

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

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

THIS SECOND AMENDMENT to that certain Declaration of Covenants and Restrictions for Woodhaven (this "**Amendment**") is made effective as of this 16 day of June, 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. The First Amendment to Declaration of Covenants and Restrictions for Woodhaven was recorded on March 4th, 2020, in Official Records Book 7823, Page 4705, public records of Volusia County, Florida (the "**First Amendment**").

E. 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 10.14 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 must be powder-coated aluminum, wrought

iron or steel; must be designed with pickets spaced no less than 4"; and, must be black in color.

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.

- 2. 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:

Teril Hansen
Name: TERIL HANSEN

Carrie Janssen
Name: CARRIE JANSSEN

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

By: *Morteza Hosseini-Kargar*
Morteza Hosseini-Kargar
President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 16th day of June, 2020 by Morteza Hosseini-Kargar, as President of MHK of Volusia County, Inc., a Florida corporation on behalf of the corporation. He is personally known to me or produced _____ as identification.

{Notary Seal must be affixed}



Carrie Beth Janssen
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG160693
Expires 11/15/2021

Carrie Beth Janssen
(Signature of Notary)
CARRIE JANSSEN

(Print Name of Notary Public)
Notary Public, State of Florida

My Commission Expires: 11/15/2021
Commission No.: GG160693