

3120200027581 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF CIRCUIT COURT INDIAN RIVER CO FL
BK: 3301 PG: 1608, 5/19/2020 3:45 PM

Record and Return to:
Jane L. Cornett, Esq.
Becker & Poliakoff, P.A.
Royal Palm Financial Center
759 SW Federal Highway, Suite 213
Stuart, FL 34994

**CERTIFICATE OF AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS AND
RESTRICTIONS FOR RIVER CLUB AT CARLTON COMMUNITY**

The Amended and Restated Declaration of Protective Covenants and Restrictions for River Club at Carlton Community were recorded at Official Records Book 2936, Page 1006 et.seq., and amended at Official Records Book 2958, Page 2463 et.seq., Public Records of Indian River County, Florida. The same Amended and Restated Declaration of Protective Covenants and Restrictions are hereby amended as approved by a vote sufficient for approval.

1. Section 8.2.1.6 is hereby amended as follows:

8.2.1.6 PROHIBITION AGAINST CONSTRUCTION OR ALTERATION WITHOUT PRIOR APPROVAL OF ARC. Without the prior written approval of all aspects thereof (including, but not limited to, the nature, design, style, shape, height, materials, size, location, layout and exterior color) by the ARC, no person other than Developer shall: (i) construct, erect, install, alter, modify, renovate, remove or demolish any structure, improvement or addition of any type or nature on or to any non-condominium Dwelling Unit, including, but not limited to, buildings, houses, patios, porches, swimming pools, hot tubs, mechanical and electrical equipment, recreational equipment, driveways, walkways, fences, walls, permanent or temporary signs, sewers, drains or other improvements; or (ii) plant, install, remove, alter or modify any grass, trees, shrubs, landscaping or other vegetation on any non-condominium Dwelling Unit unless ARC approval is not required under Section 8.2.2.2 or any Corporate Easements; or (iii) change or alter to any degree the grades of any non-condominium Dwelling Unit or Corporate Easements ((i), (ii) and (iii) are collectively defined as "Improvements" or an "Improvement").

2. Section 8.2.1.17 is hereby amended as follows:

8.2.1.17 APPEALS. In the event any Member or builder disagrees with the decision of the ARC, if so formed, then such Member or builder may appeal the ARC's decision to the Board. Such appeal must be requested in writing within thirty (30) days from the issuance date of the prior decision. The determination by the Board, shall be final and binding upon the applicant; provided, however, that no Improvement shall be erected or shall be allowed to remain which violates any of the covenants, conditions or restrictions contained in this Master Declaration, or which violates any zoning or building ordinance or regulation.

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3. *Section 8.2.1.26 is hereby deleted in its entirety. Remaining paragraphs are renumbered.*

4. *Section 8.2.2.1 is hereby amended as follows:*

8.2.2.1 EXISTING TREES AND VEGETATION. No living trees may be removed from any Lot without the approval of the ARC. Any trees or shrubs to be moved or removed shall be indicated on all plans. Any approval, if given, shall be at given at the time of the approval of final plans and specifications. Dead shrubs and dead trees (less than twelve (12) feet in height) may be replaced with the same species of shrub or tree (not exceeding twelve (12) feet in height) in the same location, without ARC approval. No existing trees or vegetation of any kind may be removed from any part of the Corporation Property.

5. *Section 8.2.2.2 is hereby amended as follows:*

8.2.2.2 LANDSCAPING. Significant landscaping, defined as any landscaping with a cost to the owner in excess of TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) during any twelve (12) month period ,requires ARC approval, with the exception of the following, which always requires ARC approval: (i) rock gardens, (ii) additions and replacements of lawn ornaments, (iii) plantings intended as hedges that, at maturity, will attain a height of three (3) feet or more are considered an exterior modification and must receive ARC approval prior to installation. Except as provided in Section 8.2.2.1, approval is required for all trees, regardless of size or location. The Owner must replace any permanent landscaping that dies or needs replacement (trees, shrubs, hedges, etc.). Tree removal of any living trees is not permitted subject to the Town of Indian River Shores or Indian River County, Florida guidelines and procedures and ARC approval. Garden mulch must be consistent with the Corporation Property mulch color.

6. *Section 8.2.2.4 is hereby amended as follows:*

8.2.2.4 EXTERIOR HOUSE LIGHTING AND LANDSCAPING LIGHTING. Exterior lighting which is a part of the original structure may not be altered or added without the prior approval of the ARC. Proposed replacements or additions must be compatible in style and scale with the Owner's house and applications must include their location, number, style and wattage. Colored bulbs designed to repel insects may be installed in lighting fixtures at the rear of the house only. All landscape lighting shall include low voltage commercial grade fixtures that are ground mounted. Proposed lighting shall not be approved if it will otherwise result in adverse visual impact to any other property.

7. *Section 8.2.2.5 is hereby amended as follows:*

8.2.2.5 AIR CONDITIONING UNITS. All air conditioning units, to the extent practicable, shall be shielded and hidden so that they shall not be visible from any street or adjacent property. Air conditioning equipment located in side yards shall be located no closer than ten feet (10') to the Lot's side property line and will be required shielding, as determined by the ARC. Shielding, at time of installation/replacement shall be 100% of the unit, if an approved wall is utilized, or 75% of the height of the unit if live plantings are installed. Such live plantings are expected to

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fully shield the unit within one year. Window air conditioning units and wall units are not permitted.

8. Section 8.2.2.6 is hereby amended as follows:

8.2.2.6 GENERATORS. Generators may only be used during periods of power outage and for regular maintenance limited to not more than one (1) thirty (30) minute period per week during such time as is least likely to cause neighborly interference as may be determined by the ARC from time to time. Generators are permitted for use only by homeowners. Propane tanks must be buried and not visible. All generators must be shielded and hidden so that they shall not be visible from any street or adjacent property. Shielding, at time of installation/replacement shall be 100% of the unit, if an approved wall is utilized, or 75% of the height of the unit if live plantings are installed. Such live plantings are expected to fully shield the unit within one year.

9. Section 8.2.2.19 is hereby amended as follows:

8.2.2.19 GARAGE SALES. Garage type sales, including estate sales, moving sales, and auctions, shall not be permitted. Exceptions may include situations where a professionally managed sale is conducted (by appointment only), with prior Board of Director's approval. Should an Owner desire to have such a sale, an application must be made to the Board at least thirty (30) days prior to the sale. The Board shall have sole discretion to permit such professionally managed sales.

10. Section 8.2.3.14 is hereby amended as follows:

8.2.3.14 AWNINGS AND CANOPIES. Subject to federal and state law and excluding Corporation Properties, awnings and canopies may be permitted within the Community if approved by the ARC.

11. Section 8.2.3.16 is hereby amended as follows:

8.2.3.16 LANDSCAPING, GARDENS AND IRRIGATION FOR NEW HOMES. All new home applications shall include a landscape plan prepared by a Florida Landscape Architect or other designer approved by the ARC. The amount of landscape material shall be in conformance with the Community, the ARC and with the Town of Indian River Shores. The minimum expenditure for landscaping/ gardens, excluding irrigation and hardscape, is TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00). All landscaping shall be completed according to the approved landscape plan prior to the final inspection of the home by the Town of Indian River Shores Building Department for a Certificate of Occupancy.

12. Section 8.4.7 is hereby amended as follows:

8.4.7. A minimum landscaping expenditure, excluding cost of installation of well and automatic underground irrigation systems, shall be TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00). Twenty percent (20%) of the landscaping expenditure (minimum of \$ 5,000.00) shall be for the purchase of mature trees.

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13. The foregoing amendments to the Amended and Restated Declaration of Protective Covenants and Restrictions were adopted by the members by a vote sufficient for approval.

14. All provisions of the Amended and Restated Declaration of Protective Covenants and Restrictions are herein confirmed and shall remain in full force and effect, except as specifically amended herein.

IN WITNESS WHEREOF, the undersigned has caused these to be signed by its President and its Secretary this 15 day of May, 2020.

WITNESSES:

River Club at Carlton Community Association, Inc.

Witness #1 Signature

Nicole Dany

Witness #1 Printed Name

Nicole Gomez

Witness #2 Signature

Ursula Guter

Witness #2 Printed Name

Ursula Guter

Witness #1 Signature

Mike Gallagher

Witness #1 Printed Name

Mike Gallagher

Witness #2 Signature

Ursula Guter

Witness #2 Printed Name

Ursula Guter

By: Albert Angelus
ALBERT S. ANGELUS President

By: Teresa F. Winslow
TERESA F. WINSLOW Secretary

STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15th day of May, 2020, by Albert Angelus as President of River Club at Carlton Community Association, Inc. [☒ who is personally known to me or [] has produced _____ as identification.

Notary Seal



Dayna Anding
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG137212
Expires 8/23/2021

Notary Signature

Dayna Anding

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STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of May, 2020, by Albert Angelus as Secretary of River Club at Carlton Community Association, Inc. ☒ who is personally known to me or [] has produced _____ as identification.

Notary Seal

Dayna Anding
Notary Signature

