

CFN 2003063047

03-05-2003 01:57 pm

OR Book/Page: 4837 / 0359

Prepared by &

Robert L. Beals, Esq.
Robert L. Beals, P.A.
730 East Strawbridge Ave., Suite 101
Melbourne, FL 32901

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 10	#Names: 2	Serv: 0.00
Trust: 5.50	Rec: 41.00	Excise: 0.00
Cost: 0.00		Int Tax: 0.00
Mtg: 0.00		

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS LAKE FOREST AT BAYSIDE LAKES SUBDIVISION

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Lake Forest at Bayside Lakes Subdivision, made as of the date hereinafter set forth by TOWN CENTER PARTNERS, LTD., a Florida Limited Partnership, hereinafter referred to as "Developer."

WITNESSETH:

A. Developer is the Developer under the Declaration of Covenants, Conditions and Restrictions Lake Forest at Bayside Lakes Subdivision is recorded in Official Records Book 4248, Page 0850, (the "Declaration"), Public Records of Brevard County, Florida.

B. Article VIII, Section 2, of the Declaration provides for Amendment of the Declaration by the affirmative vote or written action of the Developer.

C. Developer desires to amend the Declaration.

NOW, THEREFORE, Developer hereby amends and supplements the Declaration by this written action as follows:

1. **ARTICLE II, ARCHITECTURAL AND AESTHETIC REQUIREMENTS**, is hereby amended as follows:

A. Section 3, Clearing, is hereby amended to read as follows:

Section 3. Clearing.

Clearing of trees within the designated Conservation or Tree Preserve Areas, shown as Tracts P-1 and P-3 on the recorded subdivision plat, is prohibited, with the exception of removal of selected dead or diseased vegetation which in the opinion of the Homeowner's Association Board of Directors, is a threat to the safety of residents. No lot shall be cleared without prior approval. Mitigation for

excessive clearing of lots may include fines or replacement of pine trees with 200 gallon plus oak trees. The absolute minimum of vegetation retained is 15% of the lot area, excluding preserve tracts. Trees need to be saved in front yards and front side yards whenever possible. Builders must spray all remaining pine trees for pine bores after clearing and again prior to issuance of a Certificate of Occupancy.

B. Section 5, Landscaping, is hereby amended to add the following language:

5. All lakefront lots must be sodded and irrigated to the normal water line. Floritam sod is required. Where existing Bahia sod is mature along the lake bank, exceptions can be made to install new Floritam sod to the existing Bahia sod line.
6. Lots 32 through 40 are bermed with sand along the rear lot lines for use on the lot or at the lake shore. These lots must be graded for split drainage to the lake and roadway, and must be sodded/irrigated to the normal water line.
7. Landscaping is not permitted between the sidewalk and road with the exception of the required sod and oak trees.

C. Section 7, Exterior Covering, Siding and Paint, is hereby amended to read as follows:

There shall be no artificial brick, stone, stucco, aluminum, vinyl, T-11 or other siding materials used on the exterior of the buildings or other structures without first receiving written approval of the Committee as to type, color, and texture of the material.

All paint used on the exterior body of any residence shall be subdued in its tone. Colors should be selected to harmonize with the natural environment of the subdivision and should be soft and unobtrusive. No colors should be loud or bright. Colors to be used for body and/or trim shall match or be similar to the acceptable colors in the Table attached hereto as Exhibit A and referenced as Table 7-1. No more than one paint color may be used for the body of each residence and no more than two accent trim colors. Paint colors must be submitted for approval prior to being applied on any residence. A four foot square section of an exterior wall of the house must be painted for inspection as part of the request. A written approval listing the manufacturer and paint sample number of all paint colors to be used including body and trim paint must be obtained by the homeowner from the Committee.

Note: Richard's Indian River Paint Color Album was used in the Table as a reference to define a range of colors and is not intended to suggest or imply them as the source of the selected paint.



Storm shutters are allowed with the approval of the Architectural Committee. Shutters may be lowered/installed when a "storm warning" is issued for the local area. Shutters must be raised or removed within seven days after the storm has passed.

D. Section 8, Garages, is thereby amended to add the following language:

A single building for the purpose of storing lawn mowers and other garden equipment is allowed with the approval of the Architectural Committee. These buildings are not to exceed 150 square feet, should be built on a concrete slab and must have an architectural design similar to the primary dwelling. Such buildings are to be located in the rear portion of each lot and must conform to all local city and county building codes. In the case of a corner lot, such buildings are to be located in the rear of the house and opposite the street side of the long dimension of the lot. The building shall be fenced/landscaped and positioned to be aesthetically pleasant.

E. Section 10, Fences, Walls, Hedges, Mass Planting of Any Type, is hereby amended to add the following language:

7. Only white PVC fencing or non-painted wood Shadow-box style fences are allowed. Lakefront lots (4' maximum) style of PVC similar to Bayside Lakes Boulevard (or wood shadow-box). Standard Lots (6' maximum) with PVC style similar to the fence along Bayside Lakes Boulevard or wood shadow-box.

2. ARTICLE III, GENERAL RESTRICTIONS - USE AND OCCUPANCY, is hereby amended to add the following language:

Section 14. Parking.

Overnight parking on subdivision streets is prohibited.

2. ARTICLE IV, PROPERTY RIGHTS AND REQUIREMENTS, is hereby amended to add the following language:

Section 13. Common Area Tracts Benefitting Lake Forest, Located Within Bayside Lakes Commercial Center.

The Association shall be responsible for its proportionate share of the cost of maintaining particular recreation and landscape tracts which are located within the plat of Bayside Lakes Commercial Center. The Bayside Lakes Commercial Center Property Owners Association, Inc. shall be responsible for the maintenance and repair of said tracts, and shall assess Lake Forest Homeowners Association for its proportionate share in accordance with the Declaration of Covenants, Conditions and Restrictions for Bayside



Lakes Commercial Center recorded in Official Records Book 4212, Page 3045, Public Records of Brevard County, Florida.

3. ARTICLE V, COVENANT FOR ASSESSMENTS, is hereby amended to add the following:

Section 5. Maximum Annual Assessment.

From and after January 1, 2003, the annual assessment shall be \$400.00 per Lot.

4. ARTICLE VI, ENFORCEMENT PROVISIONS, is hereby amended to read as follows:

Section 2. Effect of Non-Payment of Assessment: Remedies of the Association.

Any assessment not paid within 30 days after the due date shall accrue an administrative late charge of \$25.00 or 5% of the amount due, whichever is greater, plus interest beginning 30 days from the due date at the rate of 18% per annum until paid. The Association may bring an action against the Owner of the Lot personally for payment of the assessment and may enforce its lien for the assessment by foreclosure or any other means available under the law. The Association may waive payment of late charges and interest on any assessment, but may not waive payment of the assessment. In an action to enforce collection of any assessments, the prevailing party shall be entitled to recover reasonable attorney's fees and costs on appeal.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has caused these presents to be executed in its name by its duly authorized officer, as of the 26 day of February, 2003.

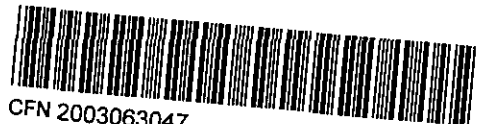
Signed, sealed and delivered
in the presence of:

TOWN CENTER PARTNERS, LTD.,
a Florida Limited Partnership
By: BAYSIDE LAKES DEVELOPMENT
CORPORATION, a Florida corporation, its
General Partner

Doreen Sullivan
Witness Signature

By: *B. E. Jefferies*
Benjamin E. Jefferies, President

[Signature]
Witness Signature



CFN 2003063047
OR Book/Page: 4837 / 0362

STATE OF FLORIDA

COUNTY OF BREVARD

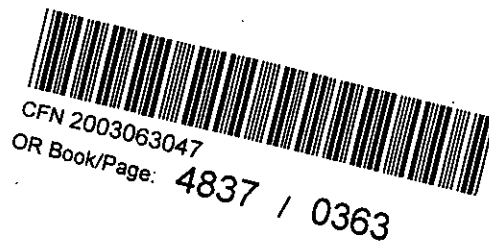
I HEREBY CERTIFY that on this day, before me an officer duly authorized in the State and in the County aforesaid to take acknowledgments, personally appeared BENJAMIN E. JEFFERIES, as President of BAYSIDE LAKES DEVELOPMENT CORPORATION, the General Partner of Town Center Partners, Ltd., a Florida Limited Partnership, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same. The said person was not under oath.

WITNESS my hand and official seal this 26 day of February, 2003.

Irene Sullivan
Notary Public Signature

My commission expires:

IRENE Sullivan
Print Notary Public Name



JOINER

LAKE FOREST AT BAYSIDE LAKES HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit, hereby agrees to accept all the benefits and all of the duties, responsibilities, obligations and burdens imposed upon it by the provisions of this First Amendment to Declaration of Covenants, Conditions, and Restrictions for Lake Forest at Bayside Lakes Subdivision attached hereto.

IN WITNESS WHEREOF, LAKE FOREST AT BAYSIDE LAKES HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation, has caused these presents to be signed in its name by its proper officer and its corporate seal to be affixed the 26 day of February, 2003.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Irene Sullivan
Witness Signature

Irene Sullivan
Print Witness Name

Jon Nuss
Witness Signature

Jon Nuss
Print Witness Name

**LAKE FOREST AT BAYSIDE LAKES
HOMEOWNERS ASSOCIATION,
INC., a Florida not for profit corporation**

By: [Signature]
Benjamin E. Jefferies, President



CFN 2003063047
OR Book/Page: 4837 / 0364

STATE OF FLORIDA
COUNTY OF BREVARD

THE FOREGOING INSTRUMENT was acknowledged before me this 26 day of February, 2003, by BENJAMIN E. JEFFERIES, as President of LAKE FOREST AT BAYSIDE LAKES HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation, who is personally known to me, or who produced _____ as identification.

Irene Sullivan
Notary Public Signature

My commission expires:

Irene Sullivan
Print Notary Public Name



Irene Sullivan
Commission # CC 965550
Expires Sep. 5, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Table 7-1 Acceptable Colors

1/12/2003

Page	Color Tones	Color Codes (Acceptable Color Codes in black)			
1	Off Whites	OW211P	OW212P	OW221P	OW222P
2	Off Whites	OW11P	OW12P	OW251P	OW252P
3	Off Whites	OW201P	OW202P	OW311P	OW312P
4	Off Whites	OW371P	OW372P	OW21P	OW22P
5	Off Whites	OW131P	OW132P	OW71P	OW72P
6	Off Whites	OW191P	OW192P	OW141P	OW142P
7	Off Whites	OW82P	OW81P	OW32P	OW31P
8	Off Whites	OW92P	OW91P	OW152P	OW151P
9	Off Whites	OW42P	OW41P	OW162P	OW161P
10	Off Whites	OW172P	OW171P	OW102P	OW101P
11	Off Whites	OW112P	OW111P	OW52P	OW51P
12	Off Whites	OW62P	OW61P	OW122P	OW121P
13	Off Whites	OW422P	OW421P	OW182P	OW181P
14	Off Whites	OW231P	OW232P	OW241P	OW242P
15	Off Whites	OW361P	OW362P	OW301P	OW302P
16	Off Whites	OW351P	OW352P	OW291P	OW292P
17	Off Whites	OW271P	OW272P	OW281P	OW282P
18	Off Whites	OW402P	OW401P	OW412P	OW411P
19	Off Whites	OW392P	OW391P	OW342P	OW341P
20	Off Whites	OW321P	OW322P	OW381P	OW382P
21	Off Whites	OW261P	OW262P	OW331P	OW332P
22	Pastels	2012P	2022P	2032P	2042P
23	Pastels	2082P	2072P	2062P	2052P
24	Pastels	2122P	2112P	2102P	2092P
25	Pastels	2162P	2152P	2142P	2132P
26	Pastels	2202P	2192P	2182P	2172P
27	Pastels	2242P	2232P	2222P	2212P
28	Pastels	6242P	6232P	6222P	6212P
29	Pastels	6202P	6192P	6182P	6172P
30	Pastels	6162P	6152P	6142P	6132P
31	Pastels	6122P	6112P	6102P	6092P
32	Pastels	6082P	6072P	6062P	6052P
33	Pastels	6042P	6032P	6022P	6012P
34	Clear Hues				
35	Clear Hues				
36	Clear Hues				
37	Clear Hues				
38	Clear Hues				
39	Clear Hues				
40	Clear Hues				
41	Clear Hues				
42	Clear Hues				
43	Clear Hues				
44	Clear Hues				
45	Clear Hues				
46	Clear Hues				
47	Clear Hues				
48	Clear Hues				
49	Clear Hues				
50	Clear Hues				
51	Clear Hues				
52	Clear Hues				
53	Clear Hues				

CFN 2003063047
OR Book/Page: 4837 / 0365



Table 7-1 Acceptable Colors

1/12/2003

Page	Color Tones	Color Codes (Acceptable Color Codes in black)					
54	Clear Hues						
55	Clear Hues						
56	Clear Hues						
57	Clear Hues						
58	Clear Hues						
59	Clear Hues						
60	Clear Hues						
61	Clear Hues						
62	Clear Hues						
63	Clear Hues						
64	Clear Hues						
65	Clear Hues						
66	Clear Hues						
67	Clear Hues						
68	Clear Hues						
69	Clear Hues						
70	Clear Hues						
71	Clear Hues						
72	Clear Hues						
73	Clear Hues						
74	Clear Hues						
75	Clear Hues						
76	Clear Hues						
77	Clear Hues						
78	Clear Hues						
79	Clear Hues						
80	Clear Hues						
81	Clear Hues						
82	Mid Tones	2013P	3011P	3012T	3013D	3014T	3015P
83	Mid Tones	2023P	3021P	3022T	3023D	3024T	3025P
84	Mid Tones	2033P	3031P	3032T	3033D	3034T	3035P
85	Mid Tones	2043P	3041P	3042T	3043D	3044T	3045P
86	Mid Tones	2053P	3051P	3052T	3053D	3054T	3055P
87	Mid Tones	2063P	3061P	3062T	3063D	3064T	3065P
88	Mid Tones	2073P	3071P	3072T	3073D	3074T	3075P
89	Mid Tones	2083P	3081P	3082T	3083D	3084T	3085P
90	Mid Tones						
91	Mid Tones						
92	Mid Tones						
93	Mid Tones						
94	Mid Tones						
95	Mid Tones						
96	Mid Tones						
97	Mid Tones						
98	Mid Tones						
99	Mid Tones						
100	Mid Tones						
101	Mid Tones						
102	Mid Tones						
103	Mid Tones						
104	Mid Tones						
105	Mid Tones						
106	Mid Tones						

CFN 2003063047
OR Book/Page: 4837 / 0366



Table 7-1 Acceptable Colors

1/12/2003

Page	Color Tones	Color Codes (Acceptable Color Codes in black)						
107	Mid Tones							
108	Mid Tones							
109	Mid Tones							
110	Mid Tones							
111	Mid Tones							
112	Mid Tones							
113	Mid Tones							
114	Mid Tones							
115	Mid Tones							
116	Mid Tones							
117	Mid Tones							
118	Mid Tones							
119	Mid Tones							
120	Mid Tones							
121	Mid Tones							
122	Mid Tones							
123	Mid Tones							
124	Mid Tones							
125	Mid Tones							
126	Mid Tones	6041P	5045P	5044T	5043D	5042T	5041P	
127	Mid Tones	6031P	5035P	5034T	5033D	5032T	5031P	
128	Mid Tones	6021P	5025P	5024T	5023D	5022T	5021P	
129	Mid Tones	6011P	5015P	5014T	5013D	5012T	5011P	
130	Shades	4011P	4012T	4013D	4014T	4015P		
131	Shades	4012P	4022T	4023D	4024T	4025P		
132	Shades	4031P	4032T	4033D	4034T	4035P		
133	Shades							
134	Shades							
135	Shades							
136	Shades							
137	Shades							
138	Shades							
139	Shades							
140	Shades							
141	Shades							
142	Shades							
143	Shades							
144	Shades							
145	Shades							
146	Shades							
147	Shades							
148	Shades							
149	Shades							
150	Shades							
151	Shades							
152	Shades							
153	Shades	4241P	4242T	4243D	4244T	4245P		
154	Accents	13A	14A	52A	12A	11A	251A	252A
155	Accents	64A	61A	103A	102A	101A	54A	53A
156	Accents	71A	63A	62A	24A	23A	22A	21A
157	Accents	114A	113A	112A	32A	111A	72A	31A
158	Accents	81A	121A	82A	74A	34A	73A	33A
159	Accents	44A	122A	43A	84A	42A	83A	41A

CFN 2003063047
OR Book/Page: 4837 / 0367



Table 7-1 Acceptable Colors

1/12/2003

Page	Color Tones	Color Codes (Acceptable Color Codes in black)						
160	Accents	201A	242A	282A	241A	281A	124A	123A
161	Accents	194A	203A	244A	284A	243A	202A	283A
162	Accents	234A	274A	233A	273A	193A	192A	232A
163	Accents	264A	263A	262A	261A	271A	231A	272A
164	Accents	181A	191A	182A	221A	222A	223A	254A
165	Accents	153A	144A	152A	183A	143A	142A	184A
166	Accents	224A	214A	174A	213A	173A	212A	253A
167	Accents	151A	141A	134A	133A	171A	172A	211A
168	Accents	131A	132A	51A	91A	92A	93A	94A
169	Accents	164A	154A	204A	163A	162A	104A	161A



No colors indicated, pages contained less than seven codes



Unacceptable color code pages



CFN 2003063047

OR Book/Page: 4837 / 0368