

Recording: \$ 15.00

**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

Samuel A. Block, Esq.
Block & Taylor
2127 10th Avenue
Vero Beach, FL 32960

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

15.00
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1114946

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

KNOW ALL MEN BY THESE PRESENTS:

THAT THIS CERTIFICATE OF THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND LIMITATIONS FOR OCEAN COLONY is made as of the 10th day of February, 1999, by OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation (hereinafter referred to as the "Association").

99 FEB 17 AM 9:39

WITNESSETH:

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, as amended by Certificate and Amended Certificate recorded in Official Records Book 1058, at Page 1329, and in Official Records Book 1059, at Page 2374, and as further amended by Certificate recorded in Official Records Book 1065, at Page 2596, respectively, of the Public Records of Indian River County, Florida (hereinafter collectively referred to as the "Declaration"); and

WHEREAS, the Declarant no longer is the owner of any lot affected by this Declaration; and

WHEREAS, the lot owners assumed control of the Association on December 4, 1998, as reflected in that certain Memorandum of Agreement with Respect to Turnover of Control of Ocean Colony Property Owners' Association, as recorded in Official Records Book 1247, at Page 1502, of the Public Records of Indian River County, Florida; 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, the receipt and sufficiency of which are hereby acknowledged and confirmed, and for purposes of protecting the value,

OR 1258 PC 0445

attractiveness, and desirability of the 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.

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. ARTICLE II, PROPERTY RIGHTS, Section 4, Regulation of and Use of Lots, sub-paragraph (c) is hereby deleted in its entirety and shall now read as follows:

(c) No aerial, antenna, or solar panels shall be placed or erected on any Lot, or affixed in any manner to the exterior of any building or improvement in Ocean Colony. All antennas must be of a concealed type installed within attic areas. Satellite dishes of 18" diameter may be installed below the peak roofline at the back or side of any residence.

B. ARTICLE IX, ARCHITECTURAL CONTROL, Section 3, Powers and Duties of the ARB, sub-paragraph (vii) is hereby deleted in its entirety and shall now read as follows:

(vii) The minimum roof pitch for any residence shall be six (6) on twelve (12).

C. ARTICLE IX, ARCHITECTURAL CONTROL, Section 3, Powers and Duties of the ARB, sub-paragraph (xviii) is hereby deleted in its entirety and shall now read as follows:

(xviii) All exterior fixtures on each residence constructed on any Lot shall be approved by the ARB. Each residence shall have exterior lighting activated by a photocell or timer.

D. Paragraph 2(d) of the Certificate of Amendment to Declaration of Covenants, Conditions, Restrictions, and Limitations for Ocean Colony dated May 4, 1995, as recorded in Official Records Book 1058, at Page 1329, of the Public Records of Indian River County, Florida, is amended to read as follows:

(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 one (1) year.

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3. Except as specifically modified and amended by this instrument and except as previously modified and amended, 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.

"ASSOCIATION"

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

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

[Signature]
(Name:) MORTON T. ...

By: [Signature]
THOMAS WHALEY, President

[Signature]
(Name:) PATRICIA A. O'REILLY

Attest: [Signature]
FRED SORKIN, Secretary

[Signature]
(Name:) JOHN N. ...

[Signature]
(Name:) AUDRYC SIDIBE

STATE OF FLORIDA)
:SS.
COUNTY OF INDIAN RIVER)

I HEREBY CERTIFY that before me, an officer duly authorized to take acknowledgments, personally appeared THOMAS WHALEY and FRED SORKIN, as President and Secretary, respectively, of OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation, to me known to be the persons described in and/or who produced _____ as identification, and acknowledged before me that they executed the foregoing instrument on behalf of said corporation for the purposes therein set forth.

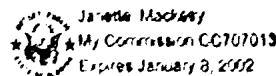
WITNESS my hand and official seal in the state and county last aforesaid this 10th day of February, 1999.

(SEAL)

Notary Public, State of Florida
JANETTE MACKESY

Printed Name of Notary
My Commission Expires:

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