

EXHIBIT “D”

PREPARED BY:

David J. Coviello, Esq.
Shutts & Bowen, LLP
201 South Biscayne Boulevard
Suite 1500
Miami, Florida 33131

RELEASE OF DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, Franz A. Schmid and Eugenia S. Schmid, his wife (the "Owner"), are the fee simple owners of the following described property situated and being in the City of Coral Gables, Florida:

Lots 18 and 19, in Block 12, of CORAL GABLES SECTION A, according to the Plat thereof, as Recorded in Plat Book 5, at Page 102, of the Public Records of Miami-Dade County, Florida (the "Property").

WHEREAS, on July 8, 2003, the Owner executed a Declaration of Restrictive Covenant (the "Declaration") encumbering the Property; and

WHEREAS, said Declaration was recorded on September 25, 2003, in Official Records Book 21681, at Page 0436, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, said Declaration held the Property, along with the single family residence constructed on the Property, together as one tract; and

WHEREAS, the Owner has requested that the Declaration encumbering the Property be released; and

WHEREAS, in consideration of the release of the Declaration, the Owner has proffered a new Declaration of Restrictive Covenant, which encumbers the Property, as well as the adjacent lot (Lot 20) of said Plat; and

NOW, THEREFORE, in consideration of the premises contained herein, the Property is hereby released from said Declaration, and said Declaration is hereby released and declared of no further legal effect, null and void, and the Clerk of the Circuit Court of Miami-Dade County, Florida, is hereby directed to note the same upon the public records.

Dated at Coral Gables, Florida, this ____ day of _____, 2009.

WITNESSES:

THE CITY OF CORAL GABLES

Witness: _____

Print Name: _____

Patrick Salerno, City Manager

Witness: _____

Print Name: _____

STATE OF FLORIDA)

)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Patrick Salerno, in his capacity as City Manager for the City of Coral Gables, Florida, who executed the foregoing instrument, and he did acknowledge to me the execution thereof. He is personally known to me or has produced _____ as identification and who did/did not take an oath.

Name: _____

Notary Public, State of Florida

Commission No. _____

My commission expires:

MIADOCS 3717881 1
8/24/09

PREPARED BY:

David J. Coviello, Esq.
Shutts & Bowen, LLP
201 S. Biscayne Boulevard
Suite 1500
Miami, Florida 33131

DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned FRANZ A. SCHMID and EUGENIA S. SCHMID, his wife, are the fee simple owners of the following described property situated and being in the City of Coral Gables, Florida:

Lots 18, 19, and 20, in Block 12, of CORAL GABLES SECTION A, according to the Plat thereof, as Recorded in Plat Book 5, at Page 102, of the Public Records of Miami-Dade County, Florida (the "Property").

WHEREAS, there is a single family residence constructed on Lots 18 and 19 of the Property (the "Residence").

WHEREAS, the undersigned owners of the Property and the Residence desire to utilize the three lots comprising the Property (the "Lots") as a single building site, and the undersigned owners do hereby declare and agree as follows:

1. That the Residence will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.
2. That the Lots shall not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.

NOW, THEREFORE, for good and valuable consideration, the undersigned do hereby declare that they will not convey or cause to be conveyed the title to the Property without requiring the successor in title to abide by all terms and conditions set forth herein.

FURTHER, the undersigned declare that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the Property and shall constitute a covenant running with the land and shall be binding upon the undersigned, their successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinance of said City then in effect.

IN WITNESS WHEREOF, the undersigned have caused their hands and seals to be affixed hereto on this ____ of September, 2009.

Witness: _____
Print Name: _____

Franz A. Schmid

Witness: _____
Print Name: _____

Eugenia S. Schmid

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day personally appeared before me Franz A. Schmid and Eugenia S. Schmid, who are personally known to me or who produced _____ as identification.

SWORN TO AND SUBSCRIBED before me on this ____ day of September, 2009.

My commission expires:

Name: _____
Notary Public, State of Florida
Commission No. _____

APPROVED AS TO FORM

Elizabeth M. Hernandez, City Attorney

PREPARED BY:

David J. Coviello, Esq.
Shutts & Bowen, LLP
201 South Biscayne Boulevard
Suite 1500
Miami, Florida 33131

RELEASE OF DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, on May 5, 2006, 1037 Valencia, LLC, a Florida Limited Liability Company, executed a Declaration of Restrictive Covenant (the "Declaration") encumbering the following described property:

Lots 20, 21, 22, and 23, in Block 12, of CORAL GABLES SECTION A, according to the Plat thereof, as Recorded in Plat Book 5, at Page 102, of the Public Records of Miami-Dade County, Florida (the "Property").

WHEREAS, said Declaration was recorded on July 19, 2006, in Official Records Book 24733, at Page 3133, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, said Declaration held the Property, which is currently vacant land, together as a single building site for the purpose of constructing a single family residence; and

WHEREAS, Franz A. Schmid and Eugenia S. Schmid, his wife (the "Owner"), the current owner of the Property, have requested that the Declaration encumbering the Property be released; and

WHEREAS, in consideration of the release of the Declaration, the Owner has proffered a new Declaration of Restrictive Covenant, which encumbers Lots 21, 22, and 23 of said Plat. Lot 20 will be separately encumbered, along with Lots 18 and 19 of said Plat, under a new Declaration of Restrictive Covenant also proffered by the Owner.

NOW, THEREFORE, in consideration of the premises contained herein, the Property is hereby released from said Declaration, and said Declaration is hereby released and declared of no further legal effect, null and void, and the Clerk of the Circuit Court of Miami-Dade County, Florida, is hereby directed to note the same upon the public records.

Dated at Coral Gables, Florida, this ____ day of _____, 2009.

WITNESSES:

THE CITY OF CORAL GABLES

Witness: _____

Print Name: _____

Witness: _____

Print Name: _____

Patrick Salerno, City Manager

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Patrick Salerno, in his capacity as City Manager for the City of Coral Gables, Florida, who executed the foregoing instrument, and he did acknowledge to me the execution thereof. He is personally known to me or has produced _____ as identification and who did/did not take an oath.

Name: _____
Notary Public, State of Florida
Commission No. _____

My commission expires:

MIADOCS 3720165 1
8/20/09

PREPARED BY:

David J. Coviello, Esq.
Shutts & Bowen, LLP
201 S. Biscayne Boulevard
Suite 1500
Miami, Florida 33131

DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned FRANZ A. SCHMID and EUGENIA S. SCHMID, his wife, are the fee simple owners of the following described property situated and being in the City of Coral Gables, Florida:

Lots 21, 22, and 23, in Block 12, of CORAL GABLES SECTION A, according to the Plat thereof, as Recorded in Plat Book 5, at Page 102, of the Public Records of Miami-Dade County, Florida (the "Property").

WHEREAS, the undersigned owners of the Property do hereby declare and agree as follows:

1. That the Property will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.
2. That the Lots shall not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.

NOW, THEREFORE, for good and valuable consideration, the undersigned do hereby declare that they will not convey or cause to be conveyed the title to the Property without requiring the successor in title to abide by all terms and conditions set forth herein.

FURTHER, the undersigned declare that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the Property and shall constitute a covenant running with the land and shall be binding upon the undersigned, their successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinance of said City then in effect.

IN WITNESS WHEREOF, the undersigned have caused their hands and seals to be affixed hereto on this ____ of September, 2009.

Witness: _____

Print Name: _____

Franz A. Schmid

Witness: _____

Print Name: _____

Eugenia S. Schmid

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day personally appeared before me Franz A. Schmid and Eugenia S. Schmid, who are personally known to me or who produced _____ as identification.

SWORN TO AND SUBSCRIBED before me on this ____ day of September, 2009.

My commission expires:

Name: _____

Notary Public, State of Florida

Commission No. _____

APPROVED AS TO FORM

Elizabeth M. Hernandez, City Attorney

PREPARED BY:

David J. Coviello, Esq.
Shutts & Bowen, LLP
201 South Biscayne Boulevard
Suite 1500
Miami, Florida 33131

RELEASE OF DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, on November 13, 2006, 1037 Valencia, LLC, a Florida Limited Liability Company, executed a Declaration of Restrictive Covenant (the "Declaration") encumbering the following described property:

Lots 20, 21, 22, and 23, in Block 12, of CORAL GABLES SECTION A, according to the Plat thereof, as Recorded in Plat Book 5, at Page 102, of the Public Records of Miami-Dade County, Florida (the "Property").

WHEREAS, said Declaration was recorded on December 16, 2006, in Official Records Book 25197, at Page 0939, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, said Declaration provides for certain terms and conditions running with the land in consideration of an approved encroachment over the adjacent right-of-way with stone pavers proposed in connection with the construction of a single family residence on the Property, which was never built; and

WHEREAS, Franz A. Schmid and Eugenia S. Schmid, his wife (the "Owner"), the current owner of the Property, have requested that the Declaration encumbering the Property be released; and

NOW, THEREFORE, in consideration of the premises contained herein, the Property is hereby released from said Declaration, and said Declaration is hereby released and declared of no further legal effect, null and void, and the Clerk of the Circuit Court of Miami-Dade County, Florida, is hereby directed to note the same upon the public records.

Dated at Coral Gables, Florida, this ____ day of _____, 2009.

WITNESSES:

THE CITY OF CORAL GABLES

Witness: _____

Print Name: _____

Witness: _____

Print Name: _____

Patrick Salerno, City Manager

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Patrick Salerno, in his capacity as City Manager for the City of Coral Gables, Florida, who executed the foregoing instrument, and he did acknowledge to me the execution thereof. He is personally known to me or has produced _____ as identification and who did/did not take an oath.

My commission expires:

Name: _____
Notary Public, State of Florida
Commission No. _____

MIADOCS 3724869 1
8/24/09