

**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
MAGNOLIA PARK AT BAYSIDE LAKES SUBDIVISION**

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Magnolia Park 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 Magnolia Park at Bayside Lakes Subdivision is recorded in Official Records Book 4825, Page 0927, (the "Declaration"), of the 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.

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 25.00 Serv: 0.00
Mtg: 0.00 Excise: 0.00
nt Tax: 0.00

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

1. Article III, GENERAL RESTRICTIONS – USE AND OCCUMPANCY, is hereby amended as follows:

Section 26. Air Conditioning, Whole House Generators.

No window or wall air conditioning units shall be permitted in any improvements located within the Subdivision. All air conditioning units and whole house generators shall be placed no further forward than 20 feet behind the front building line of the residence with landscape and PVC fence screening so as to make the same not visible from the street (including side street in the case of a corner lot).

Prepared by:
Lori Cardew, Esq. *LC*
Town Center Partners, Ltd.
770 North Dr., Suite A
Melbourne, FL 32934

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2. Article II, ARCHITECTURAL AND AESTHETIC REQUIREMENTSSection 2. Construction Plan Review.

(b) A set of construction plans and specifications shall be submitted to the Committee showing all intended construction and alterations on the subject Lot, including but not limited to site plan, tree survey, landscape plan, sidewalk construction, exterior elevations, paint colors, shingle samples, exterior materials samples, and other descriptions necessary to describe project. An administrative fee of \$25.00 shall be paid to the Association for processing the house plans, payable at the time of submission. Plans and specifications in regards to topography and finished grade elevation must also be submitted for approval by the Committee prior to the commencement of any excavation work or activity which will alter the existing topography of the Lot. The Committee shall notify the Lot Owner, in writing, within 45 days of receipt of all required evidence, of the Committee's approval or disapproval of any project. Said written notice may be signed by any one member of the Committee. Failure to notify the Lot Owner within 45 days shall be deemed an approval by the Committee.

(d) The plans, specifications, and location of all contemplated construction shall be in accordance with the terms hereof and with all applicable codes and ordinances of the local governing agency issuing permits for construction or land alteration in effect at the time of such proposed construction or alteration. The Committee shall have the right, in its sole discretion based upon these Covenants and Restrictions, as well as Architectural Guidelines, to approve or disapprove any Lot improvement, including but not limited to building, fence, wall, screened enclosure, grading, flooring elevation, drainage plan, mailbox, solar energy device, posts, antennas, fountains, decorative building features, landscaping plan, landscape device or object, yard decorations or other improvement, whether as new construction or additions, modifications or alterations to Lots.

Section 8. Garages.

Each residences must contain at minimum a two-car enclosed garage. Carports are prohibited. All overhead garage doors shall be decorative in design and should complement the exterior elevation of each individual residence. Under no circumstances may fiberglass or plastic type garage doors be used. Detached garages are prohibited. Oversized garage doors and structures for large RVs and Boats are prohibited.

Section 12. Street Address Numbers, Mail Boxes, and Driveways.

Mail boxes within the subdivision will be uniform in color, design and appearance. The location and type of the mail boxes shall be determined by the Architectural Committee. All mail boxes and street numbers are required to be installed prior to the occupancy of each residence. All residences must have driveways constructed of brick pavers, uniform in color and style. The color and style shall be selected by the

Architectural Review Committee at the onset of home construction. Sidewalks may not be painted.

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 11 day of January, 2006.

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

Maria A. Cox
Witness Signature

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

Maria A. Cox
Print Witness Name

Address: 770 North Drive, Suite A
Melbourne, FL 32934

Cindy Butler
Witness Signature

Cindy Butler
Print Witness Name

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 11 day of January, 2006.

Diana Gifford
Notary Public Signature

My Commission Expires:

Diana Gifford
Print Notary Public Name



Diana Gifford
Commission # DD347111
Expires: SEP. 24, 2008
Bonded Thru
Atlantic Bonding Co., Inc.