

85-239655

FIRST AMENDMENT TO  
DECLARATION OF COVENANTS

WHEREAS, BAY COLONY PROPERTY COMPANY, INC., a Delaware corporation, the Declarant, executed a Declaration of Covenants on the 1st day of February, 1982, concerning the property described herein and recorded said Declaration of Covenants in Official Records Book 10135, Page 657, of the Public Records of Broward County, Florida; and

WHEREAS, pursuant to the requirements of Paragraph twenty (20) of said Declaration of Covenants concerning amendment thereto, said Declaration of Covenants has been amended as follows:

1. Exhibit "A" of the Declaration of Covenants known as The Lake Colony Property Plan, is hereby revised and amended as follows:

a. The configuration of the units of the North Section of the property plan is hereby changed to conform to that as shown on the Unit Layout of the North Section of the property plan as shown on Schedule I attached hereto and known as "Unit Layout North Section Revised".

b. Page four (4) of the said Exhibit "A" showing the point of commencement and distances for units is hereby deleted.

c. All other portions of said Exhibit "A", The Lake Colony Property Plan, shall remain unchanged. All easements and roads pertaining to the property shall remain as shown on the original Exhibit "A", it being the intent of this Amendment to change the configuration of individual units in the North Section and to ensure that units adjacent to lakes or canals shall have a minimum twenty-one foot (21') setback.

2. Exhibits "B-1" through "B-3" of the Declaration of Covenants are deleted.

3. Paragraph 2-I is amended as follows:

"Property" shall mean and refer to the real property located in Broward County, Florida, legally described as follows:

All of the property shown in the Plat of BROOKWOOD GARDENS, according to the plat thereof, recorded in Plat Book 110, Page 7, of the Public Records of Broward County, Florida.

4. Paragraph 2-K is amended as follows:

"Unit" shall mean and refer to each individual parcel of land as set forth on Exhibit "A", as amended, and the residential home to be constructed thereon.

5. Paragraph 3-C(2)(a) is amended as follows:

(a) On July 1, 1992.

6. Paragraph 6-A is amended as follows:

a. Association Rights.

In order to provide a uniform and reasonable standard of property maintenance, the Association shall provide

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RECORD AND RETURN TO:  
DAVID G. MURRAY, ESQ.  
P.O. BOX 2427  
FT. LAUDERDALE, FL. 33308

2/20

good property maintenance to the common areas and to the exterior portions of the residential homes within the units in a manner and with such frequency as determined by the Board of Directors. Such exterior unit maintenance shall include lawn and shrubbery area adjoining the structure, repair and painting of the exterior walls and doors and the repair and replacement of windows, roofs, gutters, and down spouts.

7. Paragraph 12-A is amended as follows:

a. Use.

Units shall have at least one (1) common wall. The common wall(s) shall be for the perpetual benefit of adjoining unit owners and their institutional lenders, if any. Each adjoining unit owner shall have a non-exclusive perpetual easement for utility service lines running through said common wall for the benefit of each adjoining unit.

8. The effective date of this Amendment shall be the date of recording same with the Clerk of the Circuit Court for Broward County, Florida, Recording Division.

9. TAMARAC LAKE COLONY ASSOCIATION, INC. joins in the execution of this Amendment to indicate its approval thereto pursuant to the terms of Paragraph twenty (20) by a vote of at least sixty-five percent (65%) of the total votes entitled to be cast by the members of the Association.

10. CITY MORTGAGE SERVICES, INC. and CITY FEDERAL SAVINGS AND LOAN ASSOCIATION, holders of those certain mortgages referred to in Paragraph twenty-three (23) of the aforesaid Declaration of Covenants hereby join in the execution of this First Amendment to said Declaration of Covenants to evidence their consent to the provisions hereof and to subordinate said mortgages and all financing statements recorded locally and within the State of Florida pertaining thereto, pertaining to said Amendment.

11. In all other respects, the original Declaration of Covenants dated February 1, 1982, and recorded at Official Records Book 10135, Page 657, of the Public Records of Broward County, Florida, shall remain unchanged.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, does hereby make this Amendment and has caused this First Amendment to the Declaration of Covenants to be executed this 10th day of July, 1985.

Signed, sealed and delivered  
in the presence of:

[Signature]  
[Signature]

BAY COLONY PROPERTY COMPANY, INC.  
a Delaware corporation

By: [Signature]

TAMARAC LAKE COLONY ASSOCIATION,  
INC., a Florida corporation,  
not for profit

By: [Signature]

[Signature]  
[Signature]

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Ellene Smith  
R. H. Allen

CITY MORTGAGE SERVICES, INC.

By: Frank H. Walker Jr.  
President, Southeastern Division

Ellene Smith  
R. H. Allen

CITY FEDERAL SAVINGS AND LOAN ASSOCIATION

By: Frank H. Walker Jr.  
Attorney-in-Fact

STATE OF Massachusetts )  
COUNTY OF Suffolk ) ss:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared David L. Francis in full President, to me well known and known by me to be the President of BAY COLONY PROPERTY COMPANY, INC., and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of June 1985.

Brenda Picardi  
Notary Public

BRENDA PICARDI, Notary Public  
My Commission Expires Sept. 1, 1988

My Commission Expires:

~~MASSACHUSETTS~~  
STATE OF ~~FLORIDA~~ )  
SUFFOLK ) ss:  
COUNTY OF ~~BROWARD~~ )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared DAVID L. FRANCIS known by me to be the PRESIDENT of TAMARAC LAKE COLONY ASSOCIATION, INC., and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of July 1985.

Danielle M. Keogh  
Notary Public

DANIELLE M. KEOGH  
NOTARY PUB.  
My Commission Expires February 23, 1988

My Commission Expires: 2/20/92

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STATE OF Florida )  
 ) ss:  
COUNTY OF Duval )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Frank W. Allaben, Jr. to me well known and known by me to be the President, Southeastern Div. of CITY MORTGAGE SERVICES, INC., and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and official seal in the County and State last aforesaid this 1 day of July 1985.

*Ernie M. Rhoads*  
Notary Public  
Notary Public, State of Florida  
My Commission Expires June 24, 1988  
Bonded thru Troy Inn - Insurance, Inc.



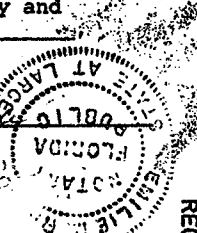
My Commission Expires: June 24, 1988

STATE OF Florida )  
 ) ss:  
COUNTY OF Duval )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Frank W. Allaben, Jr. to me well known and known by me to be the Attorney-in-Fact of CITY FEDERAL SAVINGS AND LOAN ASSOCIATION, INC., and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and official seal in the County and State last aforesaid this 1 day of July 1985.

*Ernie M. Rhoads*  
Notary Public  
Notary Public, State of Florida  
My Commission Expires June 24, 1988  
Bonded thru Troy Inn - Insurance, Inc.

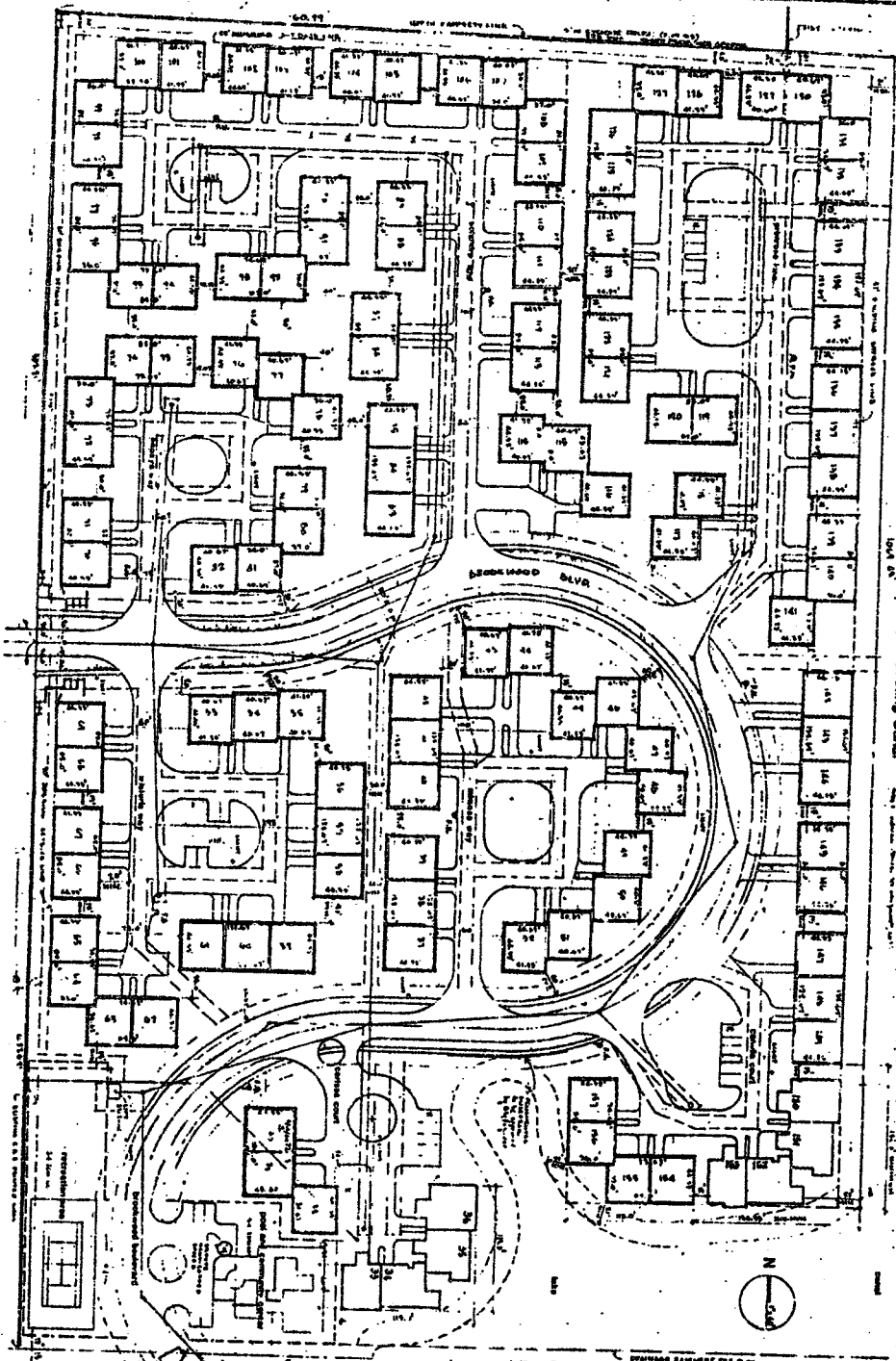


My Commission Expires: June 24, 1988

This Instrument Prepared By:  
DAVID G. MURRAY, ESQ.  
HUEBNER, MURRAY, FULTON & LANGLEY, P.A.  
Post Office Box 2427  
Fort Lauderdale, Florida 33303

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SCHEDULE 1



Existing Canal

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Lawrence D. Kramer Architect P.A.  
1000 University Boulevard, Suite 204, North Lauderdale, Florida 33308 - Telephone (305) 955-3400 (95-3441)

14-8-84  
A

Site Layout (North Section) Revised

LAKE COLONY  
An Adult Community  
Tamarac, Florida

ALL DIMENSIONS ARE APPROXIMATE

RECORDED IN THE OFFICIAL RECORDS BOOK  
OF BROWARD COUNTY, FLORIDA  
F. T. JOHNSON  
COUNTY ADMINISTRATOR