

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

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

THIS AMENDMENT is made this 11th day of ~~June~~^{July}, 2022 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 now wishes to do so 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 to Article VII thereof:

"Section 23. Protection and Preservation of Trees; Impact on Future Improvements.

All persons are hereby advised and bound by the fact that many or all of the trees, tree wells, retaining walls, raised walks, root barriers or other protective measures and improvements in the community are not to be removed, altered, trimmed or harmed in any way by any Owner or Member's Permittee (or, where not permitted by law, the Association). Further, any trees located on Common Areas or which were in place on a Lot prior to the construction of the Home thereon shall not be removed or substantially trimmed (e.g., no "hat racking"), or any of the aforesaid protective improvements removed, altered or harmed in any way, without the prior approval of the Board of Directors.

Because of the importance and protected nature of the trees described above, the existence or location of any such trees or associated

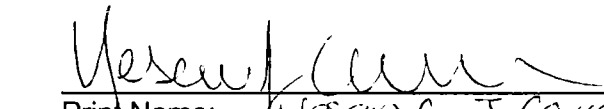
roots or the like may restrict the size, shape, design or location of swimming pools, decks, equipment such as air conditioning compressors and pool equipment, alterations to Homes, driveways or improvements of any kind and the like on the applicable Lot. In addition to the foregoing Board of Directors' right of approval, the Architectural Control Committee shall act and may reject or require changes to any submitted plans or applications for any improvements in an effort to protect all of the trees without regard to the hardship or loss possibly claimed by any resident or member. Likewise, all persons are advised that Declarant or any Builder may also be constrained by these factors in their design and construction of Homes and related improvements. By way of example only, a Home with three (3) car garage may have less than three (3) car driveway or it may not be possible for the Architectural Control Committee to approve, or an Owner to construct or install, improvements such as pool decks, patios or other alterations on a Lot.

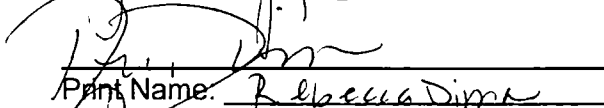
It is specifically noted the Declarant or its affiliated Builder may at its sole and absolute discretion modify, remove, effect or in any way act as it sees fit with regard to the trees and shall have no liability to anyone for doing so.

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

WITNESSES:

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


Print Name: Yesenia J Carrasco

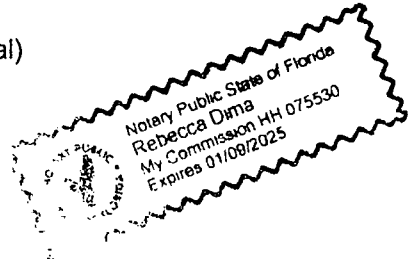

Print Name: Rebecca Dima

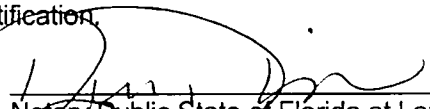
By: 
William N. Handler, Manager

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 11th day of July, 2022, 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: Rebecca Dima
My Commission Expires: 01/09/2025
Commission No.: HA 075530