

**FIRST 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 FIRST AMENDMENT to the Declaration of Restrictive Covenants of the Flagler Beach Polo Club Subdivision made this 30th day of December, 2004, 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 20th, 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

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 **A. USE OF PROPERTY**:

"7. Upon the resale of a lot, the Seller agrees to notify the Flagler Beach Polo Club Homeowner's Association in writing of the transfer of said property. The new Purchaser agrees to forward all contact information within fifteen (15) days of closing."
 - b. Paragraph E, of Section **V. ARCHAEOLOGICAL SENSITIVE SITE** is hereby deleted.
 - c. **CENTRAL POTABLE WATER AND SANITARY SEWER SYSTEMS**, of Section AA. **UTILITIES** is amended to read as follows:

"The Flagler Beach Polo Club has been designed to accommodate future public/private sewer and potable water service. Easements are in place to provide access to future services. In addition, a sewer/water system has been designed and land dedicated, Track I, to Flagler County to further accommodate such a system. All Owners of Lots within the Flagler Beach

Polo Club must connect to central potable water and/or sanitary sewer service when same becomes available; including installation of underground infrastructure from John Anderson Highway to each residence. Such expense will be accomplished through a "special assessment" from the Home Owners Association, whereby each Lot Owner will pay 1/32nd of the expense. All Lot Owners are required to fund the infrastructure and design costs within forty five (45) days of notice from Flagler County and to convert to potable water and sewer services within six (6) months of same becoming available. The current assessment is estimated at \$4500.00 per Lot and is subject to change. Such assessment would only be exercised in the event potable sewer and water is offered to the community which is however unlikely."

d. Section **EE. AMENDMENT**, paragraph 1 is hereby amended to read as follows:

"1. The Homeowners Association hereby reserves the right to amend, modify or rescind such parts of these restrictive covenants if the Home Owners Association deems the same to be necessary or desirable so long as such amendment, amendments, or modifications do not substantially change the character, use, nature or general scheme of the development, interfere with the residential use of the Lot Owners within the development, or impose any unreasonable financial obligations on said Lot Owners in possession."

e. Section **HH. THE FLAGLER BEACH POLO CLUB, LLC.** is hereby replaced with the following section title:

HH. THE FLAGLER BEACH POLO CLUB EQUESTRIAN CENTER, LLC

IN WITNESS WHEREOF, the said Declarant has hereunto set its hand and seal this 30TH day of December, 2004.

Signed, sealed and delivered in the presence of:

FLAGLER BEACH POLO CLUB HOMEOWNERS ASSOCIATION

Witness

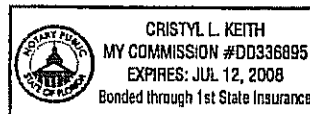
By: Rich Smith, Director

Witness

STATE OF FLORIDA
COUNTY OF FLAGLER

THE FOREGOING instrument was acknowledged before me this 30TH day of December, 2004, 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: 7-12-08



Signed, sealed and delivered
in the presence of:

Witness

Witness

FLAGLER BEACH POLO CLUB HOMEOWNERS
ASSOCIATION

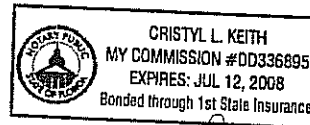
By:

Lisa Smith, Director

STATE OF FLORIDA
COUNTY OF FLAGLER

THE FOREGOING instrument was acknowledged before me this 30TH day of December, 2004, 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 Keith
NOTARY PUBLIC
My Commission Expires: 7-12-08



Signed, sealed and delivered
in the presence of:

Witness

Witness

FLAGLER BEACH POLO CLUB HOMEOWNERS
ASSOCIATION

By:

Timothy J. Conner, Director

STATE OF FLORIDA
COUNTY OF FLAGLER

THE FOREGOING instrument was acknowledged before me this 28th day of December, 2004, by Timothy J. Conner, 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.

Regina Gutierrez
NOTARY PUBLIC
My Commission Expires:



Regina Gutierrez
My Commission DD028282
Expires May 28, 2005