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DATE: 08/19/2002 09:22:30 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEE \$ 0.00

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA**

**ROYAL TRAILS PROPERTY OWNERS
ASSOCIATION INC.,**

Case No.: 2001CA2608

Plaintiff,

Vs.

MICHAEL KELLY and KATHY KELLY,

Defendants.

CLERK OF COURT
LAKE COUNTY
JAMES C. WATKINS
11/19/02 9:22 AM

FINAL JUDGMENT

THIS ACTION was tried before the Court on July 15, 2002. On the evidence presented at trial and in accordance with the findings of fact, conclusions of law, and ruling of the Court as expressed by the Court at the conclusion of the trial, it is, therefore

ORDERED AND ADJUDGED THAT:

1. Judgment is hereby entered for Plaintiff, Royal Trails Property Owners Association, Inc. ("Plaintiff"), and against Defendants, Michael Kelly and Kathy Kelly ("Defendants"), on Count I and Count II of Plaintiff's Amended Complaint.
2. Judgment is hereby entered for Plaintiff and against Defendants on Defendants' Amended Counterclaim.
3. The following described property owned by Defendants is encumbered by the Declaration of Restrictions of Royal Trails subdivision duly recorded in Official Records Book 552, Pages 507-520, Public Records of Lake County, Florida (the "Restrictions"), which Restrictions Defendants are required and bound to abide by:

Lot 9 and 10, Block 122, Unit 1 of ROYAL TRAILS, as recorded in Plat Book 19, Pages 1-59, Public Records of Lake County, Florida (the "Property").
4. The placement on the Property of the home owned by Defendants and currently located thereon, which home is more particularly identified as follows (the "Home"):

Year	2002
Manufacturer	Classic
Model	CL 4685B
Dimensions	68 (length) X 28 (width)

constitutes a violation of the Restrictions, in that the Restrictions provide that (i) no building shall

6:30 pm

be erected, constructed, placed, altered or maintained upon any portion of any lot within the property until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the Architecture and Design Committee of the Royal Trails Property Owners Association, Inc. and (ii) no main residence building shall be of a width less than thirty (30) feet.

5. Plaintiff is entitled to the removal of the Home by Defendants under, and as result of the violation of, the Restrictions and is further entitled to injunctive relief in accordance therewith.


6. Defendants are required to and shall remove the Home from the Property, at Defendants' sole cost and expense, no later than sixty (60) days from the date of this Final Judgment and are permanently enjoined and restrained from placing the Home in the Royal Trails subdivision.

7. This Final Judgment grants injunctive relief and is enforceable by Plaintiff against Defendants by civil contempt proceedings and any and all other remedies available under Florida law.

8. Prior to and as a condition precedent to any appeal of this action by Defendants, Defendants must post a bond in an amount to be determined by this Court upon proper motion by Defendants.

9. Jurisdiction of this action is hereby reserved and retained to enforce compliance with this Final Judgment, to award taxable costs upon the filing of the appropriate motion(s) in accordance with the Florida Rules of Civil Procedure, and to enter such further orders as may be just and proper.


ORDERED in Tavares, Lake County, Florida this 2 day of Aug, 2002.



Mark J. Hill
Circuit Judge

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to Derek A. Schroth, Esq., Attorney for Plaintiff, Post Office Box 926, Eustis, Florida 32727 and to Howard L. Cauvel, Esq., Attorney for Defendants, 233 East Rich Avenue, DeLand, Florida 32724 by mail this 5 day of August, 2002.



Jaye Oswald
Judicial Asst./Deputy Clerk