

This instrument was prepared under the direction of:

James D. Stokes, Esq., City Attorney

Prepared by:

CITY OF PORT ST. LUCIE

City Attorney's Office

121 S.W. Port St. Lucie Boulevard

Port St. Lucie, FL 34984

(Space above this line reserved for recording office use only)

## **TERMINATION OF RESTRICTIVE COVENANT**

**WHEREAS**, on July 13, 1998, a Restrictive Covenant was executed by Byron W. Wert and Sherry Wert (the "Former Owners") and subsequently recorded on October 12, 1998, in Official Records Book 1177, Page 1062, of the Public Records of St. Lucie County, Florida, encumbering the following described property, to wit:

**Lots 8 and 11, Block 1445, Port St. Lucie Section Fifteen, according to the Plat thereof, as recorded in Plat Book 13, Pages 6, 6A through 6E, of the Public Records of St. Lucie County, Florida ("Subject Property").**

**WHEREAS**, by said Restrictive Covenant, the Former Owners stated that they are the owners of the Subject Property, they have a principal residence on Lot 11, they occupy the Subject Property as one single residential unit, and they intend to restrict the Subject Property so that it can be occupied and used only as one single residential unit; and

**WHEREAS**, the Restrictive Covenant was created for the purpose of combining the Subject Property so Lots 8 and 11, Block 1445, Port St. Lucie Section Fifteen, would be assessed by the City of Port St. Lucie as a single residential unit for the water/sewer extension project, referred to as SAD District: USA Phase 3 & 4; and

**WHEREAS**, Byron W. Wert died on October 16, 1999, whereupon the Subject Property passed to Sherry Wert as the sole surviving tenant by the entirety [See Affidavit of Sherry L. Wert dated January 29, 2001 and recorded in Official Records Book 1371, Page 1541, of the Public Records of St. Lucie County, Florida]; and

**WHEREAS**, Sherry Wert a/ka/ Sherry L. Wert, a/k/a Sherry Nicholson (the "Decedent") subsequently died on April 23, 2012, and pursuant to Decedent's Will dated January 29, 2001, the Subject Property was devised to Decedent's adult children, Beverly Wert Wiseman and David Byron Wert [see Order Determining Homestead Status of Real Property dated February 7, 2013 and recorded in Official Records Book 3552, Page 124, of the Public Records of St. Lucie County, Florida, and Order of Summary Administration dated February 7, 2013 and recorded in Official Records Book 3552, Page 129, of the Public Records of St. Lucie County, Florida]; and

**WHEREAS**, Beverly Wert Wiseman and David Byron Wert, by Warranty Deed dated September 15, 2013 and recorded in Official Records Book 3563, Page 845, of the Public Records of St. Lucie County, Florida, conveyed title to the Subject Property to Terry R. Clark and Maria D. Clark; and

**WHEREAS**, Terry R. Clark and Maria D. Clark, by Warranty Deed dated August 28, 2014 and recorded in Official Records Book 3671, Page 272, of the Public Records of St. Lucie County, Florida, conveyed title to the Subject Property to Terry R. Clark and Maria D. Clark, as Trustees of the Terry R. Clark and Maria D. Clark Revocable Trust under Agreement dated August 28, 2014 (the “Current Owners”); and

**WHEREAS**, the Current Owners wish to separate the Subject Property and no longer desire to occupy the Subject Property as one single residential unit; and

**WHEREAS**, the City of Port St. Lucie agrees to the Termination of said Restrictive Covenant, upon payment of the total sum of **Two Hundred Dollars and Zero Cents (\$200.00)**, which sum represents the administrative fee for processing the request to terminate the Restrictive Covenant, there being no outstanding assessments due and owing on the Subject Property based upon equivalent residential connections (ERC) within the Utility Service assessment area; and

**WHEREAS**, by the Termination of the Restrictive Covenant, each of the lots identified herein may be subject to assessments by the City of Port St. Lucie; and

**NOW, THEREFORE**, for and in consideration of the sum of \$200.00, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the City of Port St. Lucie hereby covenants and agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The City of Port St. Lucie hereby acknowledges receipt of full and complete payment in satisfaction of the referenced Restrictive Covenant and said Restrictive Covenant is hereby released, satisfied and discharged in its entirety.
3. The Restrictive Covenant recorded in Official Records Book 1177, Page 1062, of the Public Records of St. Lucie County, Florida, restricting the Subject Property to one single residential unit is hereby terminated.
4. By the Termination of said Restrictive Covenant, the lots described herein may each be subject to assessments by the City of Port St. Lucie as a separate residential unit..
5. Lots 8 and 11, Block 1445, Port St. Lucie Section Fifteen, may be developed independently of each other in accordance with the rules and regulations of the City of Port St. Lucie.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**IN WITNESS WHEREOF**, the City of Port St. Lucie, Florida, a Florida municipal corporation, has caused this Termination of Restrictive Covenant to be executed by its proper and duly authorized public official on this \_\_ day of August, 2021.

WITNESSES

**CITY OF PORT ST. LUCIE**  
a Florida municipal corporation

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Shannon M. Martin, Vice-Mayor

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

STATE OF FLORIDA            )  
COUNTY OF ST. LUCIE    )

The foregoing instrument was acknowledged before me by means of [ X ] physical presence or [ ] online notarization, this \_\_ day of August, 2021, by Shannon M. Martin as Vice-Mayor of the City of Port St. Lucie, and on behalf of the City of Port St. Lucie who is [ X ] personally known to me, or who has [ ] produced the following identification \_\_\_\_\_.

NOTARY SEAL/STAMP

\_\_\_\_\_  
Signature of Notary Public  
Print Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My Commission expires \_\_\_\_\_