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**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 3	#Names: 2	
Trust: 2.00	Rec: 13.00	Serv: 0.00
Doc: 0.00		Excise: 0.00
Mtg: 0.00		nt Tax: 0.00

TENTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS,  
RESERVATIONS AND RESTRICTIONS  
FOR MAGNOLIA LAKES

THIS TENTH AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS FOR MAGNOLIA LAKES (hereinafter referred to as the "Amendment") dated as of the 11<sup>th</sup> day of February, 2003, is made by MAGNOLIA LAKES DEVELOPMENT HOMEOWNERS ASSOCIATION, INC., a Florida Corporation Not-For-Profit (hereinafter referred to as "Declarant" or "Association").

WITNESSETH:

WHEREAS, the Developer platted certain property into Magnolia Lakes Subdivision, as described in Plat Book 43, Pages 60 and 61; and into Magnolia Lakes Phase 2A and Phase 2B, as recorded in Plat Book 44, Pages 41-42 and Plat Book 44, Pages 43-44, all in the Public Records of Brevard County, Florida; and

WHEREAS, the Developer recorded that certain Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Magnolia Lakes Subdivision in Official Records Book 3743, Page 92, Public Records of Brevard County, Florida, as amended by those certain Amendments to Declaration of Covenants and Restrictions as recorded in Official Records Book 3579, Page 1093; Official Record Book 3791, Page 1656; Official Records Book 3873, Page 3854; Official Records Book 3931, Page 2878; Official Records Book 4009, Page 3561; Official Records Book 4029, Page 3523; Official Records Book 4115, Page 1592; Official Records Book 4231, Page 1131; and Official Records Book 4311, Page 1485 (hereinafter referred to as the "Declaration"), under the terms of which Developer subjected that certain real property more particularly described therein to the covenants, conditions, easements, reservations and restrictions set forth therein; and

WHEREAS, under Article VIII, Section 2 of the Declaration, the Declarant reserved the right to amend the Declaration; and

WHEREAS, the Declarant desires to amend the Declaration as provided hereinbelow in this Tenth Amendment to Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Magnolia Lakes (hereinafter referred to as the "Tenth Amendment to Declaration").

NOW, THEREFORE, the Declarant hereby amends the Declaration as set forth hereinbelow pursuant to the rights reserved unto the Declarant under Article VIII, Section 2 of the Declaration:

1. RECITALS; DEFINED TERMS. The recitals set forth hereinabove are true and correct in all respects and are incorporated herein by reference as if set forth herein verbatim. Defined (capitalized) terms which are used herein and are not otherwise defined herein shall have the meaning set forth in the Declaration.

2. SECTION 2 (a) OF ARTICLE II. Section 2(a) of Article II is hereby amended to read in its entirety the following:

Section 2. Construction Plan Review.

(a) No dwelling, building or structure of any kind shall be constructed, erected, or altered on any Lot or in any part of the Subdivision, nor shall any exterior additions, changes or alterations therein be made until the plans and specifications showing the nature, kind, color, shape, height, materials, and location thereof shall have been first submitted to and approved by the Committee except for seamless, aluminum rain gutters and/or aluminum screen doors provided that the color of same is white or matches the trim color of the residence.

3. SECTION 5 (c) OF ARTICLE II. Section 5(c) of Article II is hereby amended to read in its entirety the following:

Section 5. Landscaping.

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(c) A minimum of five (5) trees shall be planted on each Lot; specifically including four (4) Live or Laurel Oak trees and one (1) Southern Magnolia. Three (3) of the four (4) Live or Laurel Oak trees shall be planted in the rear yard and one (1) Live or Laurel Oak tree and the Southern Magnolia shall be planted in the front yard. The minimum tree specification shall be: 8' tall; 4' diameter drip line; and caliper measured four (4) feet from grade of 2" for the Oak trees and 1" for the Southern Magnolia. All trees shall remain perpetually on each lot except with written approval from the Committee. Notwithstanding the foregoing, trees must conform to any stricter standards required by any applicable governmental entity. In the event any of the trees die, either by disease or neglect, they shall be replanted with the same type of tree to comply with these minimum requirements. Upon notification by the Association and/or a local governmental entity, each Homeowner shall have thirty (30) days to replant or replace said trees as required under these restrictions.



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4. FULL FORCE AND EFFECT. Except as expressly amended by this Tenth Amendment to Declaration, the Declaration shall be and remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Tenth Amendment to Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Magnolia Lakes Subdivision on the day and year first above written.

Signed, sealed and delivered

in the presence of:

[Signature]  
Print Name: KYLE E CROOKS

Rose M. Crooks  
Print Name: Rose M. Crooks

MAGNOLIA LAKES DEVELOPMENT  
HOMEOWNERS ASSOCIATION, INC.,  
a Florida Corporation Not-For-Profit

By: [Signature]  
Name: LES SAULMON  
Title: PRESIDENT

Address:



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STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 11th day of February, 2003, by Les Saulmon, as President of MAGNOLIA LAKES DEVELOPMENT HOMEOWNERS ASSOCIATION, INC., a Florida Corporation Not-For-Profit, on behalf of the corporation. Said person is personally known to me.

[Signature]

Print Name: \_\_\_\_\_

Notary Public, State of Florida

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

MARLA E. RHODES  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION # DD037929  
EXPIRES 8/25/2005  
BONDED THRU 1-888-NOTARY1