



11-19-2001 04:07 pm

PREPARED BY AND R
Pineda Partners, L.L.C.
1688 W. Hibiscus Blvd.
Melbourne, FL 32901

CFN 2001254142
OR Book/Page: 4465 / 0210

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 2
Trust: 1.50
Rec: 9.00
Mtg: 0.00
#Names: 2
Serv: 0.00
Excise: 0.00
Int Tax: 0.00

THIRD AMENDMENT TO SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE PRESERVE AT GRAND HAVEN

THIS THIRD AMENDMENT TO SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVE AT GRAND HAVEN, (hereinafter referred to as the "Amendment") dated as the 12 day of Nov., 2001, by PINEDA PARTNERS, L.L.C., a Florida Limited Liability Company, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, The Developer originally platted the property (the "Property") as Grand Haven Phase One according to the Plat thereof as recorded in Plat Book 46, Pages 55 through 67, inclusive, Public Records of Brevard County, Florida, and which Property is subject to the Master Declaration of Covenants, Conditions and Restrictions for Grand Haven as recorded in Official Records Book 4312, Page 3183, of the Public Records of Brevard County, Florida, and all amendments thereto, (the "Master Declaration"); and subject to the Articles of Incorporation filed with the Secretary of State, State of Florida on March 19, 2001, and recorded in Official Records Book 4312, Page 3216, Public Records of Brevard County, Florida; and subject to the By-Laws as recorded in Official Records book 4312, Page 3228, Public Records of Brevard County, Florida; and

WHEREAS, the Developer recorded that certain Supplemental Declaration of Covenants, Conditions and Restrictions (For The Preserve at Grand Haven) as recorded in Official Records Book 4313, Page 2827, and all amendments thereto, Public Records of Brevard County, Florida; and

WHEREAS, pursuant to Article X, Section 10.5 – Amendment, of the Master Declaration, the Declaration and Supplemental Declarations may be amended, changed or added to at any time and from time to time upon the execution and recordation of any instrument executed by the Developer, for so long as there is a Class B Member of the Association, or alternatively, by approval at a meeting of Owners holding not less than two-thirds (2/3) of the votes of the membership of the Association, provided that so long as the Developer is the Owner of any Lot affected by the Declaration, the Developer's consent must be obtained if such amendment, in the sole opinion of the Developer, affects its interest.

NOW THEREFORE, in consideration of the premises, the Developer does hereby amend the above-referenced Supplemental Declaration as follows

1. ARTICLE I, ARCHITECTURAL AND AESTHETIC REQUIREMENTS, Section 17, Fences, Walls, Hedges, Mass Plantings of Any Type, sub-section (f) is deleted in its entirety and replaced with the following:

- (f) As to any Lot which adjoins a lake or retention area, any fence or wall or portion thereof constructed behind the rear building setback line of the residence may not exceed four (4') feet in height. All fences must be in conformance with all

governmental regulatory codes and setback requirements. No fence shall be constructed without the prior written approval and consent of the Committee.

2. All other terms and conditions of the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Developer herein, has caused these presents to be executed in its name by its duly authorized officer, as of the 12 day of November, 2001.

Signed, sealed and delivered
in the presence of:

Bonnie L. Kennedy
Witness
Bonnie L. Kennedy
Print Witness Name
Judith A. DeVault
Witness
Judith A. DeVault
Print Witness Name

PINEDA PARTNERS, L.L.C.,
a Florida Limited Liability Company

By: BIG HAT, L.L.C.,
a Florida Limited Liability Company
its managing member

By: [Signature]
Arthur F. Evans, III, Member



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STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 12 day of November, 2001 by **ARTHUR F. EVANS, III**, as a Member of **BIG HAT, L.L.C.**, a Florida Limited Liability Company, as managing member of **PINEDA PARTNERS, L.L.C.**, a Florida Limited Liability Company, on behalf of the company. He is personally known to me, and did not take an oath.

Bonnie L. Kennedy
Notary Public, State of Florida at Large
My commission expires:

