

(This Page Should Be Considered Part Of The
Declaration Of Covenants And Attached To Your Copy)



CFN 2003004880 01-08-2003 10:18 am
OR Book/Page: 4785 / 2384

FIRST AMMENDMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF WATERFORD POINTE HOMEOWNERS ASSOCIATION, INC

This First Amendment to the Declaration of Covenants, Conditions and Restrictions of Waterford Pointe is made by Waterford Pointe Homeowners Association, Inc , a Florida association (the "Declarant") with the consent of the Board of Directors of Waterford Pointe Homeowners Association, Inc.

RECITALS

The Declaration of Covenants, Conditions and Restrictions of Waterford Pointe Homeowners Association, Inc. dated August 9, 1994 (the Declaration) was filed of record on August 18, 1994 in Official Records Book 3415 at page 1252 et seq. Pursuant to Article XII, Section 5 of the Declaration, the power to amend said Declaration was reserved to the Declarant subject to the written approval of the Owners of Waterford Pointe Homeowners Association, Inc. Two-thirds (2/3rds) of which must concur in any proposed amendment, alteration, or change.

The said Owners have requested the Declarant to amend the Declaration as hereinafter set forth and the Declarant has agreed to do so.

NOW, THEREFORE, the Declarant, with the consent of more than two-thirds (2/3rds) of the said Owners, does hereby amend the Declaration in the following respects:

Section 9 of ARTICLE VII is amended to read:

Section 9. Effect of Nonpayment of Assessments: Remedies of the Association.

Monthly fees paid late twice within twelve months will be subject to late fee and interest. Any assessment/fees not received by the sixteenth (16th) of the month due, shall be delinquent, and be charged a ten (\$10.00) dollar late fee and interest at the rate of eighteen (18%) percent per annum. The Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the Owner's Lot. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

IN WITNESS WHEREOF this First Amendment has been executed this 6th day of Jan 2003 by the Declarant and by more than two-thirds (2/3rds) of the Owners of Waterford Pointe Homeowners Association, Inc.

WATERFORD POINTE HOMEOWNERS ASSOCIATION, INC.

By Robert Stinson
Its President

1 of 2 Pages

Scott Ellis

Clerk Of Courts, Brevard County

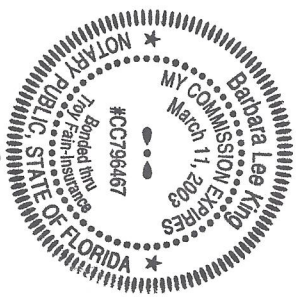
#Pgs: 2 #Names: 2
Trust: 1.50 Rec: 9.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00



I hereby certify that before me, an officer duly authorized in the aforesaid State and County to take acknowledgements, personally appeared Robert Thomson who is personally known to me and who acknowledged the foregoing instrument and an oath was taken.

WITNESS my hand and seal this 6th day of Jan., 2003.

Barbara Lee King
Notary Public



CONSENT OF THE BOARD OF DIRECTORS
OF
WATERFORD POINTE HOMEOWNERS ASSOCIATION, INC.

The following directors of the Waterford Pointe Homeowners Association, Inc., being 100% of the duly elected members of the Board of Directors, do hereby consent to this First Amendment to the Declaration.

Robert Thomson ^{BRK}
Robert Thomson

Gerald Heron ^{BRK}
Gerald Heron

Alan Hartman ^{BRK}
Alan Hartman

Edward Mangold ^{BRK}
Edward Mangold

Charles Crowley ^{BRK}
Charles Crowley

I hereby certify that before me, an officer duly authorized in the aforesaid State and County to take acknowledgements, personally appeared Robert Thomson, Alan Hartman, Charles Crowley, Gerald Heron and Edward Mangold, all of whom are personally known to me, who acknowledged the foregoing instrument and an oath was taken.

WITNESS my hand and seal this 7th day of Jan., 2003.



Barbara Lee King
Notary Public

Prepared By and Return To:
James Mancuso, Esq.
615 Fox Hunt Circle
Longwood, Florida 32750

Recorded and Verified
Pgs. 3
Trust Fund 2-00
Stamp-Deed
Stamp-Int
Stamp-Excise Chg
Clerk-Circuit
Brevard County Fla
Names 2
Rec Fee 13.00
County Tx
Return to:
RETURN TO:
James H. Fallace
1900 So. Hickory St.
Melbourne, FL 32901

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WATERFORD POINTE

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WATERFORD POINTE is made as of the 2 day of November, 1994, by SUNTREE PARTNERS, a Florida general partnership, 400 St. Andrews Boulevard, Melbourne, Florida 32940 (hereinafter called the "Declarant") and PULTE HOME CORPORATION, a Michigan corporation authorized to transact business in the State of Florida, hereinafter referred to as "Pulte".

WITNESSETH:

WHEREAS, the Declarant made and entered into that certain Declaration of Covenants, Conditions and Restrictions of Waterford Pointe dated the 9th day of August 1994, and recorded the 18th day of August 1994, in O. R. Book 3415 page 1239 et seq., Public Records of Brevard County, Florida (hereinafter the "Declaration"); and

WHEREAS, Declarant and Pulte want to amend Article VII Section 3 of the Declaration; and

WHEREAS, Article XIII section 6 of the Declaration provides for the amendment of the Declaration by instrument signed by not less than 2/3rds vote of each class of Membership and Declarant and Pulte own 100% of the Lots in Waterford Pointe.

NOW, THEREFORE, the Declaration is amended as follows:

1. The following paragraph is added to Article VII section 3 as paragraph (d):

(d) Notwithstanding anything contained in this Declaration to the contrary, lot interior maintenance charges shall not be included in the annual assessment for a Lot until a certificate of occupancy is issued for the house on said lot and the Association begins performing the front yard and side yard lawn maintenance and other interior maintenance. The Association budget shall specify the interior maintenance portion of the annual assessment.

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94 NOV 14 PM 4:46

IN WITNESS WHEREOF, the Declarant and Pulte have caused these presents to be executed on the day and year first above written.

Signed, sealed and delivered in the presence of:

Robert B. Lynds
Witness
ROBERT B. LYNDS
Print Name

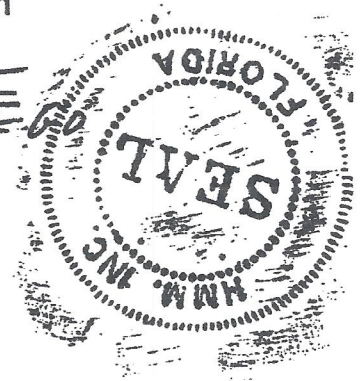
Kellie Shepard
Witness
Kellie Shepard
Print Name

Signed, sealed and delivered in the presence of:

Robert B. Lynds
Witness
ROBERT B. LYNDS
Print Name

Kellie Shepard
Witness
Kellie Shepard
Print Name

SUNTREE PARTNERS,
a Florida general partnership
By: HMM, Inc., a Florida corporation
Its general partner
By: Miles D. Igo
Print name: MILES D IGO
Its: President
400 St. Andrews Boulevard
Melbourne, Florida 32940



PULTE HOME CORPORATION, a Michigan corporation, authorized to transact business in the State of Florida
By: Michael N. Furlen
Print name: MICHAEL N. FURLEN
Its: Attorney-in-Fact
2250 Lucien Way, Suite 250,
Maitland, Florida 32751

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 2 day of Nov., 1994, by Miles D. Igo, as President of HMM, Inc., general partner of Suntree Partners, a Florida general partnership. He is personally known to me and did not take an oath.

Kellie Shepard
Signature of Notary Public
Kellie Shepard
Print name of Notary Public
Notary Public State of Florida
My Commission Expires:



STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 2 day of Nov., 1994, by Michael N. Furlow as Attorney-in-Fact of Pulte Home Corporation, a Michigan corporation authorized to transact business in the State of Florida. He is personally known to me and did not take an oath.

Kellie Shepard
Signature of Notary Public
Kellie Shepard
Print name of Notary Public
Notary Public State of Florida
My Commission Expires:



KELLIE SHEPARD
My Commission CC319109
Expires Oct. 29, 1997
Bonded by ANB
800-852-5878



CFN 98137684

07-20-98 08:56 am

OR Book/Page: 3870 / 3454

Prepared by and Return to:
James H. Fallace
1900 So. Hickory Street
Melbourne, FL 32901

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 5 #Names: 3
Trust: 3.00 Rec: 21.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

**DECLARATION OF ANNEXATION AND
SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF WATERFORD POINTE**

THIS DECLARATION OF ANNEXATION AND SECOND AMENDMENT to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WATERFORD POINTE (the "Amendment") is made this 29 day of June, 1998 by THE SUNTREE PARTNERS, a Florida general partnership whose address is 400 St. Andrews Boulevard, Melbourne, Florida 32940 (hereinafter the "Declarant").

RECITALS

A. Declarant made and entered into that certain DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF WATERFORD POINTE dated the 9th day of August 1994, and recorded the 18th day of August 1994, in Official Records Book 3415, Page 1239, and amended by that FIRST AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS OF WATERFORD POINTE, recorded in Official Records Book 3435, Page 0386, all of the Public Record of Brevard County, Florida (hereinafter the "Declaration");

B. Pursuant to Article IV, Section 3, of the Declaration entitled "Annexation Without Association Approval", the Declarant may from time to time and within six (6) years of the date of the Declaration, amend the Declaration to bring, in whole or in part, the "Undeveloped Parcel", as defined in the Declaration, under the covenants, conditions, restrictions and the encumbrance of the Declaration;

C. Pursuant to Article XIII, Section 5, of the Declaration entitled "Amendment", the Declarant may amend the Declaration to correct scrivener's errors and to clarify any ambiguities determined to exist within the Declaration, for a period of six (6) years from the date for the Declaration; and

D. Declarant, desires to amend the Declaration to subject part of the Undeveloped Parcel as identified in the Declaration and to be known as Waterford Pointe, Unit Two, according to the Plat thereof, as recorded in Plat Book 44, Page 14 of the Public Records of Brevard County, Florida (the "Unit 2 Plat"), less and except Tracts E-1, E-2, E-3 and E-4, as identified therein, to the provisions of this Declaration and to otherwise amend the Declaration to correct ambiguities existing within the Declaration.

AMENDMENTS

NOW THEREFORE, in accordance with the Declaration, the foregoing Recitals are incorporated into this Amendment and the Declaration is hereby amended and supplemented as follows:

1. Article I, Section 4, of the Declaration entitled "Property" or "Properties" is hereby amended in its entirety to read as follows:

"Property" or "Properties" shall mean and refer to that certain real property described in the Recitals, and as set forth in the Plat for Waterford Pointe, Unit One as recorded in Plat Book 40, Page 68 of the Public Records of Brevard County, Florida ("Unit 1 Plat") and the Unit 2 Plat, and such additions thereto as may hereinafter be brought within the jurisdiction of the Association.

2. Article I, Section 5, of the Declaration, entitled "Common Area", shall be amended in its entirety to read as follows:

"Common Areas" shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the owners and those areas dedicated to Brevard County, Florida, easements and party walls which the Declarant may elect to maintain. The Common Areas to be owned by the Association are described as follows:

Tracts of G, H, I and J as set forth on the Unit 1 Plat, and Tracts A, B, C, D and E as set forth on the Unit 2 Plat.

3. Article IX, Section 11, Paragraph (g) of the Declaration shall be amended in its entirety to read as follows:

The covenants and restrictions regarding the Surface Water/Stormwater Management System are in no way intended to obligate the Association to perform repairs, maintenance, corrections or other modifications to those areas which will be maintained as part of any agreement(s) between the Declarant, the Association or the Master Association and any state, local or municipal government or governmental agency, or as provided in any permits or ordinances pertaining to any portion of the Surface Water/Stormwater Management System as set forth on the Unit 1 Plat or Unit 2 Plat.

4. Article IX, Section 12, Paragraph (h) of the Declaration shall be amended in its entirety to read as follows:

