

JEFFREY K BARTON, CLERK OF  
COURT

**THIRD AMENDMENT TO THE DECLARATION**  
**OF**  
**COVENANTS AND RESTRICTIONS**  
**FOR**  
**OAK CHASE**

THIS THIRD AMENDMENT is made this 19<sup>th</sup> day of September, 2003 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, as further amended by that certain SECOND AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR OAK CHASE as recorded in Official Records Book 1508, Page 993, both in the Indian River County, Florida, public records (hereinafter referred to as the "Declaration");

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; and

WHEREAS, the Developer wishes to amend the Declaration to add certain language required by the St. Johns River Management District as set forth below, and to attach a copy of the Articles of Amendment to the Articles of Incorporation reflecting other supplemental language required by the St. Johns River Management District in the Articles of Incorporation.

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

1. The following is hereby added to the end of Article X:

Section 15. Enforcement. The St. Johns River Water Management District shall have the right to enforce, by proceeding at law or in equity, the provisions contained in this Declaration which relate to

the maintenance, operation and repair of the surface water or stormwater management system.

2. Pursuant to Article I, Section 2 of the Declaration, the Articles of Amendment to the Articles of Incorporation of the Association is attached hereto as Exhibit "A".

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

[Signature]  
Print Name: THOMAS R. SAWYER

By: [Signature]  
DAVID B. CHASE  
Its: Managing Member

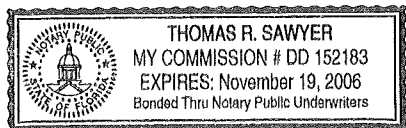
[Signature]  
Print Name: Ruby Barnett

STATE OF Florida  
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 19<sup>TH</sup> day of September, 2003 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 N/A as identification, and who did not take an oath.

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

(NOTARY SEAL)




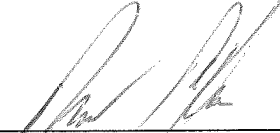
**JOINDER OF ASSOCIATION**

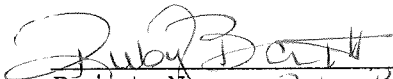
OAK CHASE PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, hereby joins in this Third Amendment to the Declaration of Covenants and Restrictions for OAK CHASE for the sole purpose of consenting to the terms and provisions contained herein.

Signed, sealed and delivered in the presence of:

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

  
Print Name: THOMAS R. SAWYER

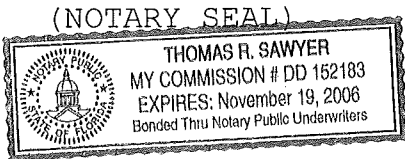
By:   
DAVID B. CHASE  
Its: President

  
Print Name: Ruby Barnett

STATE OF Florida  
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September, 2003 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 N/A as identification, and who did not take an oath.

  
Name: \_\_\_\_\_



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

**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 Third Amendment to the Declaration of Covenants and Restrictions for Oak Chase, and further covenants and agrees that the lien of the Mortgage shall be and stand subordinate to such Third Amendment to the Declaration of Covenants and Restrictions for Oak Chase as if said Third 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

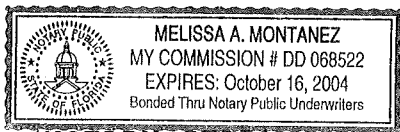
Melissa Montanez  
Print Name: Melissa Montanez

By: [Signature]  
Robert Poore  
Its: Vice President

Lucy Karker  
Print Name Lucy Karker

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 25 day of November, 2003 by Robert Poore, 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)

Melissa A. Montanez  
Name: Melissa Montanez  
Typed, printed or stamped  
I am a Notary Public of the State of Florida having a commission number of DD 068522 and my commission expires: 10.16.04

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the Articles of Amendment, filed on December 8, 2003, to Articles of Incorporation for OAK CHASE PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation, as shown by the records of this office.

The document number of this corporation is N99000006568.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Eighth day of December, 2003



CR2EO22 (2-03)

*Glenda E. Hood*

Glenda E. Hood  
Secretary of State

**ARTICLES OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION  
OF  
OAK CHASE PROPERTY OWNERS ASSOCIATION, INC.,  
a Florida not-for-profit corporation**

FILED  
03 DEC -8 PM 1:21  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

*Pursuant to the provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of Incorporation:*

**FIRST:** ARTICLE 3 of the Articles of Incorporation of Oak Chase Property Owners Association, Inc., a Florida not-for-profit corporation, is hereby supplemented to add the following provision to the end of Article 3:

3.5 To operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permit no. 40-061-51778-1 requirements and applicable District rules, and shall assist in the enforcement of the Declaration of Covenants and Restrictions which relate to the surface water or stormwater management system, as well as to levy and collect adequate assessments against MEMBERS of the ASSOCIATION for the costs of maintenance and operation of the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permit requirements and applicable District rules.

**SECOND:** ARTICLE 4 of the Articles of Incorporation of Oak Chase Property Owners Association, Inc., a Florida not-for-profit corporation, is hereby supplemented to add the following provision to the end of Article 4:

4.13 To operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permit no. 40-061-51778-1 requirements and applicable District rules, and shall assist in the enforcement of the Declaration of Covenants and Restrictions which relate to the surface water or stormwater management system, as well as to levy and collect adequate assessments against MEMBERS of the ASSOCIATION for the costs of maintenance and operation of the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permit requirements and applicable District rules.

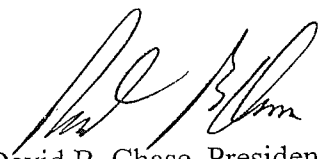
**THIRD:** ARTICLE 11 of the Articles of Incorporation of Oak Chase Property Owners Association, Inc., a Florida not-for-profit corporation, is hereby supplemented to add the following provision to the end thereof:

Notwithstanding the above, in the event of termination, dissolution or final liquidation of the ASSOCIATION, the responsibility for the operation and maintenance of the surface water or stormwater management system must be transferred to and accepted by an entity which would comply with Section 40C-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

**FORTH:** The foregoing amendment was adopted by the BOARD of this corporation on September 19, 2003.

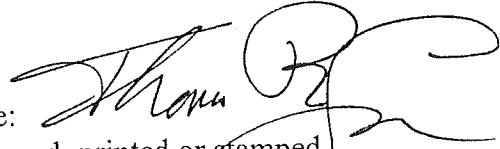
**FIFTH:** There are no MEMBERS or MEMBERS entitled to vote on the Amendments set forth above which were adopted by the BOARD.

IN WITNESS WHEREOF, the undersigned president and of this corporation has executed these Articles of Amendment on this 4<sup>th</sup> day of ~~September~~ December, 2003.

  
David B. Chase, President

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of ~~September~~ December, 2003, by David B. Chase, as President of Oak Chase Property Owners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who: [] is personally known to me, or [] has produced N/A as identification, and who did not take an oath.

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

(NOTARY SEAL)

