



Sandy Crawford

Clerk Of Courts, Brevard County

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

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

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR MAGNOLIA LAKES, (hereinafter referred to as the "Third Amendment") dated as the 27 day of JULY, 1998, 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 0092 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 5. Landscaping of the Declaration shall be amended to read in subparagraph (c):

A minimum of five (5) trees shall be planted on each Lot; four (4) Live or Laurel Oaks and one (1) Southern Magnolia. Three (3) of the four (4) Oak trees shall be planted in the rear yard and one (1) Oak tree and the Southern Magnolia shall be planted in the front yard. The minimum tree specifications 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.

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 27 day of JULY, 1998.

Signed, sealed and delivered
in the presence of:
[Signature]
Witness
[Signature]
Witness

MAGNOLIA LAKES DEVELOPMENT COMPANY, INC.
BY: [Signature]
ARTHUR F. EVANS, III, PRESIDENT

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 27 day of JULY, 1998.

[Signature]
Notary

My Commission Expires