

**SECOND AMENDMENT TO  
DECLARATION OF RESTRICTIVE COVENANTS  
OF THE FLAGLER BEACH POLO CLUB SUBDIVISION**

(Lots 5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40)

**THIS SECOND AMENDMENT** to the Declaration of Restrictive Covenants of the Flagler Beach Polo Club Subdivision made this 8<sup>th</sup> day of April, 2005, by **THE FLAGLER BEACH POLO CLUB HOMEOWNER'S ASSOCIATION**, hereinafter called the "Association" or "Declarant".

**WITNESSETH:**

**WHEREAS**, the property and parcels within the development are subject to certain uniform covenants and easements heretofore made by Lighthouse Development Group, Inc. as contained in that certain Declaration of Restrictive Covenants of the Flagler Beach Polo Club Subdivision, and recorded April 20<sup>th</sup>, 2004 in Flagler County Record Book 1069, beginning on page 1816 and continuing for a total of twenty-three (23) pages, Public Records of Flagler County, Florida; and as amended by First Amendment to Declaration of Restrictive Covenants recorded in Flagler County Record Book 1207, Page 533, and continuing for a total of three (3) pages, Public Records of Flagler County, Florida; and

**WHEREAS**, the Association is the duly empowered Home Owners Association pursuant to **Sections 720.301 – 720.312, Florida Statutes** and has authority to amend the recorded covenants of certain lands, (hereinafter referred to as "development") in Flagler County, Florida, more particularly described as follows: See **Exhibit "A"** attached hereto; and

**WHEREAS**, in accordance with Section EE, Item 1 of the declaration entitled **DECLARATION OF RESTRICTIVE COVENANTS OF THE FLAGLER BEACH POLO CLUB SUBDIVISION**, and other applicable provisions of the Declaration, the Declarant now wishes to amend the Declaration as set forth herein.

**NOW, THEREFORE**, in consideration of the premises, and other good and valuable consideration, the Declaration is hereby amended as follows:

1. **RECITALS.** The foregoing recitals are true and correct and form a part hereof. All initially capitalized terms used herein shall have the same meaning as set forth in the Declaration.
2. **AMENDMENT.** The Declaration is amended, as follows:
  - a. The following is hereby added to Section **D. General Development Standards**:

"12. In the event a gopher tortoise burrow is located within the proposed construction area of a lot, the owner shall apply for a permit with the Florida Fish and Wildlife Conservation Commission to relocate said gopher tortoise and shall receive said permit and successfully relocate said gopher tortoise prior to the commencement of any construction activities on said lot."

IN WITNESS WHEREOF, the said Declarant has hereunto set its hand and seal this 22<sup>ND</sup> day of March, 2005.

Signed, sealed and delivered in the presence of:

FLAGLER BEACH POLO CLUB HOMEOWNERS ASSOCIATION

Cristyl L Keith  
Witness  
John A Long  
Witness

By: [Signature]  
Rich Smith, Director

STATE OF FLORIDA  
COUNTY OF FLAGLER

THE FOREGOING instrument was acknowledged before me this 22<sup>ND</sup> day of March, 2005, by Rich Smith, a director of the Flagler Beach Polo Club Homeowners Association, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

Cristyl L Keith  
NOTARY PUBLIC  
My Commission Expires:



Signed, sealed and delivered in the presence of:

FLAGLER BEACH POLO CLUB HOMEOWNERS ASSOCIATION

Cristyl L Keith  
Witness  
John A Long  
Witness

By: [Signature]  
Lisa Smith, Director

STATE OF FLORIDA  
COUNTY OF FLAGLER

THE FOREGOING instrument was acknowledged before me this 22<sup>ND</sup> day of March, 2005, by Lisa Smith, a director of the Flagler Beach Polo Club Homeowners Association, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

Cristyl L Keith  
NOTARY PUBLIC  
My Commission Expires:



