

OFF.
REC. 1398262979

FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS

FOR

MIAMI LAKES-LAKE CYNTHIA SECTION THREE
PLAT BOOK 129, AT PAGE 63
(AMENDING)

DECLARATION OF RESTRICTIONS

MIAMI LAKES-LAKE CYNTHIA SECTION TWO
PLAT BOOK 127, AT PAGE 35
(BLOCK 2 ONLY)

This Amendment to the Declaration of Restrictions for MIAMI LAKES-LAKE CYNTHIA SECTION THREE is made this 1st day of February, 1989, by the MIAMI LAKES-LAKE CYNTHIA SECTION THREE ARCHITECTURAL CONTROL COMMITTEE (hereinafter referred to as the "Committee") and joined in by THE GRAHAM COMPANIES f/k/a The Sengra Corporation, a Florida Corporation (hereinafter referred to as "Developer").

WHEREAS, Developer is the Developer and declarant under that certain Declaration of Restrictions dated September 21, 1986, recorded September 25, 1985, under Clerk's file number 86R 329738, in Official Records Book 13031, at Page 1488, of the Public Records of Dade County, Florida, (hereinafter referred to as the "Declaration"), affecting land in Dade County, Florida, described as:

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

WHEREAS, the Committee is created pursuant to Part B, Section 17 of the Declaration, and Part D, Section 4 of the Declaration provides in part that the Committee may amend the Declaration; and

WHEREAS, the Committee now desires to amend the Declaration as provided below, and Developer consents to and joins in said amendment.

NOW, THEREFORE, in consideration of the Premises, and the powers granted to the Committee as aforesaid, in the Declaration, the Committee hereby makes the following amendment to the Declaration:

1. Part B, Section 7 of the Declaration is hereby amended to read in its entirety as follows:

7. ANTENNAS, SOLAR HOT WATER SYSTEMS AND SATELLITE DISHES: Only television/F.M. stereo antennas of a standard size and height [not to exceed fifteen (15) feet above the ground] shall be allowed. The installation of any solar hot water systems must be first approved by Miami Lakes Architectural Control Committee and similarly, all plans for the installation of a satellite dish or other exterior antenna must be first approved by Miami Lakes Architectural Control Committee. Said plans must be drawn to scale and clearly show compliance with Architectural Control Committee guidelines, as from time to time adopted by said committee. No air conditioning equipment or equipment of any kind shall be installed on any roof without the prior approval of the Architectural Control Committee.

2. Part B, Section 19 of the Declaration shall be amended to provide as follows:

19. **EXTERIOR APPEARANCE AND LANDSCAPING:** The paint, coating, stain, and other exterior finishing colors including all awnings (which are to remain canvas and the same color and style as originally installed or if currently existing in some other approved form shall be returned to the same color and style as originally installed if replaced at any time in the future) on all townhouses may be maintained as that originally installed, without prior approval of the Architectural Control Committee, but prior approval by the Architectural Control Committee in writing shall be necessary before any such exterior finishing color or awning is changed. The landscaping, including, without limitation, the trees, shrubs, lawns, flower beds, walkways and ground elevation, shall be maintained by the owner as originally installed by The Sengra Corporation or The Graham Companies unless the prior approval in writing for any change is obtained from the Architectural Control Committee. Such approval shall not be unreasonably withheld with regard to minor changes to the landscaping.
3. The following shall be added to, and become Part B, Section 31 of the Declaration:
31. **SLOPE LINE (SURVEY TIE LINE):** No building, wall or other structure shall be built, erected, placed, altered or extend beyond the top of the slope line (e.g., the survey tie line shown on the plat), except for certain open structures (such as gazebos, decks, and walkways), which may be allowed if the prior written approval of the Architectural Control Committee is obtained for such structures.
4. Part D, Section 2 of the Declaration is hereby amended to read in its entirety as follows:
2. **ENFORCEMENT:** Enforcement shall be by proceedings in court against any person or persons or other entity violating, attempting to violate, or threatening to violate any covenant or restriction contained herein. The party or parties bringing such action may seek any type of legal and/or equitable relief available. The covenants may be enforced by The Graham Companies, or its successors or assigns, or by any owner of a lot in Miami Lakes-Lake Cynthia Section One and/or Two, and/or Three, or by the compulsory homeowners' association hereinafter referred to. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter; nor shall such failure indicate an intention of Graham or its successors or assigns to abandon such covenants or restrictions; nor shall such failure act to estop Graham, its successors or assigns, from enforcing any covenant or restriction contained herein. In the event legal action is taken to enforce these covenants, as herein provided, Graham, its successors or assigns, or any other party if such party shall prevail, shall be entitled to recover all costs and expenses reasonably incurred but not limited to attorneys' fees and legal assistants' fees actually incurred, and costs and attorneys' fees and legal assistants' fees for appellate review if necessary.
5. Except as herein amended, all of the provisions and covenants of the Declaration shall remain in full force and effect.

I HEREBY CERTIFY THAT THE ABOVE REPRESENTS A TRUE COPY OF THE ORIGINAL RECORD.
NOTARY PUBLIC, MIAMI, FLORIDA

IN WITNESS WHEREOF, the Committee has caused this instrument to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

MIAMI LAKES-LAKE CYNTHIA SECTION THREE ARCHITECTURAL CONTROL COMMITTEE

William Boyer

By: Carol G. Wyllie
Carol G. Wyllie

William Boyer

By: Carmel Creach
Carmel Creach

William Boyer

By: Les Wuertz
Les Wuertz

STATE OF FLORIDA)
COUNTY OF DADE) SS:

The foregoing instrument was acknowledged before me this 1st day of February, 1989, by Carol Wyllie, Carmel Creach, and Les Wuertz, as members of the MIAMI LAKES-LAKE CYNTHIA SECTION THREE ARCHITECTURAL CONTROL COMMITTEE.

William Boyer
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires: Aug 30, 1993
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP AUG 30, 1993
BONDED THRU GENERAL INS. UND



JOINDER

The undersigned consents to and joins in the making and recording of this Amendment to the MIAMI LAKES-LAKE CYNTHIA SECTION THREE Declaration of Restrictions, setting its hand and seal on this 1st day of February, 1989.

Signed, sealed and delivered in the presence of:

THE GRAHAM COMPANIES, f/k/a The Sengra Corporation, a Florida corporation

William Boyer

By: William E. Graham
William E. Graham, President

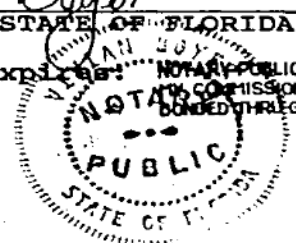
Attest: Edwin E. Feathers
Edwin E. Feathers
Secretary

STATE OF FLORIDA)
COUNTY OF DADE) SS:

The foregoing instrument was acknowledged before me this 1st day of February, 1989, by WILLIAM E. GRAHAM, and EDWIN E. FEATHERS, President and Secretary, respectively, of THE GRAHAM COMPANIES, a Florida corporation, on behalf of said Corporation.

William Boyer
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires: Aug 30, 1992
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP AUG 30, 1992
BONDED THRU GENERAL INS. UND



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