

WILL CALL  
BOX 116

SECOND AMENDMENT TO  
ABACOA  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS

Oct-20-1998 03:12pm 98- 407180  
ORB 10701 pg 734-736

This SECOND AMENDMENT ("Amendment") to ABACOA DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS is made this 19th day of October, 1998, by Abacoa Development Company, a Delaware corporation ("Developer").

WHEREAS, Developer has recorded the ABACOA DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS in Official Record Book 9739, Page 1629, of the Public Records of Palm Beach County, Florida, which Developer amended by virtue of that certain First Amendment to Abacoa Declaration of covenants, Conditions and Restrictions recorded in official Record Book 10109, page 356, of the Public Records of Palm beach county, Florida, (said declaration, as amended, is collectively referred to as "Declaration"); and

WHEREAS, pursuant to Appendix Two - Developer's Rights and Obligations of the Declaration, Developer has the right to amend and modify the Declaration; and

WHEREAS, Developer intends to amend the Declaration as more fully described below, by recording this Amendment in the public Records of Palm Beach County.

NOW, THEREFORE, Pursuant to the powers reserved by Developer under the Declaration and in consideration of the premises and covenants herein contained, Developer hereby records this Amendment to the Declaration which will run with the land, as follows:

1. Any conflict between the Declaration and this Amendment shall be resolved in favor of this Amendment.
2. All reference to "Sections" shall mean those described in the Declaration.
3. Notwithstanding anything to the contrary contained in the Declaration, as a point of clarification, reference to the yearly annual budget for determining general assessments as set forth throughout the Declaration shall each year be the budget for Abacoa assuming Abacoa was totally built, unless and until the Board of Directors shall determine otherwise.
4. The definition of "Community Architect" as contained in Appendix one - Definitions attached to the Declaration is hereby amended and modified to read as follows (additional language is indicated by underline and the deletions indicated by ~~strikeouts~~):

"**Community Architect** means and refers to the committee set forth in the Bylaws of the Association as the Community Architect ~~individual described in Section 2.2 of the Community Declaration~~, who is charged with assisting in maintaining the visual integrity of the Community."

5. Section 3.4 is hereby amended to add the following language (additional

language is indicated by underline and the deletions are indicated by ~~strikeouts~~):

"Notwithstanding to the contrary herein, subsequent to such damage to a Living Unit Commercial Unit or other Structure, the Assembly shall permit the razing of any such damaged improvements thereon with no requirement to reconstruct such improvements so long as the subject property is sodded, irrigated with appropriate landscaping and maintained, all in accordance with the requirements of the Neighborhood Architectural Committee or District Architectural Committee as applicable, and community Architect and the Urban and Architectural Standards."

6. Except as specifically modified herein, the Declaration remains in full force and effect.

IN WITNESS WHEREOF, Developer has caused these presents to be signed this 19th day of October, 1998.

Signed, Sealed and Delivered  
in the presence of:

Donna M. Cesaro-Pengue  
John A. Thomas

ABACOA DEVELOPMENT COMPANY,  
a Delaware corporation

By: Nader G.M. Salour  
Nader G.M. Salour, as Pres.

STATE OF FLORIDA )  
COUNTY OF PALM BEACH )

The foregoing instrument was acknowledged before me this 19th day of October, 1998 by Nader G. M. Salour, as President of ABACOA DEVELOPMENT COMPANY, a Delaware corporation, on behalf of the corporation. He/she is personally known to be or has produced \_\_\_\_\_ as identification.

Donna M. Cesaro-Pengue  
NOTARY PUBLIC  
PRINT/STAMP/TYPE NAME:  
COMMISSION EXPIRES:  
COMMISSION NUMBER:

citylakelandmav02.dec 10/98

