAY subdivision.

Specific architectural rules and regulations include the following:

A. House Grades. The Committee, subject to appeal review by the Board of Directors or members of the Association, shall set all house grades. Accordingly, house grades will be set so that floor elevations, measured in inches above the crown of the street, will not exceed twenty-four (24) inches nor be less than eighteen (18) inches. Any exceptions, assuming that they meet City of Vero Beach zoning restrictions, shall require special approval of the Committee.

B. Minimum Dwelling Size. For a one story dwelling, the ground floor of the main structure, exclusive of garage, porches, terraces, or unroofed areas, shall be not less than eighteen hundred (1800) square feet; and if a two story dwelling, said dwelling shall have a minimum ground or first floor area of twelve hundred (1,200) square feet, exclusive of garage, porches, terraces or unroofed areas. Any other multi-story dwelling shall be subject to special review and approval by the Committee.

C. Garage. Each residence shall contain a completely enclosed two (2) car garage, the doors of which shall not face the street unless specifically approved in writing by the Committee. A completely enclosed three (3) car garage will be permitted if, in the judgment of the Committee, it is in architectural harmony with the rest of the dwelling and with the site.

D. Roof Overhang. The roof overhang for a dwelling shall not be less than thirty-six (36) inches, except as may be otherwise approved by the Committee on a case by case basis taking into consideration the number of stories and architectural style.

E. Driveways. Only hard surface driveways are allowed.

F. Fences and Pools. Exterior air conditioning units and pool filtration and heating systems shall be enclosed by wood or block fences, or fences of such other materials as approved by the Committee, not to exceed four (4) feet in height. Similar fences are also permitted, as approved by the Committee, to screen containers for garbage and rubbish. No other fences of any kind, including dog runs, shall be permitted on CACHE CAY homesites except as required by the City of Vero Beach to enclose an unscreened pool, and in such instances the fence shall be located immediately around the edge of the pool deck and be four (4) feet in height and of wood construction, or such other materials as approved by the Committee. All pools shall be located only in the rear of the house and within the rearward extension of the house side lines. Any extension of a pool deck or screen enclosure beyond the house side lines shall require written approval of the Committee.

G. Post Lamps. Each dwelling shall have a photo-cell or continuously operated post lamp (internal override switch permitted) located in the front of the lot approximately midpoint between the side lot lines and within six(6) to twenty (20) feet of the curb. Post lamps shall be of at least 50 watts in intensity or the equivalent, but no more than 100 watts, and must at a minimum be illuminated continuously from dusk to dawn throughout the entire year, whether in residence or not, so as to provide continuous illumination of the adjacent street during periods of darkness.

H. Mailboxes. A single, plain, rural type mailbox shall be placed at the street edge fronting each dwelling, mounted on a double stanchion of standard CACHE CAY design. Any exception must be approved by the Committee in writing. Specifically prohibited are wrought iron mailboxes and mailboxes exhibiting a design. The house number must be displayed on both sides of the mailbox stanchion. No other lettering will be permitted. Mailboxes, stanchions, and newspaper receptacles shall be painted either white or the color(s) of the house.

I. Tanks. Any and all tanks must be buried below ground level.

J. Docks. Any dock that would project into the waters surrounding CACHE CAY shall, in addition to meeting requirements set by various government agencies, be subject to approval by the Committee, which said Committee shall determine the standardization of dock construction, materials to be used and appurtenances thereto. In no event shall there be any covered docks or boat houses. Dock davits and boat lifts, however, will be permitted subject to any limitations set forth in the Association's written approval of a dock already in place. Plans submitted in duplicate to the Committee must be signed by a licensed engineer and should indicate mean water depths and bottom contours in the area of construction. Docks and mooring pilings shall be situated within an area comprising the middle one-third of the area determined by the projection of the side lot lines of the lot to be served. The lot owner shall be responsible for obtaining such permits as may be required from governmental agencies. No dock construction is to commence prior to the issuance of all required permits and receipt of the Committee's written approval.

K. Other Rules and Regulations. Article VI, Section 10 of the By-Laws of CACHE CAY Property Owners' Association, Incorporated, establishes the authority and procedure for promulgating rules and regulations governing the improvement, use and maintenance of property in the CACHE CAY subdivision. Rules and regulations adopted under this authority and set forth in the following Appendices to this Dedication and Declaration of Restrictions are hereby incorporated in the Dedication and Declaration of Restrictions by reference.

Appendix A - Application For Approval Of Lot
Improvement In CACHE CAY Subdivision

Appendix B - Rules For the Landscaping
Of Lots In CACHE CAY Subdivision

Appendix C - Rules for Contractors and Subcontractors
Doing Business in CACHE CAY Subdivision

Appendix D - Rules for Real Estate Open Houses

L. Satellite Dishes and Exterior Antennas. Satellite dishes for television reception or other air wave reception shall be permitted only after approval by the Architectural Control Committee. Requests for placement of satellite dishes shall be in writing and adequate details and information shall be furnished as may be requested by the Committee. Satellite dishes shall not exceed eighteen (18) inches in diameter and shall be screened so as not to be visible from off the applicant's property at ground level. No other external aerials or exterior antennas shall be permitted within CACHE CAY whether attached to the house or erected separately.

10. MISCELLANEOUS RESTRICTIONS.

A. Nuisances. No animal, fowl (except for caged birds), or livestock of any kind shall be kept or harbored on any lot in CACHE CAY, except that the keeping within a dwelling of domestic dogs and cats is hereby permitted so long as these dogs and cats do not become a nuisance to the occupants of other lots in the subdivision. In no instance shall any domestic pet be permitted to roam un-tethered about CACHE CAY, which provision includes any animals owned by guests of residents in CACHE CAY. City and county regulations governing domestic animals must be adhered to at all times. The Board of Directors may promulgate and enforce rules and regulations to prevent any and all nuisances that may be caused by domestic animals.

B. Temporary Structures. No structure of a temporary character, such as a trailer, tent or shack (but excluding portable sanitary facilities during construction), shall be placed on any lot in this subdivision, nor shall any basement, garage or outbuilding on any lot in CACHE CAY be used as a residence.

C. Operating a Business or Office. No business or office, commercial or professional, shall be operated in or out of any residence in CACHE CAY so as to increase vehicular traffic in CACHE CAY above the normal type of residential traffic that would occur if no commercial or professional business whatsoever were being operated in CACHE CAY. No person residing in CACHE CAY shall have his or her customers, clients, patients, business or professional agents or employees enter CACHE CAY for any business whatsoever, it being the intent that no business traffic of any kind shall be allowed in CACHE CAY.

D. Parking and Storage of Vehicles and Boats. No boats, recreational vehicles, junk cars, commercial vehicles or trailers shall be stored or parked on the street, yards or driveways, or in view of the public, in CACHE CAY at any time, provided, however, that boats may be maintained unattended at dockside or on davits or lifts on riverside docks only. Service vehicles that are prohibited here may be parked in view of the public during the daytime while working at a residence. Overnight parking of vehicles in the street shall require specific approval of the Chairman of the Security Committee, or of the President or Vice President of the Board. Continual parking of vehicles in driveways is discouraged. Outdoor storage of vehicles that are not mechanically operable or currently licensed for use is not permitted.

E. Storage of Refuse. No debris, garbage or rubbish shall be permitted on any lot in CACHE CAY except as may be stored in an approved container made for the purpose, such container to be buried or enclosed in a decorative enclosure or by shrubs. On pick up days, these containers should be left next to the enclosure or placed next to the garage and not moved to the curb line, except as may be required by the City of Vero Beach. During construction, the approved container shall be a dumpster. Any debris left on a lot after construction thereon may be removed by the Committee, and the lot owner shall be liable for the cost of such removal.

F. Clotheslines. No clothes, sheets, blankets or other articles shall be hung out or otherwise exposed on any lot within CACHE CAY.

G. Subdividing. No grantee or successor in title shall subdivide or convey less than the whole of any lot without first obtaining the written consent of the Committee.

H. Signs. No signs of any character, subject to the exception noted following, shall be erected, posted or displayed upon or about any lot in CACHE CAY subdivision without the written permission of the Board of Directors of the Association. The exception shall be a sign displaying the lot owner's name so long as it is attached to the post lamp and does not measure more than five (5) inches by sixteen (16) inches. Included in this prohibition are any signs advertising the sale of, or listing the sale of, any property in CACHE CAY, whether displayed outside a dwelling or within a dwelling so as to be visible from the street, along with any contractor signs. Furthermore, house numbers may be attached only to the house and to the mailbox stanchion, and newspaper boxes must be painted over to match the mailbox stanchions.

I. Lake Usage and Maintenance. Small, portable boats - not to exceed twelve (12) feet in length, (canoes and kayaks not restricted) - may be utilized in CACHE CAY lakes, provided, however, that they are not powered by combustion engines and are not left in the lakes overnight. Such craft are to be owned and operated only by owners of

lakeside lots. In no event shall these craft or other objects be maintained in the lakes, or material infused therewith, so as to adversely affect the salutary condition of the lakeside bulkheads, the lake water, or the marine life therein. Lakeside bulkheads and the maintenance thereof are the responsibility of individual lakeside lot owners and are to be maintained in conformance with reasonably-established standards for the whole of their perimeters as to appearance, condition and uniformity.

J. Maintenance of Property. Houses and landscaping must be maintained in an attractive manner, with exteriors being repainted if they fade or peel, and plantings and lawn kept up to the standard of the overall plan as originally approved by the Committee. In addition, mildewed exteriors and roofs must be cleaned to maintain an attractive appearance. Owners are also responsible for maintaining the cleanliness of the street in front of their property, keeping it free of grass clippings, sand and leaves, and other droppings from plantings and overhanging trees. Undeveloped lots must be kept mowed, dead material removed, and other vegetation kept trimmed by the owner; otherwise it will be done by the Association and charged to the owner.

K. Real Estate Open Houses. Real Estate open houses shall be permitted in CACHE CAY provided they are in conformance with the regulations established by the Board of Directors as set forth in Appendix D - CACHE CAY Real Estate Open Houses, which is attached to and, by reference thereto, part of this Dedication and Declaration of Restrictions.

L. Leasing of Residences.

i. In order to maintain a community of congenial residents, and to prevent sources of interference with the peaceful possession and use of owners' residences, and to protect the value of owners' property, no residence shall be leased by an owner without the prior approval of the Board of Directors in accordance with the conditions and procedures set forth in this Section 10. *ML*.

ii. After approval by the Board of Directors of the Association, as set forth herein, an entire residence may be rented, provided the occupancy is only by the lessee, members of his or her immediate family and house guests.

iii. An owner intending to lease his or her residence shall only do so by written lease, and shall give the Board of Directors of the Association notice of such intention, together with the name and address of the intended lessee, such other information concerning the lessee as the Board of Directors may reasonably require, and an executed copy of the proposed written lease with the rent called for therein deleted if so desired by the owner or the lessee. Within five (5) days after receipt of such notice and information, the Board of Directors shall either approve or disapprove the proposed lease transaction. Approval shall not be unreasonably withheld. If approved, the approval shall be stated in the certificate executed by the President and Secretary of the Association and

delivered to the owner and the owner's proposed lessee. If disapproved, the Association shall advise the owner and the lease shall not be made. Any lease not so approved by the Board of Directors shall be void and invalid.

iv. All leases must be for a minimum term of at least ninety (90) consecutive days. Additionally, in order to prohibit transient type rentals from occurring, an owner shall not be allowed to lease his or her residence on more than two (2) occasions during any one (1) continuous twelve (12) month period.

v. Upon the expiration of an approved lease, if the owner and the owner's lessee desire to extend the lease, the owner and the lessee shall so notify the Board of Directors of the Association at least thirty (30) days before the approved lease expires by giving the Board of Directors written notice of such intention and an executed copy of the proposed lease extension agreement. The Board of Directors may either approve or disapprove the proposed extension within five (5) days of receipt of said notice, and if the proposed lease extension is disapproved, the lessee shall vacate the premises upon the expiration of the approved lease. An approved extension of lease shall not be taken into consideration in determining the owner's right to re-rent the residence within the aforementioned twelve (12) month period of time.

vi. A lessee, members of such lessee's immediate family and house guests residing in CACHE CAY shall be governed by, and shall comply with, all of the terms and provisions of the Dedication and Declaration of Restrictions for CACHE CAY subdivision, together with all amendments thereto, including this amendment. Should a lessee, or any member of the lessee's immediate family or house guests fail to comply with any of the terms and conditions of the Dedication and Declaration of Restrictions, as amended, the Architectural Control Committee of CACHE CAY shall have the right to enforce the said terms and provisions by injunction and/or damages against the lessee, members of the lessee's family, house guests and the owner of the residence being leased, and the Committee shall be allowed to recover attorney's fees and costs from such person(s).

M. Guardhouse. The Association shall maintain a 24-hour per day year round access control operation consisting of a fully manned gate at the provided entrance gatehouse.

N. Rules Governing Use of Roads and Bridge. Speed limits are 20 m.p.h. within the subdivision and 5 m.p.h. over the bridge. Pedestrians and cyclists have the right of way over motorized vehicles. All stop signs require a full stop.

11. APPEAL PROCESS. Should the Committee disapprove of any plans or specifications submitted to it, or disapprove of any action that an owner intends to take concerning a matter over which, according to the terms of the Dedication and Declaration