

This Instrument Prepared By:

Lawrence E. Crary III, Esquire
CRARY, BUCHANAN, BOWDISH, BOVIE,
BERES, ELDER & WILLIAMSON, CHARTERED.
555 S.W. Colorado Avenue, Suite 1
Post Office Drawer 24
Stuart, Florida 34995-0024

**AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR EAGLE TRACE**

THIS AMENDMENT is made this 23rd day of MAY, 2010, by
EAGLE TRACE AT VERO BEACH HOMEOWNER'S ASSOCIATION, INC., a Florida
not-for-profit corporation (the "Association").

WITNESSETH

WHEREAS, the Association is the property owners' (homeowners') association for all property within the plat of Eagle Trace Subdivision, Phases I and II recorded in Plat Book 17, Page 34 (re-recorded in Plat Book 19, Page 12) and Plat Book 22, Page 8, respectively, all of the public records of Indian River County, Florida ("Eagle Trace"); and

WHEREAS, all of the property in Eagle Trace is subject to that certain Declaration of Covenants, Conditions and Restrictions for Eagle Trace dated July 29, 2004 and recorded on July 30, 2004 in Official Record Book 1765, Page 1544, Indian River County, Florida public records (the "Declaration"); and

WHEREAS, there were two previous Declarations of Covenants recorded for the Eagle Trace property (which was, at one time, referred to as the "Mizner Grande" property) which are recorded in O.R. Book 1615, Page 2026 and O.R. Book 1745, Page 1827, respectively, both of the public records of Indian River County, Florida; and

WHEREAS, the aforesaid previous Declarations of Covenants have been superceded by the Declaration recorded in O.R. Book 1765, Page 1544, Indian River County, Florida public records (i.e. the Declaration); and

WHEREAS, Article III, Section 4 (f) of the Declaration contains restrictions on animals and pets within Eagle Trace; and

WHEREAS, Eagle Trace Estate Homes, LLC, a Florida limited liability company (the "Developer") is the owner of 48 lots in Eagle Trace; and

WHEREAS, the Developer is the successor developer of Eagle Trace by virtue of the following:

1. The original developer, Mizner Grande of Vero Beach, LLC, a Florida limited liability company lost title to its lots in Eagle Trace by virtue of a mortgage foreclosure which resulted in an Amended Final Judgment in favor of Seacoast National Bank in Case No. 2007 1879 CA 09, in the Circuit Court of the Nineteenth Judicial Circuit in and for Indian River County, Florida, which Judgment was assigned to 623 Partners, LLC, a Florida limited liability company ("623").
2. 623 acquired title by Certificate of Title issued by the Indian River County Clerk dated January 14, 2009 and recorded February 3, 2009 in O.R. Book 2318, Page 798, Indian River County, Florida public records.
3. By operation of law Seacoast National Bank and its assignee, 623 Partners, LLC, "stepped into the shoes" of the original developer, Mizner Grande of Vero Beach, LLC, pursuant to *Proctor v. Hearne*, 100 Fla. 1180, 131 So. 173 (1930) and *United of Fla., Inc. V. Illini Fed. Sav. & Loan Ass'n.* 341 So. 2d 793 (Fla. 2d DCA 1977).
4. 623 conveyed title to Eagle Trace Estate Homes, LLC by Special Warranty Deed dated November 18, 2009 and recorded December 1, 2009 in O.R. Book 2383, Page 1936, and corrected by Corrective Special Warranty Deed dated January 27, 2010 and recorded February 1, 2010 in O.R. Book 2396, Page 2476, both in the public records of Indian River County, Florida.
5. 623 conveyed all of its development rights to Eagle Trace Estate Homes, LLC by agreement dated November 18, 2009; and

WHEREAS, Article XI of the Declaration provides that the Declaration may be amended at any time upon the execution and recording of an instrument affirming that owners holding not less than a majority of the voting interests of the membership in the Association have approved the amendment; and

WHEREAS, Eagle Trace Estate Homes, LLC has voting interests in the Association totaling 192 votes, with the balance of the owners in Eagle Trace holding voting interests totaling 79 votes; and

WHEREAS, Eagle Trace Estate Homes, LLC has approved the amendment set forth below by Written Consent dated 7/3/10, 2010, and has delivered to the Association a Written Approval of the amendment set forth below.

ED

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

1. Article III, Section 4 (f) is hereby amended in its entirety to provide as follows:


- (f) No animals, birds, or fowl shall be kept or maintained on any part of the Property except dogs, cats and pet birds as pets for the pleasure and use of the occupants of the Property, but not for any commercial uses or purposes. No aggressive animals, e.g., pit bulls, doberman pinchers, etc. shall be kept or allowed on any part of the property. All pets must be kept under control at all times and shall be under leash or fenced on the lots and must be under leash at all times off of the lot of the owner or occupant, and must not become a nuisance.

The Association hereby acknowledges and affirms that the owners of lots in Eagle Trace holding not less than a majority of the voting interests of the membership in the Association have approved this Amendment.

IN WITNESS WHEREOF, the President and Secretary of the Association have executed this amendment on the date first set forth here and above.

Witnesses:


EAGLE TRACE AT VERO BEACH
HOMEOWNER'S ASSOCIATION, INC.,
a florida not-for-profit corporation



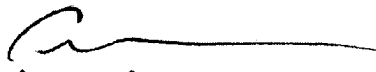
Andrew Bracken (Print Name)



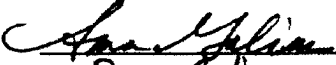
By: Ralph E. Carter
Its: President



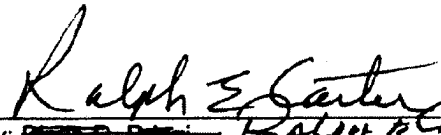
Sara Galina (Print Name)

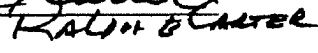


Andrew Bracken (Print Name)



Sara Galina (Print Name)



By: ~~Ralph E. Carter~~ 
Its: Secretary

STATE OF FLORIDA
COUNTY OF ~~INDIAN RIVER~~ Collier

The foregoing instrument was acknowledged before me this 21st day of May, 2010, by RALPH E. CARTER, as President of EAGLE TRACE AT VERO BEACH HOMEOWNER'S ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. He [] is personally known to me or [] has produced _____ as identification.

Andrew Bracke

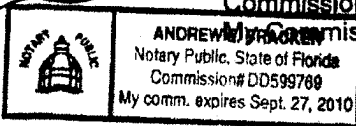


Ralph E. Carter
~~RALPH E. CARTER~~ (Print Name)

Notary Public, State of Florida

Commission Number: DD 599769

My Commission Expires: Sept. 27, 2010



STATE OF FLORIDA
COUNTY OF ~~INDIAN RIVER~~ Collier

The foregoing instrument was acknowledged before me this 21st day of May, 2010, by ~~PHILIP D. PRINZI~~ RALPH E. CARTER, as Secretary of EAGLE TRACE AT VERO BEACH HOMEOWNER'S ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. He [] is personally known to me or [] has produced _____ as identification.

Andrew Bracke



Ralph E. Carter
~~RALPH E. CARTER~~ (Print Name)

Notary Public, State of Florida

Commission Number: DD 599769

My Commission Expires: Sept. 27, 2010

