

R



THIS INSTRUMENT PREPARED BY:
Ronald W. Smalley, Esquire
Post Office Box 280
Fort Myers, FL 33902-0280

Rept: 514555 Rec: 10.50
DS: 0.00 IT: 0.00
07/20/01 Dpty Clerk

JED PITTMAN, PASCO COUNTY CLERK
07/20/01 01:31pm 1 of 2
OR BK 4671 PG 1553

**FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND,
COVENANTS FOR THE GROVES GOLF & COUNTRY CLUB**

This First Amendment is made this 20th day of July, 2001 by Florida Dream Communities, Inc., a Florida corporation (the "Declarant").

RECITALS:

A. The Declarant is the developer of that certain real property located in Pasco County, Florida more particularly described in Exhibit 1 attached to the Declaration of Restrictions And Covenants For The Groves Golf & Country Club that was recorded June 28, 2001 in O.R. Book 4652, pages 1333 through 1434, Public Records of Pasco County, Florida (the "Declaration").

B. Section 4.2 of the Declaration grants the Declarant the right, in its sole discretion, to amend the Declaration prior to the Community Completion Date which has not occurred as of the date hereof.

C. Declarant desires to amend Section 11.4 and Section 11.28 of the Declaration so as to change the minimum age of all permanent occupants, as defined therein, from nineteen (19) years of age to twenty-two (22) years of age.

NOW, THEREFORE, pursuant to the authority provided to the Declarant in Section 4.2 of the Declaration, Declarant states the following:

1. The above Recitals are true and correct and are incorporated herein.
2. That Section 11.4 of the Declaration is amended to read as follows:

"11.4 Age Qualifications. The Groves Golf & Country Club is intended to be and shall be operated as a community providing housing for older persons in compliance with the Fair Housing Act (42 U.S.C. & 3601, et seq.), and the State of Florida Fair Housing Act (Chapter 760, Florida Statutes), each as may be amended from time to time. The Association shall publish and adhere to policies and procedures which demonstrate the intent to provide housing for older persons, including, but not limited to, reliable surveys and affidavits for verification of age and occupancy. Consistent with The Groves Golf & Country Club's purpose to provide housing for older persons, the Declarant, the CDD and the Association, notwithstanding anything to the contrary contained in the Declaration or otherwise, shall have the authority to levy Assessments, alter existing facilities or services, adopt reasonable Rules and Regulations and provide significant facilities or services specifically designed to meet the physical or social needs of older persons in order to be in compliance with such Acts. At least eighty percent (80%) of the Homes shall be occupied by at least one person fifty-five (55) years of age or older, and all occupants must be at least twenty-two (22) years of age or older. An "occupant" shall be defined in these restrictions as a person who occupies a Home for more than eight (8) weeks in any calendar year. A surviving or divorced spouse who is an occupant under fifty-five (55) years of age will be allowed to remain as an occupant. A "spouse" shall be defined in these restrictions to include a husband or wife or persons who have cohabitant relationships as occupants of a Home. The Board shall have the right to require prior age verification from all prospective occupants. Notwithstanding anything to the contrary contained herein, the Declarant shall have the right, but

not the obligation, and each Owner, with the prior written approval of the Association, shall have the right to sell or rent Homes which shall be occupied by at least one person who is forty-five (45) years of age or older; provided that such sales do not conflict with any federal, state or local law. The Declarant or the Association shall have the right to promulgate, from time to time, reasonable Rules and Regulations governing visitation and temporary residence. Persons under twenty-two (22) years of age may stay as a guest in the community for up to thirty (30) consecutive days or for a total of forty-five (45) days in a calendar year."

3. That Section 11.28 of the Declaration is amended to read as follows:

"11.28 Children's Use of Facilities. Persons who are under sixteen (16) years of age shall not be permitted to use the Common Areas unless under the supervision of an occupant at least twenty-two (22) years of age, except in such cases and under such conditions as the CDD may from time to time establish and require. Parents and/or guardians shall be responsible for all actions of their minor children at all times in and about The Groves Golf & Country Club. Declarant shall not be responsible for any use of the facilities by anyone, including minors."

4. That except as amended by this First Amendment, the Declaration remains unchanged and in full force and effect.

Jo Elaine Bell
Witness

JO ELAINE BELL
(Type/Print Name of Witness)

Luanne Coffey
Witness

Tressie Coffey
(Type/Print Name of Witness)

FLORIDA DREAM COMMUNITIES, INC., a Florida corporation, Declarant

BY: *Robert D. Brown*
Robert D. Brown, President

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 30th day of July, 2001 by Robert D. Brown, President of FLORIDA DREAM COMMUNITIES, INC., a Florida corporation, as Declarant, on behalf of the corporation, who is personally known to me.

My Commission Expires: Apr 18, 2003

Jo Elaine Bell
Notary Public

JO ELAINE BELL
(Type/Print Name of Notary)

Commission No. CC827158

