

This instrument prepared by:  
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Bartow, FL 33830



INSTR # 2021107789  
BK 11688 Pgs 292-364 PG(s)73  
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STACY M. BUTTERFIELD, CLERK OF COURT  
POLK COUNTY  
RECORDING FEES \$622.00  
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**FIRST AMENDMENT TO REVIVED DECLARATION OF COVENANTS, RESTRICTIONS,  
LIMITATIONS, CONDITIONS, CHARGES AND USES FOR BROOKHAVEN VILLAGE**

**WHEREAS**, The Village Club, Inc. d/b/a Brookhaven Village, a Florida corporation not for profit, is the homeowners' association for Brookhaven Village;

**WHEREAS**, Brookhaven Village has been and remains committed to operating as a 55+ community and housing for older persons;

**WHEREAS**, the original Declaration of Covenants, Restrictions, Limitations, Conditions, Charges and Uses for Brookhaven Village were recorded on June 8, 1981 in O.R. Book 2021, Page 451 et seq., public records of Polk County, Florida, and has been amended from time to time;

**WHEREAS**, the Revived Declaration of Covenants, Restrictions, Limitations, Conditions, Charges and Uses for Brookhaven Village ("Declaration") was recorded on March 3, 2021 in O.R. Book 11604, Page 2253 et seq., public records of Polk County, Florida;

**WHEREAS**, pursuant to Article V.17 of the Declaration, the Declaration may be amended by an instrument signed by not less than two-thirds (2/3) of the owners of lots in Brookhaven Village; and

**WHEREAS**, the below-described amendment to Article V.8 of the Declaration has been duly approved and adopted by more than two-thirds (2/3) of the owners of lots in Brookhaven Village, as reflected in the signed instruments attached hereto and incorporated herein, which reflect the signers' consent to, approval and acknowledgment of, and joinder in this amendment;

**NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS** that the undersigned, on behalf of The Village Club, Inc. d/b/a Brookhaven Village, pursuant to applicable law and the Declaration, do hereby certify and attest that the foregoing recitals are true and correct and that the following amendment to Article V.8 of the Declaration has been duly and properly approved and adopted (deletions are lined through; additions are underlined):

**V.8    Age Restrictions - Housing for Older Persons:**

~~No person below the age of thirty five (35) years shall be permitted to become a tenant or resident owner of any lot located within The Property, and no person above the age of thirty five (35) years with children below the age of eighteen (18) years living at home shall be permitted to become a tenant or resident owner of any lot located within The Property. No child, below the~~

~~age of eighteen (18) years shall be permitted visitation with any tenant or resident owner within The Property, whether such visitation be on an extended basis or from time to time, for a cumulative period of more than thirty (30) days during any one calendar year.~~

A. Brookhaven Village is intended to and shall be operated for the purpose of providing housing for older persons pursuant to and in compliance with federal, state and local law. The term "older persons" means persons fifty-five years of age or older.

B. At least one person aged fifty-five years or older shall occupy each lot.

C. Persons under the age of fifty-five years but older than forty-five years of age may occupy a lot so long as at least one other occupant of the lot is fifty-five years of age or older.

D. Persons over the age of eighteen years may visit Brookhaven Village for periods not exceeding ninety total days in any calendar year. Persons under the age of eighteen years may visit Brookhaven Village for periods not exceeding fourteen consecutive days, but in no case shall such visitation exceed thirty total days in any calendar year

E. The Association, through its board of directors, shall publish and enforce rules, procedures and regulations that effectuate this provision, comply with applicable law and demonstrate Brookhaven Village's intent to operate as a community for persons fifty-five years of age or older.

F. The Association shall, at least once every two years, conduct a census/survey of Brookhaven Village to verify that these provisions are adhered to and complied with. All lot owners and occupants are required, upon request by the Association, to:

(i) Provide to the Association copies of drivers' licenses or other government issued identification for all occupants of a lot which shall include the birth date of each occupant;

(ii) Execute and deliver to the Association a certificate that at least one person aged fifty-five years or older occupies the lot; and

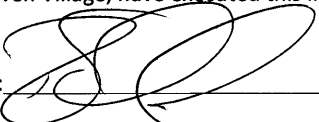
(iii) Provide to the Association such other certifications, information or documentation as is deemed necessary by the Association, through its board of directors, to ensure compliance with this provision.

G. Prior to the lease, conveyance or transfer of title to or the right to occupy any lot, and consistent with such rules, procedures and regulations adopted by the Association, through its board of directors, the Owner and the proposed occupant(s) shall each certify in writing to the Association that (A) they have read and will comply with the Declaration, including this provision, and (B) the lot will be occupied by at least one person fifty-five years of age or

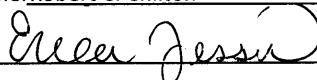
older. No lease, conveyance or transfer of title to or the right to occupy any lot may be affected, carried out or otherwise accomplished in contravention of this provision and absent the written certifications required herein. In addition to any other available remedies, the Association shall have the authority to apply for an injunction prohibiting or cancelling the lease, conveyance or transfer of title and/or prohibiting occupancy of the lot in any manner which would violate this provision.

**ALL OTHER PROVISIONS OF THE DECLARATION REMAIN IN FULL FORCE AND EFFECT.**

**IN WITNESS WHEREOF**, the undersigned, on behalf of The Village Club, Inc. d/b/a Brookhaven Village, have executed this instrument on this 26th day of April, 2021.

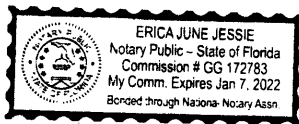
Witness:   
Printed Name: Robert C. Chilton

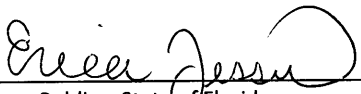
  
Denise Kennedy, Secretary

Witness:   
Printed Name: Erica Jessie

**STATE OF FLORIDA  
COUNTY OF POLK**

The foregoing was executed and acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of April, 2021, by Denise Kennedy as Secretary of The Village Club, Inc. d/b/a Brookhaven Village.



  
Notary Public – State of Florida  
☒ Produced Identification  
Type of ID Produced: drivers' license

**PAGES 4 - 73 WERE OMITTED SINCE THEY ARE THE WRITTEN CONSENTS OF THE CURRENT RESIDENTS**