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OR Book/Page: 4009 / 3561

HCV

Sandy Crawford

Clerk Of Courts, Brevard County

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

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

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

THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR MAGNOLIA LAKES, (hereinafter referred to as the "Amendment") dated as the 11 day of May, 1999, 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; and into Magnolia Lakes Phase 2A and Phase 2B, as recorded in Plat Book 44, Page(s) 41-42 and Plat Book 44, Page(s) 43-44, all of the 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 92; as amended by those certain Amendment to Declaration of Covenants and Restrictions as recorded in Official Records Book 3759, Page 1093; Official Record Book 3791, Page 1656; Official Records Book 3873, Page 3854; and Official Records Book 3931, Page 2878, all of the 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:

1. Paragraph 1. of the Fifth Amendment to Declaration of Covenants and Restrictions for Magnolia Lakes is hereby amended to read as follows:

1. The Declarant is the owner of the following described property in the County of Brevard, State of Florida, which is more particularly described in Exhibit "A" hereof and which is platted as

MAGNOLIA LAKES PHASE 2A AND PHASE 2B
Section 23 Township 27 South, Range 38 East
City of Melbourne, Brevard County, Florida

according to the Plat thereof as recorded in Plat Book 44, (2A) Page(s) 41-42, and (2-B) Page(s) 43-44, Public Records of Brevard County, Florida, which Property the Declarant hereby adds to the Subdivision, and which Property is hereby subject to the Declaration.

2. Article II, Section 7. Exterior Covering, Siding and Paint of the Declaration shall be amended by adding the following sentence to the end of the first paragraph of this Section:

Painting of driveways is prohibited.

3. All other terms and conditions of the Declaration shall remain unchanged and in full force and effect.

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 May, 1999.

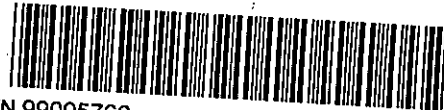
Signed, sealed and delivered in the presence of:

Bonnie L. Kennedy
Witness
Bonnie L. Kennedy
Print Witness Name

Elizabeth E. Kennedy
Witness
Elizabeth E. Kennedy
Print Witness Name

MAGNOLIA LAKES DEVELOPMENT COMPANY, INC., a Florida corporation

By: [Signature]
ARTHUR F. EVANS, III, President



FN 99095766

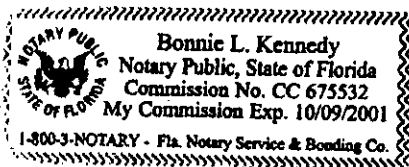
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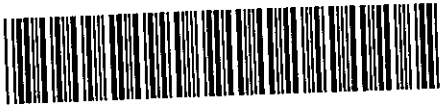
STATE OF FLORIDA
COUNTY OF BREVARD

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 11 day of May, 1999.

Bonnie L. Kennedy
Notary
Bonnie L. Kennedy
Print Notary Name
My Commission Expires



**EXHIBIT "A" LEGAL DESCRIPTION****Phase 2-A**

A Subdivision being a portion of Tract G, Magnolia Lakes Phase One, as recorded in Plat Book 43, Pages 60-61, of the Public Records of Brevard County, Florida, and lying in Section 23, Township 27 South, Range 36 East, of said Brevard County, and being more particularly described as follows:

Begin at the Northeast corner of said Tract G and run S 01° 11' 33" W along the East line of said Tract G a distance of 50.01 feet to the point of beginning of the herein described parcel; Thence continue S 01° 11' 33" W along said East line a distance of 540.50 feet; Thence continue South 43° 12' 11" W. along said East line a distance of 239.97 feet to the Southeast corner of said Tract G. Thence along the South line of said Tract G the following seven (7) calls: N 53° 45' 37" W a distance of 110.82 feet; Thence N 46° 47' 49" W a distance of 50.00 feet to a point on a circular curve concave to the Southeast having a radius of 125.00 feet and a central angle of 25° 27' 24"; Thence from a tangent bearing of S 43° 12' 11" W, run Southerly along said curve an arc distance of 55.54 feet; Thence N 72° 15' 13" W a distance of 110.00 feet to a point on a circular curve concave to the East having a radius of 235.00 feet and a central angle of 25° 27' 24"; Thence from a tangent bearing of N 17° 44' 47" E, run Northeasterly along said curve an arc distance of 104.41 feet to a point of tangency; Thence N 43° 12' 11" E a distance of 9.07 feet; Thence N 89° 47' 34" W a distance of 43.98 feet; Thence N 00° 12' 26" E leaving said South line of Tract G a distance of 110.00 feet; Thence N 89° 47' 34" W a distance of 16.17 feet; Thence N 00° 12' 26" E a distance of 270.00 feet; Thence N 89° 47' 34" W a distance of 10.00 feet; Thence N 00° 12' 26" E a distance of 155.00 feet to the South line of a 50 foot drainage easement per ORB 1254, Page 478, of the Public Records of Brevard County, Florida; Thence South 89° 47' 34" East along said South line a distance of 443.55 feet to the point of beginning, containing 6.28 acres of land more or less.

Phase 2-B

A Subdivision being a portion of Tract G, Magnolia Lakes Phase One, as recorded in Plat Book 43, Pages 60-61, of the Public Records of Brevard County, Florida, and lying in Section 23, Township 27 South, Range 36 East, of said Brevard County, and being more particularly described as follows:

Begin at the Northwest corner of Lot 10 per said Magnolia Lakes Phase One, and run N 01° 13' 14" E along the West line of said Tract G and the East line of a 50 foot road right-of-way per Plat Book 6, Page 87, of the said Public Records, a distance of 395.90 feet; Thence S 89° 36' 10" W a distance of 50.02 feet; Thence N 01° 12' 11" E a distance of 151.40 feet; Thence S 88° 47' 49" E leaving said West line of said Tract G, a distance of 110.00 feet; Thence N. 01° 12' 11" E. a distance of 27.23 feet; Thence S 88° 47' 49" E a distance of 160.00 feet to the West line of Tract E per said Magnolia Lakes Phase One; Thence S 12° 53' 04" E along said West line a distance of 40.82 feet; Thence S 24° 19' 45" E a distance of 63.46 feet to the South line of said Tract E and a point on a circular curve concave to the North having a radius of 1780.98 feet and a central angle of 8° 41' 11"; Thence from a tangent bearing of N 68° 45' 25" E run northeasterly along said curve an arc distance of 270.01 feet; Thence N 58° 33' 59" E a distance of 129.91 feet to a point on a circular curve concave to the East having a radius of 175.00 feet and a central angle of 4° 44' 55"; Thence from a tangent bearing of N 04° 32' 29" W run northerly along said curve an arc distance of 14.50 feet; Thence S. 89° 47' 34" E a distance of 50.00 feet to a point on a circular curve concave to the East having a radius of 125.00 feet and a central angle of 21° 20' 23"; Thence from a tangent bearing of S 00° 12' 26" W, run southeasterly along said curve an arc distance of 46.56 feet; Thence N 68° 16' 20" E a distance of 109.35 feet to the south line of Tract D per said Magnolia Lakes Phase One; Thence S 34° 10' 33" E a distance of 93.54 feet to the Northeast corner of Lot 209 per said Magnolia Lakes Phase One; Thence S 55° 49' 27" W leaving said south line of Tract D, a distance of 110.00 feet; Thence S 34° 10' 33" E a distance of 7.61 feet; Thence S 55° 49' 27" W a distance of 50.00 feet; Thence S 34° 10' 33" E a distance of 80.58 feet to a point on a circular curve concave to the Northwest having a radius of 2046.08 feet and a central angle of 18° 07' 55"; Thence from a tangent bearing of S 56° 31' 27" W, run Southwesterly along said curve an arc distance of 647.51 feet; Thence S 01° 12' 11" W a distance of 69.41 feet; Thence N 88° 47' 49" W a distance of 50.00 feet; Thence S 01° 12' 11" W a distance of 20.09 feet to a point of curvature of a circular curve concave to the East having a radius of 65.00 feet and a central angle of 13° 49' 09"; Thence run Southerly along said curve an arc distance of 15.68 feet; Thence S 64° 39' 35" W a distance of 125.20 feet to the point of beginning. Containing 6.20 acres of land more or less.