

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
FILE # 2957562 OR BOOK 2693 PAGE 1623, Recorded 11/03/2006 at 11:09 AM

**SECOND AMENDMENT  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR RIVER OAKS AT TEN MILE CREEK**

River Oaks at Ten Mile Creek, LLC, as DECLARANT of the DECLARATION OF COVENANTS AND RESTRICTIONS for RIVER OAKS AT TEN MILE CREEK as recorded in Official Records Book 2626, Page 710 (the "DECLARATION"), pursuant to Section 11.1 of the DECLARATION hereto amends the DECLARATION to provide for amended section 9.3 as follows:

9.3 Fines. The amount of any fine shall be determined by the BOARD, and shall not exceed one month's ASSESSMENT for COMMON EXPENSES for the first offense, two months' ASSESSMENT for COMMON EXPENSES for a second similar offense and three months' ASSESSMENT for COMMON EXPENSES for a third or subsequent similar offense. Notwithstanding the foregoing, if any violation of this DECLARATION or the Rules and Regulations is of a continuing nature, and if the OWNER fails to cure any continuing violation within 30 7 days after written notice of such violation, or if such violation is not capable of being cured within such 30 7-day period, the OWNER fails to commence action reasonably necessary to cure the violation within such 30 7-day period or shall thereafter fail to proceed diligently to cure the violation as soon as is reasonably practical, a daily fine may be imposed until the violation is cured in an amount not to exceed one-fourth (1/4) of one month's ASSESSMENT for COMMON EXPENSES. Prior to imposing any fine, the OWNER or tenant shall be afforded an opportunity for a hearing after reasonable notice to the OWNER or tenant of not less than 14 days, which notice shall include (i) a statement of the date, time and place of the hearing, (ii) a statement of the provisions of the DECLARATION, BYLAWS, or Rules and Regulations which have allegedly been violated, and (iii) a short and plain statement of the matters asserted by the ASSOCIATION. The OWNER or tenant shall have an opportunity to respond to present evidence, and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge and respond to any material considered by the ASSOCIATION. At the hearing the BOARD shall conduct a reasonable inquiry to determine whether the alleged violation in fact occurred, and if the BOARD so determines, it may impose such fine as it deems appropriate by written notice to the OWNER or tenant. If the OWNER or tenant fails to attend the hearing as set by the BOARD, the OWNER or tenant shall be deemed to have admitted the allegations contained in the notice to the OWNER or tenant. Any fine imposed by the BOARD shall be due and payable within ten (10) days after written notice of the imposition of the fine or, if a hearing is timely requested, within ten (10) days after written notice of the BOARD's decision at the hearing. Any fine levied against an OWNER shall be deemed an ASSESSMENT, and if not paid when due, all of the provisions of this DECLARATION relating to the late payment of ASSESSMENTS shall be applicable. If any fine is levied against a tenant and not paid within ten (10) days after same is due, the ASSOCIATION shall have the right to evict the tenant as hereinafter provided. In any event, the ASSOCIATION shall not have the right to impose any fine against DECLARANT.

WITNESS

RIVER OAKS AT TEN MILE CREEK, LLC

Daria Schulte  
DARIA SCHULTE  
S. NAVARETTA

BY: John M. Cherveny  
Manager-Member


STATE OF FLORIDA  
COUNTY OF ST. LUCIE \_\_\_\_\_

The foregoing instrument was acknowledged before me this 31 day of October 2006, by JOHN M. CHERVENY, as Manager-Member of RIVER OAKS AT TEN MILE CREEK, LLC, a Florida limited liability company, on behalf of the company, and who is  personally known to me or  has produced \_\_\_\_\_ as identification, and who did take an oath

[Signature]

Name: \_\_\_\_\_  
Notary Public  
STATE OF FLORIDA AT LARGE  
My Commission Expires: \_\_\_\_\_

(NOTARY SEAL)

 B. Navaretta  
My Commission 00224076  
Expires July 21, 2007