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**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 6	#Names: 2	
Trust: 3.50	Rec: 25.00	Serv: 0.00
Deed: 0.00		Excise: 0.00
Mtg: 0.00		Int Tax: 0.00

Prepared by, record and return to:  
 John L. Soileau, Esquire  
 Watson, Soileau, DeLeo, Burgett  
 & Pickles, P.A.  
 P.O. Box 236007  
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**CERTIFICATE OF AMENDMENT TO RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS OF SABAL GROVE HOMEOWNERS' ASSOCIATION, INC.**

WHEREAS, Sabal Grove is subject to that Restated Declaration of Covenants and Restrictions of Sabal Grove Homeowners' Association, Inc. ("Declaration") imposing certain covenants and restrictions on the real property described therein, which Declaration was recorded in Official Records Book 4117, Page 2269, Public Records of Brevard County, Florida; and

WHEREAS, pursuant to Article 23, the Declaration may be amended by the affirmative vote of two-thirds (2/3) of all of the votes of the Association;

WHEREAS, on May 17, 2001, at a duly called meeting of the Sabal Grove Homeowners' Association, Inc., the undersigned hereby certify that the following amendments were approved by not less than two-thirds (2/3) of all votes cast in the Association.

NOW, THEREFORE, pursuant to Article 23, the Declaration is amended as follows:

1. **Article 8, Section A of the Declaration shall be amended to provide as follows:**

There shall be established an Architectural Review Committee (hereinafter referred to as "Committee"), which shall be appointed by the Board of Directors. This committee shall consist of a Chairperson, who shall be a member of the Board of Directors, and two (2) or more members of the Association. None of the members shall be entitled to any compensation for services rendered pursuant to this Restated Declaration. All members of the Committee shall serve two (2) year terms once appointed. In the event of a vacancy on the committee, a replacement committee member shall be appointed by the Board of Directors for the remainder of the term. **Committee meetings will be held monthly the first week of each month. Each Association newsletter shall publish the locations and dates of the six (6) future meetings of the Committee. Special meetings will be held as necessary to consider out-of-cycle requests.** Notices of Committee meetings shall be posted in the subdivision at least forty-eight (48) hours in advance of the meeting, or notices shall be mailed to members at least seven (7) days in advance of the meeting. Minutes shall be taken at all Committee meetings, and the same shall be preserved among the corporate records.

2. **Article 9, Section A of the Declaration shall be amended to provide as follows:**

Whether or not provision therefore is specifically stated in any conveyance of a Lot, the Owners or occupants of each and every Lot by acceptance of title thereto, or by taking possession thereof, covenant and agree, for themselves, their heirs, administrators,

personal representatives, successors or assigns, that no structure or improvement shall be placed on any Lot, ~~unless and until the plans and specifications therefore and plot plans thereof have been approved in writing by the Committee. Each structure shall be placed on the Lot only in accordance with the plans and specifications submitted and approved by the Committee as herein provided~~ **nor shall any exterior additions, changes or alterations therein be made until the plans and specifications showing the nature, kind, color, shape, height, materials, and location thereof have received the prior written approval of the Committee. "Structure or Improvement" as used herein shall include, but not be limited to, fences, storage sheds, swimming pools, porches, alteration of the exterior surface of the home (including screened porch, swimming pool or paint), addition or extension of concrete surfaces (walks, patios, driveways or slabs), solar energy devices, decorative buildings (such as gazebos), and alterations or construction shall be in accordance with the terms hereof and with all applicable Codes and Ordinances of the local governing agency issuing permits for construction or land alteration, in effect at the time of such proposed construction or alteration. The committee shall have the right to approve or disapprove any improvement or structure.**

3. Article 9, Section B of the Declaration shall be amended to provide follows:

Approval or disapproval of the plans, specifications and plot plans must be given within ten (10) days after ~~written request therefore is delivered to the Committee~~ **the Architectural Review Committee's meeting which next follows the submission.** If approval or disapproval is not given within that time, then such written approval shall not be required; provided, however, that no single-family building, accessory building or structure shall be erected which violates any of the provisions of this Declaration. **Two sets of construction requests must be submitted to the Committee. The Committee shall notify the Lot Owner, in writing, of the approval or disapproval, and the response will be signed or initialed by a member of the Committee.**

4. Article 9, Section C shall be added to the Declaration to provide as follows:

All exterior construction, paint and other activities relating to a structure or improvement for which plans and specifications are required to be submitted to the Committee for approval shall be completed within six (6) months from the date of written approval. The Committee may grant an extension of said six-month period at its discretion.

**The approval or disapproval of plans, specifications, and locations by the Committee shall be based on grounds including, but not limited to, aesthetic reasons, effect on property value, and/or neighborhood conformity, and shall be at the sole discretion of the Committee. The construction request provided to the Committee shall include detailed sketches, a copy of the permit as applicable, and include location, size, materials, shape and color, as applicable for the structure or improvement. This request shall be submitted by the Lot Owner to the Committee prior to the scheduled Committee meeting, to be considered at that meeting. The Committee shall hand deliver or send via US mail its written response within ten days of the Committee meeting which followed the request.**



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An application which does not contain all of the information and documents required herein shall not be considered by the Committee, shall not be deemed submitted for any purposes hereof until complete, and it shall be the applicant's responsibility to bring his or her request into compliance. For purposes of the approval or disapproval deadline, an application shall first be considered received on such date as all required information and documents are received. The Committee's determination as to completeness shall be binding.

5. Article 9, Section D shall be added to the Declaration to provide as follows:

~~If the City building codes are more restrictive or of higher standard than any contained in these restrictions, said City codes shall apply so that minimum City requirements must be met in addition to any set forth in these restrictions.~~

In the event any required approvals are not obtained prior to commencement of improvements, or in the event improvements are made which vary from those approved, it shall be deemed that approval was not given, and that a violation and/or breach of this Restated Declaration has occurred, and all enforcement provisions of this Restated Declaration shall be applicable. Changes to, or replacement of structures or improvements previously approved by the Committee, shall require the approval of the Committee in the same manner as was required for the original structure or improvement.

6. Article 9, Section E shall be added to the Declaration to provide as follows:

In the event of a violation of Article 9 of this Declaration, the Lot Owner shall be responsible for all costs associated with the removal or modification of the structure or improvement that caused the violation, and, additionally, all enforcement provisions of this Restated Declaration shall be cumulatively applicable. The Lot Owner shall also be responsible for any legal expenses and costs association with the Association's enforcement of this Section.

7. Article 9, Section F shall be added to the Declaration to provide as follows:

All exterior construction, painting and other activities relating to a structure or improvement for which plans and specifications are required to be submitted to the Committee for approval shall be completed within six (6) months from the date of written approval. The Committee may grant an extension of said six-month period at its discretion.

8. Article 12, Section F of the Declaration shall be amended to provide as follows:

Swimming pools may be constructed on any Lot, provided no portion of any swimming pool or its appurtenances, including its fence, shall encroach upon the setback lines established in Article 10 hereof, or upon any other setback line established by law. The location of and materials to be used in all swimming pools shall require must receive the approval of the location and materials by the Committee provided that access to them



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from the Lot is controlled from all directions by fencing and/or screened porches and the residential structure prior written consent of the Committee. All pools must have restricted access from all directions by fencing, screened enclosures, and/or the residential structure. The fences and/or screened porches enclosures shall be approved by must receive the prior written approval of the Committee. Swimming pools shall be only of the in-ground type, and shall be constructed of fiberglass, concrete or concrete type materials.

9. Article 12, Section L of the Declaration shall be amended to provide as follows:

Screen porches are permitted, but must have a trussed roof with shingles roofing materials that match the residence residence's style, design and structure, in the discretion of the committee. ~~Wood, aluminum or other metal or fiberglass roofing panels are prohibited.~~

10. Article 13, Section C of the Declaration shall be amended to provide as follows:

Storage sheds for homes on the retention ponds and conservation easements shall not be detached from ~~the rear of the primary residence and not be visible from the front of the residence.~~ A Rubbermaid-style outdoor storage closet shall be permitted on the side of said residences.

11. Article 17, Section A of the Declaration shall be amended to provide as follows:

Boundary and interior fences shall be permitted, but no fences within twenty-five (25) feet of any public roadway shall be erected without approval as to location, configuration and material by the Committee. Chain-link or barbed wire fences are prohibited forward of the front building line as extended to either side of the Lot line but only after written approval has been obtained from the Committee as specified in Article 9 herein. The Committee may conditions its approval on the modification of the type, location, design or materials used in the proposed fence or wall.

12. Article 17, Section B of the Declaration shall be amended to provide as follows:

~~The Committee shall have the right to modify the type and design of fences and walls, the materials used, and the treatment of said materials, if the Committee determines in its sole discretion that the proposed design and materials are not detrimental to the appearance of the immediate area.~~ Fences are to be four (4) or six (6) foot high wood structures, except as specified in Articles 17C herein. Barbed wire fencing is prohibited under all circumstances.

13. Article 17, Section C shall be added to the Declaration to provide as follows:

Fences for residences that abut the retention ponds must be constructed of wood from the front building line of the dwelling to the rear building line of the dwelling. Four (4) foot chain-link fencing must be constructed from the rear line of the dwelling to the rear of the property line and across the back of the property.



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14. Article 17, Section D shall be added to the Declaration to provide as follows:

Fences for residences that abut the conservation areas must be constructed of wood from the front building line of the dwelling to the rear building line of the dwelling. Four (4) foot wood or chain link fencing must be constructed from the rear line of the dwelling to the rear of the property line and across the back of the property.

15. Article 19, Section A of the Declaration shall be amended to provide as follows:

~~Clotheslines are prohibited.~~ Clotheslines may be maintained on a Lot. Clotheslines are considered a structure and must received the prior written approval of the Committee before they are located on the homeowner's property.

16. Article 19, Section H shall be added to the Declaration to provide as follows:

Canopies or similar temporary structures shall not be maintained on a Lot for longer than three (3) consecutive days. Canopy style storage areas or carports shall not be constructed or maintained on a Lot.

IN WITNESS WHEREOF, the Association has caused this instrument to be signed in its name and by its President and Secretary this 16 day of June, 2001, for purposes of certifying approval of the foregoing amendments to the Declaration, which shall be effective upon the recording of this instrument.

SABAL GROVE HOMEOWNERS'  
ASSOCIATION, INC., a Florida corporation

By: *Larry M. Henshaw*  
LARRY M. HENSHAW, Secretary

By: *Phil Babcock*  
Phil Babcock, President



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STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 16 day of JUNE, 2001, by Phil Babcock, as President of Sabal Grove Homeowners' Association, Inc., on behalf of the corporation who produced Florida Drivers License as identification and did not take an oath.

*Mary Beth McNeal*  
NOTARY PUBLIC, State of Florida at Large  
My Commission Expires:



STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 16 day of June, 2001, by Larry M. Henshaw, Secretary of Sabal Grove Homeowners' Association, Inc., on behalf of the corporation who produced Florida Drivers License as identification and did not take an oath.

Mary Beth McNeal  
NOTARY PUBLIC, State of Florida at Large  
My Commission Expires:



  
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