

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

  
CFN:2002185537 07-25-2002 03:54 pm  
OR Book/Page: 4645 / 1240

**FIFTH AMENDMENT TO MASTER DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR GRAND HAVEN**

**THIS FIFTH AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GRAND HAVEN**, (hereinafter referred to as the "Amendment") dated as the 4 day of April, 2002, 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, and as Grand Haven Phase Two according to the Plat thereof as recorded in Plat Book 47, Pages 29-32, inclusive, and as Grand Haven Phase Three according to the Plat thereof as recorded in Plat Book 47, Pages 33-34, all of the 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**, pursuant to Article X, Section 10.5 – Amendment, of the Master Declaration, the Declaration 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; and

**WHEREAS**, pursuant to Section 10.24, Future Development within the Project, of the First Amendment for Master Declaration of Covenants, Conditions and Restrictions for Grand Haven, the Developer reserved the right to add other property to the Subdivision.

**NOW THEREFORE**, in consideration of the premises, the Developer does hereby amend the Master Declaration as follows:

1. The Declarant is the owner of the following described property in the County of Brevard, State of Florida, which is more particularly described in Exhibit "A" hereof and which is platted as

**GRAND HAVEN PHASE SIX  
a Subdivision Lying in  
Section 26, Township 26 South, Range 36 East  
Brevard County, Florida**

**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 3 #Names: 2  
Trust: 2.00 Rec: 13.00 Serv: 0.00  
Deed: 0.00 Excise: 0.00  
Mtg: 0.00 Int Tax: 0.00

according to the Plat thereof as recorded in Plat Book 48, Page(s) 36-39 Public Records of Brevard County, Florida, consisting of Lots 1-C through 15-C, Block C, Lots 1-D through 16-D, Block D, Lots 1-E through 15-E, Block E, and Lots 1-F through 32-F, Block F, Grand Haven Phase Six, as recorded above, which Property the Declarant hereby adds to the Subdivision, and which Property is hereby subject to the Declaration.

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 4 day of April, 2002.

Signed, sealed and delivered  
in the presence of:

Bonnie L. Kennedy  
Witness **BONNIE L. KENNEDY**

Print Witness Name Stacy Hale  
Witness **STACY HALE**  
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

**STATE OF FLORIDA  
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 4 day of April, 2002, 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:



CFN:2002185537  
OR Book/Page: 4645 / 1241

EXHIBIT "A"  
GRAND HAVEN PHASE SIX  
PLAT  
(BY SURVEYOR)

Tract 1, Grand Haven Phase One, according to the Plat thereof, as recorded in Plat Book 46, Pages 55-67, of the Public Records of Brevard County, Florida.

Containing 44.362 Acres of land more or less.

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CFN:2002185537

OR Book/Page: 4645 / 1242