

Mission Lake Villas Homeowners Association

Amendments To Declaration of Covenants, Conditions and Restrictions

April 1992 through August 2008

First Amendment October 1992

Second Amendment October 1993

Third Amendment May 1998

Fourth Amendment May 1998

Fifth Amendment July 2000

This instrument prepared by:
Mission Lake Villas Homeowners Association
Document Review Committee

Return to: MLVHOA
P.O.B. 410381
Melbourne, FL 32941
Attn.: DRC

FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION

THIS FIFTH AMENDMENT TO MISSION LAKE VILLAS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 18th day of September 1999, by the MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION, INC., a Florida Corporation not for profit, pursuant to the provisions of Article I, paragraph 3, Amendments, to the Mission Lake Villas Declaration of Covenants, Conditions and Restrictions are recorded in Official Records Book 3197, Page 1418-1435, Public Records of Brevard County, Florida, as follows:

1. ARTICLE I, PARAGRAPH 3. AMENDMENTS

Shall have the second sentence of the first paragraph amended to read as follows:

At any time after the Developer or its assigns no longer owns ten (10%) percent or more of the lots above-described, two-thirds (2/3) of the Association members who vote in person or by proxy may change these covenants and restrictions in whole or in part by executing ...

2. ARTICLE IV, PARAGRAPH 5. SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS AND MAJOR REPAIRS

Shall have section of first sentence of the first paragraph amended to read as follows:

...provided that any such assessment shall have the assent of two-thirds (2/3) of the Association members who vote in person or by proxy at a meeting duly called for this purpose,.....

3. ARTICLE VIII, PARAGRAPH 1. DURATION AND REMEDIES FOR VIOLATION.

Shall have section of first sentence in first paragraph amended to read as follows:

...unless an instrument signed by two-thirds (2/3) of the Association members who vote in person or by proxy has been recorded, agreeing to change or terminate said covenants and restrictions, in whole or in part.

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 3
Trust: 2.00
Deed: 0.00
Mto: 0.00
#Names: 2
Rec: 12.00
Serv: 0.00
Expse: 0.00
In. Tar: 0.00

1



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CFR Book/Page: 4200 / 0853

(Continued)

This instrument prepared by:
Mission Lake Villas Homeowners Association
Document Review Committee



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OR Book/Page: 4200 / 0854

FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION

4. CORRECT TYPOGRAPHICAL ERROR IN THIRD AND FOURTH AMENDMENTS TO DECLARATION OF COVENANTS AND RESTRICTIONS

Shall correct typographical error in last sentence of the **THIRD AND FOURTH AMENDMENTS** to the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** as follows:

IN WITNESS WHEREOF, the undersigned officers of the corporation have executed this Amendment to the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** on this day...

The foregoing Amendment was adopted by the members of the Association at the Annual meeting on the 18th day of September 1999.

IN WITNESS WHEREOF, the undersigned officers of the corporation have executed this Amendment to DECLARATON OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION, INC. on this 24 day of July 2000.
(Day) (Month)

Thomas George, President

Barbara Mihalik, Secretary

Patricia Valenti, Vice President

Charles McCoy, Treasurer

Robert Wetherley, Vice President

2

4. Article VI, Paragraph 2. ARCHITECTURAL REVIEW COMMITTEE, shall have the first sentence of second paragraph modified as follows:

"Said ARC shall consist of at least three (3) members who shall be members of the Association.

5. Article VII, RESTRICTIONS, Paragraph 19. ROOFS - shall have the following sentence added to the end of said paragraph:

"Roof cleaning is the responsibility of the Association and shall be conducted on a scheduled basis determined by each homeowners Certificate of Occupancy date or as recommended by the ARC."

6. Article VII, RESTRICTIONS, shall have the following subparagraph 22 added thereto.

22. PAINT. Painting of all units is the responsibility of the Association and shall be conducted on a scheduled basis as determined by each homeowners Certificate of Occupancy date or as recommended by the ARC. Paint colors will be consistent with colors already in existence. All metal, vinyl, and stucco trim shall be white. This includes but is not limited to: exterior entrance doors; garage doors; exterior decorative stucco banding on unit, walls and garage; windows frames; screen enclosure frames; fascia; soffits; and gutters. Mailboxes and chimneys will be painted the same color as the primary unit. House numbers should be painted in such a manner as to be seen from the street by emergency vehicles and yet be consistent with the MLV HOA community color scheme. A listing of approved paint colors is available from the ARC.

The foregoing Amendment was adopted by the members of the Association at their annual meeting on the 7th day of September 1997.

IN WITNESS WHEREOF, the undersigned officers of the corporation have executed this Amendment to Articles of Incorporation on this 31st day of March 1998.

[Signature]
Dr. Forrest Miles, President

[Signature]
Robert Wetherley, Secretary

[Signature]
Karla Dean, Vice-President

[Signature]
Patty Valenti, Treasurer

[Signature]
C. K. Henley, Vice-President



CFN 98101991
OR Book/Page: 3848 / 0961

CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am a duly-elected officer of:
MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION, INC.,
a Florida Corporation; and

THAT the foregoing **FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** was adopted by the members of the Association at the annual meeting held on the 7th day of September 1997.

[Signature]

Karla G. Dean, Vice President
Mission Lake Villas Homeowners Assn.

STATE OF FLORIDA)
) ss:
COUNTY OF BREVARD)

THE FOREGOING INSTRUMENT was acknowledged before me this 27 day of March, 1998, by: Karla G. Dean, an officer of the **MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION INC.**, a Florida Corporation, who is personally known to me, or who produced a [Signature] as identification, and who did take a oath.

[Signature]
Notary Public Signature

My commission expires:



[Signature]
Print Notary Public Name



CFN 98101991
OR Book/Page: 3848 / 0962

RECORDED: MILV HOA
P.O. BOX 410381
MELBOURNE, FL
32941
ATTN: KARLA G. DEAN

This instrument prepared by:
Mission Lake Villas Homeowners Association
Document Review Committee

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION

THIS THIRD AMENDMENT TO MISSION LAKE VILLAS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 7th day of September 1997, by the Mission Lake Villas Homeowners Association, Inc., a Florida Corporation not for profit, pursuant to the provisions of Article I, paragraph 3, Amendments, to the Mission Lake Villas Declaration of Covenants, Conditions and Restrictions are recorded in Official Records Book 3197, Page 1418-1435, as amended by Amendment to the MISSION LAKE VILLAS Declaration of Covenants, Conditions and Restrictions (the "First Amendment") recorded in Official Records Book 3238, Page 1187, and as amended by Second Amendment to MISSION LAKE VILLAS Declaration of Covenants, Conditions and Restrictions (the "Second Amendment") recorded in Official Records Book 3404, Page 3449, Public Records of Brevard County, Florida, as follows:

1. Article I, Paragraph 2. Legal Description, of the Declaration is hereby amended to delete Exhibit A thereto and substitute therefore the legal description as described in the Plat of MISSION LAKE VILLAS, UNIT ONE, as recorded in Plat Book 38, Page 15, and MISSION LAKE VILLAS, UNIT TWO, as recorded in Plat Book 38, Page 53, both recorded among the Public Records of Brevard County, Florida.
2. Article IV, Covenants for Maintenance Assessments, is hereby amended by adding the following Paragraphs 11 and 12 thereto:

"11. SURFACE WATER OR STORMWATER MANAGEMENT SYSTEM. The Association shall have the authority to assess Owners a fee for the operation, maintenance and repair of the surface water or stormwater management systems, including but not limited to work within retention areas, drainage, structures and drainage easements.

2. Article IV, Covenants for Maintenance Assessments (continued)

"12. EASEMENT FOR ACCESS AND DRAINAGE. The Association shall have a perpetual, non-exclusive easement over all areas of the surface water or stormwater management system for access to operate, maintain or repair the system. By this easement, the Association shall have the right to enter upon any portion of any lot which is a part of the surface water or stormwater management system, at a reasonable time and in a reasonable manner, to operate, maintain or repair the surface water or stormwater management system as required by St. Johns River Water Management District Permit No. 40-009-0203. Additionally, the Association shall have a perpetual, non-exclusive easement for drainage over the entire surface water or stormwater management system, including buffer areas or swales, without the prior written approval of the St. Johns Water Management District. No person shall alter the drainage flow of the surface water or stormwater management system, including buffer areas or swales, without the prior written approval of the St. John's Water Management District."

The foregoing Amendment was adopted by the members of the Association at their annual meeting on the 7th day of September 1997.


IN WITNESS WHEREOF, the undersigned officers of the corporation have executed this Amendment to Articles of Incorporation on this 31st day of March 1998.


Dr. Forrest Miles, President


Robert Wetherley, Secretary


Karla Dean, Vice-President


Patricia Valenti, Treasurer


C. K. Henley, Vice-President



Sandy Crawford
Clerk Of Courts, Brevard County
#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 13.00 Serv: 0.00
Dner: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00



CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am a duly-elected officer of:
MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION, INC.,
a Florida Corporation; and

THAT the foregoing **THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** was adopted by the members of the Association at the annual meeting held on the 7th day of September 1997.

Karla G. Dean
Karla G. Dean, Vice President
Mission Lake Villas Homeowners Assn.

STATE OF FLORIDA)
) ss:
COUNTY OF BREVARD)

THE FOREGOING INSTRUMENT was acknowledged before me this 7th day of Sept, 1998, by : Karla G. Dean, an officer of the **MISSION LAKE VILLAS HOMEOWNERS ASSOCIATION INC.**, a Florida Corporation, who is personally known to me, or who produced a Public as identification, and who did take a oath.

C. Clark
Notary Public Signature

Cassandra Clark
Print Notary Public Name

My commission expires:



CFN 98101992
OR Book/Page: 3848 / 0965

Return to →
TJA
This instrument prepared by: ^{BIS.2}
JAMES W. PEEPLES III, ESQ.
GRAY, HARRIS, ROBINSON,
KIRSCHENBAUM & PEEPLES
P. O. Box 320757
Cocoa Beach, Florida 32932-0757

Records Book 3 Page 2
200 13.00
Served _____
Served _____

SECOND AMENDMENT TO MISSION LAKE VILLAS
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS SECOND AMENDMENT TO MISSION LAKE VILLAS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 16th day of October, 1993, by SUNTREE LAKES WEST, INC., a Florida corporation (the "Developer"), as follows:

W I T N E S S E T H :

WHEREAS, the Developer is the developer under the Declaration of Covenants, Conditions and Restrictions for MISSION LAKE VILLAS, dated April 14, 1992 and recorded in Official Records Book 3197, Page 1418, as amended by Amendment to WESTLAKE VILLAGE Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book _____, Page _____, Public Records of Brevard County, Florida ("Declaration"); and

WHEREAS, Paragraph I.3. Amendments, of the Declaration provides for amendment of the Declaration; and

WHEREAS, Developer desires to amend the Declaration.

NOW, THEREFORE, Developer hereby amends the Declaration by this written action as follows:

- 1. The definitions set forth in the Declaration are hereby incorporated herein.
- 2. Paragraph I.1, DEFINITIONS, shall have the following Subparagraph G added thereto.

G. "Surface Water" or "Stormwater Management System" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system, as permitted pursuant to Chapters 40C-4, 40C-40 or 40C-42, F.A.C.

BK 3404 PG 3449

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3. Paragraph 1.3, AMENDMENTS, is hereby deleted in its entirety and the following language is substituted therefor:

3. AMENDMENTS. So long as Developer, its successors or assigns owns ten (10%) percent or more of the lots in MISSION LAKE VILLAS, it may change any provision of this Declaration in whole or in part by executing a written instrument making said changes and having the same duly recorded in the Public Records of Brevard County, Florida. At any time after the Developer or its assigns no longer owns ten (10%) percent or more of the lots above-described, the then owners of at least two-thirds (2/3) of the voting interest of the Association membership may change these covenants and restrictions in whole or in part by executing a written instrument making said changes and having the same duly recorded in the Public Records of Brevard County, Florida. Any amendment to this Declaration which alters the surface water or stormwater management system, beyond maintenance in its original condition, including the water management portions of the common areas, must have the prior approval of the St. Johns River Water Management District.

4. The following language shall be added to Paragraph 1, as Paragraph 4, and entitled USE OF PROPERTY:

4. USE OF PROPERTY.

A. Surface Water or Stormwater Management System. The Association shall be responsible for the maintenance, operation and repair of the surface water or stormwater management system. Maintenance of the surface water or stormwater management system(s) shall mean the exercise of practices which allow the systems to provide drainage, water storage, conveyance or other surface water or stormwater management capabilities as permitted by the St. Johns River Water Management District. The Association shall be responsible for such maintenance and operation. Any repair or reconstruction of the surface water or stormwater management system shall be as permitted, or if modified, as approved by the St. Johns River Water Management District.

B. Enforcement. The St. Johns River Water Management District shall have the right to enforce, by a proceeding at law or in equity, the provisions contained in this Declaration which relate to the maintenance, operation and repair of the surface water or stormwater management system.

5. Except as modified hereby, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has caused these presents to be executed on the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

DEVELOPER:

SUNTREE LAKES WEST, INC., a Florida corporation

By: John W. Walden
JOHN W. WALDEN, Chief Executive Officer

Address: 708 E. New Haven Ave.
Melbourne, FL 32901

Robert B. Lynds
Witness Signature

ROBERT B. LYNDS
Print Witness Name

John G. White
Witness Signature

John G. White
Print Witness Name

STATE OF FLORIDA }
COUNTY OF BREVARD } ss:

THE FOREGOING INSTRUMENT was acknowledged before me this 15th day of October, 1993, by JOHN W. WALDEN, as Chief Executive Officer of SUNTREE LAKES WEST, INC., a Florida corporation, who is personally known to me, or who produced _____ as identification, and who did take an oath.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. APR. 31, 1995
FOUNDED 1790 GENERAL LMS. 0805
hoa\suntree\deccov.am2

Margaret A. Manning
Notary Public Signature
MARGARET A. MANNING
Print Notary Public Name

262680

92 OCT 19 PM 2:07

Authenticated
 Clerk Circuit Court
 Recorded and Verified Brevard County, FL
 # Pgs. 2 # Maps 1
 Trust Fund 1435 Doc. No. 92005
 Stamp Date
 Stamp In To
 Service Chg Refund

return to →

This instrument prepared by:
 JAMES W. PEEPLES III, ESQ.
 GRAY, HARRIS, ROBINSON,
 KIRSCHENBAUM & PEEPLES
 P. O. Box 320757
 Cocoa Beach, Florida 32932-0757

EXHIBIT "A"

Lots 9 through 66, inclusive, MISSION LAKE VILLAS, UNIT 2,
 according to the plat thereof as recorded in Plat Book 38, Page 53,
 of the Public Records of Brevard County, Florida.

AMENDMENT TO MISSION LAKE VILLAS
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDMENT TO MISSION LAKE VILLAS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 15th day of September, 1992, pursuant to the provisions of Paragraph 3, AMENDMENTS, to the Mission Lake Villas Declaration of Covenants, Conditions and Restrictions as recorded in Official Records Book 3197, Page 1418-1435, Public Records of Brevard County, Florida, as follows:

Paragraph 2, LEGAL DESCRIPTION, is hereby amended to delete Exhibit A thereto and substitute therefor Exhibit A attached hereto.

IN WITNESS WHEREOF, the Developer has caused these presents to be executed on the day and year first above written.

SIGNED, SEALED AND DELIVERED
 IN THE PRESENCE OF:

SUNTREE LAKES WEST, INC., a Florida

[Signature]
 Witness Signature
[Print Name]
 Print Witness Name
[Signature]
 Witness Signature
[Print Name]
 Print Witness Name

By: [Signature] CTD
 JOHN W. WALDEN, Chief
 Executive Officer
 Address: 708 E. New Haven Avenue
 Melbourne, Florida 32901

STATE OF FLORIDA)
) ss:
 COUNTY OF BREVARD)

THE FOREGOING INSTRUMENT was acknowledged before me this 15th day of September, 1992, by JOHN W. WALDEN, as Chief Executive Officer of SUNTREE LAKES WEST, INC., a Florida corporation, who is personally known to me, ~~as who produced~~ as identification, and who did take an oath.

My commission expires:
 jwp\boyd\mission\deccov.aml

[Signature]
 Notary Public Signature
 Margaret A. Manning
 Print Notary Public Name



BR3230701188

EXHIBIT "A"

Lots 9 through 66, inclusive, MISSION LAKE VILLAS, UNIT 2, according to the plat thereof as recorded in Plat Book 38, Page 53, of the Public Records of Brevard County, Florida.

BR3230761188