

Declaration of Covenants and Restrictions for Family Homestead

This DECLARATION OF COVENANTS AND RESTRICTIONS FOR FAMILY HOMESTEAD is made this ____ day of ____, 20__, by _____, hereinafter referred to as “the Owner.”

WHEREAS, the Owner is the owner of certain real property in Wakulla County, Florida, more particularly described in Exhibit A, attached hereto and incorporated herein by reference, hereinafter referred to as “the Parent Property”; and

WHEREAS, the Owner intends to convey, devise, or transfer a portion of the Parent Property more particularly described in Exhibit B, attached hereto and incorporated herein by reference, hereinafter referred to as “the Family Homestead Property” to _____, hereinafter referred to as “the Immediate Family Member,” for use as a Family Homestead pursuant to section 163.3179, Florida Statutes, Policy 1.10 of the Future Land Use Element of the Wakulla County Comprehensive Plan, and Wakulla County Ordinance No. 13-17; and

WHEREAS, the Immediate Family Member is an “immediate family member” as that term is defined by Policy 1.10 of the Future Land Use Element, Wakulla County Comprehensive Plan and Section 7-7 of the Wakulla County Land Development Code, and shall use the Family Homestead Property as a homestead pursuant to the provisions of Section 7-29 of the Wakulla County Land Development Code.

NOW, THEREFORE, the Owner declares that the Family Homestead Property shall be held, transferred, encumbered, used, sold, conveyed, leased, and occupied, subject to the covenants and restrictions hereinafter set forth:

Section I: Limits on Transferability

- A. The Family Homestead Property shall be used solely as the homestead of the Immediate Family Member for a period of ten (10) years from the date a certificate of occupancy is issued for the residence, and shall not be transferable before the issuance of the certificate of occupancy and the expiration of that ten-year period.
- B. In the event of the death or institutionalization of the Immediate Family Member, the covenants and restrictions contained herein may be amended by the Board of County Commissioners to provide for the transfer of the Family Homestead Property.

Section II: Compliance with Other Requirements

- A. The Family Homestead Property and the Parent Property shall be a minimum of one-half acre of buildable area, as measured after division of the Parent Property.

-
- B. The Parent Property and the Family Homestead Property may not be further divided under Section 7-29 of the Wakulla County Land Development Code except upon submittal of a new application and review fee subject to all the standards of the Wakulla County Land Development Code and the Wakulla County Comprehensive Plan. Properties of at least two (2) acres but less than twenty (20) acres which were previously divided pursuant to Section 7-29 of the Wakulla County Land Development Code are not eligible for further division under this Section.
 - C. The Parent Property and the Family Homestead Property shall have legal access to the public street system. Legal access shall include direct frontage on the public street system or a street connected to the public street system, or by recorded easement in compliance with Florida law.
 - D. The Parent Property and the Family Homestead Property shall comply with all other applicable regulations found in the Wakulla County Land Development Code, the Wakulla County Comprehensive Plan, and county, state, and federal law.
 - E. No other parcels created by a Family Homestead Exemption under Section 7-29 of the Wakulla County Land Development Code may be conveyed to the Immediate Family Member.

Section III: Enforcement

- A. The covenants and restrictions contained herein shall be enforceable by Wakulla County. Wakulla County has the discretion as to whether to pursue any appropriate legal or equitable remedies to enforce the terms and conditions contained herein. Venue shall be in Wakulla County, Florida.

Section IV: Miscellaneous Provisions

- A. **Severability.** Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions that shall remain in full force and effect.
- B. **Recording.** The Owner shall record this Declaration of Covenants and Restrictions for Family Homestead along with the Family Homestead Exemption approval in the clerk of the court's records at the Owner's expense. For lots not required to be platted, a legal description of the lots created by the Family Homestead Exemption must also be recorded. Proof that the required documents have been recorded must be submitted with any application for a building permit on a Family Homestead Property prior to approval by Wakulla County.

IN WITNESS WHEREOF, the Owner has executed this Declaration of Restrictions the day and year first above written.

WITNESSES:

Owner's Signature:

Print Name: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF WAKULLA

Sworn to and subscribed before me this ____ day of _____, 20__.

NOTARY PUBLIC

Typed Name:

Commission Expires:

Commission No.

Affiant Personally known ___

Or produced identification ___

Type of Identification

Produced _____

Execution by Immediate Family Member:

WITNESSES:

Immediate Family Member's
Signature

Print Name: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF WAKULLA

Sworn to and subscribed before me this ____ day of _____, 20__.

NOTARY PUBLIC

Typed Name:

Commission Expires:

Commission No.

Affiant Personally known ___

Or produced identification ___

Type of Identification

Produced _____

Execution by Wakulla County:

WITNESSES:

Planning and Community
Development Director's Signature

Print Name: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF WAKULLA

Sworn to and subscribed before me this ____ day of _____, 20__.

NOTARY PUBLIC

Typed Name:

Commission Expires:

Commission No.

Affiant Personally known ___

Or produced identification ___

Type of Identification

Produced _____