

SEA COLONY
AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS AND EASEMENTS

AMENDMENT #10

WHEREAS, on February 27, 1986, Palm Coast Construction Company (Company) caused to be recorded in Official Records Book 275 at Page 150, of the Public Records of Flagler County, Florida, the Declaration of Restrictive Covenants and Easements (hereinafter referred to as the Declaration) for the property known as the Subdivision of Sea Colony as recorded at Map Book 27, Pages 30-39 of the Public Records of Flagler County, Florida, and

WHEREAS, the Declaration reserved the right to the Company to make amendments to it; and

WHEREAS, the Company has previously amended the Declaration by Amendments recorded at Official Records Book 280, Page 982, Official Records Book 295, Page 740, Official Records Book 314, Page 248, Official Records Book 329, Page 541, Official Records Book 404, Page 511, and Official Records Book 457, Page 1591, of the Public Records of Flagler County, Florida; and

WHEREAS, the Directors are permitted to amend the Articles of Incorporation and the By-Laws which are part of Sea Colony's official documents and the Declaration also permits the owners of lots in Sea Colony to amend the Declaration; and

WHEREAS, the owners did in fact amend the subject documents by strictly following all requirements of each of the subject documents concerning the amendments of the same, including obtaining of the Company's consent, and they have done so at Official Records Book 457, Page 1905, and Official Records Book 536, Page 372 of the Public Records of Flagler County, Florida; and

WHEREAS, the Company is no longer in control nor owns any lots in Sea Colony and their consent is no longer necessary; and

WHEREAS, the Directors are permitted to amend the Sea Colony By-Laws which is a part of Sea Colony's documents, the Directors did in fact amend the By-Laws on September 19, 2002 by strictly following all requirements of the subject documents concerning the amendments to the By-Laws which have been filed in the Official Records Book 943, Page 756-758 of the Public Records of Flagler County, Florida, and

WHEREAS, the owners have again amended the subject Declaration at a duly called meeting held on December 6th, 2004, by strictly following all requirements of The Restrictive Covenants and Easements concerning the amendments of the same.

NOW, THEREFORE, the above-described Declaration of Restrictive Covenants and Easements for Sea Colony is hereby amended as follows:

NOTE: ADDITIONS IN TEXT ARE INDICATED BY UNDERLINE DELETIONS BY ~~STRIKEOUT~~.

ARTICLE I
DEFINITIONS

(w) "Screened enclosure" is ~~an enclosure with screened walls and either a screened roof or a solid roof a~~
one-story enclosure with a screened roof or a solid roof with either screened walls or window walls.

Each exterior wall must have a minimum of 60% window and/or screened area. Enclosure siding must match existing siding material.

ARTICLE X
BUILDING USE AND COVENANTS

Section 6. Building Location and Setbacks

Buildings shall be located in conformance with this Declaration, and the Development Ordinance of Flagler County, Florida, pursuant to which a Planned Unit Development Plan was filed under Article 5 of said Ordinance and any specific approvals thereunder, or as originally constructed on a Lot by Company or its successor or assignee. For all residential construction on Lots within the Parcel, setbacks shall be no less than as follows:

- Front-25' from edge of pavement.
- Corner lot-20' from edge of pavement.
- Side-7.5' from side property line.
- Rear-20' from rear property line.

In no event shall any regulation swimming pool or screened enclosure as defined in Article I, Definitions, be placed closer than 10 feet from any rear property line. The style and type of screen enclosure including roof, walls, screening and/or windows, and the style and type of roof materials must be approved by the Association and the Architectural Review Committee as otherwise provided for in this Declaration. In addition, no such screened enclosure may be constructed without prior written approval of Flagler County.

Except for existing structures, the setbacks for stairs or second story decks shall be no less than the setbacks set forth above, except for Lots 337 through 350 Sea Vista Drive. These lots shall be subject to review for setbacks by the Association, the Architectural Review Committee and Flagler County.

EXCEPT as specifically modified herein, all other terms and conditions of said Restrictive Covenants and Easements shall remain in full force and effect.

IN WITNESS WHEREOF, Sea Colony Homeowner's Association, Inc. has hereunto caused, this document to be signed by its President and Secretary, who hereby attest that this instrument was approved by members entitled to vote at least two-thirds (2/3) of the votes of the Association at a meeting of the members called for that purpose. A copy of the Amendment Ballot Counting Committee report is attached hereto.

Signed in the presence of:

SEA COLONY HOMEOWNER'S ASSOCIATION, INC.

Margaret A. Russell
Witness

James M. Curran
James M. Curran, President

Diane K. Upton
Notary Public

Harry W. Kirms
Attest: Harry W. Kirms, Secretary




State of Florida
County of Flagler

Sworn to (or affirmed) and subscribed before me this 17 day of December, Year 2004 by James M. Curran & Harry W. Kirms
(Name of person making statement)

Diane K. Upton
Official Notary Signature
Notary Seal Diane K. Upton
(Name of Notary Typed, Printed or Stamped)

Personally known: _____
or produced identification, Identification
Produced FIDL

Official Notary Seal
Diane K. Upton
My Commission DD342008
Expires September 27 2008



John Enright
John Enright, Vice President

Lorraine Kapczynski, Treasurer
Lorraine Kapczynski, Treasurer

Peter Preiser
Peter Preiser, Director

Attachment: Covenants Ballot Counting Committee Report

Covenant Ballot Committee Report

On December 6, 2004, The Board adjourned to count the Ballots certified by December 6, 2004. And any Covenant ballots returned in election ballots envelopes were in error.

The votes cast were 276. The votes to accept the screen enclosure was 251, those against were 14. 11 Ballots were discarded, 6 for not containing a ballot and 5 for not having a name or certificate.

To Pass a Covenant change for our Association Documents 233 of our 350 member owners must vote for the change, therefore the covenant passed 251 yes

14 no

Committee

Margaret Bailey

Hank Wilhelmi

Joseph Kapczynski Chairperson

Rita Kendrigan

Margaret Evans

