

Prepared by and return to:

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KRASNY AND DETTMER
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Melbourne, Florida 32901

Scott Ellis
Clerk Of Courts, Brevard County
#Names: 2
Rec: 21.00
Serv: 0.00
Excise: 0.00
Int Tax: 0.00
#Pgs: 5
Trust: 3.00
Deed: 0.00
Mtg: 0.00

**DECLARATION OF COVENANTS, RESTRICTIONS AND
EASEMENTS FOR LANSING ISLAND
PHASE FIVE**

SOUTH ISLAND DEVELOPMENT CORPORATION, the Developer of Phases Four and Five of Lansing Island Subdivision (referred to as the "Developer"), files this Declaration adopting the Covenants, Restrictions and Easements for Lansing Island Subdivision, Phases One, Two, Three and Four and such Amendments which were made to the Declaration of Covenants, Restrictions and Easements as may be applicable to Phase Five.

WHEREAS, on July 10, 1989, the Developer caused the Declaration of Covenants, Restrictions and Easements for Lansing Island Subdivision, Phase One to be recorded in Official Records Book 3006, Pages 0034 through 0084, of the Public Records of Brevard County, Florida, and

WHEREAS, said Declarations, in Article XIII, subject to the provisions of Section 13.5, provides that the covenants, restrictions and easements may be amended from time to time by the Developer.

WHEREAS, the Developer, by this Declaration, adopts the Covenants, Restrictions and Easements, some of which apply to earlier Phases and some of which are applicable to all phases of Lansing Island; and

WHEREAS to the extent that the Covenants, Restrictions, and Easements apply to Phases Four and Five, and do not conflict with this Declaration, the Developer adopts the Declaration of Covenants Restrictions and Easements in the following amendments:

- Amendment No. 1 - Official Records Book 3040, Page 4154
- Amendment No. 2- Official Records Book 3344, Page 4211
- Amendment No. 3- Official Records Book 3356, Page 4676
- Amendment No. 4- Official Records Book 3461, Page 178

Amendment No. 5- Official Records Book 3488, Page 0088
Amendment No. 6- Official Records Book 3600, Page 4940
Amendment No. 7- Official Records Book 3630, Page 1635
Amendment No. 8- Official Records Book 3649, Page 4731
Amendment No. 9- Official Records Book 3795, Page 1700
Amendment No. 10- Official Records Book 4035, Page 0380
Amendment No. 11- Official Records Book 4072, Page 0558
Amendment No. 12- Official Records Book 4077, Page 3052
Amendment No. 13- Official Records Book 4073, Page 0259
Amendment Correcting Amendment 13, Official Records Book 4077, Page 3052

All recorded in the Public Records of Brevard County, Florida.

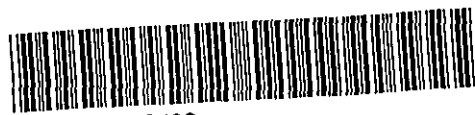
WHEREAS, SOUTH ISLAND DEVELOPMENT CORPORATION, desires to add and incorporate Phase Five into Lansing Island as provided in Amendment 10 recorded in Official Record Book 4035, Page 0380 of the Public Records of Brevard County Florida, and makes this Declaration; to submit Phase Five into Lansing Island, and upon sale of lots by the Developer to third party purchasers, those purchasers shall be entitled to membership in the Lansing Island Homeowners' Association, and be subject to the Rules and Regulations, and be obligated for the payment of dues and assessments in the same manner as other members of the Lansing Island Homeowner's Association of earlier Phases.

NOW, THEREFORE,

I. SOUTH ISLAND DEVELOPMENT CORPORATION declares that Lansing Island Phase Five is, upon the recordation of the Plat in Plat Book 47 Page 78, 79, + 80 subjecting the land described in Exhibit A, to the Restrictions, Covenants and Easements as may be applicable to Phase Five, and adopts such prior amendments, as may be applicable to Phase Five by reference. SOUTH ISLAND DEVELOPMENT CORPORATION further adopts the Amended Conservation Easement granted to the St. Johns Water Management District Recorded in Official Records Book 4520, Page 1442 Public Records of Brevard County Florida, applicable to both Phases Four and Five.

The Developer declares that the following requirements and limitations shall govern the improvements to be built in Phases Four and Five.

1. Notwithstanding the limitations heretofore set forth in the original Declaration, and the prior amendments, the maximum building height for lots in Phases Four and Five shall be 49 feet above sea level; the lowest finished floor elevation shall be a minimum of seven feet above sea level.
2. Buildings shall be set back from the back of the curb a minimum distance of fifty feet. Rear set backs shall be 20 feet from the Conservation Easement. Side set backs shall be fifteen feet from the side lot lines, except on corner lake front lots where the set back shall be twenty five feet from the side street.



3. When a home is constructed on a lot which has an adjacent side street on a corner lot, the home must be constructed so that the garage doors face away from the side street.
4. When a home is constructed on a corner lot which has a side street, any fence constructed on that lot must be erected at least ten feet from the back side of the curb, and may not extend forward past the rear of the garage.
5. Planted berms are required, adjoining the Conservation Easement. Berms shall be located to the edge of the Conservation Easement, the location of which is depicted on the Plat of Phases Four and Five. No rock revetments will be permitted to be constructed along the conservation easement.
6. Streetscape will conform to Phase One, Two, Three, and existing Phase Four properties, except that palm trees of an equal or larger size may be substituted for oak trees. The type of palms used shall be approved by the Architectural Control Committee. Smaller plantings, other than trees, may be substituted only with the approval of the Architectural Control Committee.
7. All residences shall be of concrete block construction on the first floor. Frame construction shall be permitted for the second floor. Construction shall be limited to two floors.
8. A minimum of 40% of the lot must be maintained in "green space" Green space is defined as that area where no improvements may be constructed, this includes concreted areas for driveways, pools, and any other construction that is not grass trees, or landscaping. For the purpose of calculating green space, the conservation easement shall be considered to be green space, to satisfy this requirement.

II. As provided in Amendment 10, to the Declarations of Covenants, Restrictions and Easements, as the platted lots are sold by the Developers, these purchaser/lot/homeowners shall be entitled to share in all the common benefits, advantages and assets presently and hereafter existing in all platted phases of Lansing Island, including but not limited to membership in the Lansing Island Homeowners' Association, the use of all common utilities, roads, the drawbridge and such other common elements contained in Lansing Island.

III. The Developer shall have no obligation to pay monthly maintenance fees, assessments, dues or shortfalls to the Lansing Island Homeowners' Association. As the platted lots in Phases Four and Five are sold by the Developers, the purchaser/lot/homeowners shall be liable for all such fees, dues, assessments and shortfalls. Such purchasers from the Developer shall share in all debts, liabilities and such other common expenses incurred by the Lansing Island Homeowners' Association, as all other members of the homeowners' association.



IN WITNESS WHEREOF, the parties have set their hands and seals this 20th day of February, 2002.

WITNESSES:

[Signature]
Kristine Gray

Developer:

SOUTH ISLAND DEVELOPMENT CORPORATION

By: [Signature]
Joseph DiPrima, President

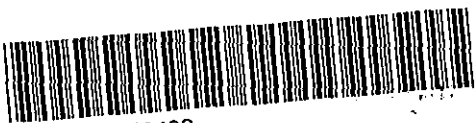
Attest:

[Signature]
Secretary

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 20th day of February, 2002, by Joseph DiPrima, President of South Island Development Corporation, who executed the foregoing instrument, who is () personally known to me or () who produced _____ as identification, and who did not take an oath.

[Signature]
Notary Public
My Commission Expires:



CFN:2002043499
OR Book/Page: 4532 / 1979

 Catherine Sue Bishop
My Commission CC895442
Expires March 06 2004



DESCRIPTION:

A PORTION OF GOVERNMENT LOT 3, THE NE 1/4 OF THE SE 1/4 AND THE SE 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LYING WEST OF THE MOSQUITO CONTROL CANAL KNOWN AS THE FLAMINGO WATERWAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE SOUTHEAST CORNER OF SAID SECTION 34 RUN S89°15'36"W ALONG THE SOUTH LINE OF SAID SEC. 34 A DIST. 2124.72 FT.; THENCE DEPARTING FROM SAID SOUTH LINE N04°02'46"W 1322.31 FT. TO A CONCRETE MONUMENT STAMPED "BRIEL & ASSOC. FLB 3869 PRM" BEING ON A LINE 1320.11 FT. NORTH OF BY PERPENDICULAR MEASUREMENT AND PARALLEL TO THE SOUTH LINE OF AFORESAID SECTION 34 BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN ALONG SAID LINE N89°15'36"E 259.57 FT. TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1975.00 FT. AND FROM WHICH A RADIAL LINE BEARS S88°49'11"W; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 01°15'45", 43.52 FT.; THENCE N87°13'26"E ALONG A RADIAL LINE 50.00 FT. TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2025.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 00°02'59", 1.76 FT. TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 35.00 FT. AND A CENTRAL ANGLE OF 87°34'12"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 53.49 FT. TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 1275.00 FT. AND A CENTRAL ANGLE OF 08°30'57"; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE 189.50 FT. TO THE POINT OF TANGENCY; THENCE N81°31'16"E 7.84 FT. TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 35.00 FT. AND A CENTRAL ANGLE OF 90°00'00"; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE 54.98 FT. TO THE POINT OF TANGENCY; THENCE RUN ALONG A RADIAL LINE N81°31'16"E 50.00 FT.; THENCE S08°28'44"E 57.23 FT.; THENCE N81°31'16"E 269.01 FT. TO A CONCRETE MONUMENT STAMPED BRIEL & ASSOC. FLB 3869 PRM" HEREIN AFTER KNOWN AS POINT "C"; THENCE CONTINUE N81°31'16"E 10 FT. MORE OR LESS TO THE ORDINARY HIGH WATER LINE OF THE FLAMINGO WATERWAY; THENCE RUN NORTHERLY ALONG SAID ORDINARY HIGH WATER LINE 1300 FT. MORE OR LESS TO THE INTERSECTION OF THE ORDINARY HIGH WATER LINE OF AN EAST-WEST CROSS CANAL, SAID INTERSECTION BEARS N87°45'07"E 24 FT. MORE OR LESS FROM A CONCRETE MONUMENT STAMPED "BRIEL & ASSOC. FLB 3869 PRM" HEREIN AFTER KNOWN AS POINT "D" (SAID POINT "D" BEARS N04°50'56"W 1273.64 FT. FROM POINT "C"); THENCE RUN WESTERLY ALONG SAID ORDINARY HIGH WATER LINE 901 FT. MORE OR LESS TO THE INTERSECTION OF THE ORDINARY HIGH WATER LINE OF THE BANANA RIVER, SAID INTERSECTION BEARS N87°56'09"W 25 FT. MORE OR LESS FROM A CONCRETE MONUMENT STAMPED "BRIEL & ASSOC. FLB 3869 PRM" HEREIN AFTER KNOWN AS POINT "E" (SAID POINT "E" BEARS S89°31'02"W 846.69 FT. FROM POINT "D" AND N02°39'06"W 1322.35 FT. FROM THE P.O.B.); THENCE RUN SOUTHERLY ALONG THE ORDINARY HIGH WATER LINE OF THE BANANA RIVER 1430 FT. MORE OR LESS TO THE INTERSECTION OF A LINE 1320.11 FT. NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SEC. 34; THENCE RUN ALONG SAID LINE N89°15'36"E 16 FT. MORE OR LESS TO THE P.O.B..

CONTAINING 29.24 ACRES MORE OR LESS.