

DECLARATION OF RESTRICTIONS

MIAMI LAKES LAKE CYNTHIA SECTION THREE  
Plat Book 129, Page 63

(AMENDING  
 DECLARATION OF RESTRICTIONS  
 MIAMI LAKES-LAKE CYNTHIA SECTION TWO  
 Plat Book 127, Page 35  
Block 2 Only)

THIS INSTRUMENT is executed as of September 21<sup>st</sup>, 1986, by THE GRAHAM COMPANIES, a Florida corporation ("Developer"), and CAROL G. WYLLIE, CARMEL CREACH, and LESLIE T. WUERTZ, as and constituting the Architectural Control Committee (the "Committee") under the Declaration of Restrictions for Miami Lakes-Lake Cynthia Section Two, Plat Book 127, Page 35, Block 2 Only, which declaration was recorded September 4, 1985, in Official Records Book 12624, Page 1220, of the Public Records of Dade County, Florida (the "Old Restrictions").

## WHEREAS:

A. Lots 1 through 36, both inclusive, Block 2, of MIAMI LAKES-LAKE CYNTHIA SECTION TWO, Plat Book 127, Page 35, have been replatted and now comprise Lots 1A through 36A, both inclusive, of Block 2A, of MIAMI LAKES LAKE CYNTHIA SECTION THREE, according to the plat thereof, as recorded in Plat Book 129, Page 63, of the Public Records of Dade County, Florida ("Section Three"). The purpose of the replat was to close, vacate and abandon those various portions of utility easements which had been shown on the earlier plat and which are not contained on the plat of Section Three.

B. Developer, who was formerly named THE SENGRA CORPORATION, is the declarant under the Old Restrictions and is the owner of the fee simple title to all of the lots in Section Three.

C. The Committee has the power and authority as set forth in Part D, paragraph 4, of the Old Restrictions to modify, amend, derogate, or add to the Old Restrictions.

D. The Committee, joined by Developer, desires to amend the

PREPARED BY:  
 ALBERT D. QUENTEL  
 1401 Brickell Avenue  
 Miami, Florida 33131

Old Restrictions and to declare that as amended they are applicable to Section Three.

NOW, THEREFORE, in consideration of the premises, the Developer and the Committee take the following action:

1. Part B, Paragraph 8, of the Old Restrictions is hereby amended to read as follows:

8. EASEMENTS: Easements for installation and maintenance of utilities and for installation and maintenance of drainage facilities and for Common Access are reserved as shown on the recorded plat or as created by this paragraph. Within these easements, no structures, planting or other material shall be placed or permitted to remain which may damage any structure installed in accordance with said easement, or prevent the installation and maintenance of utilities in the utility easements, or which may change the direction of flow of drainage channels in the drainage easements, or which may obstruct or retard the flow of water through drainage channels in the drainage easements; provided, however, that a perimeter wall may be constructed, reconstructed and maintained within the easement areas. The drainage easements are reserved for use by the compulsory homeowners' association referred to in Part D, Paragraph 6 hereof, and shall be under the exclusive direction and control of said homeowners' association. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot or by the aforesaid homeowners' association, except for installments for which a public authority or utility company is responsible. Said homeowners' association shall maintain the perimeter wall, if any. Miami-Dade Water and Sewer Authority, Florida Power & Light Company, Southern Bell Telephone and Telegraph Company, City Gas Company of Florida, and The Graham Companies, and their successors and assigns, shall have a perpetual easement for the installation and maintenance, all underground, of water lines, sanitary sewers, storm drains, gas lines for distribution within the subdivision, electric and telephone lines, cables and conduits under and through the utility easements as shown in Block 2A on the plat of Miami Lakes-Lake Cynthia Section Three and upon such portions of each and every lot as are from time to time not occupied by single-family townhouse dwellings or exterior enclosed courtyards or patios appurtenant to such dwellings. Any damage caused to pavement, driveways, drainage structures, sidewalks or other structures or landscaping in the installation and maintenance of such utilities shall be promptly restored and repaired by the utility whose installation or maintenance caused the damage. All utilities within the subdivision, whether in access areas or utility easements, shall be installed and maintained underground. The easements herein granted shall not create an exclusive right to use the subject property, and the undersigned reserve the right to grant other easements within the same property. Each person using the easements created in this instrument shall indemnify the undersigned and its successors in title to the land from any liability, including court costs and attorney's fees, arising out of the use of such easements.

2. The Old Restrictions, as herein amended, are made, declared and imposed as agreements, conditions, restrictions, limitations,

and easements constituting covenants running with the land binding upon Developer and its successors and assigns, and each and all subsequent purchasers and their heirs, personal representatives, successors and assigns, as fully as if restated word for word with the above amendment, all with respect to the following described land in Dade County, Florida:

Lots 1A through 36A, both inclusive, of Block 2A, of MIAMI LAKES LAKE CYNTHIA SECTION THREE, according to the plat thereof, as recorded in Plat Book 129, Page 63, of the Public Records of Dade County, Florida.

EXECUTED as of the date first above written.

Signed in the presence of:

William Boyer  
Mrs. Wiles  
(As to Graham)

THE GRAHAM COMPANIES

By Robert L. Rawls  
President

Attest: Edwin E. Feathers  
Secretary

Carol G. Wyllie  
Carol G. Wyllie

Carmel Creach  
Carmel Creach

Leslie T. Wuertz  
Leslie T. Wuertz

William Boyer  
Mrs. Wiles  
(As to the Committee)

As and constituting the Architectural Control Committee under the Declaration of Restrictions for Miami Lakes Lake Cynthia Section Two, Plat Book 127, Page 35, Block 2 Only, recorded September 4, 1985, in Official Records Book 12624, Page 1220, Public Records of Dade County, Florida

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me, this 21<sup>st</sup> day of September, 1986, by ROBERT L. RAWLS, President, and EDWIN E. FEATHERS, Secretary of THE GRAHAM COMPANIES, a Florida corporation, on behalf of the corporation.

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. AUG 30, 1988  
BONDED THRU GENERAL INS. 100.

William Boyer  
Notary Public, State of Florida  
My commission expires:

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me, this 21<sup>st</sup> day of September, 1986, by CAROL G. WYLLIE, CARMEL CREACH and LESLIE T. WUERTZ, as and constituting the Architectural Control Committee as aforesaid, on behalf of the Committee

*William Boyer*  
Notary Public, State of Florida  
at Large  
My commission expires: **SEP 30, 1988**  
BONDED \$2000 GENERAL INS. UND.

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
**RICHARD P. BRINKER**  
CLERK CIRCUIT COURT