

**Prepared by / Return to:**

Charles W. Edgar, III, Esquire  
Cherry, Edgar & Smith, P. A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, Florida 33410

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**AMENDMENT TO DECLARATION OF COVENANTS  
FOR  
LUCAYA POINTE**

**THIS AMENDMENT** is made this 17 day of November 2023 by **GRBK GHO LUCAYA POINTE, LLC**, a Florida limited liability company ("**Developer**").

**RECITALS**

A. Declarant is the "**Declarant**" under, and as defined in, the **DECLARATION OF COVENANTS FOR LUCAYA POINTE**, recorded in **Official Records Book 3532, Page 1396 of the Public Records of Indian River County, Florida** (the "**Declaration**"). The capitalized terms used herein shall have the meanings given them in the Declaration.

B. Article XV, Section 6 of the Declaration provides, in pertinent part, that the Declaration may be amended by Declarant for so long as it holds title to any Lot, which it currently does.

C. Declarant still holds the right to elect a majority of the Board of Directors of the Association.

D. Declarant now wishes to amend the Declaration by this instrument.

**NOW, THEREFORE**, in consideration of the premises and the aforesaid authority of Declarant, the Declaration is hereby amended by adding the following new Section 28 to Article VII thereof:

**"Section 28. Generators.** As a result of requirements imposed on The Properties by Indian River County as well as certain site conditions in The Properties, generator approvals and locations for their installation are strictly and some Lots may not be able to obtain generator approvals at all.

When submitting for any specific generator approval for a Lot, such request must be accompanied by a lot grading plan including the lot grading for the potential generator site showing drainage patterns to accommodate the proposed generator. Such plan must demonstrate that there will not be puddling issues or negative effects on the drainage of the subject Lot or neighboring Lots or Common Areas. The review of such plan by the Architectural Control Committee will be with a caveat that (a) approval by the ACC does not relieve the Owner of continuing responsibility for drainage of and from the Lot and (b) Indian River County will also review and impose requirements of its own on such drainage plan. Further, all persons are advised that compliance with these requirements, which is suggested to be accomplished in consultation with civil engineers, may require increased costs and installations including, without limitation, culverts, drainage pipes, retaining walls, raised or wall-mounted stands, and other features to accomplish the required design, installation and long-term operational requirements and criteria.

A Generator restricted location plan, approved by Indian River County is available for review and in all cases is required to be complied with. This plan will indicate the locations/zones where generators are not permitted, no waivers or variances of this plan will be approved by the ACC or Indian River County.


Generators shall be screened from view from the front of the applicable Lot by plants that are a minimum of three inches (3") higher, at the time of planting, than the top of the generator, as installed. Community-specific fencing per details adopted by the ACC may be used in lieu of the aforesaid screening but will also be accompanied by reasonable landscape material defined or approved by the ACC.


With respect to the location of the generator, such location must be specified in the application to the ACC. Without limiting the generality of Section 25 of this Article VII, a variance may be (but shall not be required to be) granted in cases of hardships for a generator to be located in front of a Home subject to additional screening, fencing or other improvements contained in the conditions of the granting of the variance, which may also include a specification that the generator not be aligned with a window of a neighboring Home.

In all cases, generator test cycle times shall be set to run at times between 11:00 a.m. and 4:00 p.m. on weekdays only.

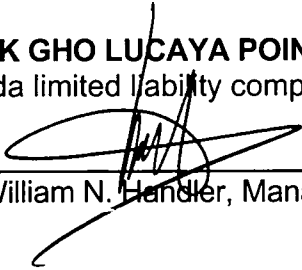
**IN WITNESS WHEREOF**, Developer has executed this Amendment for the purposes herein stated as of the date and year first above written.

**WITNESSES:**

  
 Print Name: Rebecca Dima

  
 Print Name: Victoria Hentz

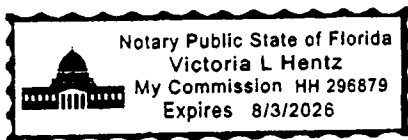
**GRBK GHO LUCAYA POINTE, LLC**, a Florida limited liability company


By:   
 William N. Handler, Manager

STATE OF FLORIDA  
 COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 17 day of November, 2023, by William N. Handler, Manager of **GRBK GHO LUCAYA POINTE, LLC**, a Florida limited liability company, who is  personally known to me or  has produced a \_\_\_\_\_ as identification.

(Notary Seal)



  
 Notary Public State of Florida at Large  
 Name Printed: Victoria Hentz  
 My Commission Expires: 8/3/2026  
 Commission No.: HH 296879