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Instrument # 95125065
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**AMENDMENT, FIRST,
TO
DECLARATION OF COVENANTS AND RESTRICTIONS
of
THE GOLF VILLAS AT CYPRESS HEAD**

THIS AMENDMENT, FIRST, by Pioneer Heights, Inc., a Florida corporation, its successors and assigns, ("Pioneer") and Cypress Head Partners, Inc., a Florida corporation, its successors and assigns, ("Partners") (hereinafter sometimes collectively referred to as "Owner" or "Owners") and Golf Villas Homeowner's Association, Inc., its successors and assigns (hereinafter "Association") joined by the undersigned mortgage holder of record.

WITNESSETH

WHEREAS, Pioneer is the fee simple title holder of Lots 5 through 20 and 31 through 68, inclusive; and, Partners is the fee simple title holder of Lots 1 through 4, and 21 through 30 and 69 through 74, inclusive; and, Association is the record title holder of the Common Areas, all of The Golf Villas at Cypress Head, per map thereof recorded in Plat Book 44, Page 185, Public Records of Volusia County, Florida; and

WHEREAS, First East Side Saving Bank is the owner and holder of a first mortgage recorded in Official Records Book 4009 page 3867 of the Public Records of Volusia County, Florida, encumbering Lots 1 through 4, inclusive, aforesaid; and,

WHEREAS, the parties hereto, being the owners of all the Lots and the Common Areas, desire to amend the Declaration as herein provided and as authorized by Article 13 of the Declaration, to further provide for the preservation of the values and to subject The Golf Villas at Cypress Head to the provisions of the Declaration as herein amended; and,

NOW, THEREFORE, the parties hereto hereby amend the Declaration which shall run with the Property.

**ARTICLE 1
DEFINITIONS AND MEANINGS**

The Definitions set forth in Article 1 of the Declaration as recorded in Official Records Book 3980, page 3530, Public Records of Volusia County, Florida, are applicable to this Amendment.

Paragraphs 1.10 and 1.11 are hereby amended to provide as follows:

1.10 "Declaration" means that certain instrument recorded in Official Records Book 3980 page 3530, Public Records of Volusia County, Florida, this Amendment, First, and any and all subsequent supplements or amendments hereto which shall be recorded in the Public Records of Volusia County, in the State of Florida.

1.11 "Documents" shall mean the Declaration, this Amendment, First, and all subsequent amendments, the Articles of Incorporation, the Rules and Regulations and the Bylaws of the Association.

**ARTICLE 6
LIEN RIGHTS AND OBLIGATIONS OF OWNERS**

Paragraph 6.1 of Article 6 is hereby amended to provide as follows:

6.1 Personal Obligation.

Each Lot Owner, regardless of how title was acquired, including purchaser at a judicial sale, is liable for all unpaid assessments applicable to the Lot and those which come due on the first day of the first month after acquiring the Lot; and, by acceptance of such deed, covenants and agrees to pay the annual operating assessment and any special assessments to the Association and such assessments shall be fixed, established and collected from time to time, as hereinafter provided. Each such assessment, together with interest thereon and the cost of collection thereof, shall also be the personal obligation of the person or entity that was the Lot Owner on the payment due date. A Mortgagee who acquires title to the Lot by foreclosure certificate or by deed in lieu of foreclosure is liable for the unpaid Common Expenses or Assessments that become due prior to the Mortgagee's receipt of title to the Lot; however, the Mortgagee's liability therefor shall be limited to one (1%) percent of the original principal indebtedness secured by Mortgagee's mortgage.

**ARTICLE 9
OTHER EASEMENTS**

Paragraph 9.5 is hereby amended to provide as follows:

9.5 Encroachments

In the event that any portion of a Dwelling or appurtenance thereto, including without limitation, roof overhangs, porch overhangs, bay window and lanai overhangs shall encroach upon the Common Areas or any adjoining Lot, for any reason, then an

easement shall exist to the extent of such encroachment. In the event a Dwelling shall be so substantially destroyed that the same must be reconstructed, such reconstruction may be effected on any existing and usable footers and floor slab, notwithstanding that such reconstruction shall result in a continuance of such encroachment(s).

All other provisions of the Declaration not in conflict the amendments herein contained are hereby ratified and approved and shall remain in full force and effect and binding upon the parties hereto their successors and assignees.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals for this Amendment, First, to Declaration on the days set forth in the following Acknowledgments, respectively.

Witnesses:

[Signature]
Print Name: _____

[Signature]
Print Name: Diane E. Helvey

Print Name: _____

[Signature]
Print Name: Diane M. Papp

Print Name: _____

[Signature]
Print Name: Diane M. Papp

Pioneer Heights, Inc.

By: [Signature]
Paul S. Justice, President

Cypress Head Partners Inc.

By: [Signature]
Print Name: Julia A. Schumann
Title: President

Golf Villas Homeowner's Association Inc.

By: [Signature]
Print Name: Julia A. Schumann
Title: President

FOR THE PURPOSES OF SUBORDINATING THE LIEN OF ITS FIRST MORTGAGE LOAN PERTAINING TO LOTS 1 THROUGH 4 INCLUSIVE, THE GOLF VILLAS AT CYPRESS HEAD, PER PLAT RECORDED IN PLAT BOOK 44 PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THE UNDERSIGNED HEREBY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THIS

AMENDMENT, FIRST, TO THE DECLARATION.

Witnesses

[Signature]
Print Name: LINDA SPEZZA

[Signature]
Print Name: SUSAN KALINOWSKI

First East Side Savings Bank

By: [Signature]
Print Name: DIANE RADDATZ
Title: PRESIDENT
(corporate seal)

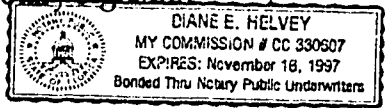
ACKNOWLEDGEMENTS

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY THAT, on this day before me, as a Notary Public duly authorized to take acknowledgments in the aforesaid County and State personally appeared Paul S. Justice, as President of Pioneer Heights, Inc., a Florida corporation, personally known to me and who, after taking an oath, executed the foregoing Amendment, First, to Declaration of Protective Covenants, Restrictions and Easements for The Golf Villas at Cypress Head and, that the seal affixed thereto is the corporate seal of said corporation and, that it was affixed to said instrument by due and regular corporate authority and, that said instrument is the free act and deed of said corporation.

WITNESS MY HAND AND OFFICIAL SEAL, this 15th day of July, 1995.

[Signature]
Notary Signature



~~ILLINOIS~~
STATE OF FLORIDA)
COUNTY OF COOK)

I HEREBY CERTIFY THAT, on this day before me, as a Notary Public duly authorized to take acknowledgments in the County of COOK, ~~FLORIDA~~, personally appeared DIANE RADDATZ as ILLINOIS ~~PRESIDENT~~ of East Side Saving Bank, a corporation, personally known to me and who executed the foregoing Amendment, First, to Declaration of Covenants and Restrictions of The Golf Villas at Cypress Head by due and regular corporate authority and, that said instrument is the free act and deed of said corporation.

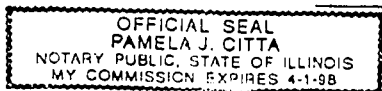
WITNESS MY HAND AND OFFICIAL SEAL, in the County of COOK and in the State of ~~Florida~~ this 15TH day of ~~July~~, 1995.

ILLINOIS

AUGUST

Notary Signature

[Signature]

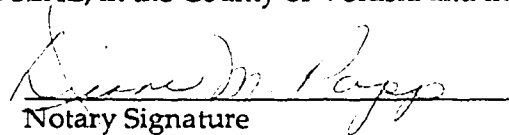


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Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY THAT, on this day before me, as a Notary Public duly authorized to take acknowledgments in the County of Volusia, Florida, personally appeared Julia Ann Schumann, as President of Cypress Head Partners, Inc., a Florida corporation, and as President of Golf Villas Homeowner's Association, Inc., a not-for-profit Florida corporation, personally known to me and who, after taking an oath, executed the foregoing Amendment, First, to Declaration of Covenants and Restrictions of The Golf Villas at Cypress Head and, that the seal affixed thereto is the corporate seal of said corporations and, that it was affixed to said instrument by due and regular corporate authority and, that said instrument is the free act and deed of said corporations.

WITNESS MY HAND AND OFFICIAL SEAL, in the County of Volusia and in the State of Florida this 19th day of July, 1995.


Notary Signature

