

This instrument was prepared by
Barry G. Segal, Esquire
Barry G. Segal, P.A.
3096 Cardinal Drive
Suite 2C
Vero Beach, Florida 32963
Will call box: 92

(DO NOT WRITE ABOVE THIS LINE)

**FOURTH AMENDMENT TO THE MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF SERENOA SUBDIVISION**

THIS FOURTH AMENDMENT to the Master Declaration of Covenants, Conditions and Restrictions of Serenoa Subdivision ("the Declaration") is made and executed this 8 day of September of The Serenoa Home Owners Association, Inc., a Florida not for profit corporation ("the Association") by William Handler, its President, with the approval of no less than sixty-six percent (66%) of the owners of the lots in the SERENOA SUBDIVISION ("the Subdivision").

WITNESSETH

WHEREAS, the Serenoa Home Owners Association, Inc. is governed by those certain Master Declaration of Covenants, Conditions and Restrictions of Serenoa Subdivision, recorded on April 25, 2006, in Official Records Book 2023, Page 2224 ("the Original Declaration"), and as amended by amendments recorded on March 25, 2009 in Official Records Book 2329, Page 2069, June 2, 2011 in Official Records Book 2502, Page 733, November 6, 2012 in Official Records Book 2619, Page 944 and July 29, 2013 in Official Records Book 2690, Page 2275 all of the Public Records of Indian River County, Florida; ("the Declaration") and that certain Plat recorded in Plat Book 21, Page 27 of the Public Records of Indian River County, Florida ("the Plat") and

WHEREAS, the Developer derives its rights as the developer of the Subdivision by virtue of those certain Assignment of Developer's Rights recorded in Official Records Book 2553, Page 800, and Official Records Book 2674, Page 1643, all of the Public Records of Indian River County, Florida; and

WHEREAS, the Original Declaration contained a scrivener's error in that it did not include the text otherwise intended to be contained in Exhibit "A". That exhibit was to contain the legal description of the land subjected to the Declaration. Regardless, the Original Declaration defined the term "Lot" to be "any plot of land shown upon any recorded subdivision map or plat of the property, which is intended for use as a site for a dwelling or residence with the exception of common properties as heretofore defined." Additionally, "Owner" is defined to be any "Owners of record, whether one or more persons or entities, of the fee simple title to a Lot in the Property, but not withstanding any applicable provision of any mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or deed in lieu of foreclosure." As per Article III Section 1. of the Original Declaration, "Every person or entity who is a record Owner of a fee or undivided fee interest in any Lot which is subject to this Declaration shall be a Member of the Association..." Prior to any party becoming an Owner of a Lot, the Original Declaration and the Plat for the subdivision were recorded in the Public Records. The plat contains the legal description of the property subjected to the Declaration and is the identical legal description contained herein which was to be included in Exhibit "A" of the Original Declaration. Article IX entitles the Association to enforce the terms of the Declaration against the Owner of any Lot thereby; and

WHEREAS, pursuant to Article II subsection 2 of the Declaration, the Developer is granted the right to add additional land to the within the provisions of the Declaration; and

WHEREAS, pursuant to Article XII subsection 4 of the Declaration, the Developer is granted the exclusive right to amend the Declaration without the approval or consent of the Association or the Members (as defined therein); and

WHEREAS, the Association joins in and consents to the amendment of the Declaration;

NOW THEREFORE, the Serenoa Home Owners Association, Inc. does hereby declare that Declaration shall be amended as follows (additions indicated by underlining and deletions by ~~strike through~~):

1. Exhibit "A" is amended to now include the following:

LEGAL DESCRIPTION (PHASE ONE AND PHASE TWO):

PHASE 1

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 33 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, SAID PARCEL BEING IN PART PORTIONS OF TRACT 4 AND TRACT 5, OF SAID SECTION 24, OF INDIAN RIVER FARMS COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 25 OF THE PUBLIC RECORDS OF ST. LUCIE (NOW INDIAN RIVER) COUNTY, FLORIDA, SAID PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 24; THENCE S89°25'56"E, ALONG THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 24, A DISTANCE OF 30.00 FEET, TO A LINE LYING 30.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 24; THENCE N00°19'21"E ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET, TO THE POINT OF INTERSECTION WITH A LINE LYING 30.00 FEET NORTH OF AND PARALLEL TO THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 24, SAID POINT BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 5TH STREET SOUTHWEST-REBEL ROAD WITH THE EAST RIGHT-OF-WAY LINE OF THE LATERAL

E CANAL AS SHOWN ON THE SAID PLAT OF INDIAN RIVER FARMS COMPANY SUBDIVISION, SAID POINT OF INTERSECTION BEING THE TO THE POINT OF BEGINNING THENCE N00°19'20.6"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1.618.460 FEET; THENCE N84°04'35.9"E, A DISTANCE OF 237.583 FEET; THENCE S05°55'24.1"E, A DISTANCE OF 165.611 FEET; THENCE N72°02'42.5"E, A DISTANCE OF 203.757 FEET; THENCE S17°57'17.5"E, A DISTANCE OF 156.723 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 205.000 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 65°50'57.1", A DISTANCE OF 235.603 FEET; THENCE S83°48'14.6"E, A DISTANCE OF 178.586 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 210.000 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 114°09'02.9", A DISTANCE OF 418.385 FEET; THENCE N17°57'17.5"W, A DISTANCE OF 225.227 FEET; THENCE N72°02'42.5"E, A DISTANCE OF 110.000 FEET, TO A POINT ON THE CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 855.000 FEET, A RADIAL LINE BEARS S73°09'47.0"W FROM SAID POINT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 04°03'25.2", A DISTANCE OF 60.541 FEET; THENCE S12°46'47.8"E, A DISTANCE OF 313.657 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2.145.000 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 09°54'21.1", A DISTANCE OF 370.849 FEET; THENCE S22°41'08.9"E, A DISTANCE OF 367.352 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 855.000 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 04°43'51.4", A DISTANCE OF 70.598 FEET; THENCE S17°57'17.5"E, A DISTANCE OF 267.463 FEET; THENCE N89°25'58.5"W, A DISTANCE OF 212.512 FEET; THENCE S00°34'01.5"W, A DISTANCE OF 342.424 FEET, TO A LINE LYING 80.00 FEET NORTH OF AND PARALLEL TO THE AFORESAID EAST-WEST 1/4 SECTION LINE OF SAID SECTION 24; THENCE S89°25'56.0"E, ALONG SAID PARALLEL LINE, A DISTANCE OF 688.438 FEET, TO THE WESTERLY RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL J CANAL; THENCE S17°51'15.6"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 52.701 FEET, TO A LINE LYING 30.00 FEET NORTH OF AND PARALLEL TO THE AFORESAID EAST-WEST 1/4 SECTION LINE OF SAID SECTION 24, SAID LINE BEING THE AFORESAID NORTH RIGHT-OF-WAY LINE OF 5TH STREET SOUTHWEST-REBEL ROAD; THENCE N89°25'56.0"W, ALONG SAID PARALLEL LINE, A DISTANCE OF 2.047.820 FEET, TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THAT IS OTHERWISE DESCRIBED BELOW AND OTHERWISE INCLUDED IN PHASE TWO.

PHASE TWO:

A PORTION OF LAND LYING IN SECTION 24, TOWNSHIP 33 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER TRACT L-4, SERENOA PHASE 1, AS RECORDED IN PLAT BOOK 21, PAGE 18, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, RUN N89°25'58"W (BASIS OF BEARINGS) ALONG THE NORTH LINE OF SAID TRACT L-4, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT L-4; THENCE DEPARTING AFOREMENTIONED TRACT L-4, RUN N00°34'02"E, A DISTANCE OF 5.00 FEET; THENCE RUN N89°25'58"W, A DISTANCE OF 120.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 4TH LANE S.W. (A 50' RIGHT OF WAY); THENCE RUN N00°34'02"E ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 102.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 405.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°09'03", AN ARC DISTANCE OF 269.67 FEET TO THE MOST SOUTHERLY CORNER OF LOT 164, AFORESAID SERENOA PHASE 1; THENCE ON A RADIAL LINE, RUN N52°24'58"E ALONG THE SOUTHERLY LINE OF SAID LOT 164, A DISTANCE OF 120.00 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 164, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIAL BEARING OF S52°24'58"W, A DISTANCE OF 525.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°50'24", AN ARC DISTANCE OF 135.98 FEET TO THE MOST NORTHERLY CORNER OF LOT 163, AFORESAID SERENOA PHASE 1; THENCE RUN ON A RADIAL LINE S37°34'35"W, A DISTANCE OF 120.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 163, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIAL BEARING OF S37°34'35"W, A DISTANCE OF 405.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°02'35", AN ARC DISTANCE OF 268.91 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 3975.00 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°03'49", AN ARC DISTANCE OF 420.67 FEET TO A POINT OF TANGENCY; THENCE RUN N84°24'10"W, A DISTANCE OF 94.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 35.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 11TH SQUARE S.W. (A 50' RIGHT OF WAY); THENCE RUN N05°35'50"E ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 217.72 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1025.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°31'14", AN ARC DISTANCE OF 206.10 FEET TO A POINT OF TANGENCY; THENCE RUN N05°55'24" W ALONG THE SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 104.20 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN N72°02'42"E, A DISTANCE OF 138.03 FEET; THENCE RUN N05°55'24"W, A DISTANCE OF 29.05 TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIAL BEARING OF S05°55'24"W, A DISTANCE OF 990.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE



THROUGH A CENTRAL ANGLE OF 75°39'43". AN ARC DISTANCE 1307.34 FEET TO POINT OF TANGENCY; THENCE RUN S17°57'18" E, A DISTANCE OF 509.58 FEET; THENCE RUN N89°25'58"W, A DISTANCE OF 205.56 FEET; THENCE RUN S00°34'02"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 16.38 ACRES MORE OR LESS.

2. Article II Section 3: Tracts B-1 and B-2 are hereby created but the ownership and control thereof shall be retained by the Developer unless and until conveyed by the Developer. Said tracts shall not be assessed for any assessments except and unless said tracts are abridged or joined to a Lot in the subdivision. Developer may utilize said tracts for any reason not prohibited by the Declaration and as approved by Indian River County, Florida (to the extent said approval is required).

Upon the recordation of this Amendment in the Public Records, it shall be and become a part of the Declaration. Unless otherwise modified herein, the Declaration shall otherwise remain in full force and effect.

IN WITNESS WHEREOF, SERENOA SUBDIVISION Property Owners' Association, Inc. has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

SERENOA HOME OWNERS ASSOCIATION, INC., a Florida not for profit corporation

[Signature]
Witness Signature

[Signature]
By: William Handler

Debra J. Swain
Witness Print Name

Its: President

[Signature]
Witness Signature

Laura Vequeria
Witness Print Name

GHO SERENOA CORP., a Florida corporation

[Signature]
Witness Signature

[Signature]
By: William N. Handler

Debra J. Swain
Witness Print Name

Its: President

[Signature]
Witness Signature

Laura Vequeria
Witness Print Name

STATE OF FLORIDA St. Lucie
COUNTY OF

The foregoing instrument was acknowledged before me this 8 day of September, 2014, by William Handler as President of Serenoa Home Owners Association, Inc. a Florida not for profit corporation, who is personally known to me or who has produced _____ as identification and who did take an oath.

(SEAL) 

[Signature]
Notary Public

STATE OF FLORIDA St. Lucie
COUNTY OF

The foregoing instrument was acknowledged before me this 8 day of July, 2014, by William N. Handler as President of GHO SERENOA CORP., a Florida corporation, who is personally known to me or who has produced _____ as identification and who did take an oath.

(SEAL) 

[Signature]
Notary Public