

This Instrument Prepared by and Return to:

Sandra E. Krumbein, Esq.  
Shutts & Bowen LLP  
200 East Broward Boulevard, Suite 2100  
Fort Lauderdale, Florida 33301

*Cross Reference to Declaration Recorded in Official Records Book  
7894, Page 504, et seq., of the Public Records of Brevard County,  
Florida*

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**DECLARANT'S AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
EASEMENTS FOR PALM COVE**

This instrument ("Amendment") is made as of this 17 day of Sept., 2019 by D.R. HORTON, INC., a Delaware corporation ("Declarant"), having an office located at 1430 Culver Drive NE, Palm Bay, Florida 32907, and joined in by PALM COVE PROPERTY OWNERS ASSOCIATION OF BREVARD, INC., a Florida corporation not-for-profit ("Association"), whose principal office is located at c/o D.R. Horton, Inc., 1430 Culver Drive NE, Palm Bay, Florida 32907.

WHEREAS, Declarant has executed and recorded in Official Records Book 7894, Page 504 of the Public Records of Brevard County ("County"), Florida, a certain "Declaration of Covenants, Conditions, Restrictions and Easements for Palm Cove" as same may be amended or supplemented (collectively hereinafter referred to as the "Declaration"); and

WHEREAS, the Declaration provides in Section 13.8.1 that until the "Turnover Date," all amendments or modifications shall only be made by Declarant without the requirement of the Association's consent or the consent of the "Owners" so long as such amendments do not materially impair the common plan of development of "Palm Cove" (all such terms as defined in the Declaration); and

WHEREAS, Section 13.8.1 of the Declaration also provides that the Association shall, upon the request of the Declarant, join in any such amendment; and

WHEREAS, Declarant desires to amend the Declaration with regard to certain matters contained in the Declaration; and

WHEREAS, Declarant requests the joinder and consent of the Association; and

WHEREAS, the Turnover Date has not occurred as of the date first above written; and

WHEREAS, Declarant's amendments do not materially impair the common plan of development of Palm Cove.

NOW, THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. The recitations set forth herein are true and correct and are incorporated herein by reference.
2. Unless otherwise defined herein, each term defined in the Declaration and used herein shall have its meaning as defined in the Declaration.
3. Section 10.25 of the Declaration is hereby deleted in its entirety and replaced by the following:

***“10.25. Vehicular Parking. No person, firm or corporation shall park or cause to be parked any vehicle on any portion of the Property other than in driveways or other specifically designated parking areas located on the Property. Without limiting the generality of the foregoing, no vehicle shall be parked on a driveway apron, sidewalk or grassed area between a driveway and street. The foregoing, however, shall not: (i) prohibit routine deliveries by tradesmen, or the use of trucks or commercial vans in making service calls and short term visits; (ii) apply to a situation where a vehicle becomes disabled and, as a result of an emergency, is required to be parked within Palm Cove until it can be towed away; and (iii) apply to vehicles used in connection with construction, development or sales activities permitted under this Declaration.”***

4. This Amendment shall become effective upon recording amongst the Public Records of the County.
5. As modified hereby, the Declaration shall remain in full force and effect in accordance with the terms thereof.
6. In the event any of the provisions of this Amendment shall be deemed invalid by a court of competent jurisdiction, said judicial determination shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

[Signatures on the following page]

IN WITNESS WHEREOF, this Amendment has been signed by Declarant and joined in by the Association on the respective dates set forth below.

**DECLARANT:**

WITNESSES AS TO DECLARANT:

D.R. HORTON, INC., a Delaware corporation

[Signature]  
Print Name HAIS WEAVER

[Signature]  
Print Name Ricardo Corona

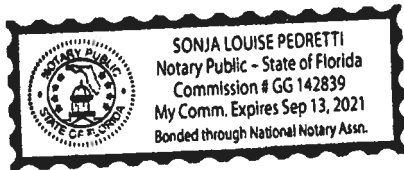
By: [Signature]  
Name: Daniel Liparini  
Title: Assistant Secretary  
Dated: 9-17-19

[SEAL]

STATE OF FLORIDA     )  
  ) SS  
COUNTY OF BREVARD    )

The foregoing instrument was acknowledged before me this 17 day of Sept, 2019, by Daniel Liparini as Assistant Secretary of D.R. HORTON, INC., a Delaware corporation, on behalf of the corporation. He is  personally known to me or ( ) has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)



[Signature]  
Notary Public, State of Florida  
Print Name: Sonja Pedretti  
Commission No.: GG 142839  
My Commission Expires: 9-13-2021

[Signatures Continue on Following Page]

WITNESSES AS TO ASSOCIATION:

[Signature]  
Print Name Thomas Maguire  
RAE  
Print Name Ricardo Corona

ASSOCIATION:

PALM COVE PROPERTY OWNERS  
ASSOCIATION OF BREVARD, INC.,  
a Florida corporation not-for-profit

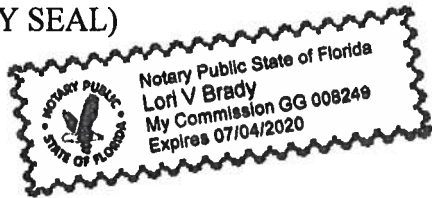
By: [Signature]  
Name: Sonja Pedretti  
Title: President  
Dated: 9-17-19

[SEAL]

STATE OF FLORIDA        )  
  ) SS  
COUNTY OF BREVARD    )

The foregoing instrument was acknowledged before me this 17 day of Sept., 2019 by Sonja Pedretti as President of Palm Cove Property Owners Association of Brevard, Inc., a Florida corporation not-for-profit, on behalf of the corporation. She is personally known to me.

(NOTARY SEAL)



[Signature]  
Notary Public, State of Florida  
Print Name: Lori Brady  
Commission No.: 66 008249  
My Commission Expires: 7/4/2020