

USER 1138 FOLIO 103

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR WATERVIEW ESTATES
SECTION NUMBER ONE

887135

THIS DECLARATION, made this 30th day of MARCH, 1988, by
ROGER K. STEFFENS, of Wicomico County, State of Maryland,
hereinafter termed "Developer":

W I T N E S S E T H :

WHEREAS, the Developer is the owner of a certain parcel of land situate, lying and being in the Nanticoke Election District of Wicomico County, State of Maryland, and said parcel of land has been subdivided into a certain subdivision known as "Waterview Estates, Section Number One", which is presently recorded among the Land Records for Wicomico County, State of Maryland, and being the land conveyed unto ROGER K. STEFFENS, by Deed from BLUE SKIES, INC., dated August 2, 1982 and recorded among the aforesaid Land Records immediately prior thereto; and

WHEREAS, the aforesaid plat of Waterview Estates, Section Number One, includes certain areas designated as drainage easements, which areas are intended hereinafter to be conveyed by Developer to an association to be formed which will be known as Waterview Estates Homeowners' Association; and

WHEREAS, Developer deems it in the best interest of this subdivision to provide for the preservation and maintenance of said areas, and to subject the lots which have been sold and which are about to be sold to certain mutual beneficial restrictive covenants, conditions, charges, easements and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each and every owner thereof; and

WHEREAS, Developer has deemed it advisable for the efficient preservation of the values and amenities in the said community to create an association to which should be delegated and assigned the powers and responsibilities of maintaining the areas herein referred to and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter set forth; and

WHEREAS, Developer is about to organize an association for the purpose of exercising the functions aforesaid:

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NOW, THEREFORE, Developer declares that the real property hereinafter described as Waterview Estates, Section Number One, and recorded among the Plat Records of Wicomico County, State of Maryland, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth:

1. That no hogs, cattle, or other livestock and no poultry shall be kept or maintained on or about the said premises.

2. All owners of lots in Waterview Estates will become members of the Waterview Estates Homeowners' Association and agree to pay such dues and annual assessments as shall be voted by a majority of the members of said Association. All action taken by the Association shall be done by a majority vote with each lot having one vote. Any necessary dues or assessments needed to affect the purposes hereof may be set by a vote of the majority of the members of the Association once duly formed. The purpose of the Association shall be to plan and develop recreational facilities on commonly-controlled land and the assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the lot owners and in particular, for the improvement and maintenance of the drainage easements, including but not limited to the payment of taxes and insurance thereon and the costs of labor, equipment, materials, management, supervision and professional services required in connection with the maintenance of such properties. Complete control of the Association shall remain with Blue Skies, Inc. until more than FIFTY percent (50%) of the lots in Waterview Estates have been sold and settled and said Blue Skies, Inc. shall be exempt from paying dues and assessments, except for such assessments which may be made on behalf of Wicomico County, Maryland, by the County Council of Wicomico County, pursuant to Section 3 of these Covenants and Restrictions. The dues and assessments provided for herein are enforceable at law, but shall not create a lien against the real estate.

ROGER K. STEFFENS shall convey to Waterview Estates Homeowners' Association, as hereinbefore created, the drainage easements, as shown on the said Plat, within a period of

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ONE-HUNDRED and TWENTY (120) days after the said Developer has sold FIFTY percent (50%) of the lots in the aforesaid subdivision.

3. The Association hereinbefore created shall maintain the said drainage easements and shall pay any and all real property taxes thereon and in the event that the owner, owners or association at any time hereafter shall fail or refuse to maintain the "drainage easements" so that such property shall fall into a state of significant disrepair or disorder, the County Council of Wicomico County, after providing THIRTY (30) days advance written notice to owner, owners or associations, shall have the right to provide any reasonably-required maintenance and cleaning of said areas, and shall assess the said owner/owners and/or the Association for the cost thus incurred, as in the case of annual or special assessments for delinquent taxes and any such charge shall constitute a lien on such properties, as well as the lot of any individual owner who does not pay any such assessment. The said Wicomico County may also institute suit against any individual lot owner for any expense incurred in the repair and maintenance of the aforesaid common properties.

4. If any of the aforesaid covenants, agreements, conditions, restrictions or charges be violated, Blue Skies, Inc., or the owner or owners of any lot or lots laid out on the aforesaid Plat, his, her, its or their heirs, successors or assigns, upon failure of the grantees, their heirs or assigns, to abate such violation within THIRTY (30) days after the receipt of written notice to abate, may abate such violation at the expense of the owner violating such restrictions, his heirs or assigns, without liability in any action or suit for entry upon said premises for such abatement.

5. Covenants, agreements, conditions, restrictions and charges herein contained shall be in perpetuity and run with and be binding upon the land hereby conveyed and shall inure to the benefit of and be enforceable by ROGER K. STEFFENS, or the owner or owners of any lot or lots hereinbefore described, their respective successors, heirs, personal representatives or assigns, and failure by ROGER K. STEFFENS or any landowner to enforce any of the restrictions, conditions, covenants or charges herein

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contained, shall, in no event, be deemed a waiver of the right to do so thereafter as to the same breach, or to one occurring prior or subsequent thereto.

6. ROGER K. STEFFENS herein reserves the exclusive right to adjust, amend, alter, locate and relocate and replat property lines on unsold lots in the aforesaid subdivision and any of the sections thereof without the consent of any property owners being required therefor and these restrictions shall apply to and be binding upon such replatted lots.

IN WITNESS WHEREOF, ROGER K. STEFFENS has executed this Declaration on the day and year first above written.

Witness

Witness

ROGER K. STEFFENS

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared ROGER K. STEFFENS, well known to me to be the person described in and who executed the foregoing instrument and that he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of March, 1988.

(Notarial Seal)

(A:65C1.D)

Notary Public
State of Florida at Large
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES MAR. 15, 1992
BOARDED THRU GENERAL INS. UND.

REC FEE	18.00
TOTL	18.00
1808CHK	18.00
04 01988	3-31 P2:37

Ref. to CCIN

Received for Record March 31, 1988 and recorded in the
Land Records of Wicomico County, Maryland in Liber M.S.B.
No. 138 Folios 203-206

Mark S. Bowen Clerk

Ex-0: CC IN, atty Satis 4/26/88