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

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**CERTIFICATE OF AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND LIMITATIONS
FOR OCEAN COLONY**

KNOW ALL MEN BY THESE PRESENTS:

THAT THIS CERTIFICATE OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND LIMITATIONS FOR OCEAN COLONY is made as of the 4th day of May, 1995 by OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation (hereinafter referred to as the "Association").

W I T N E S S E T H:

WHEREAS, SPINNAKER DEVELOPMENT GROUP LIMITED PARTNERSHIP, a Florida limited partnership (hereinafter referred to as "Declarant" or as "Developer") recorded that certain Declaration of Covenants, Conditions, Restrictions, and Limitations for Ocean Colony in Official Records Book 981 at Page 1410, of the Public Records of Indian River County, Florida (hereinafter referred to as the "Declaration"); and

WHEREAS, Ocean Colony Subdivision (hereinafter referred to as "Ocean Colony" or "Ocean Colony Subdivision") is a residential subdivision located in Indian River County, Florida and is legally described on EXHIBIT "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Association with the consent of Declarant, pursuant to its amendment authority, wishes to modify and amend the Declaration; and

WHEREAS, all of the requirements necessary to effect an amendment to the Declaration have been met, including the holding of a special meeting of the membership after notice at which a quorum was present and the amendments adopted.

NOW THEREFORE, for valuable consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confirmed, and for purposes of protecting the value, attractiveness, and desirability of the Property, the said Property, as said Property is defined in the Declaration, Declarant hereby amends the Declaration as follows:

- 1. The above recitals are affirmed as being true and correct and are hereby incorporated herein by reference.**

Prepared by and Return to:
James A Taylor III, Esq.
Clem. Polackwich & Vocelle
2770 Indian River Blvd., Suite 501
Vero Beach, Florida 32960

2. The Declaration is hereby modified and amended as set forth below. Any conflicting provision in the Declaration is hereby declared to be modified, amended, or deleted to the extent that it conflicts with the following:

a. All mailboxes within Ocean Colony shall be of the same design. Said design shall be promulgated by Declarant. The color of each mailbox, furthermore, shall be consistent with the external color scheme of the Ocean Colony Subdivision, as prescribed by the Architectural Review Board.

b. The painted color of the street lights, beach access lights, street signs, and subdivision entrance signs shall be coordinated and consistent in color, one with another. This color shall be either dark green or black.

c. Parking of vehicles of any type is prohibited on the private streets of Ocean Colony on an overnight basis (from dusk to dawn).

d. The minimum period of time during which a residence on a Lot within the Ocean Colony Subdivision may be leased is a period of ninety (90) days. Furthermore, there shall be no more than one (1) tenancy (one (1) lease) per year per residence on a Lot.

e. Hurricane shutters may be left down in place for no more than thirty (30) days per calendar year.

f. Basketball hoops, basketball standards, and all types of play and game equipment are expressly prohibited, except in the instance where the Architectural Review Board has approved the same with appropriate screening to eliminate from view such equipment from any street within the Ocean Colony Subdivision.

g. No guest or invitee shall be permitted entry to the Ocean Colony Subdivision until authorization is obtained from the Owner of the Lot the guest or invitee wishes to visit.

h. Street parking by Owners of Lots, their tenants, guests, invitees, and licensees is expressly prohibited, except in the case when moving in or out of a residence located on a Lot, when driveways are being cleaned and resealed, or when overflow occurs because of large parties.

i. Owners of Lots in the Ocean Colony Subdivision who own pets are responsible for clean-up and proper disposal of their pet's or pets' waste. Pets shall be kept on a leash at all times when outside of the Owner's residence.

j. Garage sales and lawn sales are expressly prohibited.

k. No truck, van, or other commercial vehicle, including but not limited to "El Camino" type vehicles, shall be permitted to be parked on any Lot for a period of more than four (4) hours, unless such vehicle is necessary in the actual construction or repair of a residence or for ground/landscape maintenance. No truck, pick-up, "El Camino" type vehicle, recreation vehicle, van, or vehicle other than a non-commercial four (4) wheel passenger automobile shall be permitted to be parked overnight on any Lot unless the same is fully enclosed inside a garage of a residence. No bus, boat, boat trailer of any kind, camper, mobile home, motorhome, or disabled vehicle shall be permitted to be parked or stored on any Lot unless kept fully enclosed inside a garage of a residence or parked in an area designated by Declarant for such purposes.

l. No existing or approved architectural elevation may be duplicated in the Ocean Colony Subdivision. All exterior elevation treatments of residences shall follow the common architectural theme of the residence.

m. Exterior materials and colors shall follow the following patterns:

- (a) Steeply pitched roofs, pastel colors, and ornate details including quoins, exaggerated fascia, window muntins, and the like are encouraged.
- (b) The use of natural materials including coral, stone, brick, and wood for exterior detail finishes are encouraged. Samples of proposed exterior materials may be required by the Architectural Review Board at the time of preliminary plan submission.
- (c) Exterior colors that in the sole opinion of the Architectural Review Board would be inharmonious, discordant, or incongruous for Ocean Colony are prohibited. Samples of proposed exterior colors are required at the time of preliminary plan submission.
- (d) Variations of pitch for gambrel, mansard, and similar type roofs may be approved by the Architectural Review Board. A mansard roof or flat roof may be permitted on portions of a residence if designed in a manner compatible with the architectural design of the residence if approved in writing by the Architectural Review Board.

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- (e) All vents and flashings shall be painted to match the approved roof color. Exposed metal caps for chimneys shall not be permitted.
- (f) All appurtenances, including utility connections, shall be painted so as to blend with the exterior colors.

n. Windows, doors, screened porches, and patios shall comply with the following requirements:

- (a) Bright-finished or bright plated metal exterior doors, windows, window screens, louvers, exterior trim or structural members are prohibited.
- (b) All screening and framing shall be approved in writing by the Architectural Review Board.

o. Garages driveways, walkways, and exterior lighting shall comply with the following requirements:

- (a) All residences shall have a minimum of a two (2) car garage and a maximum of a four (4) car garage unless otherwise approved in writing by the Architectural Review Board. Automatic garage door operators are required. Carports are prohibited.
- (b) Driveways and/or walkways shall be constructed of decorative concrete, paver blocks, bricks or such other material approved in writing by the Architectural Review Board. Plain concrete, asphalt, or loose stone (i.e. chattahoochie) are prohibited.
- (c) Recessed and down lighting is encouraged in lieu of surface mounted floodlights.

p. Awnings, shutters, fences, and walls shall comply with the following requirements:

- (a) Awnings, canopies, and shutters shall not be attached or affixed to the exterior of the residence without prior approval of the Architectural Review Board.
- (b) Hurricane or storm shutters, when not installed in place, shall not be stored on the exterior of the residence.

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- (c) All proposed fences and walls must be approved by the Architectural Review Board prior to installation and shall be in keeping with the exterior design of the residence. Perimeter fences or walls shall be prohibited without prior written approval of the Architectural Review Board.
- q. Landscaping and irrigation shall comply with the following requirements:
- (a) All landscaping shall be completed according to the approved landscape plan prior to final inspection of the residence by the Town of Indian River Shores Building Department for a Certificate of Occupancy.
 - (b) An automatic underground irrigation system of sufficient size and capacity to irrigate all sodded and landscaped areas shall be installed and used to maintain such areas in good and living condition at all times in all seasons.
 - (c) Artificial plant material is prohibited.
 - (d) Notwithstanding the terms and conditions of Section 3(b)(xx) of the Declaration, the minimum tree trunk diameter measured six (6) inches from ground level shall be two (2) inches.
- r. Air conditioners and garbage and trash containers shall comply with the following requirements:
- (a) All air conditioning units shall be shielded and hidden in order not to be visible from any street or adjacent lot. Air conditioning equipment located in side yards shall be located no closer than ten (10) feet to side property line and must be shielded from view.
 - (b) Window air conditioning units and wall air conditioning units are prohibited.
 - (c) All garbage and trash containers shall be placed in an enclosed area and shielded and/or landscaped as approved in writing by the Architectural Review Board.
- s. House addresses, antennas, and flagpoles shall comply with the following requirements:

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- (a) All house address signs must be approved in writing by the Architectural Review Board prior to installation.
- (b) Outside antennas (of any type) are prohibited.
- (c) One (1) flagpole for display of the American flag only shall be permitted on a Lot subject to Architectural Review Board approval of placement and design. No flagpole on a lot shall exceed fifteen (15) feet in height from grade level. No flagpole shall be used as an antenna.

t. Swimming pools, game courts, accessory structures, solar equipment, play equipment, and decorative objects shall comply with the following requirements:

- (a) Above-ground swimming pools, hot tubs or spas are prohibited. Swimming pools are not permitted in the front or street side setback area of the residence. Pool screening must not be visible from the street in front of the residence unless approved in writing by the Architectural Review Board. Special treatment shall be given to pool screening by the Owner by incorporating the architectural features of the elevation treatments with the screening and/or by the use of landscaping as determined by the Architectural Review Board.
- (b) Game courts are not permitted on any Lot.
- (c) Solar equipment and solar collection equipment, paneling, and related machinery is prohibited.
- (d) Decorative objects such as sculptures, bird-baths, fountains, pots, planters, and similar objects shall not be placed or installed on any Lot without written approval of the Architectural Review Board.

u. All signs shall comply with the following requirements:

All signs, including without limitation, real estate and contractors' signs, must be approved in writing by the Architectural Review Board prior to installation.

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3. Except as specifically modified and amended by this instrument, the terms and conditions of the Declaration shall remain unchanged and in full force and effect and are expressly re-affirmed by this instrument.

IN WITNESS WHEREOF, the undersigned has hereunto caused this instrument to be executed on the date set forth above.

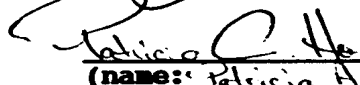
Signed, sealed and delivered in the presence of:

"ASSOCIATION"


OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation



 (name: JAMES A. TARKENTON, III)



 (name: Patricia A. Horn)

By: 

 MARK HERRING, Vice President

STATE OF FLORIDA)
) ss:
 COUNTY OF INDIAN RIVER)

I HEREBY CERTIFY that before me, a Notary Public, personally appeared MARK HERRING, as the Vice President of OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same for the purposes therein set forth for and on behalf of said corporation. I further state that I am familiar with the identity of the aforesaid person, and that said person did not take an oath.

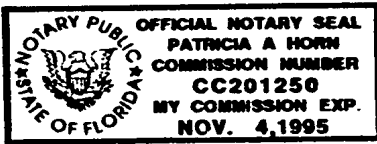
WITNESS my hand and official seal in the state and county last aforesaid this 4th day of May, 1995.



 Notary Public, State of Florida

My commission expires:

(Affix Seal)



OR 1058 Pg 1335

JOINED IN AND CONSENTED TO this 4th day of May, 1995 by SPINNAKER DEVELOPMENT GROUP LIMITED PARTNERSHIP, a Florida limited partnership.

"DECLARANT" or "DEVELOPER"

SPINNAKER DEVELOPMENT GROUP LIMITED PARTNERSHIP, a Florida limited partnership

By: Mark Herring
MARK HERRING, General Partner

STATE OF FLORIDA)
) ss:
COUNTY OF INDIAN RIVER)

I HEREBY CERTIFY that before me, a Notary Public, personally appeared MARK HERRING, as a sole General Partners of SPINNAKER DEVELOPMENT GROUP LIMITED PARTNERSHIP, a Florida limited partnership, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same for the purposes therein set forth for and on behalf of said limited partnership. I further state that I am familiar with the identity of the aforesaid person, and that said person did not take an oath.

WITNESS my hand and official seal in the state and county last aforesaid this 4th day of May, 1995.

Patricia A. Horn
Notary Public, State of Florida

My commission expires:

(Affix Seal)

16341



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EXHIBIT "A"

**All of OCEAN COLONY SUBDIVISION as recorded in
Plat Book 13 at Page 100 of the Public Records
of Indian River County, Florida.**

OR 1058 PG 1337

JOINDER AND CONSENT OF MORTGAGEE

KNOW ALL MEN BY THESE PRESENTS:

THAT, C. WREDE PETERSMEYER TRUST U/A dated July 26, 1986, whose address is c/o Manuel Casares, 3545 Ocean Drive Vero Beach, Florida 32963, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars in hand paid, the receipt and sufficiency of which are hereby acknowledged, does hereby join in the filing of the foregoing Amendment to Declaration of Covenants, Conditions, Restrictions, and Limitations for Ocean Colony Subdivision (hereinafter referred to as the "Amendment") and does further hereby give, grant, and extend consent to the execution and recording of the Amendment and the imposition of the terms and conditions set forth in the Amendment upon the property described as follows, to wit:

See EXHIBIT "A" attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the undersigned have caused these presents to be executed this 12th day of April, 1995.

Signed, sealed and delivered in the presence of:

C. WREDE PETERSMEYER TRUST U/A dated July 26, 1986

Stuart A. Minner
(name: STUART A. MINNER)

By: C. Wrede Petersmeyer 4/13/95
C. WREDE PETERSMEYER, Trustee

Earlene M. Gurbey
(name: EARLENE M. GURLEY)

Marion Strickland
(name: Marion Strickland)
Helen Billingsley
(name: Helen Billingsley)

By: C. Gregg Petersmeyer
C. GREGG PETERSMEYER, Trustee

This instrument prepared by:
Record and return to:
JAMES A. TAYLOR, III, ESQUIRE
Clem, Polackwick & Vocelle
Ste. 501, 2770 Indian River Blvd.
Vero Beach, FL 32960
Telephone: (407) 562-8111

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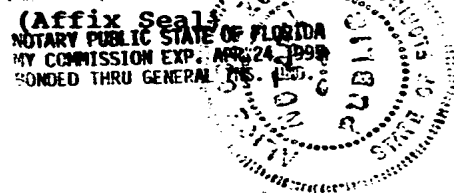
STATE OF FLORIDA)
)ss:
COUNTY OF INDIAN RIVER)

I HEREBY CERTIFY that before me, a Notary Public, personally appeared C. WREDE PETERSMEYER, as a Trustee of the C. WREDE PETERSMEYER TRUST U/A dated July 26, 1986, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same for the purposes therein set forth for and on behalf of said Trust. I further state that I have examined the current driver's license of the said person and have confirmed said person's identity, and that said person did not take an oath.

WITNESS my hand and official seal in the state and county last aforesaid this 13th day of April, 1995.

Alice Cole Zorc
Notary Public
(name: ALICE COLE ZORC)
(Serial Number: 00102712)

My commission expires:



STATE OF District)
)ss:
COUNTY OF Columbia)

I HEREBY CERTIFY that before me, a Notary Public, personally appeared C. GREGG PETERSMEYER, as a Trustee of the C. WREDE PETERSMEYER TRUST U/A dated July 26, 1986, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same for the purposes therein set forth for and on behalf of said Trust. I further state that I have examined the current driver's license of the said person and have confirmed said person's identity, and that said person did not take an oath.

WITNESS my hand and official seal in the state and county last aforesaid this 12th day of April, 1995.

H Kittredge
Notary Public
(name: _____)
(Serial Number: _____)

My commission expires:

(Affix Seal)

16553

H KITTREDGE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 14, 1998

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EXHIBIT "A"

Lots 1 through 4, Lots 8 and 9, Lot 11, Lots 13 and 14, Lots 13 through 18, and Lots 20 through 31, OCEAN COLONY SUBDIVISION as recorded in Plat Book 13 at Page 100 of the Public Records of Indian River County, Florida.

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JOINDER AND CONSENT OF MORTGAGEE

KNOW ALL MEN BY THESE PRESENTS:

THAT, FIRST UNION NATIONAL BANK OF FLORIDA, whose address is 1001 20th Place, Vero Beach, Florida 32960, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars in hand paid, the receipt and sufficiency of which are hereby acknowledged, does hereby join in the filing of the foregoing Amendment to Declaration of Covenants, Conditions, Restrictions, and Limitations for Ocean Colony Subdivision (hereinafter referred to as the "Amendment") and does further hereby give, grant, and extend consent to the execution and recording of the Amendment and the imposition of the terms and conditions set forth in the Amendment upon the property described as follows, to wit:

See EXHIBIT "A" attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the undersigned have caused these presents to be executed this 9th day of May, 1995.

Signed, sealed and delivered in the presence of:

FIRST UNION NATIONAL BANK OF FLORIDA

Kathy H. Karhani
(name: KATHY H. KATHANI)

By: Jeff T. Olson
JEFF T. OLSON, Vice President

Alvin B. Brown
(name: ALVIN B. BROWN)

This instrument prepared by:
Record and return to:
JAMES A. TAYLOR, III, ESQUIRE
Clem, Polackrich & Vocelle
Ste. 501, 2770 Indian River Blvd.
Vero Beach, FL 32960
Telephone: (407) 562-8111

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STATE OF FLORIDA)
) ss:
COUNTY OF INDIAN RIVER)

I HEREBY CERTIFY that before me, a Notary Public, personally appeared JEFF T. OLSON, as Vice President of FIRST UNION BANK OF FLORIDA, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same for the purposes therein set forth for and on behalf of said corporation. I further state that I have examined the current Florida driver's license of the said person and have confirmed said person's identity, and that said person did not take an oath.

WITNESS my hand and official seal in the state and county last aforesaid this 9th day of May, 1995.

Kathy H. Kayhani
Notary Public, State of Florida
(name: KATHY H. KAYHANI)
(Serial Number: _____)

My commission expires:

(Affix Seal)



16543

DR 1058Pg 1342

EXHIBIT "A"

Lots 1 through 4, Lots 8 and 9, Lot 11, Lots 13 and 14, Lots 13 through 18, and Lots 20 through 31, OCEAN COLONY SUBDIVISION as recorded in Plat Book 13 at Page 100 of the Public Records of Indian River County, Florida.

OR 1058 PG 1343