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DECLARATION OF COVENANTS AND RESTRICTIONS

TOWNHOUSE COMMON AREAS  
BLOCK 1  
MIAMI LAKES-LAKE CAROL REPLAT NO. TWO  
Plat Book 132, at Page 5

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(AMENDING)  
DECLARATION OF COVENANTS AND RESTRICTIONS  
MIAMI LAKES-LAKE CAROL  
Plat Book 127, at Page 31  
Block 1 Only

and  
DECLARATION OF COVENANTS AND RESTRICTIONS  
MIAMI LAKES-LAKE CAROL REPLAT NO. ONE  
Plat Book 131, at Page 55  
Block 1 Only)

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THIS INSTRUMENT is executed as of August 12<sup>th</sup>, 1987, by THE GRAHAM COMPANIES, a Florida corporation, f/k/a The Sengra Corporation ("Developer"), under the Declaration of Covenants and Restrictions for Miami Lakes-Lake Carol Townhouse Common Areas, Block 1, Miami Lakes-Lake Carol, Plat Book 127, at Page 31, which declaration was recorded July 11, 1985, under Clerk's File No. 85R209199, in Official Records Book 12569, at Page 2150, of the Public Records of Dade County, Florida (the "Old Covenants and Restrictions") as amended in the Declaration of Covenants and Restrictions, Townhouse Common Areas, Block 1, Miami Lakes-Lake Carol Replat No. One, Plat Book 131, at Page 55, recorded June 1, 1987, under Clerk's File No. 87R207095, in Official Record Book 13296, at Page 3771, of the Public Records of Dade County, Florida (the "Amended Declaration"), and the "Other Owners" and the "Mortgagee" identified below.

WHEREAS:

A. Lots 11-A, 14-A, 16-A, 18-A, 19-A, 20-A, 21-A, 23-A, 25-A, 26-A, 29-A, 31-A, 33-A, 36-A, 37-A, 40-A, 42-A, 43-A, 46-A, all inclusive, Block 1, of MIAMI LAKES-LAKE CAROL REPLAT NO. ONE, Plat Book 131, at Page 55, ("Replat No. One"), have been replated and now comprise Lots 11-B, 14-B, 16-B, 18-B, 19-B, 20-B, 21-B, 23-B, 25-B, 26-B, 29-B, 31-B, 33-B, 36-B, 37-B, 40-B, 42-B, 43-B, 46-B, all inclusive, of Block 1, of MIAMI LAKES-LAKE CAROL REPLAT NO. TWO, according to the plat thereof, as recorded in Plat Book 132, at Page 5, of the Public Records of Dade County, Florida, ("Replat No. Two"). The purpose of the replat was to

THIS INSTRUMENT WAS PREPARED BY:  
WALLACE L. LEWIS, JR.  
ATTORNEY AT LAW  
6942 MAIN STREET  
MIAMI LAKES, FL 33074

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close, vacate and abandon those various portions of utility easements which had been shown on the earlier plat and which are not contained on the new plat and to create new easement lines as shown on Replat No. Two.

B. Developer is the declarant under the Old Covenants and Restrictions and is the owner of the fee simple title to all of the lots in Replat No. Two except Lots 11-B and 20-B.

C. Richard D. Fretwell and Terri Fretwell, his wife and Robert A. Piscione and Joan Piscione, his wife, (the "Other Owners") are the owners of Lots 11-B and 20-B respectively and First Federal Savings Bank and Trust (the "Mortgagee") is the Mortgagee of Lot 11-B. Developer has been appointed by the Other Owners of Lots 11-B and 20-B and the Mortgagee of Lot 11-A, by those certain Special Powers of Attorney recorded in O.R. Book 13340, at Pages 3572, 3574 and 3573, to act as their Attorney-in-Fact to replat those lots and amend this Declaration of Covenants and Restrictions so as to make said Declaration applicable to Replat No. Two.

D. Owners holding not less than two-thirds (2/3) vote of the membership of the Miami Lakes-Lake Carol Homeowners' Association, Inc., a Florida corporation not for profit (the "Association"), have the power and authority to amend, change, add to, derogate or delete the covenants, restrictions, easements, charges and liens contained in the Old Covenants, with Developer's consent, subject to a provision not here relevant.

E. As of the date this instrument is executed and recorded, Developer has 115 of a total of 118 votes which is more than a two-thirds (2/3) vote of the membership of the Association. Developer, who is owner of all of the Lots described herein, except Lots 12, 13 and 22 of Replat No. One and Lots 11-B and 20-B of Replat No. Two, has the power and authority as set forth in Article VI, Section 5 of the Old Covenants and Restrictions, to modify, amend, derogate, or add to the Old Covenants and Restrictions.

F. Developer desires to amend the Old Covenants and Restrictions to reflect the replatting under Replat No. Two and

to declare that the Old Covenants as hereby amended are applicable to Lots 11-B, 14-B, 16-B, 18-B, 19-B, 20-B, 21-B, 23-B, 25-B, 26-B, 29-B, 31-B, 33-B, 36-B, 37-B, 40-B, 42-B, 43-B, 46-B, all inclusive, of Block 1, of Miami Lakes-Lake Carol Replat No. Two.

NOW THEREFORE, in consideration of the premises, Developer makes the following declarations and amendments to the Old Covenants as amended by the Amended Declaration, and the Other Owners and the Mortgagee join in the Amendments to show their consent:

1. Article I, Paragraph (c), is revised to read as follows:

(c) "Access Area" shall mean and refer to the portion of each lot and the portion of Tracts P-76, P-77, P-78, and P-79 that are subject to the utility and access easements (which are 22 feet wide) as shown on the plat of Miami Lakes-Lake Carol, Plat Book 127, Page 31; Miami Lakes-Lake Carol Replat No. One, Plat Book 131, Page 55; and Miami Lakes-Lake Carol Replat No. Two, Plat Book 132, Page 5.

2. In Article I, Paragraph (g), there is inserted after the reference to Miami Lakes-Lake Carol, and on the plat of Miami Lakes-Lake Carol Replat No. One, the words "and on the Plat of Miami Lakes-Lake Carol Replat No. Two."

3. The legal description contained in Article II, Section 1 is revised to read as follows:

Lots 1 through 10 and 47 through 118, all inclusive, of Block 1, of MIAMI LAKES-LAKE CAROL, according to the plat thereof, as recorded in Plat Book 127, at Page 31, of the Public Records of Dade County, Florida; and

Lots 12-A, 13-A, 15-A, 17-A, 22-A, 24-A, 27-A, 28-A, 30-A, 32-A, 34-A, 35-A, 38-A, 39-A, 41-A, 44-A, 45-A, all inclusive, of Block 1, of Miami Lakes-Lake Carol Replat No. One, according to the plat thereof, as recorded in Plat Book 131, at Page 55, of the Public Records of Dade County, Florida; and

Lots 11-B, 14-B, 16-B, 18-B, 19-B, 20-B, 21-B, 23-B, 25-B, 26-B, 29-B, 31-B, 33-B, 36-B, 37-B, 40-B, 42-B, 43-B, 46-B, all inclusive, of Block 1, of Miami Lakes-Lake Carol Replat No. Two, according to the plat thereof, as recorded in Plat Book 132, at Page 5, of the Public Records of Dade County, Florida.

4. The real property described in paragraph 3 hereof is and shall be held, transferred, sold, conveyed and occupied subject

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to the covenants, restrictions, easements, charges and liens of the Old Covenants as amended by this instrument as fully as if restated word for word with the above amendment.

EXECUTED as of August 12, 1987.

Signed in the presence of:

[Signature]  
[Signature]  
(As to Graham)

THE GRAHAM COMPANIES

By [Signature] President

Attest: [Signature] Secretary

Richard D. Fretwell and Terri Fretwell, his wife Robert A. Piscione and Joan Piscione, his wife First Federal Savings Bank and Trust

BY: THE GRAHAM COMPANIES, a Florida corporation

By: [Signature] President

Attest: [Signature] Secretary

[Signature]  
[Signature]  
(As to Graham, Attorney-in-Fact)

As and constituting the Attorney-in-Fact:

- (1) as to Lot 11-A, Replat No. One, under the Special Power of Attorney recorded in Official Records Book 13340, at page 3572, of the Public Records of Dade County, Florida, and
- (2) as to Lot 20-A, Replat No. One, under the Special Power of Attorney recorded in Official Records Book 13340, at Page 3574, of the Public Records of Lade County, Florida, and
- (3) as to Lot 11-A, Replat No. One, under the Special Power of Attorney recorded in Official Records Book 13340, at page 3573, of the Public Records of Dade County, Florida.

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me, this 12<sup>th</sup> day of August, 1987, by WILLIAM E. GRAHAM, President, and Edwin E. Feathers, Secretary of THE GRAHAM COMPANIES, a Florida corporation, on behalf of the corporation.

*[Signature]*  
Notary Public, State of Florida  
at Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. DEC 27, 1988  
BOUNDED THRU GENERAL REG. ORD.

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me, this 12<sup>th</sup> day of August, 1987, by WILLIAM E. GRAHAM, President, and Edwin E. Feathers, Secretary of THE GRAHAM COMPANIES, a Florida corporation, on behalf of the corporation, as "Attorney-in-Fact" for Richard D. Fratwell and Terri Fratwell, his wife (as to Lot 11-A), and First Federal Savings Bank and Trust (as to Lot 11-A), and Robert A. Pistone and Joan Pistone, his wife (as to Lot 20-A).

*[Signature]*  
Notary Public, State of Florida  
at Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. DEC 27, 1988  
BOUNDED THRU GENERAL REG. ORD.

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD IDENTIFIED  
RICHARD P. BRINKER  
CLERK CIRCUIT COURT

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. DEC 27, 1988  
BOUNDED THRU GENERAL REG. ORD.