

Prepared by and return to:  
J. Andrew Hagan, Esquire  
2379 Beville Road  
Daytona Beach, Florida 32119

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
AND RESTRICTIONS FOR WOODHAVEN**

**THIS FIRST AMENDMENT** to that certain Declaration of Covenants and Restrictions for Woodhaven (this "**Amendment**") is made effective as of this 3<sup>rd</sup> day of March, 2020, by MHK of Volusia County, Inc. ("**Developer**").

**Recitals**

A. The Declaration of Covenants and Restrictions for Woodhaven was recorded on recorded March 11, 2019, in Official Records Book 7666, Page 4153, public records of Volusia County, Florida (the "**Declaration**"). Unless the context otherwise requires, any capitalized term not defined but used herein shall have the meaning given to such word or words in the Declaration.

B. The Declaration encumbers certain real property as described in the Declaration.

C. Section 13.7 of the Declaration provides that prior to turnover of control of the Association from the Developer, the Declaration may be amended at any time by the Developer upon the execution and recordation of an instrument executed by Developer, for so long as Developer holds title to any Lot or Parcel.

D. As of the date of this Amendment, the Developer holds title to Lots and Parcels.

**Amendment**

NOW, THEREFORE, in consideration of the premises and by virtue of the authority as hereinabove set forth, the Declaration is amended as follows:

1. Section 10.10 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 10.10 **Trees and Landscaping**. No tree or shrub, the trunk of which exceeds six (6) inches in diameter one (1) foot above the ground, shall be cut down, destroyed or removed from a Lot without the prior express written consent of the Developer. Landscaping within the side yard shall be limited to a single, three-gallon (3 gal.) shrub on the street side of the a/c condenser or any other mechanical equipment so as not to impede side yard drainage.

2. Section 10.11 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 10.11 **Signs**. No sign shall be displayed to the public view on any Lot except as may be approved as to size and design and in accordance with

criteria established by the Developer. Builder, Realtor and "For Sale by Owner" signage shall comply with Exhibit A attached to this Amendment. Political signs supporting a candidate or issue, to be voted upon in an upcoming election, may be displayed in accordance with City ordinance.

3. Section 10.14 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 10.14     **Fences and Walls.** No fence or wall shall be permitted without written approval of the Developer or Architectural Review Board (ARB). No fence or wall shall be installed so as to disrupt or block the flow of storm-water drainage. Fences and walls may not be placed within a drainage easement containing a drainage swale. Fences shall be a maximum of Seventy-Two (72") inches in height; must be made of powder-coated aluminum, wrought iron or steel; must be designed with pickets spaced no less than 4"; and, must be black in color. Fences installed as a pool enclosure or deck enclosure, within close proximity to the pool or deck may be opaque, white or beige PVC, or white, black or beige powder-coated aluminum, wrought iron or steel.

Fences may not be placed in the front yard. Fences may not be placed forward of the rear corners of the house unless an adjacent property owner has installed an approved fence to the side property line previously. In that instance, the point at which the previously installed fence intersects with the side property line shall dictate the furthest point forward the new fence may be installed. If an approved fence has not been installed to the side lot line on the adjacent lot, the new fence shall be installed no further forward of the rear corner of the house which shall be defined as the most rearward living area, closest to the side property line. Fences on corner lots shall not protrude into the side-corner building set-back area. Owners may be required to install gates in order to insure accessibility for maintenance within the entire property boundary.

Masonry walls or PVC opaque privacy fences up to Seventy-two (72") inches in height may be allowed on Lots 1 - 84 and 147 - 178 with specific approval of the Developer or ARB. Opaque PVC fences and masonry walls may not be located forward of the rear corner of the house. Opaque PVC fences and masonry walls may not be placed less than 5 ft. from the side property line. The rear corner of the house shall be determined to be the most rearward living area, closest to the side property line. Opaque PVC fences must be white or beige in color. Masonry walls must be constructed of the same exterior material and painted the same color of the residence.

- 4. Section 10.17 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 10.17 **Pools, Spas, Hot Tubs and Screen Enclosures.** Screen enclosures shall not be placed in the "side yard". The "side yard" shall be considered the area outside the extended plane of the walls of the house closest to the side property line. Above-ground pools are prohibited. Above-ground spas and hot tubs are prohibited, unless enclosed within a screen enclosure.

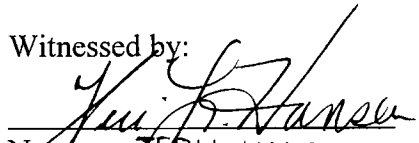
- 5. Section 10.29 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 10.29 **Mechanical Equipment.** Air conditioning condensers, propane tanks and other mechanical equipment must be set-back a minimum of 20 ft. behind the front building corner. Air conditioning condensers, propane tanks and other mechanical equipment must be located so as to provide a minimum of 8 ft. of separation from similar equipment located on an adjacent lot.

4. Except as specifically modified herein, the Declaration shall remain in full force and effect in accordance with its terms.

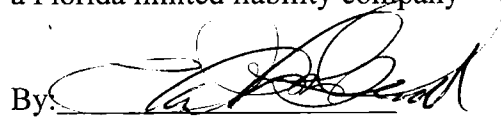
**IN WITNESS WHEREOF**, the Developer has executed this Amendment as of the day and year first above written.

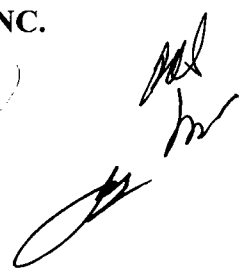
Witnessed by:

  
 Name: TERIL L. HANSEN

  
 Name: BETH MILLER

**MHK OF VOLUSIA COUNTY, INC.**  
 a Florida limited liability company

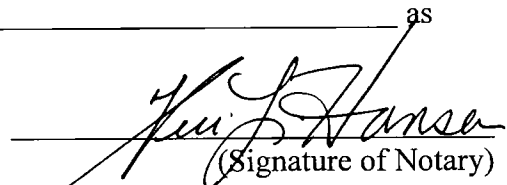
By:   
 Charlene B. Irland,  
 Vice President



STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 3rd day of March, 2020 by Charlene B. Irland, as Vice President of MHK of Volusia County, Inc., a Florida corporation on behalf of the corporation. She is  personally known to be or  produced \_\_\_\_\_ as identification.

{Notary Seal must be affixed}

  
(Signature of Notary)

TERI L. HANSEN

(Print Name of Notary Public)

Notary Public, State of Florida

My Commission Expires: May 3, 2020

Commission No.: FF964698

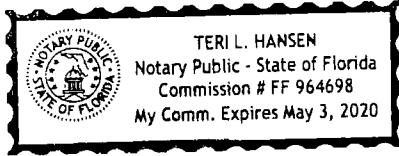


Exhibit "A"



## Community Signage Standards

Standard sign color is PMS 2767 or CMYK 100/87/42/42 with white type. Color of signs may vary depending upon community color theme, with approval. For instance Plantation Bay signs are PMS 3308C or CMYK 89/47/83/59. No other signage will be permitted. Signs must be placed on the lot (not in ROW).

**Only one sign per lot at any given time.**



### Sales Center Signage

(One sign and one flag)

6' x 4' x .25" double sided face  
Vinyl PVC post with decorative toppers if desired

Maximum height of 70" to the top of the sign  
*Parallel to the road*

**Lot Marker**  
9" x 12"; 1-sided  
Corrugated Plastic  
on wire H stake or  
Spider Stake



*Parallel to road*

**LM w/ Sold Sticker**  
9" x 12"; 1-sided  
Corrugated Plastic  
on wire H stake or  
Spider Stake



*Parallel to road*

**SPECIALTY SIGNAGE**



*Parallel to road*

### Resale Signage

16" x 16" x .125  
1-sided; Aluminum Lam.  
Face Printed/Cut Vinyl  
2" x 2" x 40" square  
white aluminum post  
(Max. height of  
48" to top of sign)



*Parallel to road*

### Model Home Signage

12" x 12" x .125  
1-sided; Aluminum Lam.  
Face Printed/Cut Vinyl  
2" x 2" x 40" square white  
aluminum post.  
(Can also be oval in shape  
17.75" x 11.75")



### Open House Signage

16" x 16"  
2-sided; Day of Open House only  
Corrugated Plastic on wire  
H stake or Spider Stake  
*Perpendicular to road*

### Quick Move-In Signage 16" x 16"

2-sided; Corrugated Plastic on wire H stake or  
Spider Stake. *Perpendicular to road*



### Sold Sign

9" x 12"; 2-sided  
Corrugated Plastic  
on wire H stake or  
Spider Stake  
*Perpendicular to  
road*