

This instrument was prepared by
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(DO NOT WRITE ABOVE THIS LINE)

**SECOND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND EASEMENTS
FOR TIMBERLAKE**

THIS SECOND AMENDMENT to the Declaration of Covenants, Conditions, Easements, Rights, Limitations, and Restrictions for TIMBERLAKE is made and executed this ___ day of February, 2018, by GHO TIMBERLAKE CORP., a Florida corporation, its successors and/or assigns ('the Developer') with the consent of The Timberlake - Vero Beach Homeowners Association, Inc., a Florida not for profit corporation by William Handler, its President, with the approval of no less than a majority of the owners of the lots in TIMBERLAKE ('the Subdivision').

WITNESSETH

WHEREAS, the Timberlake - Vero Beach Homeowners Association, Inc. is governed by those certain Declaration of Restrictions Applicable to the TIMBERLAKE, recorded on February 15, 2007, in Official Records Book 2134, Page 1128, of the Public Records of Indian River County, Florida and as amended in Official Records Book 2715, Page 311, of the Public Records of Indian River County, Florida; ('the Declaration') and

WHEREAS, the original developer of the Subdivision assigned all of its rights as developer and Declarant under the Declaration by way of that certain Assignment of Developer's Rights recorded in Official Records Book 2459, Page 1207, of the Public Records of Indian River County, Florida; and

WHEREAS, the Association may amend the Declaration upon the affirmative vote of at a majority of the total voting interests; and

WHEREAS, the Association consents to the amendment of the Declaration in the following manner;

NOW THEREFORE, the Timberlake - Vero Beach Homeowners' Association, Inc. does hereby declare that Declaration shall be amended as follows:

3.11 Easements for Encroachments. Declarant hereby reserves the right to grant easements for encroachment in the event any improvements upon the Common Areas now or hereafter encroaches upon a Unit, or in the event that any Unit now or hereafter encroaches upon the Common Area, or in the event that any Unit now or hereafter encroaches upon any other Unit, as a result of minor inaccuracies in survey, construction, reconstruction, or due to settlement or movement or otherwise to a distance of not more than three feet, as measured from any point on the common boundary along a line perpendicular to such boundary. The encroaching improvements shall remain undisturbed as long as the encroachment exists. This easement for encroachment shall also include an easement for the maintenance and use of the encroaching improvements. Provided, however, that at no time shall there be any encroachment onto the Water Management System or the Environmental Conservation Area, without the written consent of the St. Johns River Water Management District. In no event shall an easement for encroachment exist if such encroachment occurred due to willful and knowing conduct on the part of, or with the knowledge and consent of, an Owner, occupant, or the Association. Additionally, an easement is hereby granted to allow for encroachments into, through and above Tracts A, B and C for mechanical pads (e.g. HVAC equipment), patios and roof overhangs provided said improvements are otherwise completed in conformity with the requirements of the Declaration.

Upon the recordation of this Amendment in the Public Records, it shall be and become a part of the Declaration. Unless otherwise modified herein, the Declaration shall otherwise remain in full force and effect.

IN WITNESS WHEREOF, TIMBERLAKE Property Owners' Association, Inc. has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

TIMBERLAKE - VERO BEACH HOMEOWNERS'
ASSOCIATION, INC., a Florida not for profit corporation

Witness Signature

By: William Handler
Its: President

Witness Print Name

Witness Signature

Witness Print Name

GHO TIMBERLAKE CORP., a Florida corporation

Witness Signature

By: William N. Handler
Its: Managing Member

Witness Print Name

Witness Signature

Witness Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of February, 2018, by William Handler as President of Timberlake - Vero Beach Homeowners' Association, Inc. a Florida not for profit corporation, who is personally known to me or who has produced _____ as identification and who did take an oath.

(SEAL)

Notary Public

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of February, 2108, by William N. Handler as President of GHO TIMBERLAKE CORP., a Florida corporation, who is personally known to me or who has produced _____ as identification and who did take an oath.

(SEAL)

Notary Public