

50
C
Prepared by/Return To:
Christopher C. Campione, Esq.
Bowen & Campione, P.A.
80 Royal Palm Blvd., Suite 302
Vero Beach, Florida 32960

IN THE RECORDS OF
JEFFREY K. BARTON
CLERK CIRCUIT COURT
INDIAN RIVER CO., FLA.

1177435

00 JAN 20 PM 1:45

**FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION
OF
RESTRICTIONS APPLICABLE TO PORPOISE POINT SUBDIVISION**

This FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF RESTRICTIONS APPLICABLE TO PORPOISE POINT SUBDIVISION ("Amendment") is made and executed this 18th day of January, 2000, by GEORGE F. GUGGEIS, President of Porpoise Point Association, Inc. ("Association") upon the approval of owners of record of at least 75% of the lots in said subdivision at a meeting duly held on February 27, 1999.

Witnesseth

Whereas, Association did make and enter into that certain Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on December 1, 1953, in Deed Book 84, Page 383; Amendment to Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on September 18, 1968 in Official Record Book 295, Page 256; Amendment to Declaration of Restrictions Applicable to Porpoise Point Subdivision recorded on July 16, 1986 in Official Record Book 0741, Page 0216; and Amendment to Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on May 13, 1987 in Official Record Book 0768, Page 0431; and Amended and Restated Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on October 30, 1992 in Official Records Book 951, Page 1852 all recorded on the Public Records of Indian River County, Florida (together, the "Declaration"); and

Whereas, Association desires to amend certain terms and conditions of the Declaration under and pursuant to Section 6 of the Amended and Restated Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on October 30, 1992.

Whereas, Association at a meeting duly noticed and convened on February 27, 1999, at which a quorum was present, three fourths of the owners voted to modify and amend the said Declaration of Restrictions as follows:

NOW, THEREFORE, Association does hereby declare that the Declaration shall be amended as follows:

1. Section 2 Paragraph 3 of the Amended and Restated Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on October 30, 1992, shall be changed to read as follows:
3. No building or structure of any kind for any non-permitted use shall be erected or reconstructed less than 35 feet from any street or roadway boundary line nor less than 20 feet from any side or back lot line, except as to Lots 1 through 8 the restriction shall be not less than 30 feet from any street or roadway boundary line nor less than 20 feet from any side or back lot line. No building or structure of any kind shall be erected or constructed less than 25 feet from the west boundary line of Lots 11 and 20. The west boundary line of Lots 1, 15, 16 and 29 shall be considered a "side line". Specifically excepted from the set back limitations of this paragraph 3 are driveways and walkways and oceanfront decks. Further, specifically excepted from the side and rear set back limitations hereinbefore provided in this paragraph 3 are fences, in-ground swimming pools and like kind in-ground facilities such as jacuzzis and adjacent decks or patios and as to these excepted "structures" or improvements the side lot line set back limitation shall be 15 feet and the rear lot line set back limitation shall be 10 feet. Fences may be erected along the rear and side property lines, provided they do not extend beyond the front of the residence, are no higher than five (5) feet and are shielded from view by vegetation. Fences are not permitted forward of the front and side building lines of residences bordered on two sides by streets or roadways, (Lots 11, 12, 19 and 20). Shrubbery is permissible anywhere and there are no height restrictions.

OR 1313PG 1638

2. Section 2 Paragraph 5 of the Amended and Restated Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on October 30, 1992, shall be changed to read as follows:

5. No noxious or offensive activity shall be allowed upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. The use of motor driven equipment, (lawn mowers, grass blowers, chain saws and similar noise producing devices) is prohibited before 8 A.M.

3. Section 2 Paragraph 6 of the Amended and Restated Declaration of Restrictions Applicable to Porpoise Point Subdivision, recorded on October 30, 1992, shall be deleted in its entirety.

4. Invalidation of any one of the covenants or restrictions or any part, clause or word of this Amendment, or of the application thereof in specific circumstances, by judgment or court order, shall not affect any other provision or application in any other circumstance, all of which shall remain in full force and effect.

5. Except as modified and amended hereby, the Declaration shall remain in full force and effect according to its terms. Under recordation of this Amendment in the Public Records of Indian River County, Florida, this Amendment shall be and become a part of the Declaration.

In Witness Whereof, Association, by and through its authorized representative, has hereunto set its hand and seal the day and year first above written.

Witnesses:

PORPOISE POINT ASSOCIATION, INC.

Christopher C. Campione
Signature

CHRISTOPHER C. CAMPIONE
Print

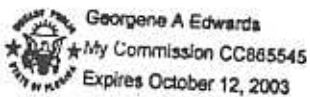
By: George F. Guggeis
George F. Guggeis, President

Georgene A. Edwards
Signature

Georgene A. Edwards
Print

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 18th day of JANUARY, 2000 by GEORGE F. GUGGEIS, as President of PORPOISE POINT ASSOCIATION, INC., on behalf of the corporation, who is personally known to me and did did not take an oath.



Georgene A. Edwards
Notary Public

Georgene A. Edwards
Printed Name of Notary
My Commission Expires:

UN 1 3 1 3 1 6 1 0 3 3 9