

30630194

BOOK PAGE  
VOLUSIA COUNTY

AMENDMENT  
TO

DECLARATION OF COVENANTS AND RESTRICTIONS

The Townhomes At The Oceans  
A Subdivision located in  
Volusia County, Florida  
and

CLERK OF DISTRICT COURT  
VOLUSIA COUNTY, FLORIDA

*Handwritten signature*

Nov 23 8 08 AM '87

FILED FOR RECORD  
RECORD VERIFIED

150581

NOTICE OF PROVISIONS OF  
THE TOWNHOMES AT THE OCEANS HOMEOWNER'S ASSOCIATION, INC.

THIS AMENDMENT is made this 15<sup>th</sup> day of October, 1987,  
by Bellemead Development Corporation, a Delaware Corporation  
authorized to transact business in the State of Florida  
(hereinafter referred to as the "Declarant").

W I T N E S S E T H :

WHEREAS, the Declarant is the record owner in fee simple  
absolute of all of The Townhomes at the Oceans, a subdivision,  
as shown on plat recorded in Map Book 41, Pages 163 and 164, of  
the Public Records of Volusia County, Florida, and

WHEREAS, Declarant has previously caused a "DECLARATION OF  
COVENANTS AND RESTRICTIONS" concerning The Townhomes at the  
Oceans to be recorded in Official Records Book 3009, Pages 1084  
through 1141, of the Public Records of Volusia County, Florida,  
and

WHEREAS, Article VI of said Declaration reserves to the  
Developer, "the right to amend said Declaration until such time  
as the Class B membership is converted to Class A membership,  
the Class B membership has not been converted to Class A  
membership and

WHEREAS, the Developer, Bellemead Development Corporation,  
has the authority at this time to amend the Declaration of  
Covenants and Restrictions, and

WHEREAS, the Covenants and Restrictions as previously  
recorded contain certain scrivener's errors and ambiguities.

NOW, THEREFORE, Bellemead Development Corporation hereby  
makes the following Amendment to said Declaration of Covenants  
and Restrictions, The Townhomes at the Oceans, a Subdivision  
located in Volusia County, Florida and Notice of Provisions of  
the Townhomes at the Oceans Homeowner's Association, Inc.:

1. The first paragraph of Section 4.3.c. Building  
Exterior Maintenance and Painting Covenants. (recorded in  
Official Records Book 3009, Page 1096) is amended to read as  
follows:

"The exterior of each building is to be  
painted and maintained as one building,

including window casings and framing, doors, trim, and exterior wall and foundation surfaces (but not window glass) and each owner of a unit agrees with the owners of each other unit in the same building as follows:"

2. Exhibit "A-1" to the Declaration of Covenants and Restrictions, The Townhomes at the Oceans (recorded in Official Records Book 3009, Page 1111 is amended to be the same legal description as shown in Exhibit "A" to this Amendment to the Declaration of Covenants and Restrictions, per Affidavit recorded at Official Records Book 3040, Page 0130, Public Records of Volusia County, Florida.

IN WITNESS WHEREOF, Bellemead Development Corporation has executed the above and foregoing document this 15th day of October, 1987.

Bellemead Development Corporation

Amelia C. Stiggins

By [Signature] (SEAL)  
John Collins, Vice President

[Signature]

Attest: [Signature] (SEAL)  
Edward R. Clark, Secretary

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN COLLINS and EDWARD R. CLARK, well known to me to be the Vice President and Secretary, respectively, of the corporation named as BELLEMEAD DEVELOPMENT CORPORATION in the foregoing instrument, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the State and county last aforesaid, this 15th day of October, 1987.

Margaret Redman  
Notary Public, State of Florida  
at Large. My commission expires:

BMD41

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JULY 17, 1989  
BONDED THRU GENERAL INS. UNDO.

CERTIFICATE

BOOK PAGE  
VOLUSIA COUNTY  
FLORIDA

THIS IS TO CERTIFY THAT:

The foregoing Amendment to Declaration of Covenants and Restrictions, The Townhomes at The Oceans, a subdivision located in Volusia County, Florida and Notice of Provisions of The Townhomes at The Oceans Homeowner's Association, Inc., has been executed by the record owner of all property in said subdivision as reflected by the Official Records of the Townhomes at The Oceans Homeowner's Association, Inc.

Executed at Daytona Beach Shores, Volusia County, Florida, this 15<sup>th</sup> day of October, 1987.

THE TOWNHOMES AT THE OCEANS  
HOMEOWNER'S ASSOCIATION, INC.

By: [Signature]  
President

Attest: [Signature]  
Secretary

Witnesses:

[Signature]

[Signature]

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. DON HENDERSON and PAMELA C. HUGGINS well known to me to be the President and Secretary of The Townhomes at The Oceans Homeowner's Association, Inc., a nonprofit Florida corporation, and they severally acknowledged executing the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 15<sup>th</sup> day of October, 1987.

[Signature]  
Notary Public, State of Florida  
at Large. My commission expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. JULY 17, 1989  
BONDED THRU GENERAL INS. UND.

## COMMITTED PROPERTY

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VOLUSIA COUNTY  
FLORIDA

A portion of Block E, McElroy's Belleview Subdivision, as recorded in Map Book 11, page 98, Public Records of Volusia County, Florida, and also being a portion of that property lying easterly and southerly of Oceans West Blvd., a 50 ft. street as shown on amended plat of Oceans West, a Planned Unit Development (P.U.D.), as recorded in Map Book 39, pages 6 to 11, inclusive, Public Records of Volusia County, Florida, subject property being more particularly described as follows:

From a point of reference, being the northwest corner of said Oceans West, a Planned Unit Development; thence along the northerly and easterly boundary thereof the following courses and distances; N 89° 33' 11" E a distance of 614.99 feet; S 27° 22' 00" E a distance of 177.58 feet, S 83° 47' 30" E a distance of 60.01 feet; S 27° 22' 00" E a distance of 284.49 feet to a point of curvature on the easterly right-of-way line of said Oceans West Blvd. and the Point of Beginning of the land to be described; thence continue S 27° 22' 00" E along said easterly right-of-way line and easterly boundary of said oceans West P.U.D., a distance of 306.66 feet to a point of curvature of a curve concave northeasterly; thence southeasterly along said right-of-way and curve to the left, said curve having a central angle of 42° 04' 06", radius of 100.00 feet, an arc distance of 73.44 feet to the point of tangency thereof; thence S 69° 26' 46" E along said right-of-way line and easterly boundary line of said Oceans West P.U.D. a distance of 18.50 feet to a point of curvature concave southwesterly; thence southerly along said right-of-way and curve to the right, said curve having a central angle of 45° 00' 00", radius of 150.00 feet, an arc distance of 117.81 feet to the point of tangency thereof; thence S 24° 26' 46" E along said right-of-way and easterly boundary line a distance of 250.00 feet to a point thereon; thence N 65° 33' 14" E departing said right-of-way of Oceans West Blvd. and easterly boundary of said Oceans West P.U.D., a distance of 140.00 feet; thence N 24° 26' 46" W, parallel to said oceans West Blvd. and easterly boundary line a distance of 340.00 feet; thence N 49° 00' 00" W a distance of 219.85 feet; thence N 27° 22' 00" W, parallel to said Oceans West Blvd. and easterly boundary line, a distance of 259.57 feet to the southerly right-of-way of said Oceans West Blvd., thence S 89° 33' 11" W along said southerly right-of-way line a distance of 34.82 feet to a point of curvature of a curve concave southerly; thence westerly and southerly along said right-of-way and curve to the left, said curve having a central angle of 116° 55' 00", radius of 75.00 feet, an arc distance of 153.05 feet to the point of tangency thereof and the point of beginning, containing 2.76 acres, more or less.

EXHIBIT "A" TO  
AMENDMENT TO DECLARATION OF  
COVENANTS AND RESTRICTIONS

CHANGE OF AMENDMENTS  
TO BY-LAWS OF  
THE TOWNHOMES AT THE OCEANS  
HOMEOWNERS ASSOCIATION, INC.

02/05/1996 13:46  
Instrument # 96019364  
Book: 4075  
Page: 2447  
Diane M. Matousek  
Volusia County, Clerk of Court

TO: Clerk of the Circuit Court, Volusia County, Daytona Beach, FL 32114  
REF: Amend Instrument #094049

1. Official Record 3009 page 1096

- Amend ARTICLE IV, Section 4.3c.B. Building Exterior Maintenance and Painting Covenants (Page 13) of the Declarations as follows:

Section 4.3.c.B. : The exterior of each building shall be painted at least every ~~four (4)~~ years seven (7) years or more frequently, if, in the opinion of the Board, the condition of the exterior is in a deteriorating condition or its appearance detracts from the neighborhood.

2. Official Record 3009 page 1129 - Unit II Supplement to Declaration of Covenants and Restrictions

- Amend ARTICLE VIII, Section 3. OFFICERS (Page 7) of the BY-LAWS by making the substantial changes to the following paragraph

Section 3. Term. For the election of 1996 Directors, two (2) shall be elected for two (2) year terms and three (3) Directors shall be elected for a one (1) year term. Thereafter, Directors shall be elected for a term of two (2) years each. Even years, two (2) Directors elected. Odd years, three (3) Directors elected. Directors shall hold office until his successor is duly elected and qualified, unless he shall sooner resign, or shall be removed, or otherwise be disqualified to serve.

We The Board of Directors of The Townhomes at the Oceans, Homeowners Association attest to the fact that we did receive a (  $\frac{3}{4}$  ) affirmative vote on the above amendment changes. We request the above changes be duly recorded in the official record book of Volusia County.

President: Clare Kirkump Date 2/1/96  
Secretary: Jan E. Brandenino Date 1/31/96  
Treasurer: D. A. DeLoe Date 1/31/96

WITNESS my hand and official seal in the State and county last aforesaid, this 31 day of JANUARY, 1996

Maria L. Fisher

Notary Public, State of Florida  
at Large. My commission expires:



MARIE H. FISKE  
MY COMMISSION # CC481588 EXPIRES  
July 18, 1999  
BONDED THRU TROY FAIR INSURANCE, INC.

019364

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VOLUSIA CO. FL

SECOND AMENDMENT  
TO

DECLARATION OF COVENANTS AND RESTRICTIONS

The Townhomes At The Oceans,  
A Subdivision located in  
Volusia County, Florida  
and

NOTICE OF PROVISIONS OF  
THE TOWNHOMES AT THE OCEANS HOMEOWNER'S ASSOCIATION, INC.

THIS AMENDMENT to the Declaration of Covenants and Restrictions, The Townhomes at the Oceans, A Subdivision located in Volusia County, Florida, and Notice of Provisions of the Townhomes at the Oceans Homeowner's Association, (the Declaration) is made on the date hereinafter set forth, by Bellemead Development Corporation, a Delaware Corporation authorized to transact business in the State of Florida (hereinafter referred to as the "Declarant").

W I T N E S S E T H :

WHEREAS, Declarant caused the Declaration and exhibits to be executed on July 15, 1987 and recorded on July 17, 1987, in Official Records Book 3009, pages 1084 through 1191, Public Records of Volusia County, Florida and the Amendment thereto dated October 15, 1987, to be recorded November 23, 1987, in Official Records Book 3063, page 194 through 197, Public Records of Volusia County, Florida, and the Unit II Supplement thereto dated September 1, 1988, to be recorded on September 3, 1988, in Official Records Book 3190, pages 1512 through 1514, Public Records of Volusia County, Florida; and

WHEREAS, Article 6 of the Declaration as Amended and Supplemented reserves for the Developer the right to amend said Declaration until such time as the Class B membership is converted to Class A membership; and

WHEREAS, the Class B membership has not yet been converted to Class A membership; and

WHEREAS, the Declarant, Bellemead Development Corporation, has the authority at this time to amend the Declaration of Covenants and Restrictions.

NOW, THEREFORE, Bellemead Development Corporation hereby makes the following Amendments to said Declaration of Covenants and Restrictions, The Townhomes at the Oceans, a Subdivision located in Volusia County, Florida and Notice of Provisions of the Townhomes at the Oceans Homeowner's Association, Inc.:

FILED FOR RECORD  
RECORD VERIFIED  
093772

89 JUN 18 AM 8:19  
CLERK CIRCUIT COURT  
VOLUSIA CO., FL  
*W. J. Smith*

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VOLUSIA CO. FL

1. Amend Article 2 of the Declaration by adding thereto Section 2.26 as follows:

Section 2.26 - "The addition or construction of Florida rooms or enclosed screen porches on any of the lots or dwelling units located on the real property is expressly prohibited. For so long as Declarant, its successors and assigns, shall own or have continuing responsibilities for any real property adjacent to the Committed Property, the deletion of such restriction shall not be permitted as it would prejudice the rights of the Declarant in violation of Article 6 of the Declaration."

2. Amend Article 2 of the Declaration, Restrictive Covenants, by adding thereto Section 2.27 as follows:

"Section 2.27 - There is hereby established and reserved for the Declarant, its successors and assigns, a landscape maintenance and signage easement upon, across, over, through and under, the property described as the easterly 30 feet and the southerly 30 feet of the plat of record for the Townhomes at the Oceans Unit II, as recorded in Map Book 42, pages 80 and 81, Public Records of Volusia County, Florida, which shall permit, but not require, the Declarant to maintain the landscaping located thereon and to allow the Declarant to locate signs and advertisements thereon, whether or not related to the development of the Committed Property."

IN WITNESS WHEREOF, Bellemead Development Corporation has executed the above and foregoing document this 10th day of July, 1989.

Bellemead Development Corporation

Samela C. Huggins

By John Collins, Vice President

Edward R. Clark

Attest: Edward R. Clark, Secretary



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VOLUSIA CO. FL

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN COLLINS and EDWARD R. CLARK, well known to me to be the Vice President and Secretary, respectively, of the corporation named as BELLEMEAD DEVELOPMENT CORPORATION in the foregoing instrument, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the State and county last aforesaid, this 10th day of July, 1989.

*Margaret Redmond*  
Notary Public, State of Florida  
My commission expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JULY 17, 1993  
BONDED THROUGH GENERAL INS. UNDO.



BMD98



BOOK PAGE  
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CERTIFICATE

VOLUSIA CO. FL

THIS IS TO CERTIFY THAT:

The foregoing Second Amendment to Declaration of Covenants and Restrictions, The Townhomes at The Oceans, a subdivision located in Volusia County, Florida and Notice of Provisions of The Townhomes at The Oceans Homeowner's Association, Inc., has been duly executed by the Declarant as reflected by the Official Records of the Townhomes at The Oceans Homeowner's Association, Inc.

Executed at Daytona Beach Shores, Volusia County, Florida, this 10th day of July, 1989.

THE TOWNHOMES AT THE OCEANS  
HOMEOWNER'S ASSOCIATION, INC.

By: R. Don Henderson  
President

Attest: Pamela C. Huggins  
Secretary

Witnesses:

Elaine Q. Jordan  
Margaret Redmond

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. Don Henderson and Pamela C. Huggins, well known to me to be the President and Secretary of The Townhomes at The Oceans Homeowner's Association, Inc., a nonprofit Florida corporation, and they severally acknowledged executing the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 10th day of July, 1989.

Margaret Redmond  
Notary Public, State of Florida  
at Large. My commission expires

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. JULY 17, 1993  
BONDED THRU GENERAL INS. USD.



BMD98  
GRP/cst

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