

(f) Declarant hereby reserves an easement across the Common Area and all Lots for the installation, maintenance and use of cable television distribution facilities and lines. This easement may be transferred in whole or in part to any franchised cable television operator.

(g) No Owner of property within the subdivision may construct or maintain any building, residence or structure, or undertake or perform any activity in the wetlands, wetland mitigation areas, buffer areas, upland conservation areas and drainage easements described in the permit approved for Fishhawk Townhomes and recorded Plat, unless prior approval is received from the Southwest Florida Water Management District Brooksville Regulation Department.

## ARTICLE XI LIABILITY

NEITHER DECLARANT, THE MASTER ASSOCIATION, NOR THE ASSOCIATION NOR ANY OF THEIR OFFICERS, DIRECTORS, COMMITTEE MEMBERS, EMPLOYEES, MANAGEMENT AGENTS, CONTRACTORS OR SUB-CONTRACTORS (COLLECTIVELY THE "LISTED PARTIES") SHALL BE LIABLE OR RESPONSIBLE FOR MAINTAINING OR ASSURING THE WATER QUALITY OR LEVEL IN ANY LAKE, POND, CANAL, CREEK, STREAM OR OTHER WATER BODY WITHIN THE COMMUNITY, EXCEPT (i) AS SUCH RESPONSIBILITY MAY BE SPECIFICALLY IMPOSED BY, OR CONTRACTED WITH, AN APPLICABLE GOVERNMENTAL OR QUASI-GOVERNMENTAL AGENCY OR AUTHORITY OR (ii) TO THE EXTENT THAT OTHER EXPRESSLY APPLICABLE SECTIONS HEREOF WOULD OTHERWISE APPLY, IF AT ALL. FURTHER, ALL OWNERS AND USERS OF ANY PORTION OF THE COMMUNITY LOCATED ADJACENT TO OR HAVING A VIEW OF ANY OF THE AFORESAID WATER BODIES SHALL BE DEEMED, BY VIRTUE OF THEIR ACCEPTANCE OF THE DEED TO OR USE OF, SUCH PROPERTY, TO HAVE AGREED TO HOLD HARMLESS THE LISTED PARTIES FOR ANY AND ALL CHANGES IN THE QUALITY AND LEVEL OF THE WATER IN SUCH BODIES.

NEITHER DECLARANT, THE MASTER ASSOCIATION, NOR THE ASSOCIATION SHALL HAVE ANY LIABILITY WHATSOEVER TO OWNERS, GUESTS, TENANTS, OR INVITEES IN CONNECTION WITH THE RETENTION AND DETENTION LAKES AND DRAINAGE EASEMENTS OR ANY PART OF THE STORMWATER MANAGEMENT SYSTEM LOCATED ON THE PROPERTY. EACH OWNER, FOR ITSELF AND ITS GUESTS, TENANTS, AND INVITEES, RELEASES DECLARANT, MASTER ASSOCIATION, AND THE ASSOCIATION FROM ANY LIABILITY IN CONNECTION THEREWITH.

ALL PERSONS ARE HEREBY NOTIFIED THAT LAKE BANKS AND SLOPES WITHIN CERTAIN AREAS OF THE PROPERTY MAY BE STEEP AND THAT

DEPTHS NEAR SHORE MAY DROP OFF SHARPLY. BY THEIR ACCEPTANCE OF A DEED TO, OR USE OF, ANY LOT WITHIN THE PROPERTY, ALL OWNERS OR USERS OF SUCH PROPERTY SHALL BE DEEMD TO HAVE AGREED TO HOLD HARMLESS THE LISTED PARTIES FROM ALL LIABILITY OR DAMAGES ARISING FROM THE DESIGN, CONSTRUCTION, OR TOPOGRAPHY OF ANY LAKE BANKS, SLOPES OR BOTTOMS.

ALL PERSONAL ARE HEREBY NOTIFIED THAT FROM TIME TO TIME ALLIGATORS, VARMINTS, AND OTHER WILDLIFE MAY INHABIT OR ENTER INTO WATER BODIES AND/OR WETLAND CONSERVATION AREAS CONTAINED WITHIN OR ADJACENT TO THE PROPERTY AND MAY POSE A THREAT TO PERSONS, PETS AND PROPERTY, BUT THAT THE LISTED PARTIES ARE UNDER NO DUTY TO PROTECT AGAINST, AND DO NOT IN ANY MANNER WARRANT AGAINST, ANY DEATH, INJURY OR DAMAGE CAUSED BY SUCH WILDLIFE.

IN WITNESS WHEREOF, Declarants have caused these presents to be duly executed, by its duly authorized general partner, the day and year first above written.

WITNESSES:

By: [Signature]  
Print Name: KAREN FASICK

FISHHAWK COMMUNITIES LIMITED  
PARTNERSHIP, a Florida limited  
partnership

By: [Signature]  
Print Name: LORE SCHWICK

By: GENSTAR LAND COMPANY, a  
Delaware limited liability company, its  
general partner

By: [Signature]  
Its: Sr. Vice President  
Address: 15310 Amberly Drive, Suite 105  
Tampa, Florida 33647

WITNESSES:

By: [Signature]  
Print Name: SAVANO

By: [Signature]  
Its: LAURAC. WENDING  
Address: VICE PRESIDENT

By: [Signature]  
Print Name: LUANNA McPHERSON

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of February 2004, by W. Don Whyte as Sr. Vice President of Genstar Land Company, a Delaware <sup>limited</sup> ~~corporation~~ <sup>liability company</sup> as general partner of FishHawk Communities Limited Partnership, a Florida limited partnership. He/she is personally known to me or has ~~produced~~ as identification.

Lorena Donaldson

NOTARY PUBLIC

Name: LORENA DONALDSON

Serial #: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

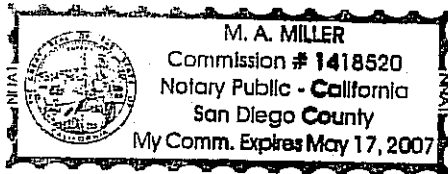
(NOTARIAL SEAL)



LORENA DONALDSON  
NOTARY PUBLIC-STATE OF FLORIDA  
COMMISSION # CC 992516  
MY COMMISSION EXPIRES MARCH 5, 2005

STATE OF San Diego California  
COUNTY OF San Diego

The foregoing instrument was acknowledged before me this 25<sup>th</sup> of February 2004, by LAURAC. WENDING as \_\_\_\_\_ of Genstar Land Company, a Delaware limited liability company, as general partner of FishHawk Communities Limited Partnership, a Florida limited partnership. He/she is personally known to me or has produced \_\_\_\_\_ as identification.



M.A. Miller  
NOTARY PUBLIC  
Name: M.A. Miller  
Serial #: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

(notary seal)

By: Diane W. Smith  
Print Name: Diane W. Smith

WESTFIELD HOMES OF FLORIDA  
a Florida general partnership

By: WESTFIELD HOMES OF  
FLORIDA, INC., a Delaware corporation,  
its managing general partner

By: Jackie S. Parker  
Print Name: Jackie S. Parker

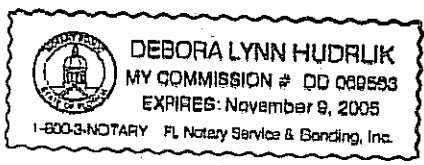
By: David Pelletz  
Print Name: DAVID PELLETZ

Its: President  
Address:  
5100 W. Lemon St., Suite 306  
Tampa, Florida 33609

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day  
of February, 2004, by David Pelletz as President of Westfield Homes of Florida, Inc.,  
a Delaware corporation, managing general partner of Westfield Homes of Florida, a  
Florida general partnership, on behalf of the corporation and the partnership, he is  
personally known to me or who produced \_\_\_\_\_ as identification.

(NOTARIAL SEAL)



Debora Lynn Hudrlik  
NOTARY PUBLIC  
Name: DEBORA LYNN HUDRLIK  
Serial #: DD 069563  
My Commission Expires: 11-09-05