



pulpits and platforms, does not exceed 21 feet. Only MARKUP #1 ->
boat/trailer or only one R.V. allowed per lot. Parking of a
boat/trailer and an R.V. on the same lot is prohibited.

ISSUE #1

(b) A boat or R.V. permitted under Section 19(a),
above, and passenger motor vehicles, may only be parked in the
following locations: (1) driveway, (2) garage or carport, (3) on
a concrete, gravel or shell pad constructed in the front yard of
the lot, or (4) anywhere in the side or rear yard of the lot but
not closer to a lot line than any construction that is permitted
under applicable set back restrictions, provided no more than one
vehicle of any type may be parked on the side and rear yard at
any time.

No boats, motor vehicles, R.V.'s, trailers or
vehicles of any type shall be parked overnight on streets in the
subdivision.

(c) No utility trailer may be maintained or stored on
any lot unless stored wholly within a garage or carport.

(d) All boats, R.V.'s, trailers and motor vehicles
parked or stored anywhere on a lot must be in operable condition
and bear current license tags from the county or other regulator
authority. No commercial vehicle repairs shall be permitted on
any lot.

20. If the parties hereto, or any of them, or their heirs,
or assigns, shall violate or attempt to violate any of the
Covenants herein, it shall be lawful for any other person or
persons owning any real property situated in said development or
subdivision to prosecute any proceedings at law or in equity
against the person or persons violating or attempting to violate
any such Covenants and either to prevent him or them from so
doing or to recover damages or seek other ~~due~~ relief for such
violation. The prevailing party in any litigation or
administration proceeding arising hereunder shall be entitled to
an award of court costs and reasonable attorney fees (at all
trial and appellate levels) to be paid by the losing parties.

A substantial number of property owners in the
subdivision voluntarily joined together to form SOUTH GATE
COMMUNITY ASSOCIATION, INC., a Florida non-profit corporation
("Association"), which corporate entity has been previously
referenced in an Assignment from the developer of the subdivision
and in a prior amendment to these restrictions, recorded
respectively at O.R. Book 397, Page 722 and O.R. Book 1022, Page
1613 et seq., both of the Public Records of Sarasota County,
Florida. Association shall have the non-exclusive right to
enforce these restrictions as fully as an owner of property in
the subdivision and shall be entitled to prevailing party
attorney fees when successful in doing so.

21. Invalidation of any one of these Covenants by judgment
or court order shall in no wise affect any of the other
provisions which shall remain in full force and effect.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 19(a) (p. 4): Parking clause restricts pickup trucks or authorized work vehicles in direct violation of Fla. Stat. § 720.3075(3) (HB 1203).

Statutory / Legal Reference: Fla. Stat. § 720.3075(3)

Statutory Comparison: Fla. Stat. § 720.3075 as amended by HB 1203 renders unenforceable any covenant that prohibits an owner from parking a personal vehicle, including a pickup truck, or an emergency service/work vehicle in their driveway.

CURRENT WORDING IN DOCUMENT:

, above, and passenger motor vehicles, may only be parked in the following locations: (1) driveway, (2) garage or carport, (3) on a concrete, gravel or shell pad constructed in the front yard of the lot, or (4) anywhere in the side or rear yard of the lot but not closer to a lot line than any construction that is permitted under applicable set back restrictions, provided no more than one vehicle of any type may be parked on the side and rear yard at any time.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding any provision herein to the contrary, personal pickup trucks, law enforcement vehicles, emergency services vehicles, and work vehicles operated by a resident or owner may be parked in the resident's designated driveway or parking area, pursuant to Fla. Stat. § 720.3075.