

PREPARED BY & RETURN TO:

Centex Homes
Legal Department
Attn: Denise M. Scherer-Wagner, CLAS
8198 Jog Road, Suite 200
Boynton Beach, Florida 33437

**DECLARATION OF COVENANTS AND EASEMENTS
FOR
LEGENDS AT THE GARDENS MASTER ASSOCIATION, INC.**

THIS DECLARATION OF COVENANTS AND EASEMENTS ("**Declaration**") is made this 5th day of December 2003, by LEGENDS AT THE GARDENS MASTER ASSOCIATION, INC., a Florida not-for-profit corporation (hereinafter referred to as "**Master Association**"), LEGENDS AT THE GARDENS CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation, (the "**Condominium Association**") and CENTEX HOMES, a Nevada general partnership (hereinafter referred to as "**Centex**").

WITNESSETH:

WHEREAS, Centex is the owner of two tracts of land located in the City of Palm Beach Gardens, Florida, the legal descriptions of which are attached hereto as **Exhibit "A"** (hereinafter referred to as the "**Legends At The Gardens Property**") and as **Exhibit "B"** (hereinafter referred to as the "**Legends Donald Ross Commercial Property**"); and

WHEREAS, there exist certain common landscaping areas at the entrance of the Legends At The Gardens Property and within the median of Central Boulevard in the vicinity of the entrance, the benefits of which will be shared by the Condominium Association and the owner of the Legends Donald Ross Commercial Property; and

WHEREAS, there exists a lake within the Legends At The Gardens Property, the benefits of which will be shared by the Condominium Association and the owner of the Legends Donald Ross Commercial Property; and

WHEREAS, there exist certain upland preserve areas within the Legends At The Gardens Property and the Legends Donald Ross Commercial Property, the legal description of which is attached hereto as **Exhibit "C"** (hereinafter referred to as the "**Upland Preserve Property**"), the benefits of which will be shared by the Condominium Association and the owner of the Legends Donald Ross Commercial Property; and

WHEREAS, the parties to this Declaration desire to designate and allocate the responsibilities for the administration, operation and maintenance of the common landscaping areas and lake within the Legends At The Gardens Property and for the administration, operation and maintenance of the Upland Preserve Property; and

WHEREAS, the Master Association is being created for the purposes of assuming the administration, operation and maintenance of the Upland Preserve Property, the common landscaping areas and the lake with the costs being borne by the Condominium Association and any and all owners of the Legends Donald Ross Commercial Property (the "Commercial Owners") in accordance with the terms set forth herein; and

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Master Association, Condominium Association and Centex hereby agree to execute and record this Declaration of Covenants and Easements as an obligation running with the Legends Donald Ross Commercial Property and the Legends At The Gardens Property and, with the intention of being legally bound hereby, further agree as follows:

1. The Master Association shall be responsible for the administration, operation and maintenance of the Upland Preserve Property with the Condominium Association contributing forty percent (40%) and the Commercial Owners contributing sixty percent (60%) of the cost of such administration, operation and maintenance to the Master Association.

2. The Master Association shall be responsible for the administration, operation and maintenance of the common landscaping and lake areas with the Condominium Association contributing eighty-two percent (82%) and the Commercial Owners contributing eighteen percent (18%) of the cost of such administration, operation and maintenance to the Master Association.

3. The Legends At The Gardens Property and the Legends Donald Ross Commercial Property are each hereby subject to an easement in favor of the Master Association for the limited and express purpose of access for the operation and maintenance only of the said common landscaping areas, lake and Upland Preserve Property. This easement is not intended to create a means of access from one community to the other for any resident of the other community, and no such right exists.

4. The Master Association, the Condominium Association and the Commercial Owners must consent in writing to amend this Declaration.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration of Covenants and Easements the day and year first above written.

Witnesses:

Denise M. Scherer-Wagner
Print Name: DENISE M. SCHERER-WAGNER

Maurice A. Phillips
Print Name: MAURICE A. PHILLIPS

LEGENDS AT THE GARDENS MASTER
ASSOCIATION, INC., a Florida not-for-profit
corporation

By: *Ken Borkenhagen*
Printed Name: KEN BORKENHAGEN
Title: PRESIDENT

Witnesses:

LEGENDS AT THE GARDENS
CONDOMINIUM ASSOCIATION, INC., a
Florida not-for-profit corporation

Denise M. Schaefer-Wagner
Print Name: DENISE M. SCHAEFER-WAGNER

By: [Signature]
Printed Name: KEVIN BORKENHAGEN
Title: PRESIDENT

Marvette A. Phillips
Print Name: MARVETTE A. PHILLIPS

Witnesses:

CENTEX HOMES, a Nevada general partnership

By: CENTEX REAL ESTATE
CORPORATION, a Nevada corporation,
its managing general partner

Denise M. Schaefer-Wagner
Print Name: DENISE M. SCHAEFER-WAGNER

By: [Signature]
Printed Name: DAVID E. ABRAMS
Title: DIVISION PRESIDENT

Marvette A. Phillips
Print Name: MARVETTE A. PHILLIPS

STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

The foregoing was acknowledged before me this 5th day of December 2003 by KEVIN BORKENHAGEN the PRES 6
LEGENDS@THEGARDENS MASTER ASSOC behalf of the corporation; who is 0 personally known to me or who 0 produced 0
MASTER ASSOC as identification.

Marvette A. Phillips
Notary Public, State of Florida

[Notary Seal]



STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

The foregoing was acknowledged before me this 5th day of December 2003 by Kevin Bocek the Pres. of Legends@TheGardens on behalf of the corporation; who is personally known to me or who COND ASSO produced COND ASSO as identification.



Marvette A. Phillips
Notary Public, State of Florida

[Notary Seal]

STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

The foregoing was acknowledged before me this 5th day of December 2003 by DAVID E. AGENS the Div. Pres of CENTEX RE. CORP. on behalf of the corporation; who is personally known to me or who COND ASSO produced COND ASSO as identification.



Marvette A. Phillips
Notary Public, State of Florida

[Notary Seal]

Exhibit "A"
Legal Description of Legends At The Gardens Property

Exhibit "B"
Legal Description of Legends Donald Ross Commercial Property

Exhibit "C"
Legal Description of Upland Preserve Property

EXHIBIT "A"

LEGAL DESCRIPTION OF LEGENDS AT THE GARDENS PROPERTY

Parcel 4.01

A parcel of land lying in Section 25, Township 41 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

Beginning at the intersection of the South right of way line of Donald Ross Road and the West right of way line of Central Boulevard; thence South 00°48' 04" West, along said West right of way line, (the West right of way line of Central Boulevard is assumed to bear South 00°48' 04" West and all other bearings referenced herein are relative thereto), a distance of 491.30 feet; thence South 00°48'04" West, a distance of 347.64 feet to said right of way's intersection with a non-tangent curve having a radial bearing of North 04°41'11" East, a radius of 840.06 feet, and a central angle of 55°12'02"; thence proceed Westerly and Northerly along the arc of said curve, a distance of 809.34 feet to the end of said curve; thence South 89°50'06" East, a distance of 223.01 feet; thence North 01°20'37" East, a distance of 359.66 feet; thence North 01°20'37" East, a distance of 65.43 feet; thence South 89°50'06" East, a distance of 436.80 feet to the POINT OF BEGINNING of the herein described parcel. LESS AND EXCEPTING THEREFROM that certain right of way described in Official Records Book 9567, page 761, Public Records of Palm Beach County, Florida.

Parcel 4.10

A parcel of land situate in Section 25, Township 41 South, Range 42 East, Palm Beach County, Florida and being more particularly described as follows:

Commencing at the intersection of the South right of way line of Donald Ross Road and the West right of way line of Central Boulevard; thence South 00°48'04" West, along said West right of way line (the West right of way line of Central Boulevard is assumed to bear South 00°48'04" West and all other bearings referenced herein are relative thereto), a distance of 838.94 feet to the POINT OF BEGINNING of the herein described parcel; Thence South 00°48'04" West, a distance of 430.37 feet, thence North 89°51'04" West, a distance of 923.93 feet to the West line of said Section 25; thence North 01°20'37" East, along said West line, a distance of 844.68 feet; thence South 89°50'06" East, a distance of 352.09 feet to a curve having a radial bearing of North 59°53'13" East, a radius of 840.06 feet, and a central angle of 55°12'02"; Thence proceed along the arc of said curve, a distance of 809.34 feet to the end of said curve to the POINT OF BEGINNING of the herein described parcel. LESS AND EXCEPT that portion as conveyed to the Northern Palm Beach County Improvement District as contained in Special Warranty Deed recorded in Official Records Book 15423, Page 558, of the Public records of Palm Beach County, Florida.

More commonly described as:

ALL THE LAND, TRACTS AND PARCELS OF THE LEGENDS OF THE GARDENS, according to the plat thereof, as recorded in Plat Book 99 at Page 191 in the Public Records of Palm Beach County, Florida.

EXHIBIT "B"

**LEGAL DESCRIPTION OF
LEGENDS AT THE GARDENS COMMERCIAL SITE**

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE SOUTH $01^{\circ}20'36''$ WEST, ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 500.12 FEET; THENCE SOUTH $89^{\circ}50'07''$ EAST A DISTANCE OF 475.10 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH $01^{\circ}20'36''$ EAST, A DISTANCE OF 425.09 FEET; THENCE SOUTH $71^{\circ}23'29''$ EAST, A DISTANCE OF 104.29 FEET; THENCE 56.88 FEET (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF DONALD ROSS ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 9567 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE SOUTH $00^{\circ}48'03''$ WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF CENTRAL BOULEVARD, AS RECORDED IN SAID OFFICIAL RECORDS BOOK 9567 AT PAGE 761, A DISTANCE OF 81.97 FEET; THENCE SOUTH $14^{\circ}21'14''$ WEST A DISTANCE OF 36.27 FEET; THENCE SOUTH $00^{\circ}48'03''$ WEST, A DISTANCE OF 195.95 FEET; THENCE NORTH $89^{\circ}11'57''$ WEST A DISTANCE OF 38.31 FEET; THENCE SOUTH $61^{\circ}47'32''$ WEST, A DISTANCE OF 46.47 FEET; THENCE NORTH $89^{\circ}33'20''$ WEST, A DISTANCE OF 46.86 FEET; THENCE SOUTH $64^{\circ}16'27''$ WEST, A DISTANCE OF 85.73 FEET; THENCE NORTH $51^{\circ}25'05''$ WEST, A DISTANCE OF 24.72 FEET; THENCE NORTH $89^{\circ}50'07''$ WEST, A DISTANCE OF 202.30 FEET; THENCE NORTH $01^{\circ}20'36''$ EAST, A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE IN THE CITY OF PALM BEACH GARDENS, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 3.819 ACRES, MORE OR LESS.

EXHIBIT "C"

LEGAL DESCRIPTION OF UPLAND PRESERVE

THE UPLAND PRESERVE of LEGENDS AT THE GARDENS according to the plat thereof as recorded in Plat Book 99 at Page 191 in the Public Records of Palm Beach County, Florida.

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