

Prepared by: Ben Elliott / Plata Engineering, Inc.  
Address: 3700 N. Harbor City Blvd. #2F  
Melbourne, Florida 32935

**BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 8th day of February, 2005, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ron Abbott / Abbott Manufactured Housing, Inc., Leonard Hearndon, Linda Stryker, Loretta Mikulskis and Thomas Scott (hereinafter referred to as "Developer/Owner").

**RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Developer/Owner shall limit proposed project as a 55 and older adult residential development. The project will register with the Florida Commission on Human Relations as "housing for older persons" pursuant to the "Fair Housing Act," Section 760.29(e), Florida Statutes prior to site plan approval. The project will include in its recorded governing documents a provision stating that at least 80% of the units will be occupied by at least one person 55 years of age or older, and shall include a prohibition against residents 18 years of age or younger.

RETURN: Clerk to the Board #27

**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 9 #Names: 7  
Trust: 5.00 Rec: 76.00 Serv: 0.00  
Deed: 0.00 Excise: 0.00  
Mtg: 0.00 Int Tax: 0.00

↑ RETURN: Clerk to the Board #27

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

Scott Ellis, Clerk  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

Ron Pritchard, DPA, Chairman  
As approved by the Board on February 8, 2005

STATE OF FLORIDA §  
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2005, by Ron Pritchard, DPA, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires

  
Notary Public

SEAL  
Commission No.:

(Name typed, printed or stamped)



211034

WITNESSES:

DEVELOPER/OWNER  
Abbott Manufactured Housing, Inc.  
8050 US Highway No. 1  
Micco, Florida 32976

Linda Stryker

Linda Stryker

(Witness Name typed or printed)

Cathy Sheppard

Cathy Sheppard

(Witness Name typed or printed)

Ron Abbott

Ron Abbott, President

(Name typed, printed or stamped)

STATE OF FLORIDA §

COUNTY OF BREVARD §

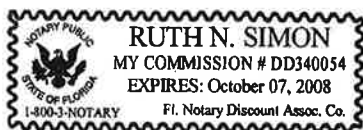
The foregoing instrument was acknowledged before me this 21 day of January, 2005,  
by Ron Abbott, who is personally known to me or who has produced  
as identification.

10/7/08  
My commission expires

Ruth N. Simon  
Notary Public

SEAL

Ruth N. Simon  
Commission No.: \_\_\_\_\_ (Name typed, printed or stamped)



RETURN: Clerk to the Board #27



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RETURN: Clerk to the Board #27  
↑

WITNESSES:

DEVELOPER/OWNER  
Leonard Hearndon  
8050 US Highway No. 1  
Micco, Florida 32976

Mary L. Lafair  
MARY L. LAFAIR  
(Witness Name typed or printed)

Ruth N. Simon  
RUTH N. SIMON  
(Witness Name typed or printed)

[Signature]  
Leonard Hearndon  
(Name typed, printed or stamped)

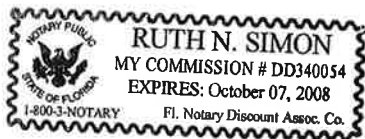
STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2004,  
by Leonard Hearndon, who is personally known to me or who has produced  
as identification.

Ruth N. Simon  
My commission expires 10/7/08 Notary Public  
SEAL

RUTH N. SIMON  
Commission No.: \_\_\_\_\_ (Name typed, printed or stamped)



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RETURN: Clerk to the Board #27

WITNESSES:

DEVELOPER/OWNER  
Linda Stryker  
8050 US Highway No. 1  
Micco, Florida 32976

Mary L Lafair  
MARY L. LAFAIR  
(Witness Name typed or printed)

Ruth N. Simon  
RUTH N. SIMON  
(Witness Name typed or printed)

Linda Stryker  
Linda Stryker  
(Name typed, printed or stamped)

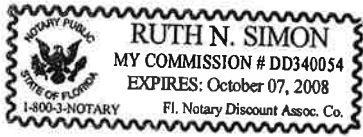
STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2004,  
by Linda Stryker, who is personally known to me or who has produced  
as identification.

Ruth N. Simon  
My commission expires 10/7/08 Notary Public  
SEAL

RUTH N. SIMON  
Commission No.: \_\_\_\_\_ (Name typed, printed or stamped)



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RETURN: Clerk to the Board #27

WITNESSES:

DEVELOPER/OWNER  
Loretta Mikulskis  
8050 US Highway No. 1  
Micco, Florida 32976

Mary Lafair  
\_\_\_\_\_  
MARY L. LAFAIR  
(Witness Name typed or printed)

Ruth N. Simon  
\_\_\_\_\_  
RUTH N. SIMON  
(Witness Name typed or printed)

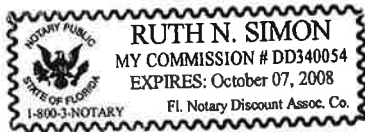
Loretta Mikulskis  
\_\_\_\_\_  
Loretta Mikulskis  
(Name typed, printed or stamped)

STATE OF FLORIDA §  
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2004,  
by Loretta Mikulskis, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

Ruth N. Simon  
\_\_\_\_\_  
My commission expires 10/7/08 Notary Public  
SEAL

RUTH N. SIMON  
\_\_\_\_\_  
Commission No.: \_\_\_\_\_ (Name typed, printed or stamped)



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RETURN: Clerk to the Board #27

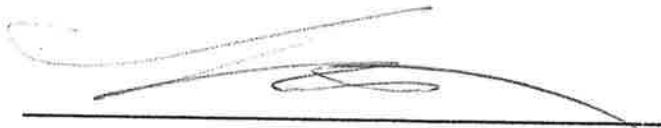
WITNESSES:

DEVELOPER/OWNER

Thomas Scott  
8050 US Highway No. 1  
Micco, Florida 32976

Mary L Lafaie  
MARY L. LAFAIE  
(Witness Name typed or printed)

Ruth N. Simon  
RUTH N. SIMON  
(Witness Name typed or printed)



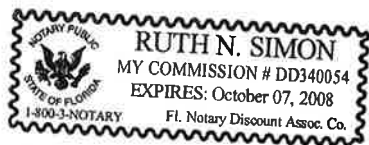
Thomas Scott  
(Name typed, printed or stamped)

STATE OF FLORIDA §  
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 17 day of December, 2004,  
by Thomas Scott, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

Ruth N. Simon  
My commission expires 10/17/08 Notary Public  
SEAL

RUTH N. SIMON  
Commission No.: \_\_\_\_\_ (Name typed, printed or stamped)



211574

Exhibit "A"

Legal Description (as provided by surveyor):

That part of Government Lots 2 and 3, Section 11, Township 30 South, Range 38 East Brevard County, Florida lying South of Official Records Book 4303, Page 3589, Public Records of Brevard County, Florida, East of the Right-of-Way line of the Florida East Coast Railroad Right-of-Way and North of the North right-of-way line of Barefoot Boulevard less and except that part contained in Official Records Book 3633, Page 928 recorded in the Public Records of Brevard County, Florida. Also less the Right-of-Way for US Highway No. 1.

RETURN: Clerk to the Board #27



211054



**JOINDER IN BINDING DEVELOPMENT PLAN**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated 08/02/04, given by Abbott Manufactured Housing Incorporated, as mortgagor, in favor of the undersigned, Abbott Manufactured Housing Incorporated and Leonard Hearndon and and Linda Stryker and Loretta Mikulskis and Thomas Scott, as mortgagee, recorded in Official Records Book 5347, page 7014, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE

[Signature]  
Leonard Hearndon (for group)  
8050 US Highway No. 1, Barefoot Bay, FL 32976  
(Address)

[Signature]  
Julie R. MacKenzie  
(Witness name typed or printed)

[Signature]  
Ronald Abbott / Abbott Manufactured Housing Incorporated  
Authorized Agent

[Signature]  
Julie R. MacKenzie  
(Witness name typed or printed)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of December, 2004, by Ronald Abbott/Abbott Manufactured Housing Incorporated, who is personally known to me or who has produced known to me as identification.

My commission expires

[Signature]  
Notary Public

SEAL  
Commission No.:

Jeanette M. St Yves  
(Name typed, printed or stamped)



RETURN: Clerk to the Board #277

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