

THIS INSTRUMENT PREPARED BY
AND TO BE RETURNED TO:
Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, FL 32940
(321) 242-1200

CFN 2020265335, OR BK 8933 PAGE 373,
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Courts, Brevard County
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**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS, RESERVATIONS AND RESTRICTIONS
FOR
STONECREST NEIGHBORHOOD AREA**

**THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS, RESERVATIONS AND RESTRICTIONS FOR
STONECREST NEIGHBORHOOD AREA** (this “**Amendment**”) is dated as of November 24,
2020 by THE VIERA COMPANY, a Florida corporation (“**Neighborhood Declarant**”). The
effective date of this Amendment shall be the date that this Amendment is recorded in the Public
Records of Brevard County, Florida (the “**Effective Date**”).

RECITALS:

WHEREAS, Neighborhood Declarant is the “Neighborhood Declarant” under that certain
Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Stonecrest
Neighborhood Area recorded on April 2, 2018 in Official Records Book 8129, Page 49, of the
Public Records of Brevard County, Florida, as amended by that certain Amendment to Declaration
of Covenants, Conditions, Easements, Reservations and Restrictions for Stonecrest Neighborhood
Area recorded on March 28, 2019 in Official Records Book 8400, Page 826, of the Public Records
of Brevard County, Florida, and as amended by that certain Second Amendment to Declaration of
Covenants, Conditions, Easements, Reservations and Restrictions for Stonecrest Neighborhood
Area recorded on April 15, 2019 in Official Records Book 8413, Page 2256, of the Public Records
of Brevard County, Florida (collectively, the “**Neighborhood Declaration**”);

WHEREAS, under Article XI of the Neighborhood Declaration, Neighborhood Declarant
has the unilateral right to amend the Neighborhood Declaration during the Class B Control Period,
and, as of the date of this Amendment, the Class B Control Period remains in effect;

WHEREAS, pursuant to Article XI of the Neighborhood Declaration, Neighborhood
Declarant desires to amend the Neighborhood Declaration as more particularly provided in this
Amendment; and

WHEREAS, The Viera Company, a Florida corporation, as the “Community Declarant”
under the Neighborhood Declaration (the “**Community Declarant**”), is joining in the execution
of this Amendment to evidence its consent to the provisions of this Amendment.

NOW, THEREFORE, Neighborhood Declarant hereby amends the Neighborhood Declaration as set forth below pursuant to Article XI of the Neighborhood Declaration:

1. RECITALS: The above recitals are true and correct, and are incorporated into this Amendment by this reference.

2. DEFINED TERMS: Any capitalized term not otherwise defined in the above recitals or elsewhere in this Amendment shall have the meaning ascribed to such term in the Neighborhood Declaration.

3. AMENDMENTS: The Neighborhood Declaration is hereby amended as follows as of the Effective Date:

a. BYLAWS- VOTING: The following paragraph is added to the end of Article II, Section 8 of the Bylaws:

The votes of members of the Neighborhood Association shall be cast by the respective designated voting representative for each Unit, as provided in Article II, Section 9 below. Votes of the members of the Association may be cast by the applicable designated voting representatives (i) in person or by mail (either in person or by proxy) and by secret ballot, non-secret ballot or non-secret oral or hand raise vote, (ii) by electronic voting as set forth in Section 720.317, Florida Statutes at the time such vote is to be cast, or (iii) by any other method of voting permitted under Chapter 617 or Chapter 720, Florida Statutes at the time such vote is to be cast.

b. BYLAWS – NOMINATION OF DIRECTORS: Article III, Section 4 of the Bylaws is hereby deleted, amended, and restated in its entirety to read as follows to remove the concept of a “Nominating Committee” for members of the Board of Directors. Due to the voluminous nature of this modification, pursuant to Section 720.306, *Florida* Statutes, for clarification, this restated section is provided below without ~~stricken~~ or double-underlined text. Article II, Section 14 of the Bylaws shall now provide as follows:

Section 4: Nomination of Directors: Except with respect to directors entitled to be selected by the Neighborhood Declarant as provided in Section 3 of this Article, nominations for election of directors to the Board of Directors shall be made in any manner permitted under Chapter 720, Florida Statutes at the time of such nomination.

c. NEIGHBORHOOD DECLARATION- VOTING RIGHTS: The following paragraph is added to the end of Article III, Section 5 of the Neighborhood Declaration:

The votes of members of the Neighborhood Association shall be cast by the respective designated voting representative for each Unit, as provided in Article II, Section 9 of the Bylaws. Votes of the members of the Association may be cast by the applicable designated voting representatives (i) in person or by mail (either in

person or by proxy) and by secret ballot, non-secret ballot or non-secret oral or hand raise vote, (ii) by electronic voting as set forth in Section 720.317, Florida Statutes at the time such vote is to be cast, or (iii) by any other method of voting permitted under Chapter 617 or Chapter 720, Florida Statutes at the time such vote is to be cast.

d. NEIGHBORHOOD DECLARATION – WATER CONSERVATION:
 Article VI, Section 2(i) of the Neighborhood Declaration is hereby amended as follows, with deleted language in ~~stricken~~ text and added language in double-underlined text:

(i) Irrigation of sod and landscaping on a Unit shall not exceed 21 gallons (34 inches) per square foot annually and the controller shall be set in compliance with all applicable water restrictions imposed by any governmental authority, including, without limitation, the St. John’s River Water Management District. Notwithstanding the foregoing restriction, an Owner’s irrigation of sod and landscaping on a Unit shall be limited as follows, as recommended by the St. John’s River Water Management District to ensure the efficient use of water for landscape irrigation and avoid overwatering:

<u>Time of Year</u>	<u>Homes with Odd Numbered Address</u>	<u>Homes with Even Numbered Address</u>
<u>Daylight Savings Time:</u> <u>(Second Sunday in March until the first Sunday in November)</u>	<u>Irrigation limited to Wednesdays and Saturdays for up to 1 hour per day per Unit, but not from 10:00 a.m. to 4:00 p.m.</u>	<u>Irrigation limited to Thursdays and Sundays for up to 1 hour per day per Unit, but not from 10:00 a.m. to 4:00 p.m.</u>
<u>Eastern Standard Time (Non-Daylight Savings Time)</u> <u>(First Sunday in November until the Second Sunday in March)</u>	<u>Irrigation limited to Saturdays for up to 1 hour per day per Unit, but not from 10:00 a.m. to 4:00 p.m.</u>	<u>Irrigation limited to Sundays for up to 1 hour per day per Unit, but not from 10:00 a.m. to 4:00 p.m.</u>

The current website link for the water restrictions of the St. John's River Water Management District is <https://www.sjrwmd.com/wateringrestrictions/>.

An Owner's failure to comply with the irrigation restrictions set forth in this Section 2(i) may result in damage to neighboring Units or the Common Areas, including, without limitation, Common Area roads. An Owner's failure to comply with the irrigation restrictions set forth in this Section 2 shall entitle the Neighborhood Association to the remedies set forth in Article VII, Section 44 of this Neighborhood Declaration, including without limitation, curing such violation and curing any resulting damage to the Common Areas, all at the violating Owner's expense.

4. JOINDER: The Community Declarant is joining in the execution of this Amendment to evidence its consent to the provisions of this Amendment.

5. FULL FORCE AND EFFECT: The terms, provisions and conditions set forth in the Neighborhood Declaration that are not modified in this Amendment remain unmodified and in full force and effect. In the event of a discrepancy between the terms and conditions of the Neighborhood Declaration and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall prevail.

6. COUNTERPARTS: This Amendment may be executed in counterparts.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, Neighborhood Declarant has executed this Amendment as of the date set forth above.

WITNESSES:

Benjamin E. Wilson
Print Name: Benjamin E. Wilson

Karen E. Esposito
Print Name: Karen E. Esposito

NEIGHBORHOOD DECLARANT:

THE VIERA COMPANY,
a Florida corporation

By: [Signature]
Name: Todd J. Pokrywa
Title: President

Address: 7380 Murrell Road, Suite 201
Viera, Florida 32940

STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me by physical presence or _____ by online notarization on the 24th day of November 2020 by Todd J. Pokrywa, the President of The Viera Company, a Florida corporation, on behalf of the corporation, who is personally known to me.



BENJAMIN E WILSON
Commission # GG 146829
Expires October 10, 2021
Bonded Thru Budget Notary Services

Benjamin E. Wilson
Notary Public, State of Florida
Print Name: Benjamin E. Wilson
Commission No.: GG-146829
My Commission Expires: 10/10/2021

(JOINDER IS ON THE FOLLOWING PAGE.)

JOINDER

(COMMUNITY DECLARANT)

The Community Declarant hereby joins in the execution of this Amendment for the purpose of consenting to the terms and conditions of this Amendment

WITNESSES:

COMMUNITY DECLARANT:

Benjamin E. Wilson
Print Name: Benjamin E. Wilson

Karen E. Esposito
Print Name: Karen E. Esposito

THE VIERA COMPANY,
a Florida corporation

By: [Signature]
Name: Todd J. Pokrywa
Title: President

Address: 7380 Murrell Road, Suite 201
Viera, Florida 32940

STATE OF FLORIDA)
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