




HC

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



CFN 2001057401 03-28-2001 12:21 pm
OR Book/Page: 4311 / 1485

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

THIS NINTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR MAGNOLIA LAKES, (hereinafter referred to as the "Amendment") dated as the 27 day of March, 2001, 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, and into Magnolia Lakes Phase Three as recorded in Plat Book 45, Pages 39 and 40, 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; and all amendments thereto, 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. Article VIII, Section 5. Future Development within the Project. shall be amended by adding the following to the end thereof:

The Developer reserves the right to re-plat and/or re-subdivide any of the lots within the Subdivision for access to and/or construction of future phases in the Subdivision, including the right to re-designate any lot within the Subdivision for Common Area purposes within the Subdivision. It is the intent of these restrictions to preclude any Owner of a Lot, other than the Developer, successor developer or an assignee of the rights of the Developer hereunder, from authorizing or permitting use of the Lot(s) for ingress or egress from adjacent properties outside of the Subdivision. So long as the Developer owns a Lot in the Subdivision, this restriction may not be amended or altered in any way without the prior written consent and approval of the Developer.

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 2	#Names: 2	
Trust: 1.50	Rec: 9.00	Serv: 0.00
Send: 0.00		Excise: 0.00
Mta: 0.00		Int Tax: 0.00

2. 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 27 day of March, 2001.

Signed, sealed and delivered in the presence of:

MAGNOLIA LAKES DEVELOPMENT COMPANY, INC., a Florida corporation

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

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

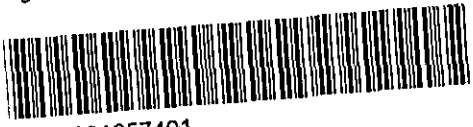
[Signature]
Witness
Judith A. DeLautt
Print Witness Name

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 **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 March, 2001.

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



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