



CFN:99150838

07-29-99 11:17 am

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THIS INSTRUMENT PREPARED BY:

John H. Evans, Esquire
1702 South Washington Avenue
Titusville, Florida 32780

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 13.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

**FIRST AMENDMENT TO THE SUPPLEMENTAL DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BAYTREE GOLF & COUNTRY CLUB RELATING TO TURNBERRY**

This First Amendment to the Supplemental Declaration made this 27 day of July, 1999, by Baytree Development Joint Venture, a Florida joint venture the "Declarant"). The initial Declarant, Baytree Golf & Country Club, Ltd. has assigned its rights, as Declarant, to Baytree Development Joint Venture, a Florida joint venture, by Assignment of Declarant's and Other Rights dated the 1st day of May, 1995, and recorded in Official Records Book 3983, Page 0727, Public Records of Brevard County, Florida.

STATEMENT OF BACKGROUND INFORMATION

A. Terms used as defined terms herein without definitions shall have the meaning ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Baytree Golf & Country Club, as recorded in official Records Book 3324, Page 2673, et. seq., of the Public Records of Brevard County, Florida, as same may be amended from time to time (the "Declaration") and

B. Declarant has heretofore declared that the Property shall be held, sold, conveyed and encumbered by the Supplemental Declaration recorded in Official Records Book 3330, Page 3405, Public Records of Brevard County, Florida, adding the subdivision Turnberry to the Baytree Golf & Country Club;

C. The Declaration permits the Declarant to amend and supplement the Declaration and Supplemental Declaration;

D. Owners of the Turnberry Neighborhood met on January 20, 1999 to approve the amendments and recommend their approval by the Declarant.

E. Declarant desires to amend the Declaration and Supplemental Declaration.

--- denotes Deletion
--- denotes Addition

STATEMENT OF DECLARATION

Article 2, STATEMENT OF DECLARATION, shall be amended to read as follows:

2. Deep Wells. ~~Each Lot within Turnberry shall share a deep well with an adjacent Lot. Each deep well is hereby designated as Common Property. The cost of maintenance and repair thereof shall be assessed against all Turnberry Lots as a Benefit Assessment. Deep wells used for irrigation shall be maintained by the Lot Owners who are or will be serviced by the deep wells. Costs of operation and maintenance of a deep well shall be shared equally by the Lot Owners who use the deep well. If a Lot Owner has a well serving only his Lot, then the Lot Owner will be solely responsible for all costs of operation and maintenance.~~

Article 6, STATEMENT OF DECLARATION, shall be amended to read as follows:

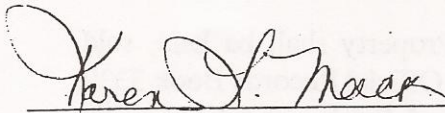
6. Roofs. ~~Each Owner shall be responsible for roof maintenance in the manner prescribed by the ARC. The Association shall determine when and which roofs shall be repaired or replaced and determine the type and color to be used, assessing the costs thereof against all Turnberry Lots upon which improvements are completed as a Benefit Assessment.~~

IN WITNESS WHEREOF, this First Amendment to Supplemental Declaration has been executed as of the day and year first above written.

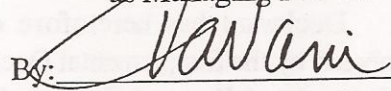
Witnesses:

BAYTREE DEVELOPMENT JOINT VENTURE

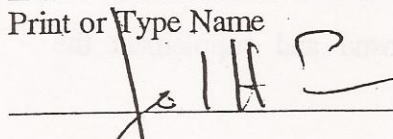
By: S & S Enterprises, Inc.
as Managing Partner



Karen L. Mack

By: 

Thomas A. Vani, as President

Print or Type Name


John H. Evans

Print or Type Name



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STATE OF FLORIDA
COUNTY OF BREVARD

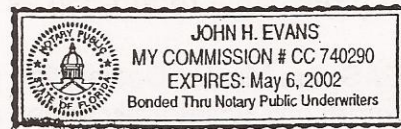
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments; personally appeared Thomas A. Vani, as President of S & S Enterprises, Inc., as Managing Partner of Baytree Development Joint Venture, on behalf of the Joint Venture, described in and who executed the foregoing instrument, who acknowledged before me that he/she executed the same. Said person(s) is/are personally known to me. Said person(s) provided a Driver's License as identification.

WITNESS my hand and seal in the County and State last aforesaid this 27th day of July, 1999.

[SEAL]

[7/12/99]


Notary Signature



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