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OR Book/Page: 3759 / 1093

PREPARED BY AND RETURN TO:  
Magnolia Lakes Development Co., Inc.  
1688 W. Hibiscus Blvd.  
Melbourne, FL 32901

FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
MAGNOLIA LAKES

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR MAGNOLIA LAKES, (hereinafter referred to as the "First Amendment") dated as the \_\_\_\_ day of \_\_\_\_ 1997, by MAGNOLIA LAKES DEVELOPMENT CO., INC. a Florida Corporation, hereinafter referred to as "Declarant" or as "Developer".

WITNESSETH:

WHEREAS, The Developer platted certain property into Magnolia Lakes Subdivision as described in Plat Book 43, Page(s) 60 and 61, Public Records of Brevard County, Florida; and

WHEREAS, all such platted property was made subject to that certain Declaration of Covenants and Restrictions for Magnolia Lakes and recorded in Official Records Book 3743, Page 092 to 0113, Public Records of Brevard County, Florida (hereinafter referred to as the "Declaration"); and

WHEREAS, pursuant to Article VIII, Section 2 of the Declaration, so long as Declarant owns one or more lots within the Subdivision, the Declarant may, in its sole discretion and without any notice to or vote by other Lot Owners, change, modify or amend any provision of this Declaration in whole or in part by executing a written instrument making such changes and having the same duly recorded in the Public Records of Brevard County, Florida.

NOW THEREFORE, in consideration of the premises, the Declarant does hereby amend the Declaration as follows:

Article II, Section 9. Dwelling Size of the Declaration shall be amended to read in its entirety the following:

The ground floor of the main structure exclusive of any open porches, patios (enclosed or otherwise), breeze-ways and garages, shall not be less than 1,150 square feet for a one-story dwelling and not less than 850 square feet for the ground floor of a dwelling of one and one-half or two stories. Each residence shall have an enclosed garage for a minimum of two cars. No carports shall be permitted.

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 29 day of DEC., 1997.

Signed, sealed and delivered  
in the presence of:

MAGNOLIA LAKES DEVELOPMENT COMPANY, INC.

*James Passero*  
Witness  
*Deborah S. Bohemier*  
Witness

BY:   
ARTHUR F. EVANS, III, PRESIDENT

**Sandy Crawford**

Clerk Of Courts, Brevard County

#Pgs: 2      #Names: 2  
Trust: 1.50      Rec: 9.00      Serv 3.00  
Deed: 0.00                Excise: 0.00  
Mtg: 0.00                nt Tax: 0.00

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 ARTHUR F. EVANS, III, as President of MAGNOLIA LAKES DEVELOPMENT COMPANY, INC., a Florida Corporation, 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 29<sup>th</sup> day of Dec., 1997.

Kathleen Y. Howell  
Notary



Kathleen Y Howell

My Commission CC666533

Expires July 27, 2001

My Commission Expires

