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Property Owners' Association, Inc.

***CACHE CAY***

***PROPERTY OWNERS'***

***ASSOCIATION***

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

CERTIFICATE

JEFFREY K BARTON, CLERK OF  
COURT

THIS IS TO CERTIFY that the attached writing is an accurate and true copy of a resolution amending and completely restating the By-laws of Cache Cay Property Owners' Association, Incorporated, and this resolution hereby replaces in its entirety the By-laws of Cache Cay Property Owners' Association, Incorporated, recorded in Official Records Book 862, page 1061, and an accurate and true copy of a resolution amending and completely restating the Dedication and Declaration of Restrictions of Cache Cay Subdivision, and this resolution hereby replaces in its entirety the Dedication and Declaration of Restrictions of Cache Cay Subdivision recorded in Official Records Book 862, page 1069, Public Records of Indian River County, Florida, such amendments having been duly adopted by more than two-thirds of the members of the Cache Cay Property Owners' Association, Incorporated at the Annual Membership Meeting held on February 21, 2004, and in accordance with the requirements set forth in the Articles of Incorporation and By-Laws of Cache Cay Property Owners' Association, Incorporated.

EXECUTED at Vero Beach, Indian River County, Florida, this 27 day of May, 2004.

Witness:

CACHE CAY PROPERTY OWNERS'  
ASSOCIATION, INCORPORATED

Christine P. Haddard

By: J. P. Rooney

Ellen J. Rodin

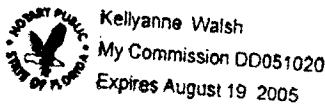
Attest: Susan Smith  
President  
Secretary

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 acknowledgments, personally appeared James Rooney and Susan Smith, well known to me to be the President and Secretary, respectively, of CACHE CAY PROPERTY OWNERS' ASSOCIATION, INCORPORATED, a Florida corporation, and they acknowledged executing the foregoing instrument for the uses and purposes therein expressed in the presence of two subscribing witnesses, freely and voluntarily.

WITNESS my hand and official seal in the County and State last aforesaid, this 27 day of May, 2004.

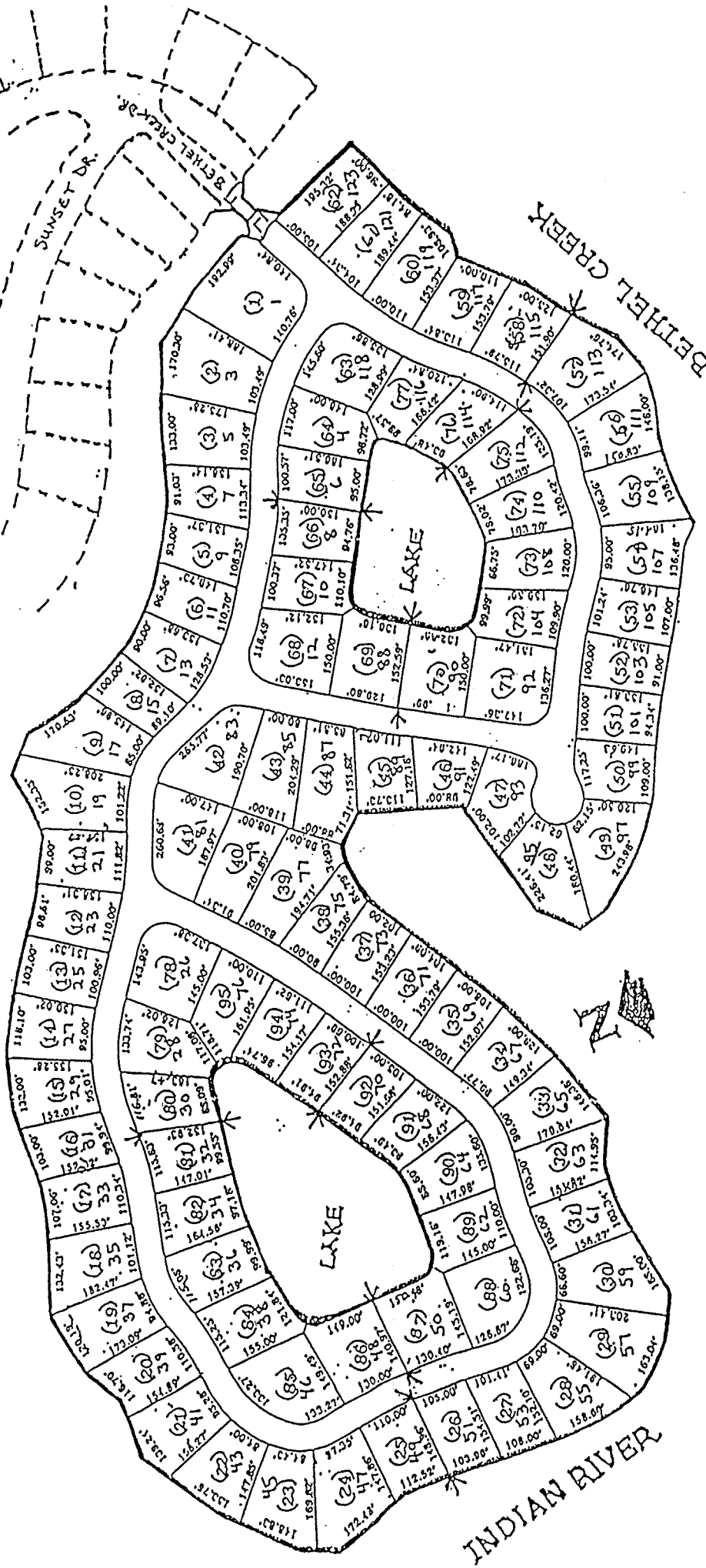
Kellyanne Walsh  
Notary Public - State of Florida at large  
My Commission Expires:



Return to:  
ould, Cooksey, Fennell, O'Neill.  
Marine, Carter & Hafner, P.A.  
979 Beachland Blvd.  
ero Beach, Florida 32963

SGR

# CACHE CAY



**LEGEND:**

Lot numbers are the typed numbers enclosed by parentheses.

Street (house) numbers are the handwritten numbers.

Easements for water drainage and/or lake maintenance are indicated by arrows.

**BY-LAWS**  
and  
**DEDICATION AND DECLARATION OF RESTRICTIONS**

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BY-LAWS OF

CACHE CAY PROPERTY OWNERS' ASSOCIATION, INCORPORATED  
(As Amended)

ARTICLE I - OFFICES

The corporation is located in the City of Vero Beach, Indian River County, Florida and its office shall be the residence of the incumbent President from year to year, or such other location as shall be determined by a majority of the members of the Association present, either in person or by proxy, at a regular meeting of the Association.

ARTICLE II - CORPORATE SEAL

The corporate seal shall have engraved thereon the following:

"CACHE CAY PROPERTY OWNERS' ASSOCIATION, INCORPORATED,  
A NON-PROFIT CORPORATION; INCORPORATED FLORIDA 1977"

and it shall remain in the custody of the Secretary and shall be, by him or her, affixed to all instruments in writing requiring the corporate seal for complete execution. An impression thereof is directed to be affixed to these By-Laws.

ARTICLE III - FISCAL YEAR

The fiscal year of the corporation shall begin on the first day of January and terminate on the last day of December each year.

ARTICLE IV - MEMBERSHIP

Section 1: Members of the corporation (hereinafter referred to as "the Association") shall consist of all the owners of record of lots in CACHE CAY. When a corporation shall own lots in CACHE CAY, two persons may be selected in writing by that corporation to become members of the Association. There shall be only one vote per lot that may be cast for each lot in CACHE CAY notwithstanding the fact that a lot may be owned by joint owners or by a corporation.

Section 2: Whenever a member shall cease to own his or her legal or beneficial interest in any real property in CACHE CAY, or in any entity that owns such interest, such member shall automatically be dropped from the membership roll of the Association on the date ownership terminates, at which time the new owner, as shown in the public records of Indian River County, shall become a member of the Association. The liability for any fees and assessments levied by the Association, prior to the date ownership transfers,

together with any interest due, shall become the liability of the new owner to the extent not fully paid in the transfer process.

Section 3: A member shall have no vested right, interest or privilege of, in or to the funds, assets, property, functions, affairs or franchises of this Association or any right, interest or privilege that may be assigned, transferred, hypothecated or inherited except as an appurtenance to the real property owned by said member and sold or transferred while said member is in good standing to an owner who shall otherwise meet the conditions prescribed hereunder.

Section 4: Each membership is personal to the member enrolled, and may not be sold, assigned or transferred voluntarily or by operation of law. Each membership shall further be subject to the Articles of Incorporation and By-Laws of this Association then made, and they shall be considered as, and shall be an essential part of, the contract between the Association and the members.

#### ARTICLE V - MEETINGS OF THE MEMBERS

Section 1: Annual Meetings. There shall be an Annual Meeting of the members of the Association at such place and on such date in February as may be designated by the Board of Directors, for the transaction of such business as may come before the meeting. The Secretary shall serve personally or send through the post office mail, at least ten (10) days before such meeting, notice thereof addressed to each member at his or her last known address, but at any meeting where all members are present or where all members who are not present have waived notice in writing, such notice shall not be required.

Section 2: Special Meetings. Special Meetings of the members shall be held whenever called by the Board of Directors or by the holders of at least one-third (1/3) of the total membership. Notice of such Special Meeting, stating the time, place and, in general terms, the purpose or purposes thereof, shall be given at the last known address of all members at least ten (10) days prior to said meeting.

Section 3: Order of Business. At each Annual Meeting of the Association, the following shall be the order of business:

1. Roll Call
2. Proof of notice of meeting or waiver of notice
3. Approval of the minutes of the preceding Annual and Special Meeting(s)
4. Report of the President

5. Report of the Secretary
6. Report of the Treasurer
7. Report of the Nominating Committee
8. Election of Directors and Architectural Control Committee
9. Election of Nominating Committee
10. Unfinished business including committee reports
11. New business including induction of new members
12. Adjournment.

This order of business may be modified or changed at any meeting at the discretion of the President.

Section 4: Mailings Preceding Annual Meeting. The Nominating Committee shall, not less than ten (10) days prior to the Annual Meeting, mail the Nominating Committee's list of nominees for members of the Board of Directors and members of the Architectural Control Committee to all members of the Association. In addition, the Treasurer shall mail to members of the Association, not less than ten (10) days prior to the Annual Meeting, a copy of the Board-approved budget for the new fiscal year, together with a copy of the previous year's operating costs, including a budget comparison and a balance sheet of the Association as of December 31st of the previous year. Either or both of these mailings may be included with the notice of meeting.

Section 5: Quorum. A quorum at members' meetings shall consist of twenty-five percent (25%) of the total number of votes of the entire membership. Any acts approved at meetings having a quorum shall constitute the acts of the membership except when approval by a greater number of members is required by the Articles of Incorporation or these By-Laws.

## ARTICLE VI - BOARD OF DIRECTORS

Section 1: Number of Members and Term of Membership. The business and affairs of this Association shall be managed by a Board of Directors, which shall consist of seven (7) members of the Association. At each Annual Meeting of the members, a sufficient number of Directors shall be elected to fill the vacancies of the Directors whose terms are then expiring. Those Directors so elected shall serve for a term of three (3) years. Any member who has served on the Board of Directors for three (3) or more consecutive years



shall be ineligible for re-election to the Board for a period of one (1) year.

Section 2: Regular Meetings. The Board shall meet for the transaction of business at such place as may be designated from time to time.

Section 3: Special Meetings. Special Meetings of the Board of Directors may be called by the President or by three (3) members of the Board for any time and place, provided that reasonable notice of such meeting shall be given to each member of the Board before the time appointed for such meeting.

Section 4: Quorum. The Directors shall act only as a Board of Directors and the individual Directors shall have no power as such. A majority of the Directors shall constitute a quorum for the transaction of business, but a majority of those present at the time and place of any regular or Special Meeting, although less than a quorum, may adjourn the same from time to time without notice until a quorum be at hand. The act of a majority of Directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as may be otherwise provided herein or by law.

Section 5: Order of Business. The Board of Directors may, from time to time, determine the order of business at its meeting.

Section 6: Presiding Officer. At all meetings of the Board of Directors, the President or, in his absence, the Vice President or, in the absence of both, a Chairman chosen by the Directors present shall preside.

Section 7: Annual Report. The Board of Directors, after the close of the fiscal year, shall prepare and make available to members of the Association a report as to the condition of the Association and its property, and shall also prepare and make available an accounting of the financial transactions of the past year. These reports shall be communicated to the membership either prior to the Annual Meeting (the financial report), or at the Annual Meeting (the report on the condition of the Association and its property). In addition, the Minutes of the Annual Meeting shall be mailed to the membership no later than April 30<sup>th</sup> each year.

Section 8: Vacancies on the Board. Should a vacancy occur in the membership of the Board of Directors at any time during a term (except as described in Section 12 following), a majority of the remaining members of the Board of Directors shall have the power to select a person to fill such vacancy until the next Annual Meeting.

Section 9: Liability of the Board of Directors. The Board of Directors shall not be liable or responsible for the destruction or the loss of, or damage to, the property of any member, guest of a member, visitor or other person.

Section 10: Establishing Rules and Regulations. The Board of Directors from time to time may make and establish reasonable rules and regulations governing the improvement, use and maintenance of property in CACHE CAY. Such rules and regulations shall be confirmed or amended by a two-thirds (2/3) majority vote of the members of the Association present, either in person or by proxy, at the next Annual Meeting of the Association or at any Special Meeting called for that purpose.

Section 11: Restrictions. The Dedication and Declaration of Restrictions for CACHE CAY, presently recorded in the Public Records of Indian River County, Florida, and such amendments thereto as are from time to time made, shall be incorporated in these By-Laws by reference, and the Board of Directors is charged with the responsibility of ensuring compliance with said restrictions.

Section 12: Removal of a Director. Any Director may be removed by concurrence of two-thirds (2/3) majority vote of those members present, either in person or by proxy, at an Annual Meeting of the members or a Special Meeting of the members called for that purpose. The vacancy in the Board of Directors so created shall be filled by a two-thirds (2/3) majority vote of the members of the Association present, either in person or by proxy, at this meeting.

## ARTICLE VII - OFFICERS

Section 1: Executive Officers. The Executive Officers of the Association shall be a President, Vice President, Secretary, and Treasurer, all of whom shall be members of the Board of Directors. These officers shall be elected by the Board of Directors as soon as possible after the Annual Meeting and shall take office immediately after the elections.

Section 2: The President. Subject to the direction of the Board of Directors, the President shall be the chief executive officer of the Association, and shall perform such other duties as from time to time may be assigned by the Board. The President shall be an ex-officio member of all committees.

Section 3: The Vice President. The Vice President shall have such power and perform such duties as may be assigned by the Board of Directors or the President. In the case of the absence or disability of the President, the duties of that office shall be performed by the Vice President.

Section 4: The Secretary. The Secretary shall keep the minutes of all proceedings of the Board of Directors and the minutes of the members' meetings in books provided for that purpose, shall have custody of the corporate seal and such books and papers as the Board may direct, and shall in general perform all duties incident to the office of Secretary, subject to the control of the Board of Directors and the President. The Secretary shall also perform such other duties as may from time to time, be assigned by the Board of Directors

or the President.

Section 5: The Treasurer. The Treasurer shall have the custody of all the receipts, documents, funds and securities of the Association, and shall perform all duties incident to the office of Treasurer, subject to the control of the Board of Directors and the President. The Treasurer shall also perform such duties as may from time to time be assigned by the Board of Directors or the President, and at the Board's discretion, may be bonded for such sum as the Board shall require.

Section 6: The offices of Secretary and Treasurer may be combined.

Section 7: Subordinate Officers. The President, with the approval of the Board of Directors, may appoint such other officers and agents as the Board may deem necessary, who shall hold office at the pleasure of the Board, and who shall have such authority and perform such duties as from time to time may be prescribed by the President or the Board.

Section 8: Vacancies. All vacancies in any office shall be filled by the Board of Directors without undue delay at its regular meeting or a meeting called for that purpose.

Section 9: Compensation of Officers. All officers of the Association shall serve without compensation except for the payment of reasonable salaries for any unusual services rendered to or for the Association.

#### ARTICLE VIII - FEES AND ASSESSMENTS

Section 1: Every member will be required to pay a fee and/or assessment to the Association to defray the Association's expenses or operating costs, and to fund a reserve for capital improvements and road maintenance should the Board of Directors elect to set up such a fund. The reserves in said fund shall be used for the maintenance and operation of roads, utilities, lakes except for bulkheads, common areas, the bridge and entrance area. The amount of such fees and/or assessments shall be determined and assessed by the Board of Directors from year to year, and shall be based on an allocation of 1/95 share per lot of the total of such fees and assessments.

Section 2: The Board of Directors shall adopt a budget for each fiscal year as soon as final operating results are available for the prior year, but at least in time for mailing to the members with the notice of the Annual Meeting, and such budget shall contain estimates of the cost of performing the projects of the Association for the current fiscal year. The fees and/or assessments shall be based upon such budget, and may be increased or reduced from year to year by the Board of Directors as the needs of the property, in the Board's judgment, may require. Apart from estimated Association operating costs, said budget shall not exceed the previously approved level of maintenance charges and capital expenditures by more than fifteen percent (15%) without the approval of a two-thirds (2/3)

majority vote of the members of the Association present, either in person or by proxy, at any Annual Meeting or any Special Meeting called for that purpose. The Board of Directors may prorate the fees and/or assessments to be paid by new members for the remaining portion of the year in which they are members.

Section 3: Assessments and/or fees shall be remitted monthly, quarterly or annually as determined from time to time by the Board of Directors.

Section 4: The Association, by the approval of a majority of the members of the Board of Directors, may assess a special assessment to be paid at such time and in such manner as determined by the Board of Directors. Individual special assessments will be based upon an allocation of 1/95 share per lot of the total assessment, except where the membership votes for a special assessment for a particular purpose that benefits a special area of the subdivision, in which event a majority of the members to be assessed must approve the special assessment.

Section 5: The Association shall have a lien upon each lot for any unpaid fees and/or assessments, together with interest at the rate of eighteen percent (18%) per annum from the date the same became delinquent, and all costs of collecting such fees and/or assessments, which shall include reasonable attorney's fees, whether suit be brought or not. Additionally, the record owner(s) of such lot shall be personally liable for all such fees and/or assessments, charges and expenses. The Association may take such action as the Board of Directors deems necessary to collect any unpaid fees and/or assessments, charges and expenses by personal action against any owner, or by enforcing and foreclosing its said liens, and may settle and compromise the same if in the best interest of the Association. The lien granted to the Association may be foreclosed in the same manner as real estate mortgages may be foreclosed in the State of Florida. Such liens shall be effective from and after the time of recording the same in the Public Records of Indian River County, Florida. A claim of lien stating the description of the property encumbered thereby, the name of the record owner(s), the amount due and date when due, shall continue as a valid lien in effect until all sums secured thereby, including all costs of foreclosure or collection, whether suit be brought or not, shall have been fully paid.

#### ARTICLE IX - COMMITTEES

Section 1: In addition to the Nominating Committee, the Board of Directors may create such standing and special committees as it determines necessary, and the President shall appoint the Chairman of any such committees from the membership of the Association. The Chairman of each Committee thus appointed may select such members as it is deemed necessary to assist the committee in the discharge of its assigned duties.

## ARTICLE X - BILLS, NOTES, CONTRACTS, ETC.

Section 1: All bills payable, notes, checks or other negotiable instruments of the Association shall be made in the name of the Association and shall be signed by at least two of the following: the President, Vice President, Treasurer, Secretary or such other officer or agent as the Board of Directors shall direct from time to time. No officer or agent of the Association either singly or jointly with others, shall have the power to make any bill payable, note, check, draft or warrant or other negotiable instrument, or endorse the same in the name of the Association, or contract or cause to be contracted any debt or liability in the name of the Association or in its behalf, except as herein expressly prescribed and provided.

## ARTICLE XI - NOTICE

Section 1: Notice. Whenever, according to these By-Laws, a notice shall be required to be given to any member or director, it shall not be construed to mean personal notice, but such notice may be given in writing by depositing the same in a Post Office in Indian River County, Florida, in a postpaid sealed wrapper addressed to such member or Director at his or her address as the same appears on the books of the Association, and the time when such notice is mailed shall be deemed the time of giving of such notice.

Section 2: Waiver of Notice. Any notice required to be given by these By-Laws may be waived by the person entitled thereto.

## ARTICLE XII - CHANGES IN BY-LAWS

Section 1: These By-Laws of the Association may be amended, altered or rescinded only by a two-thirds (2/3) majority vote of those members of the Association present, either in person or by proxy, at any Annual Meeting or any Special Meeting called for that purpose. It is required that a copy of any proposed amendments or changes shall be mailed to the Association membership at least thirty (30) days prior to the meeting at which they will be voted on.

## ARTICLE XIII - PARLIAMENTARY RULES

Section 1: Robert's Rules of Order (latest edition) shall govern the conduct of Association meetings when not in conflict with the Articles of Incorporation or these By-Laws.

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

of Restrictions, the Committee has the right of approval or disapproval, the owner shall have the right to appeal the decision of the Committee to the Board of Directors of the Association.

Within thirty (30) days after an owner desiring to appeal the Committee's decision receives the written notice of disapproval from the Committee, such owner shall mail a Notice of Appeal by certified mail, return receipt requested, to both the President and Secretary of CACHE CAY Property Owners' Association, Incorporated and to the Chairman of the Architectural Control Committee. A Special Meeting of the Board of Directors shall be held within thirty (30) days from the date of receipt of the Notice of Appeal by either the said President, Secretary or Chairman. The owner and the members of the Committee shall have the right to present to the Board of Directors any information that they feel is pertinent concerning the controversy. The Board of Directors, by a majority disapprove said plans and specifications or the proposed action of the owner. Written notice of approval or disapproval shall be given to the owner by the Board of Directors within ten (10) days from the date of the meeting. If a disapproval, the owner shall have thirty (30) days from receipt of the written disapproval to appeal the action of the Board of Directors to the members of the CACHE CAY Property Owners' Association, Incorporated.

If an owner desires to appeal the decision of the Board of Directors to the membership of the Association, the owner shall do so by mailing a Notice of Appeal by certified mail, return receipt requested, to both the President and Secretary of the Association and to the Chairman of the Committee, and by simultaneously delivering with said Notice of Appeal a certified or cashier's check in the amount of two hundred and fifty dollars (\$250) payable to CACHE CAY Property Owner's Association, Incorporated. Upon receipt of the Notice of Appeal and the \$250 check, the Board of Directors shall, within ninety (90) days thereof, call a Special Meeting of the membership of the Association to hear the appeal of the owner. The members, by majority action of the members present at that Special Meeting, either in person or by proxy, shall either approve or disapprove said plans and specifications, or the proposed action of the owner. Written notice of approval or disapproval shall be given to the owner within ten (10) days from the date of the Special Meeting of members. Should the plans and specifications, or the proposed action of the owner be approved, the \$250 deposit shall be returned to the owner. Should the plans and specifications, or the proposed action of the owner, be disapproved, the \$250 deposit shall be retained by the Association to be used as it sees fit.

12. VIOLATIONS OF RULES, REGULATIONS, OR RESTRICTIONS. The Committee reserves, and is hereby granted, the right in case of any violation or breach of any of the restrictions, rights, reservations, limitations, agreements, covenants and conditions herein contained in the Dedication and Declaration of Restrictions to enter the property upon or as to which such violation or breach exists, and abate and remove at the expense of the owner thereof, any erection, thing or condition that may be or exist thereon

contrary to the intent and meaning of the provisions hereof as interpreted by said Committee, and the Committee shall not, by reason thereof, be deemed guilty of any manner of trespass for such entry, abatement or removal. A failure of said Committee to enforce any of the restrictions, rights, reservations, limitations, agreements, covenants and conditions contained herein shall in no event be construed, taken or held to be a waiver thereof, or acquiescence in, or consent to any further continuance or succeeding breach or violation thereof, and the Committee shall, at any and all times, have the right to enforce the same. Further, the Committee may enforce these restrictions by injunction and/or suit for damages against the parties violating these restrictions and shall be allowed to recover attorneys' fees and costs from the person or persons in violation of these restrictions. Such aforesaid reservations and rights of the Committee to correct violations of this section shall be commenced by said Committee with due-notice to the offending party or parties by certified mail or hand-delivered written complaint. After a period of fifteen (15) days from the delivery of the complaint, the Committee shall review the matter and upon a finding of noncompliance, the offending property owner shall be held at fault and the Committee will have the right to correct or abate any violation or breach of the rules, regulations or restrictions set out herein.

13. PROPERTY OWNERS' ASSOCIATION, INCORPORATED. All property as described herein, is restricted to each owner thereof and shall be subject to the provisions of this Dedication and Declaration of Restrictions and Appendices, and any Amendments thereto.

14. AMENDMENT. Any of the covenants, reservations or restrictions herein contained may be annulled, waived, changed or amended by a two-thirds (2/3) majority vote of the total membership of the Association entitled to vote, with said votes being cast either in person or by proxy at any Annual Meeting of the Association or at any Special Meeting called for that purpose. It is required that a copy of any amendments or changes shall be mailed to the Association membership at least thirty (30) days prior to the meeting at which they will be voted on. No amendment or change in the restrictions shall affect the ownership of lots or the rights of owners to the use of common areas or the rights of ingress and egress.

15. DURATION AND RENEWAL. All of the covenants, agreements, easements, reservations and restrictions contained herein shall be in force until January 1, 2005, after which time said covenants, agreements, easements, reservations and restrictions shall be automatically extended for successive periods of ten (10) years, unless terminated by the then owners of eighty percent (80%) of the lots in CACHE CAY subdivision. Said termination of these restrictions must be recorded prior to the automatic extension date to be effective.



APPLICATION FOR APPROVAL OF LOT IMPROVEMENT  
IN CACHE CAY SUBDIVISION Lot No. \_\_\_\_\_

Appendix A

1. TYPE OF IMPROVEMENT: House \_\_\_\_\_ Landscaping \_\_\_\_\_  
Swimming Pool/Spa \_\_\_\_\_ Dock \_\_\_\_\_ Wall/Fence \_\_\_\_\_  
Auxiliary Structure \_\_\_\_\_ Other (Specify) \_\_\_\_\_

2. LOT OWNER: \_\_\_\_\_  
(Name, address, telephone number)

3. CONTRACTOR: \_\_\_\_\_  
(Name, address, telephone number)

4. FILL IN THE FOLLOWING AS APPLICABLE TO THE TYPE OF IMPROVEMENT

a. SQUARE FOOTAGE:  
Enclosed Living Area \_\_\_\_\_ Garage \_\_\_\_\_ Porches \_\_\_\_\_  
Patio/Pool Deck \_\_\_\_\_ Dock \_\_\_\_\_ Other (Specify) \_\_\_\_\_

b. STRUCTURAL INFORMATION (Material and Color):  
Siding \_\_\_\_\_  
Trim \_\_\_\_\_  
Roof \_\_\_\_\_  
Driveway \_\_\_\_\_  
Pool Deck/Patio \_\_\_\_\_  
Swimming Pool/Spa \_\_\_\_\_  
Other (Specify) \_\_\_\_\_

c. SET-BACK (In Feet): Front \_\_\_\_\_ Rear \_\_\_\_\_  
Right Side \_\_\_\_\_ Left Side \_\_\_\_\_

d. FLOOR ELEVATIONS  
(In Inches): Above Crown of Street - Max \_\_\_\_\_ Min \_\_\_\_\_  
(In Feet) Above Mean High Water - Max \_\_\_\_\_ Min \_\_\_\_\_

APPLICANT: \_\_\_\_\_ Date \_\_\_\_\_  
Signature

(Name, Mailing Address, and Telephone Number - Typed or Printed)

NOTE: APPLICANT MUST ALSO READ AND SIGN REVERSE BEFORE APPROVAL CAN BE GIVEN

-----  
ARCHITECTURAL CONTROL COMMITTEE DECISION: APPROVED - DISAPPROVED (Strike out one)  
Subject to reservations or conditions as follows: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

**Note: Work must be completed within 12 months of approval date.**

INSTRUCTIONS TO APPLICANT

Any construction, landscaping, grading or alteration of any lot within Cache Cay Subdivision that affects the exterior appearance of said lot is subject to the approval of the Architectural Control Committee. The authority of the Committee is defined in the Dedication and Declaration of Restrictions, Cache Cay Property Owners' Association, Inc. Applicants have the responsibility for being familiar with the provisions of that document, including all amendments, before submitting final plans and specifications for approval by the Committee. The applicant may be the lot owner, contractor, or any other person empowered by the owner to make the application on behalf of the owner.

This application and related plans and specifications must be submitted in two copies to the Architectural Control Committee at the residence address of any member of the Committee. The Committee, by majority action, shall approve or disapprove of the application, in writing, within thirty (30) days of the date of the submission. If approved, one set of plans and specifications will be retained by the Committee, and the other set will be returned to the applicant. This set, which will bear the markings of approval by the Committee, must be submitted to the Building Department of the City of Vero Beach for issuance of the necessary permits.

Upon submission of this application, the applicant is required to deposit with the Cache Cay Property Owners' Association, Inc. the sum of \$1,000 as a damage and clean up deposit, which sum shall be returned to the applicant upon completion of the construction and assuming that no damage has been done to the roadway or other property comprising the subdivision and upon the jobsite being left in a clean and sanitary condition. The \$1,000 deposit shall be required for the original improvement of all lots, but the Architectural Control Committee may, at its option, set the deposit at a lower amount for subsequent improvements or repairs.

Plans for the original landscaping of a lot in connection with home construction must be prepared by a Registered Landscape Architect and must be submitted to the Committee for approval no later than the closing-in of the exterior of the house. The landscaping must be substantially completed prior to occupancy. An additional \$1,000 deposit shall be required from the applicant when the landscaping plan is submitted, as a guarantee that the landscaping will be completed in accordance with the approved plan. This deposit will be returned when the approved landscaping is fully completed. It may also be used by the Committee to complete unfinished work.

Plans for docks projecting into waters surrounding Cache Cay 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 applicant will 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.

No equipment or material related to a proposed construction or improvement shall be placed on any vacant lot of the subdivision pending approval of the application. However, suitable fill material may be placed on a vacant lot with the concurrence of the lot owner prior to approval, but such material must be leveled immediately and may be no higher than 24 inches above the crown of the adjacent roadway.

A list of rules applicable to contractors and sub-contractors doing business in Cache Cay Subdivision will be provided to the applicant, who must in turn ensure that such rules are brought to the attention of the contractors and sub-contractors.

By signing below, the applicant hereby acknowledges these instructions and consents to comply therewith.

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 Signature of Applicant

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 Signature(s) of Owner(s)

RULES FOR THE LANDSCAPING OF LOTS IN CACHE CAY SUBDIVISION

To create and maintain an attractive subdivision, the following rules governing landscaping of lots have been established by the Architectural Control Committee (the Committee) and the Board of Directors of CACHE CAY. The Committee may, however, deviate from these rules for aesthetic or other practical reasons.

1. Plans for the original landscaping of a lot in connection with the construction of a new home must be prepared by a registered Landscape Architect and submitted in duplicate, accompanied by the required \$1,000 landscaping deposit, to the Committee for approval, such submission to be no later than the closing in of the exterior of the house. The plans will indicate the following features:
  - A. Automatic irrigation system for lawn and beds;
  - B. Front berms and/or terraces to prevent the appearance of flatness, such berms and/or terraces to be 24 to 36 inches above grade
  - C. Sodding of at least 50% of landscaped area using St. Augustine-type
  - D. Description and size of plantings and trees (minimum size of plantings to be three-gallon unless otherwise approved by the Committee);
  - E. Location and description of landscaping fixtures (such as a fountain).
2. Landscaping must be substantially completed prior to house occupancy.
3. Landscaping of the street right of way (approximately 13 feet between the curb and the front lot line) is the responsibility of the owner. Because this area contains underground utility service, the landscaping should consist mainly of sod, and any shrubbery should be shallow-rooted and not overhanging the street at maturity. Since access to the underground facilities may be necessary at some time, any trees planted in this right of way may have to be removed (including roots). Therefore, the planting of trees in the right of way shall be at the owner's risk.
4. The following types of vegetation - Australian Pine, Brazilian Pepper, Malaleuca, Ear Pod and Chinaberry, if existing on an unimproved lot or the abutting street right of way, must be removed (including roots) no later than the completion of the house, and such vegetation will not be permitted thereafter.
5. Citrus trees (except for ornamentals) will not be permitted in front yards.
6. Ficus trees should not be planted in such locations where their root systems can create a nuisance or cause damage to adjoining property.
7. Continuous hedge rows along boundary lines are frequently undesirable. Therefore, vegetation to be planted in locations that would encroach upon an adjoining lot should have the adjoining lot owner's agreement.
8. State of Florida regulations provide that mangrove vegetation must be preserved. As part of this preservation, CACHE CAY regulations require that owners periodically, at their expense, keep their mangroves trimmed back and maintained at heights permitted under State regulations.

RULES FOR CONTRACTORS AND SUBCONTRACTORS  
DOING BUSINESS IN CACHE CAY SUBDIVISION

1. Contractors will be held responsible for actions of their personnel, as well as of those employed by subcontractors, that violate the rules, covenants and restrictions of the CACHE CAY Property Owners' Association, Incorporated. Any such person held in violation will not be permitted on the premises until the grievance in question has been resolved.
2. In advance of commencement of construction or other work in the subdivision, contractors must furnish to the Security Guard a list of all employees and subcontractors who will be performing services on the project within the subdivision. Subcontractors must also furnish in advance the names of their employees requiring entry into the subdivision. Such lists must be kept current by additions and deletions during the life of the project.
3. Access by service and construction personnel onto CACHE CAY subdivision, and the delivery of materials and equipment, is restricted to the following days and hours:
  - a. Monday-Friday from 7:30 a.m. to 5:00 p.m. Service and construction personnel shall leave CACHE CAY by 5:00 p.m.
  - b. Saturday from 8:00 a.m. to noon. Service and construction personnel shall leave CACHE CAY by noon.
  - c. Access onto CACHE CAY by service and construction personnel shall be prohibited on Sundays, New Year's Day, Memorial Day (as officially observed), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
  - d. Excluded from a., b., and c. are medical and domestic help (which includes party help and entertainment), the operation of boat lifts and boat motors, emergency services to secure property from continued or further damage, and service personnel to pick up vehicles or boats and repair necessary major appliances.
  - e. In keeping with the objectives of these provisions, CACHE CAY residents and their guests are strongly encouraged to follow the same days and hours relative to operating lawn maintenance equipment or other outdoor tools which emanate noise, especially from noon Saturday through Sunday.
  - f. In the case of some extraordinary event when the above might create a hardship for any CACHE CAY member, the President or Vice President of CACHE CAY are both authorized to temporarily waive the above provisions a. through c.
4. All vehicles entering or exiting CACHE CAY must pass to the right of the Security Guard Post. All directions issued by the Security Guard are to be followed fully, including directions to stop upon entering or exiting the subdivision.
5. Speed limits are 20 mph within the subdivision and 5 mph over the bridge. Pedestrians and cyclists have the right of way over motorized vehicles. All stop signs require a full stop.
6. When necessary to park vehicles on the street, they shall be parked on one side only, and not so as to block driveways or mailboxes of other lots. Construction equipment shall be parked on lots only and never over a weekend.
7. Construction and service personnel shall not trespass on adjacent occupied lots without the owner's consent, nor under any circumstances use private driveways for turning around vehicles.
8. All trash must be containerized and secured. Construction debris must be neatly piled and removed from the premises before it becomes an eyesore. Salvageable materials must be neatly stored.
9. Any dirt, sand or other debris from the project that spills onto the roadway must be removed on a daily basis by the contractor. Oil, paint or other such liquid spills on the roadway must be eliminated immediately.
10. Temporary electric service and a water meter must be available at the site before construction of a new home begins. Use of water or electricity from neighboring properties must be with the express consent of those property owners. In addition, portable sanitary facilities must be provided.
11. No animals of any kind are to be brought into the subdivision.
12. No loud playing of radios or cassette or CD players is permitted at any time.
13. No signs of any kind (advertising or other) are to be displayed on the premises.

VIOLATION OF THESE RULES CAN RESULT IN NON-ADMITTANCE TO CACHE CAY SUBDIVISION

CACHE CAY

REAL ESTATE OPEN HOUSES

Regulations to be followed by the various Parties involved in real estate open houses in CACHE CAY are as follows:

Real Estate Firm:

1. The real estate firm planning the open house in Cache Cay must notify the senior security guard and a member of the Cache Cay Board of Directors at least 36 hours in advance of the open house.
2. At least one (1) real estate agent must be present at the open house at all times.
3. No signs advertising the open house are permitted in Cache Cay or on the Cache Cay entranceway. This prohibition includes any signs within the house that are visible from the street.
4. Cache Cay subdivision maps showing the location of the open house must be provided to the security guards for distribution to prospects.

Access Control:

1. The guard on duty during the open house shall record each driver's name, auto license number and the time of entrance.
2. The guard shall also provide each driver with directions to the open house and a copy of the subdivision map referred to above.

Board Member:

The Board member notified about the open house shall acquaint the real estate agent with the rules contained herein regarding the prohibition of signs, the required attendance of an agent and the check-in procedure.

Home Owner:

Any homeowner listing his or her home for sale with a real estate firm shall provide his or her agent with a copy of these regulations and the name and telephone of the Board member to contact (normally the Board member in charge of security).