

RETURN TO:
ALLIANCE TITLE
730 E. STRAWBRIDGE AVE, SUITE 100
MELBOURNE, FL 32901

Instrument prepared by and return to:
Richard E. Larsen, Esq.
Larsen & Associates, P.A.
55 E. Pine Street
Orlando, FL 32801
(407) 841-6555



CFN 2005035194 02-02-2005 09:44 am
OR Book/Page: 5416 / 5035

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 14 #Names: 2
Trust: 7.50 Rec: 113.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

**FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
OF
THE LAKES AT VIERA EAST, A CONDOMINIUM**

WHEREAS, the Declaration of Condominium of Lakes at Viera East, A Condominium was recorded at Official Records Book 5410, Page 6290, Public Records of Brevard County, Florida (hereinafter "Declaration"); and

WHEREAS, a scrivener's error occurred on the plot plan and graphic description of the Condominium which inadvertently mis-identified or failed to identify certain parking, storage units and carports; and

WHEREAS, Section 21.7 of the Declaration allows the Association to amend the Declaration to correct such errors; and

WHEREAS, pursuant to Section 21.8 of the Declaration, Developer has the right to amend the Declaration and presently controls the Condominium Association.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The sheet entitled "4 of 52" contained in Exhibit "C" of the Declaration is deleted and replaced by the Sheet attached as Exhibit "A" to this Amendment.

2. The sheets entitled "44, 45, 46, 47, 48, 49, 50, and 51 of 52" as contained in Exhibit "D" of the Declaration are deleted and replaced by the sheets attached as composite Exhibit "B" to this amendment.

All other provisions of the Declaration remain unchanged or and remain in full force and effect.

I HEREBY CERTIFY that this Amendment to the Declaration of Condominium of

The Lakes at Viera East, A Condominium, was adopted on the _____ day of _____, 2005.

BENCHMARK GREENS AT VIERA ASSOCIATES LIMITED PARTNERSHIP

WITNESSES:

Benchmark Viera Properties, Inc., a Delaware Corporation, Its General Partner

Suzanne Martone
(Print Name): Suzanne Martone

BY: *John F. Rehak, Jr.*
John F. Rehak, Jr.
Title: Vice President

James L Semanchuk
(Print Name): James L Semanchuk

Date: 1-28-2005

STATE OF New York
COUNTY OF Erie

THE FOREGOING instrument was acknowledged before me this 28th day of January, 2005, by **John F. Rehak, Jr.**, as Vice President of Benchmark Viera Properties, Inc., who is personally known to me or produced identification (type of identification produced) _____ and who did/did not take an oath.

Deborah M. Slisz
Printed Name:
Notary Public - State of Florida
My Commission Expires:
Commission No.:

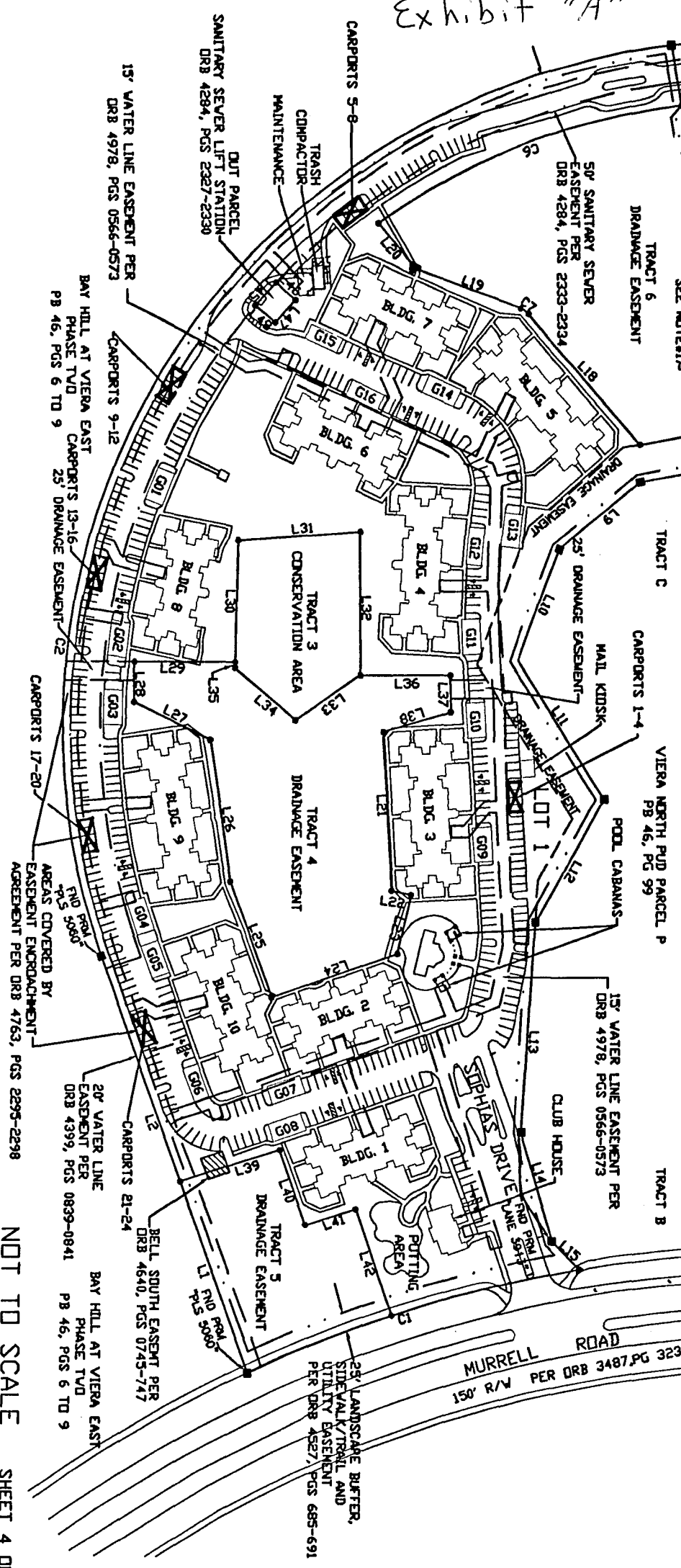
DEBORAH M. SLISZ
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires July 7, 2007



Exhibit "A"

LAKES AT VIERA EAST, A CONDOMINIUM GRAPHIC PLOT PLAN

DESCRIPTION:
 LOTS 1 AND 2, TRACTS 3, 4, 5, 6 AND 7, LAKES AT VIERA EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 49, PAGE 13 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE OUT PARCEL AS SHOWN ON SAID PLAT AND AS RECORDED IN OFFICIAL RECORDS BOOK 4284, PAGES 2327 THROUGH 2330 INCLUSIVE OF THE PUBLIC RECORDS OF BREVARD, COUNTY, FLORIDA.



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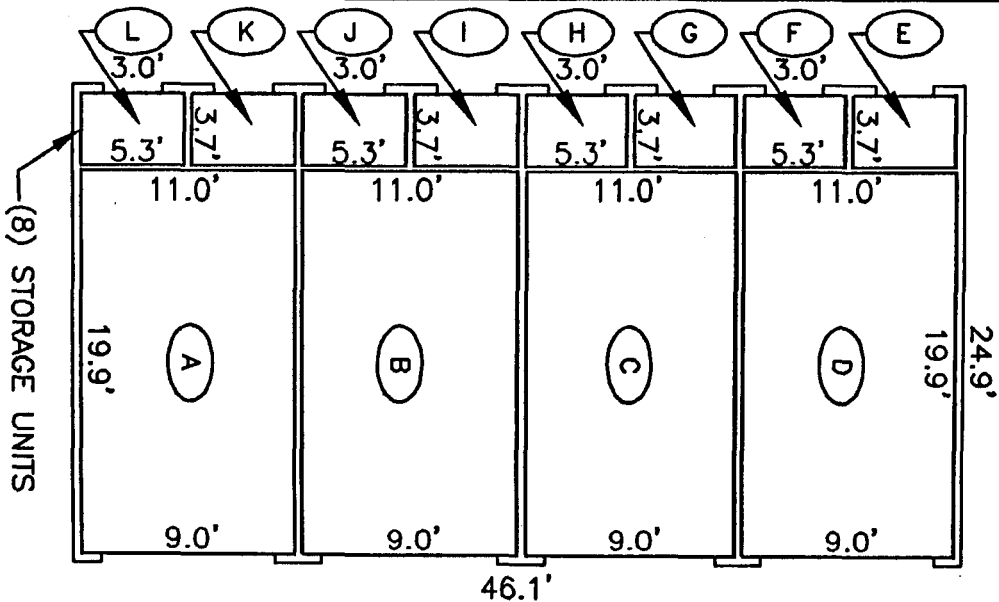
EXHIBIT "A" GRAPHIC PLOT PLAN	
DATE: 1/25/05	COMPUTER FILE 04-0052.DWG

NOT TO SCALE SHEET 4 OF 55

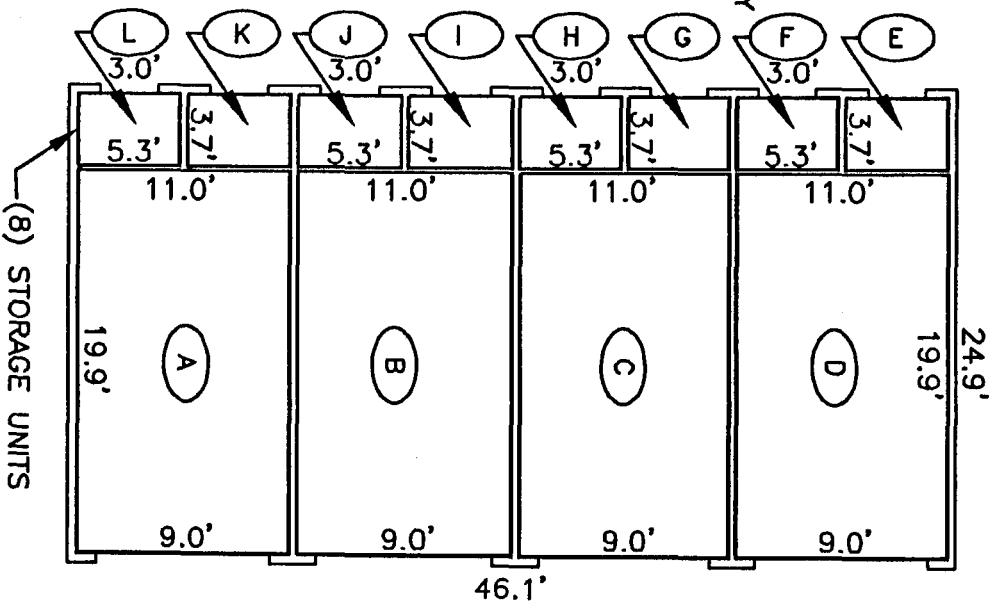
LAKES AT VIERA EAST, A CONDOMINIUM

GARAGES 1 & 2 FLOOR PLANS

GARAGE 01



GARAGE 02



SURVEYOR'S NOTES:
 1. GARAGE 01 FINISHED FLOOR ELEVATION IS 28.97 FEET.

2. GARAGE 01 FINISHED CEILING ELEVATION IS 37.37 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

4. (A) INDICATES THE UNIT NUMBER DESIGNATION.

SURVEYOR'S NOTES:
 1. GARAGE 02 FINISHED FLOOR ELEVATION IS 28.97 FEET.

2. GARAGE 02 FINISHED CEILING ELEVATION IS 37.37 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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EXHIBIT "A"
 GARAGES 1 AND 2



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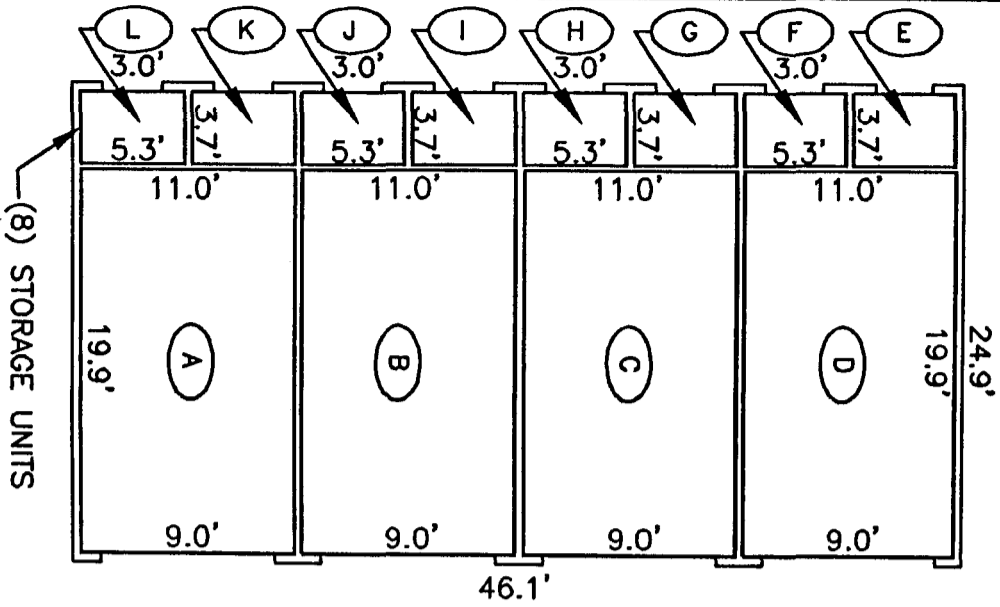
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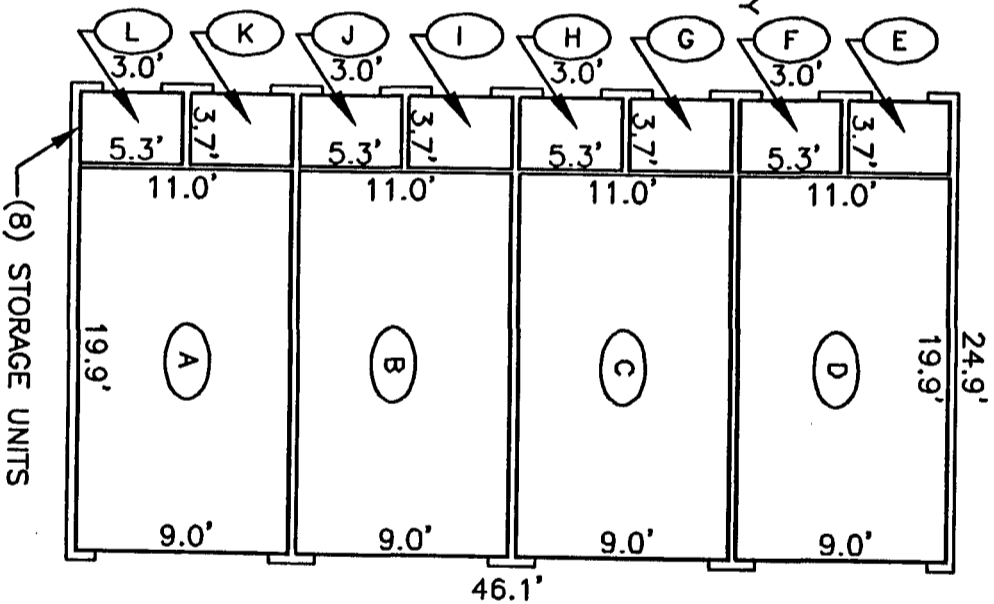
LAKES AT VIERA EAST, A CONDOMINIUM

GARAGES 3 & 4 FLOOR PLANS

GARAGE 03



GARAGE 04



- SURVEYOR'S NOTES:**
1. GARAGE 03 FINISHED FLOOR ELEVATION IS 28.98 FEET.
 2. GARAGE 03 FINISHED CEILING ELEVATION IS 37.38 FEET.

- SURVEYOR'S NOTES:**
1. GARAGE 04 FINISHED FLOOR ELEVATION IS 29.01 FEET.
 2. GARAGE 04 FINISHED CEILING ELEVATION IS 37.41 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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EXHIBIT "A"
GARAGES 3 AND 4



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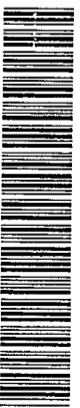
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LAKES AT VIERA EAST, A CONDOMINIUM

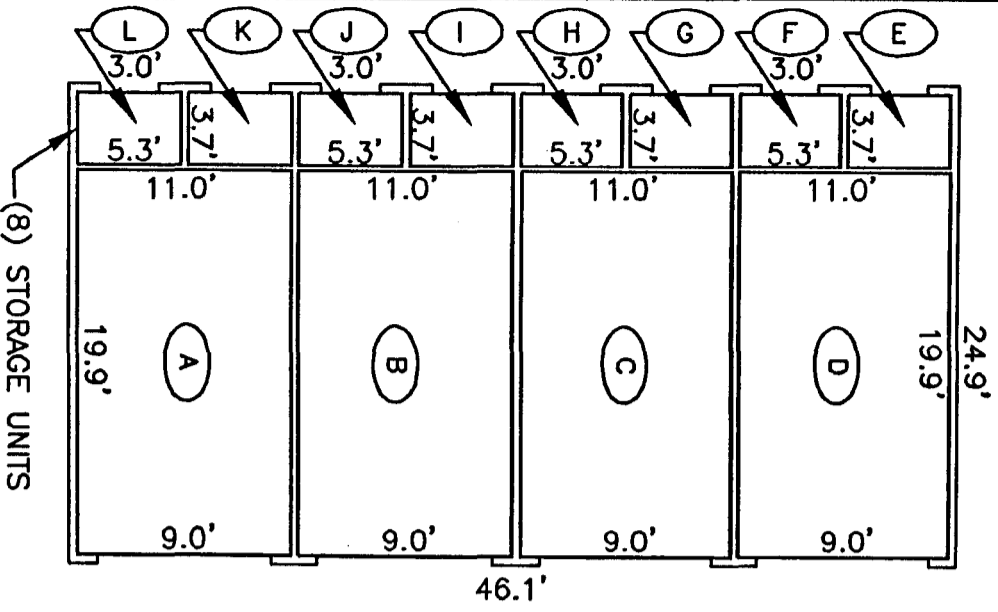
GARAGES 5 & 6 FLOOR PLANS

0405 / 9145

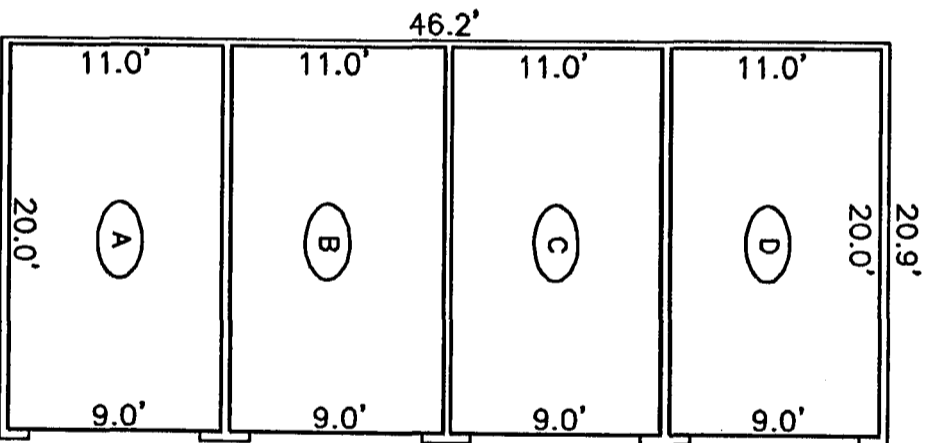
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GARAGE 05



GARAGE 06



- SURVEYOR'S NOTES:**
1. GARAGE 05 FINISHED FLOOR ELEVATION IS 29.02 FEET.
 2. GARAGE 05 FINISHED CEILING ELEVATION IS 37.42 FEET.

- SURVEYOR'S NOTES:**
1. GARAGE 06 FINISHED FLOOR ELEVATION IS 28.99 FEET.
 2. GARAGE 06 FINISHED CEILING ELEVATION IS 37.41 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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GARAGES 5 AND 6

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LAKES AT VIERA EAST, A CONDOMINIUM

GARAGES 7 & 8 FLOOR PLANS

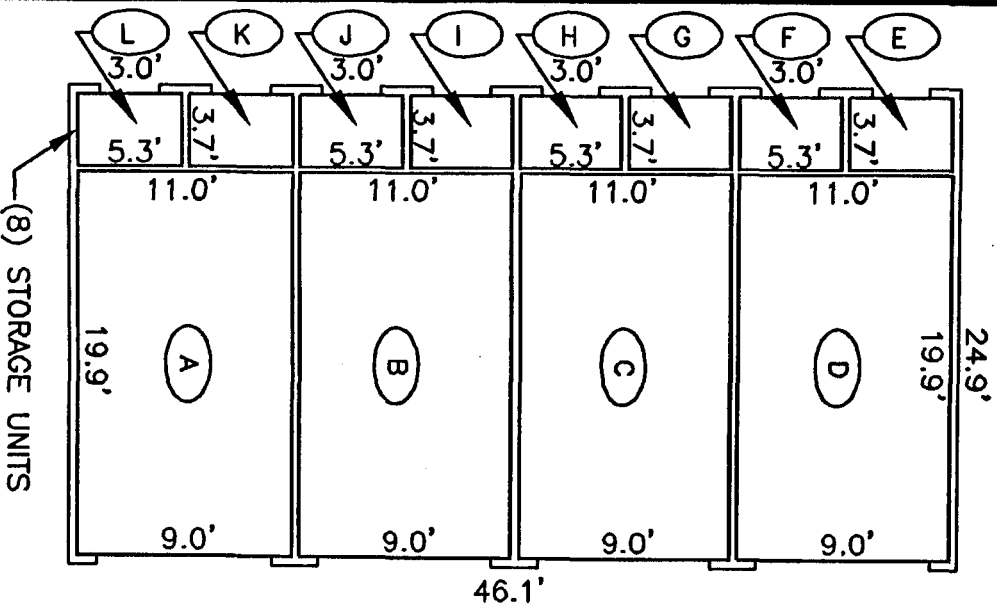
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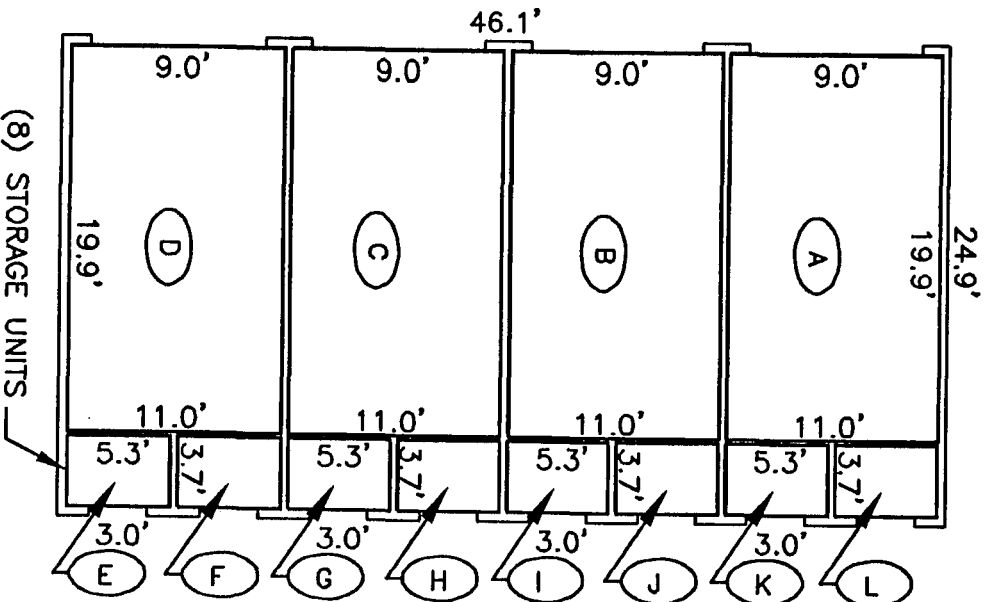


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GARAGE 07



GARAGE 08



SURVEYOR'S NOTES:
 1. GARAGE 07 FINISHED FLOOR ELEVATION IS 29.03 FEET.

2. GARAGE 07 FINISHED CEILING ELEVATION IS 37.43 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

4. (A) INDICATES THE UNIT NUMBER DESIGNATION.

SURVEYOR'S NOTES:
 1. GARAGE 08 FINISHED FLOOR ELEVATION IS 29.03 FEET.

2. GARAGE 08 FINISHED CEILING ELEVATION IS 37.43 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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EXHIBIT "A"
GARAGES 7 AND 8

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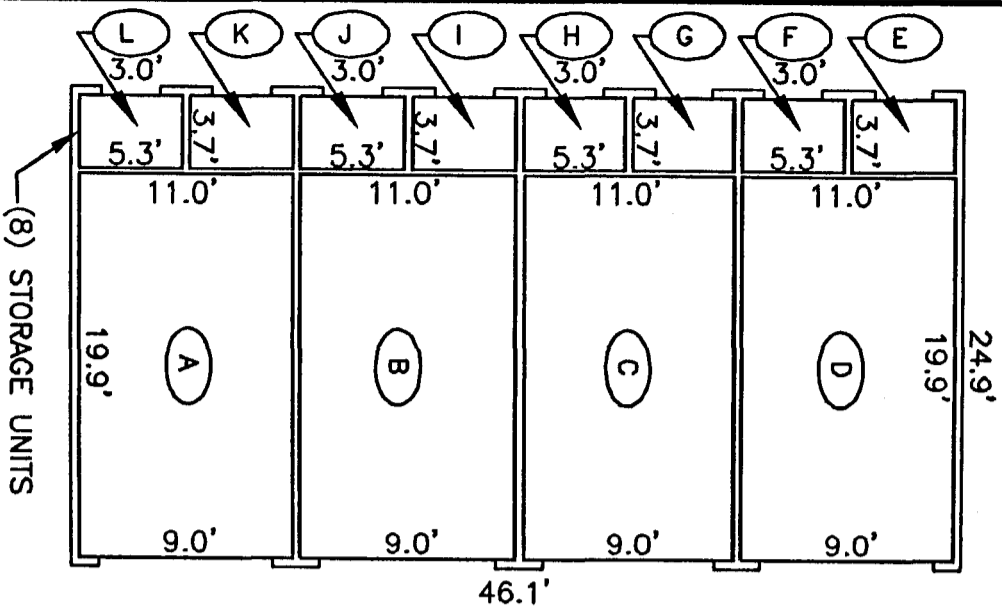
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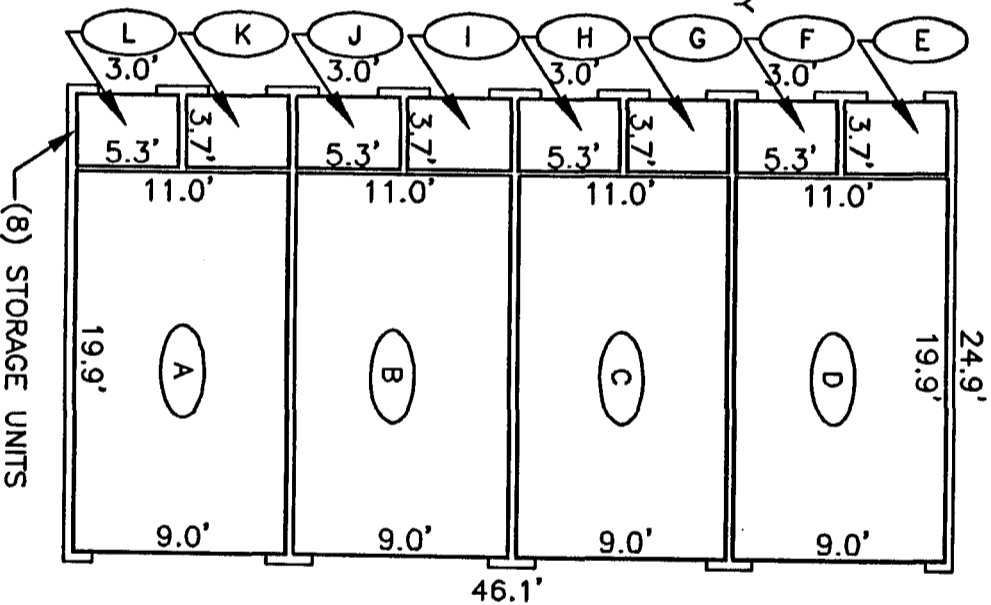
LAKES AT VIERA EAST, A CONDOMINIUM

GARAGES 9 & 10 FLOOR PLANS

GARAGE 09



GARAGE 10



- SURVEYOR'S NOTES:**
1. GARAGE 09 FINISHED FLOOR ELEVATION IS 29.03 FEET.
 2. GARAGE 09 FINISHED CEILING ELEVATION IS 37.43 FEET.

- SURVEYOR'S NOTES:**
1. GARAGE 10 FINISHED FLOOR ELEVATION IS 29.02 FEET.
 2. GARAGE 10 FINISHED CEILING ELEVATION IS 37.42 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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GARAGES 9 AND 10



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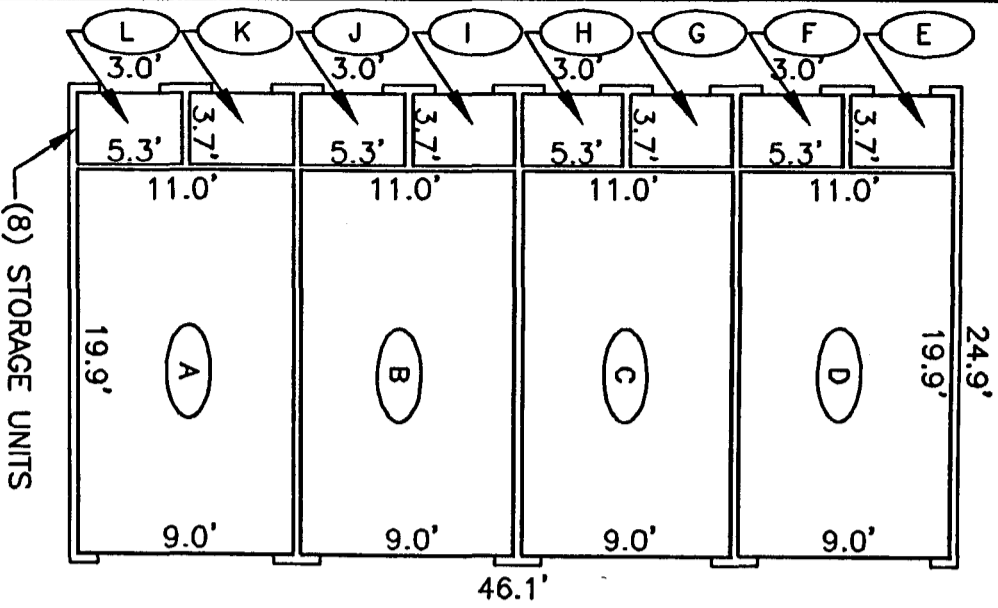
GARAGES 11 & 12 FLOOR PLANS

3705 / 9175

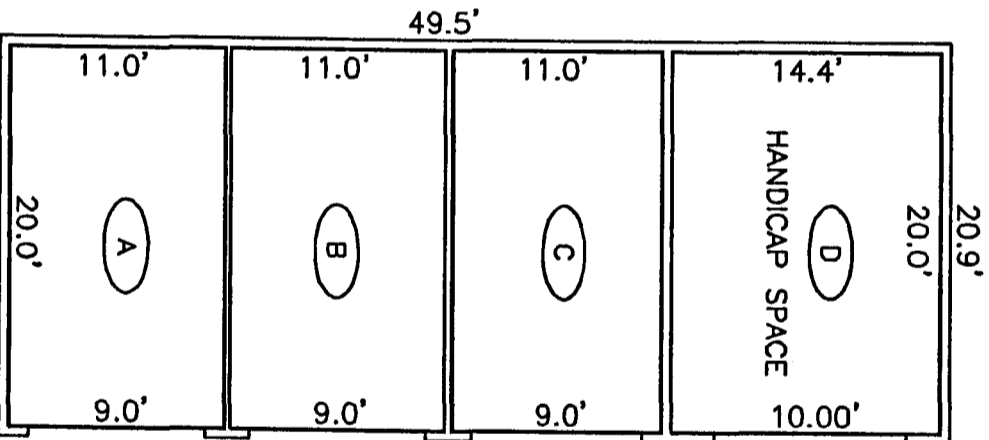
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GARAGE 11



GARAGE 12



SURVEYOR'S NOTES:
1. GARAGE 11 FINISHED FLOOR ELEVATION IS 29.03 FEET.

2. GARAGE 11 FINISHED CEILING ELEVATION IS 37.43 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS, OR SPACES ARE COMMON ELEMENTS.

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SURVEYOR'S NOTES:
1. GARAGE 12 FINISHED FLOOR ELEVATION IS 28.97 FEET.

2. GARAGE 11 FINISHED CEILING ELEVATION IS 37.44 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS, OR SPACES ARE COMMON ELEMENTS.

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GARAGES 11 AND 12

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LAKES AT VIERA EAST, A CONDOMINIUM

GARAGES 13 & 14 FLOOR PLANS

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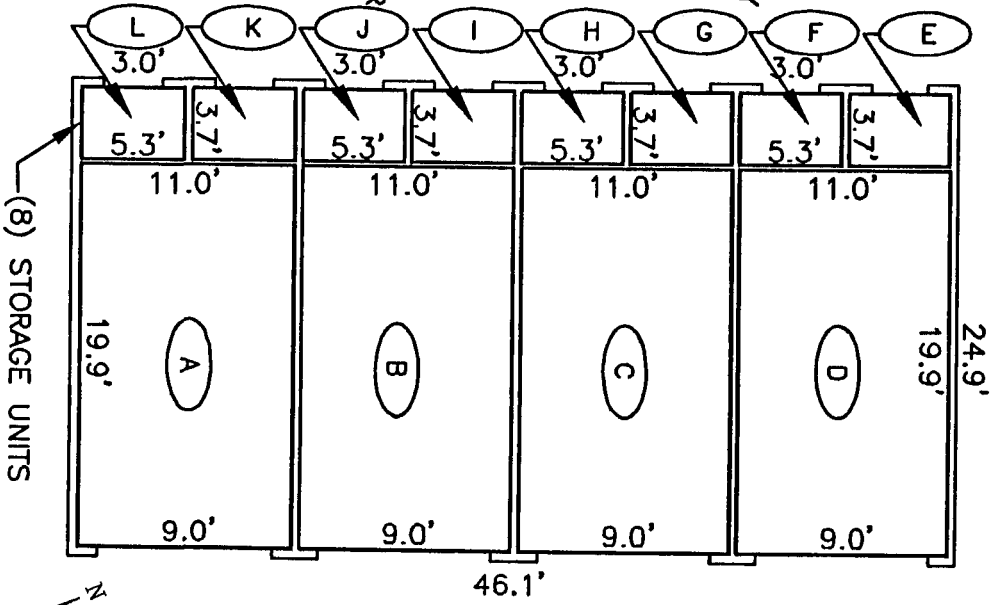
GARAGE 14

SURVEYOR'S NOTES:

1. GARAGE 14 FINISHED FLOOR ELEVATION IS 28.99 FEET.
2. GARAGE 14 FINISHED CEILING ELEVATION IS 37.39 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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GARAGE 13

SURVEYOR'S NOTES:

1. GARAGE 13 FINISHED FLOOR ELEVATION IS 29.00 FEET.
2. GARAGE 13 FINISHED CEILING ELEVATION IS 37.40 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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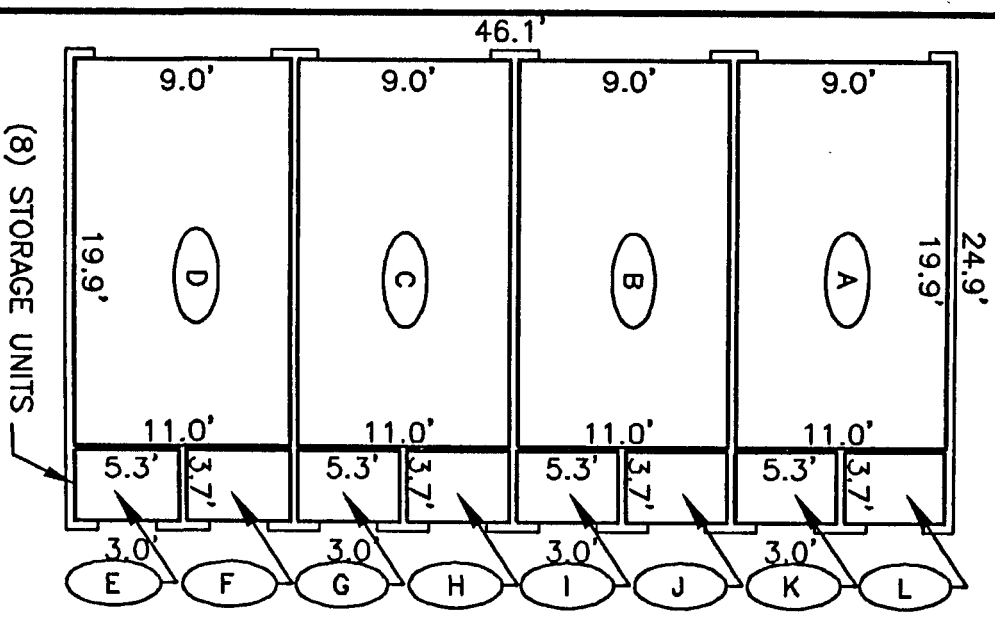


EXHIBIT "A"
GARAGES 13 AND 14



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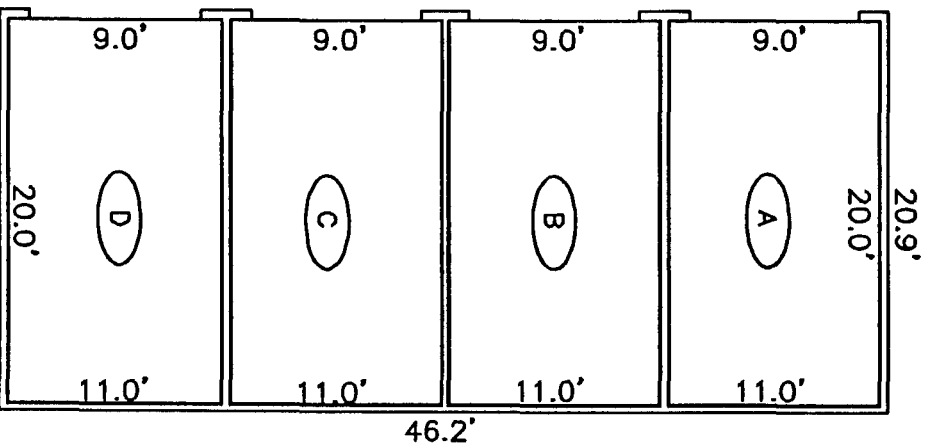
GARAGES 15 & 16 FLOOR PLANS

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GARAGE 16

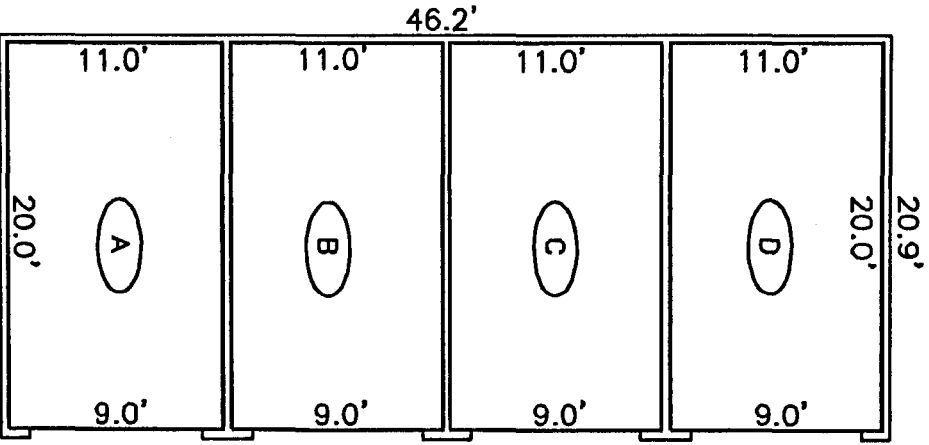


- SURVEYOR'S NOTES:**
1. GARAGE 16 FINISHED FLOOR ELEVATION IS 29.00 FEET.
 2. GARAGE 16 FINISHED CEILING ELEVATION IS 37.42 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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GARAGE 15



- SURVEYOR'S NOTES:**
1. GARAGE 15 FINISHED FLOOR ELEVATION IS 29.02 FEET.
 2. GARAGE 15 FINISHED CEILING ELEVATION IS 37.44 FEET.

3. UNIT BOUNDARIES ARE DEFINED BY THE DECLARATION OF CONDOMINIUM OF LAKES AT VIERA EAST, A CONDOMINIUM THAT IS EVERYTHING FROM THE UNFINISHED DRYWALL INWARD. ALL OTHER IMPROVEMENTS DEPICTED HEREON CONSTITUTE COMMON ELEMENTS. ALL HALLWAYS, WALKWAYS, JANITORIAL SPACES, STAIRWELL AND UTILITY CLOSETS OR SPACES ARE COMMON ELEMENTS.

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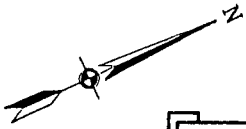
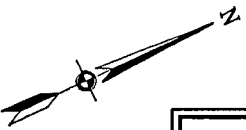


EXHIBIT "A"
GARAGES 15 AND 16

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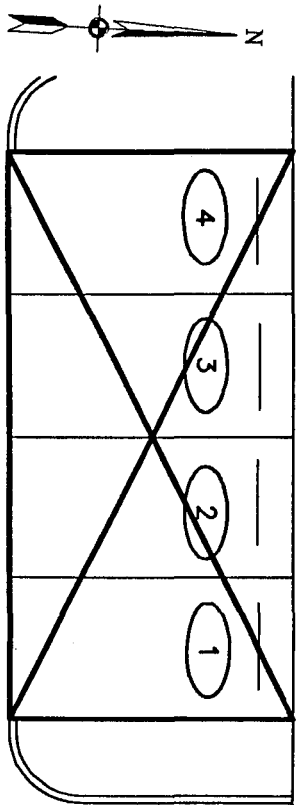
THE LAKES AT VIERA EAST, A CONDOMINIUM

CARPPTS 1 THROUGH 8



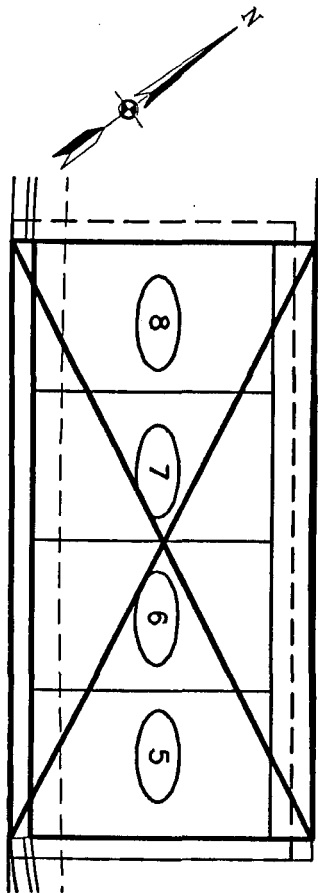
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SURVEYOR'S NOTES:
 1. THE CARPPT SPACE IS DEFINED AS BETWEEN THE STRIPES (AS FOUND ON THE ASPHALT IN THE FIELD) AND FROM TOP OF THE ASPHALT PAVEMENT TO THE BOTTOM OF THE CEILING.
 2. **1** INDICATES THE UNIT NUMBER DESIGNATION.



CARPPTS 1-4

SURVEYOR'S NOTES:
 1. THE CARPPT SPACE IS DEFINED AS BETWEEN THE STRIPES (AS FOUND ON THE ASPHALT IN THE FIELD) AND FROM TOP OF THE ASPHALT PAVEMENT TO THE BOTTOM OF THE CEILING.
 2. **5** INDICATES THE UNIT NUMBER DESIGNATION.



CARPPTS 5-8

EXHIBIT "A"
CARPPTS 1 - 8

DATE: 1/25/05

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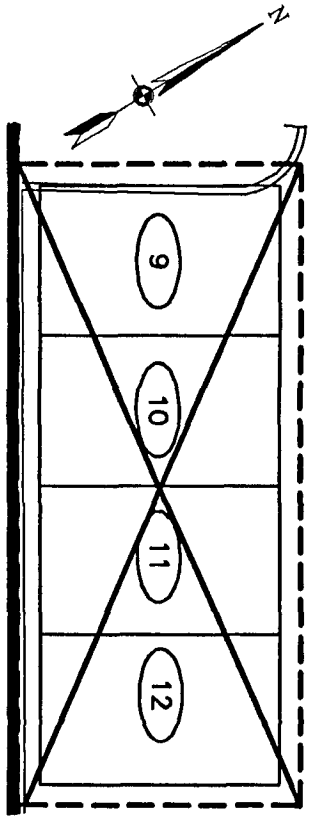
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THE LAKES AT VIERA EAST, A CONDOMINIUM

CARPORTS 9 THROUGH 16

SURVEYOR'S NOTES:
 1. THE CARPORT SPACE IS DEFINED AS BETWEEN THE STRIPES (AS FOUND ON THE ASPHALT IN THE FIELD) AND FROM TOP OF THE ASPHALT PAVEMENT TO THE BOTTOM OF THE CEILING.

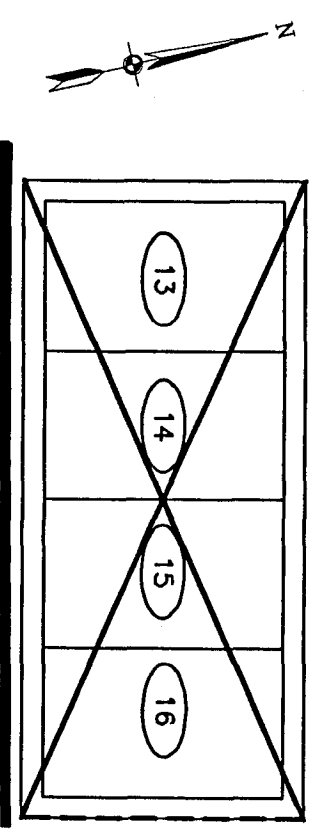
2. **9** INDICATES THE UNIT NUMBER DESIGNATION.



CARPORTS 9-12

SURVEYOR'S NOTES:
 1. THE CARPORT SPACE IS DEFINED AS BETWEEN THE STRIPES (AS FOUND ON THE ASPHALT IN THE FIELD) AND FROM TOP OF THE ASPHALT PAVEMENT TO THE BOTTOM OF THE CEILING.

2. **13** INDICATES THE UNIT NUMBER DESIGNATION.



CARPORTS 13-16



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EXHIBIT "A"
CARPORTS 9-16

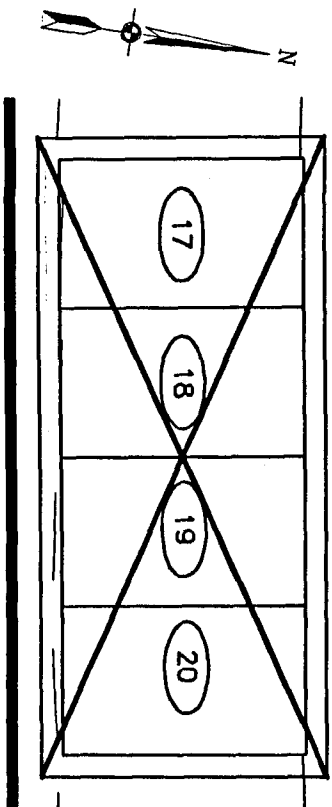
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THE LAKES AT VIERA EAST, A CONDOMINIUM

CARPORTS 17 THROUGH 24

SURVEYOR'S NOTES:
 1. THE CARPORT SPACE IS DEFINED AS BETWEEN THE STRIPES (AS FOUND ON THE ASPHALT IN THE FIELD) AND FROM TOP OF THE ASPHALT PAVEMENT TO THE BOTTOM OF THE CEILING.

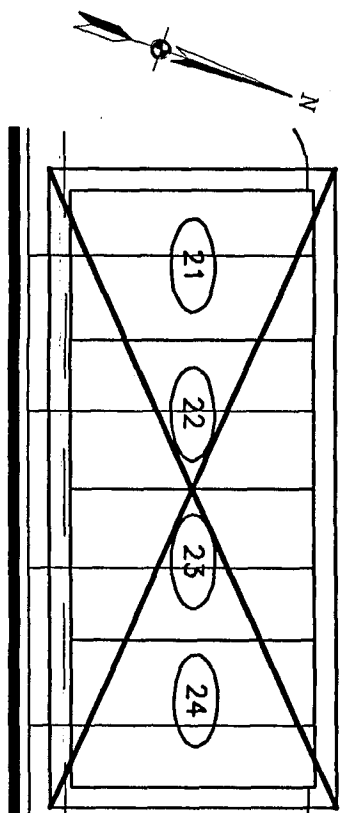
2. **17** INDICATES THE UNIT NUMBER DESIGNATION.



CARPORTS 17-20

SURVEYOR'S NOTES:
 1. THE CARPORT SPACE IS DEFINED AS BETWEEN THE STRIPES (AS FOUND ON THE ASPHALT IN THE FIELD) AND FROM TOP OF THE ASPHALT PAVEMENT TO THE BOTTOM OF THE CEILING.

2. **21** INDICATES THE UNIT NUMBER DESIGNATION.



CARPORTS 21-24



CFN 2005035194
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EXHIBIT "A"
CARPORTS 17-24

DATE: 1/25/05

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