

USA

159.00 Rec.  
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IN THE RECORDS OF  
JEFFREY K. BARTON  
CLERK CIRCUIT COURT  
INDIAN RIVER CO., FLA.

1369059

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PETER G. ROBINSON 06-85  
Ph 231-1927  
315 Greywig Road  
Vero Beach, FL 32963-1535

SECOND AMENDMENT TO THE DECLARATION  
OF  
COVENANTS AND RESTRICTIONS  
FOR  
OAK CHASE

02 JUL 31 AM 9:54

THIS SECOND AMENDMENT is made this 25<sup>TH</sup> day of July, 2002 by OAK CHASE DEVELOPMENT, L.L.C., a Florida limited liability company (hereinafter referred to as the "Developer"), joined by OAK CHASE PROPERTY OWNERS, INC., a Florida not-for-profit corporation, a Florida not-for-profit corporation (the "Association").

W I T N E S S E T H :

WHEREAS, Developer did make, execute, declare and record that certain DECLARATION OF COVENANTS AND RESTRICTIONS FOR OAK CHASE, recorded in Official Records Book 1309, page 2193, as amended by that certain FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR OAK CHASE as recorded in Official Records Book 1380, Page 2695, both in the Indian River County, Florida, public records (hereinafter referred to as the "Declaration");

WHEREAS, Article II, Section 2 of the Declaration provides that the Declaration may be amended by the Developer to subject additional property to the Declaration by recording an amendment describing the additional property;

WHEREAS, the Declaration provides that until a Certificate of Termination of Interest in the Association has been executed and recorded by Developer, the Declaration may be amended by the Developer, without the joinder and consent of any owner, institutional mortgagee, or any other party;

WHEREAS, the Developer presently owns all of the property which shall be the subject of this Amendment, and the operation of the Association continues to be controlled by Developer; and

WHEREAS, the Developer wishes to amend the Declaration to add the property described below to the terms of the Declaration, as well as to attached the Articles of Incorporation and Bylaws of the Association which were inadvertently omitted from the Declaration when it was originally recorded.

NOW, THEREFORE, pursuant to the terms of the Declaration, the Developer hereby makes the following amendments:

1. Pursuant to Article II, Section 2 of the Declaration, the Declaration is hereby amended to subject OAK CHASE SUBDIVISION - PHASE III to the terms and conditions thereto so that the terms "OAK CHASE" or "Property" or "Plat" (or any other such reference reasonably construed to reference the project known as OAK CHASE) as used in the Declaration, shall include all of the property described in and subject to the plat of OAK CHASE SUBDIVISION - PHASE III, recorded in Plat Book 16, page 89, Indian River County, Florida, public records.

2. Pursuant to Article I, Section 2 of the Declaration, the Articles of Incorporation and Bylaws of the Association are attached hereto as Exhibits "A" and "B", respectively.

OR 150816 0390

IN WITNESS WHEREOF, the Developer and Association have caused this Declaration to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

OAK CHASE DEVELOPMENT, L.L.C.,  
a Florida Limited Liability Company

Steven McPherson  
Print Name: Steven McPherson

By: David B. Chase  
DAVID B. CHASE  
Its: Managing Member

Thomas R. Sawyer  
Print Name: THOMAS R. SAWYER

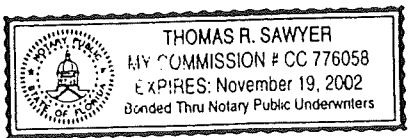
STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 24<sup>TH</sup> day of July, 2002 by DAVID B. CHASE, as a managing member of OAK CHASE DEVELOPMENT, L.L.C., a Florida limited liability company, on behalf of the company, who: [ X ] is personally known to me, or [ ] has produced \_\_\_\_\_ as identification, and who did not take an oath.

Thomas R. Sawyer  
Name: \_\_\_\_\_

(NOTARY SEAL)

Typed, printed or stamped  
I am a Notary Public of the State of Florida having a commission number of \_\_\_\_\_ and my commission expires: \_\_\_\_\_



OR | 50860534

JOINDER OF ASSOCIATION

OAK CHASE PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, hereby joins in this Second Amendment to the Declaration of Covenants and Restrictions for OAK CHASE for the sole purpose of consenting to the terms and provisions contained herein. Signed, sealed and delivered in the presence of:

OAK CHASE PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation not-for-profit

[Signature]  
Print Name: Steven McFadden

By: [Signature]  
DAVID B. CHASE  
Its: President

[Signature]  
Print Name: THOMAS R. SAWYER

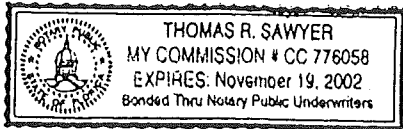
STATE OF FLORIDA  
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 24<sup>TH</sup> day of July, 2002 by DAVID B. CHASE, as President of OAK CHASE PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, on behalf of the corporation, who: [ X ] is personally known to me, or [ ] has produced \_\_\_\_\_ as identification, and who did not take an oath.

Name: \_\_\_\_\_  
printed or stamped

[Signature]  
(NOTARY SEAL) Typed,

I am a Notary Public of the State of Florida having a commission number of \_ and my commission expires: \_



OR1508FC0995

JOINDER AND CONSENT OF MORTGAGEE

Harbor Federal Savings Bank, the holder of that certain Mortgage and Security Agreement encumbering the Property, which instrument is dated January 30, 2002, and is recorded in Official Records Book 1463, Page 2727, Public Records of Indian River County, Florida, by execution hereof consents to this Second Amendment to the Declaration of Covenants and Restrictions for Oak Chase on the Additional Property described as OAK CHASE SUBDIVISION - PHASE III, and further covenants and agrees that the lien of the Mortgage shall be and stand subordinate to such Second Amendment to the Declaration of Covenants and Restrictions for Oak Chase as if said Second Amendment to the Declaration of Covenants and Restrictions for Oak Chase had been executed and recorded prior to the recording of the Mortgage.

Signed, sealed and delivered in the presence of:

Harbor Federal Savings Bank

Amy Sissons  
Print Name: Amy Sissons

By: [Signature]  
Its: Barbara Middleton Vice President

Daisy Fazio  
Print Name: Daisy Fazio

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July, 2002 by Barbara Middleton as Vice President of Harbor Federal Savings Bank, on behalf of the corporation, who: [] is personally known to me, or [] has produced \_\_\_\_\_ as identification, and who did not take an oath.

(NOTARY SEAL)

Lucy Kranker  
Name: Lucy Kranker

Typed, printed or stamped  
I am a Notary Public of the State of Florida having a commission number of CC 998764 and my commission expires: 2/4/2005



OR | SUBSCRIBED