

Prepared by and return to:  
Palm Garden Lakes Comm. Assoc., Inc.  
330 N. Babcock St., Ste. 103  
Melbourne, FL 32935

CFN 2019228808, OR BK 8567 PAGE 776,  
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Courts, Brevard County  
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**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR  
PALM GARDEN LAKES**

**THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR PALM GARDEN LAKES**, (hereinafter referred to as the "Amendment") dated as of this 10th day of October, 2019 by **PALM GARDENS DEVELOPMENT, LLC**, a Florida limited liability company ("Developer")

**WITNESSETH:**

**WHEREAS**, the Developer platted certain property into Palm Garden Lakes as described in Plat Book 66, Page 63, Public Records of Brevard County, Florida; and

**WHEREAS**, all such platted property was made subject to that certain Declaration of Covenants and Restrictions for Palm Garden Lakes Community Association, Inc. and recorded in Official Records Book 8327, Page 489, of the Public Records of Brevard County, Florida, (hereinafter referred to as "Covenants"); and

**WHEREAS**, pursuant to Article XXIII, Section 4(a) of the Covenants, until Turnover, all amendments or modifications shall only be made by Developer without requirement of the Association's consent or the consent of the Owners so long as such amendments or modifications do not materially impair the common plan of the development of Palm Garden Lakes by executing a written instrument making such changes and having the same duly recorded in the Public Records of Brevard County, Florida.

**NOW THEREFORE**, in consideration of mutual covenants herein set forth, the Developer does hereby amend the Covenants as follows:

1. Exhibit "E" – the Architectural Guidelines and Community-Wide Standards, paragraph A. **Fences** is deleted in its entirety and replaced with the following:

**A. Fences.** No fence of any type, including invisible fencing, is permitted to be erected on a Lot without the prior written approval of the Architectural Committee. For all Lots, fences shall be 6' (six) feet in height, composed of vinyl, color to be white, and no decorative features shall be permitted. For Lots that abut any wet retention area, fences shall be 5' (five) feet in height, black aluminum picket and shall be installed around the entire property. Any chain link fence around any wet retention area shall remain.

2. Exhibit "E" – the Architectural Guidelines and Community-Wide Standards, paragraph **B. Decorations**, subparagraph 2(g) Trampolines is deleted in its entirety and replaced with the following:

**B. Decorations.**

**2 g)** Trampolines. Trampolines require Architectural Committee approval, and if permitted, must be hidden by a fence so neighbors on all sides cannot see it. Fence plans shall be approved by Architectural Committee.

3. Exhibit "E" – the Architectural Guidelines and Community-Wide Standards, paragraph **C. Rear Porch Enclosure, Screen Enclosures, Pool Additions, Patio, Lanai**, subparagraph 8, is deleted in its entirety and replaced with the following:

**C. Rear Porch Enclosure, Screen Enclosures, Pool Additions, Patio, Lanai & AC Units.**

**8.** All pool equipment (pump, filter) shall be screened with a 4' white fence or viburnum type hedge dense enough to block the view of the equipment, and both pool and air conditioning equipment shall be located in the rear of the home.

4. Exhibit "E" – the Architectural Guidelines and Community-Wide Standards, paragraph **E. Hurricane Shutters**, subparagraph 2, is deleted in its entirety and replaced with the following:

**E. Hurricane Shutters.**

**2.** Only accordion, roll down, clear lucite/lexan/acrylic or metal panel style shutters are permitted.

5. Exhibit "E" – the Architectural Guidelines and Community-Wide Standards, paragraph **K. Mail Box** is deleted in its entirety and replaced with the following:

**K. Mail Box.**

There is only one (1) central mail box within the community that is located in a specifically designated area. No individual mail boxes are permitted on any Lot.

5. Exhibit "E" – the Architectural Guidelines and Community-Wide Standards, paragraph **M. Irrigation Hoses**, subparagraph 2, is deleted in its entirety.

6. All terms used in this instrument shall have the same definition and meaning as set forth in the Declaration of Covenants and Restrictions for Palm Garden Lake unless otherwise herein provided to the contrary, or unless the context requires otherwise.

7. In all other respects not inconsistent with the above, the Declaration, recorded in Official Records Book 8357, Page 489, Public Records of Brevard County, Florida, is hereby ratified, confirmed, re-executed and republished in its entirety.

**IN WITNESS WHEREOF**, the parties have caused their seals and signatures to be affixed this 10<sup>th</sup> day of October, 2019.

Signed, sealed and delivered  
In the presence of:

**PALM GARDENS DEVELOPMENT, LLC**, a  
Florida limited liability company, (“Developer”)

Kathi A. Shotwell  
Print Name: Kathi A. Shotwell

By: [Signature]  
Michael E. Maguire, Manager

ELIZABETH VAN BUSKIRK  
Print Name: Elizabeth Van Buskirk

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of October, 2019, by Michael E. Maguire, Manager of Palm Gardens Development, LLC, a Florida limited liability company, Developer, and is personally known to me.

Kathi A. Shotwell  
Notary Public

MY COMMISSION EXPIRES:

