

INSTR # 2002138214
OR BK 11590 PG 1069

This instrument prepared by and after recording return to:

James H. McNeil, Esquire ✓
AKERMAN, SENTERFITT & EIDSON, P.A.
255 South Orange Avenue
Suite 1700
Orlando, Florida 32801

RECORDED 04/26/2002 01:09 PM
RICHARD AKE CLERK OF COURT
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FIRST AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR VILLAGES OF LAKE ST. CHARLES

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAGES OF LAKE ST. CHARLES ("First Amendment") is made this 27th day of March, 2002, by Maronda Homes, Inc., of Florida ("Declarant").

RECITALS:

- A. Declarant, executed and recorded a certain Declaration of Covenants, Conditions and Restrictions for Villages of Lake St. Charles dated November 29, 2000 and recorded in Official Records Book 10497, Page 1864 of the Public Records of Hillsborough County, Florida (hereinafter referred to as the "Declaration").
- B. Article XI of the Declaration provides that the Declarant may change or amend any provision of the Declaration if it holds at least two thirds (2/3) of the votes in the Association.
- C. Declarant currently holds in excess of two thirds (2/3) of the votes in the Association.

DECLARATIONS:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended, modified and supplemented as follows:

- 1. Recitals. The recitals stated above are incorporated herein by this reference. Capitalized terms used in this First Amendment shall have the same meanings as set forth in the Declaration, as amended by this First Amendment.
- 2. Article IX, Section 18 is hereby deleted in its entirety and replaced with the following:

Section 18. Fences and Walls. Except for walls constructed by Declarant, there shall be no fence or wall permitted on any Lot unless it has been approved by the ARB as to size, material, color, location, etc. Landscape buffers may be required by the ARB on the outside of any fences and walls. All fences must be wood or other material as approved by the ARB and installed with the posts and supports

on the inside. Additionally, fences may only be permitted within drainage easements so long as the fence does not block the flow of water through the drainage easement. Notwithstanding anything herein to the contrary, so long as Declarant or builders designated by Declarant maintain any model homes within the Property, they shall have the right to fence all or any part of any Lots being used for parking for the term of such use.

3. Article VII, Section 3 is hereby deleted in its entirety and replaced with the following:

Section 3. Approvals. Decisions of the ARB shall be by majority action. Unless waived by the ARB, all plans shall be prepared by an architect or engineer, said person to be employed by and at the expense of the Owner. If for any reason, including purely aesthetic reasons, the ARB should determine that a proposed improvement or alteration is not consistent with the Planning Criteria or Declarant's development plan, or in the best interest of the Villages of Lake St. Charles, such improvement or alteration shall not be made. Approval of plans may be withheld not only because of noncompliance with any of the specific conditions, covenants and restrictions contained in this Declaration, but also by virtue of the dissatisfaction of the ARB with the location of the structure on the Lot, the elevation, color scheme, finish, design, proportions, architecture, drainage plan, shape, height, style and appropriateness of the proposed structures or altered structures, the materials used therein, the planting, landscaping, size, height or location of vegetation on the Lot, or because of its reasonable dissatisfaction with any other matter or thing which, in the judgment of the ARB, will render the proposed improvement or alteration inharmonious with the general development plan or the Planning Criteria. Two (2) sets of plans, specifications and plot plans shall be submitted to the ARB by the Owner prior to applying for a building permit. Submittals and re-submittals of plans shall be approved or disapproved within thirty (30) days after receipt by the ARB. The ARB approval or disapproval shall be written and shall be accompanied by one (1) copy of the plans, etc., to be returned to the Owner. Whenever the ARB disapproves plans, the ARB shall specify the reason or reasons for such disapproval.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to the Declaration to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

MARONDA HOMES, INC. OF FLORIDA, a Florida corporation

Janet K. Lyon
Signature
Print Name: Janet K. Lyon

By: Wayne Von Dreele
Wayne Von Dreele, President

James H. McNeil Jr
Signature
Print Name: James H. McNeil Jr

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 27th day of March, 2002, by Wayne Von Dreele, as president of Maronda Homes, Inc. of Florida, on behalf of the corporation. Said individual is known to me or { } has produced _____ as identification.

Janet K. Lyon
Signature of Person Taking Acknowledgment
Print Name: _____
Title: Notary Public
Serial No. (if any): _____
Commission Expires: _____

(NOTARY STAMP)



Janet K. Lyon
MY COMMISSION # CC921068 EXPIRES
March 21, 2004
BONDED THRU TROY FAIN INSURANCE, INC.