

**FIFTH AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR COUNTRY CLUB LAKES ESTATES**

This Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates ("Phase Five") is made as of the date set forth below by **COUNTRY CLUB LAKES DEVELOPERS, LLC**, a Florida limited liability company ("Declarant"), and joined by **COUNTRY CLUB LAKES ESTATES PROPERTY OWNER'S ASSOCIATION, INC.**, a Florida not-for-profit corporation ("Association").

RECITALS:

A. Country Club Lakes Developers, LLC, a Florida limited liability company, the original developers, has previously executed and recorded that certain Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates recorded in Official Records Book 8376, Page 1840; as amended by that certain Amendment to Declaration of Covenants and Restrictions Country Club Lakes Estates as recorded in Official Records Book 8444, Page 1274, as further amended by that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates as recorded in Official Records Book 8551, Page 1260, as further amended by that certain Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates as recorded in Official Records Book 9059, Page 2796, as further amended by that certain Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates as recorded in Official Records Book 9628, Page 1199, all of the Public Records of Brevard County, Florida (collectively, the "Declaration"); and

B. Pursuant to Section 3.1 of the Declaration, Declarant reserved the right to add additional lands to the Property; and

C. Declarant desires to add additional lands to Country Club Lakes Estates upon the terms and conditions hereinafter set forth; and

D. The Association joins in executing this instrument to acknowledge its obligations hereunder.

NOW THEREFORE, in consideration of the rights reserved by Declarant, the Declaration is further amended as follows:

1. The foregoing recitals are true and correct and are incorporated herein verbatim.
2. Declarant declares that Phase Five of Country Club Lakes Estates which is denominated as the Reserve at Country Club Lakes Estates, according to the plat thereof recorded in Plat Book ____, Page ____, Public Records of Brevard County, Florida ("Phase Five Plat") shall for all purposes hereunder be deemed to be a part of the Property as that term is defined in

the Declaration.

3. Declarant shall convey to the Association Tracts A, B, C, D, E, F, G, R-1 and R-2, as depicted on the Phase Five Plat, which shall serve as Common Areas to be used as and for private roads, a United States Post Office mailbox facility, sidewalks, drainage, community landscaping, buffers and irrigation purposes, as applicable, for which the Association shall have primary maintenance responsibility.

4. Declarant declares that all Lots within Phase Five, Plat of Country Club Lakes Estates shall be conveyed and occupied subject to all covenants, easements and restrictions imposed by the Phase Five Plat and by the Declaration, except as herein modified, all of which shall run with the land and shall be binding upon Declarant and all parties acquiring any interest in the Lots.

5. Section 8.2 of the Declaration is amended and restated in its entirety as follows:

8.2 Powers of ARB

The ARB may from time to time promulgate architectural guidelines and community-wide standards for Country Club Lakes Estates which shall govern the use of the Property. Notwithstanding the forgoing, the ARB shall not approve the construction of a two-story residence on any of (i) Lots 5 thru 9 and 15 thru 23, Country Club Lakes Estates, Phase One; (ii) Lots 1 thru 30, Country Club Lakes Estates, Phase Two; (iii) Lots 1 thru 13, Country Club Lakes Estates, Phase Three; (iv) Lots 6 thru 14 and 39 thru 57, Country Club Lakes Estates, Phase Four; and (v) Lots 1 thru 17, 49 thru 59 and 93 thru 132, Reserve at Country Club Lakes Estates (Phase 5).

6. Lots 168, 169 and 170 of the Reserve at Country Club Lakes Estates Plat shall be encumbered by the provisions set out in Section 2.K of Ordinance #2021-69 of the City of Palm Bay, Florida as recorded in Official Records Book 9362, Page 1618, Public Records of Brevard County, Florida which by this reference is incorporated herein.

7. The following building setbacks from lot lines shall be applicable to all lots within the Reserve at Country Club Lakes Estate Plat:

| | <u>PROV. SF- 43.5</u> | <u>PROV.SF- 60</u> | <u>PROV. SF - 80</u> |
|------------------|-----------------------|--------------------|----------------------|
| a. Front | 25' | 25' | 25' |
| b. Rear | 10' | 25' | 25' |
| c. Side | 5' | 5' | 8' |
| d. Side Interior | 10' | 10' | 10' |
| e. Corner Side | 25' | 25' | 25' |

8. Minimum floor area square footage for all single-family homes will be 1,600 square feet.

9. Notwithstanding anything in this Declaration to the contrary, the easement rights granted or reserved by Declarant hereunder are not to be construed as creating an affirmative obligation to act on the part of Declarant.

10. Defined terms herein have the meaning herein ascribed to each or as set out in the Declaration and all amendments thereto.

[Signature pages follow]

[Signature page – Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates]

IN WITNESS WHEREOF, Declarant has executed this instrument this ____ day of _____, 2024.

COUNTRY CLUB LAKES DEVELOPERS, LLC, a Florida limited liability company

By its Manager: **MERCEDES PREMIER HOMES, LLC**, a Florida limited liability company

By its Manager: **LANDSEA HOMES US CORPORATION**, a Delaware corporation

Witnesses:

Print Name: _____

By: _____
Name: Dan Kaiser
Its: Vice President of Land Development

Print Name: _____

STATE OF _____
COUNTY OF _____

Sworn to and subscribed before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2024, by Dan Kaiser, as Vice President of Land Development of Landsea Homes US Corporation, the Manager of Mercedes Premier Homes, LLC, the Manager of Country Club Lakes Developers, LLC, who is personally known to me or produced _____ as identification.

NOTARY PUBLIC

[Signatures continue on following page]

[Signature page – Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Country Club Lakes Estates]

Witnesses:

**COUNTRY CLUB LAKES ESTATES
PROPERTY OWNER’S ASSOCIATION,
INC.**, a Florida non-for-profit corporation

Print Name: _____

By: _____

Name: _____

Its: _____

Print Name: _____

**STATE OF FLORIDA
COUNTY OF BREVARD**

Sworn to and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by _____, as _____ of Country Club Lakes Estates Property Owner’s Association, Inc., who is personally known to me or produced _____ as identification.

NOTARY PUBLIC