

OFF REC 0943 PAGE 0731

SEA COLONY
AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS AND EASEMENTS

AMENDMENT #9

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 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;

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;

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, 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;

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

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 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 March 27, 2003, adjourned to April 10, 2003 and adjourned to April 26, 2003, 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:

Article VI Maintenance, as recorded in the Official Records of Flagler County 275, page 168 shall be amended by adding to Section 2. Lot Maintenance. (a) Association (2) the following new paragraph:

“Perimeter Fencing: The Association shall be responsible for and obligated to maintain in good repair and replace as often as necessary, the perimeter fencing as constructed by the Company located on the common areas and on privately owned lots along the northern and southern boundaries of the Parcel. Maintenance and replacement shall be done using the same or equal materials to those used by the Company for the original construction. The type of materials, style and color of any replacement fencing that shall be different from the materials, style and/or color of the original fence as installed by the Company shall be subject to recommendations of the Architectural Review Committee and final approval of 80 percent of the Board of Directors.”

And by amending

ARTICLE VII: Covenant for Maintenance Assessment, Section 10. Capital Improvements **by deleting the old section 10. Capital Improvements which read as follows:**

Section 10. Capital Improvements. Funds necessary for capital improvements, emergencies or non-recurring expenses may be levied by such Association as special assessments, upon approval of a majority of the Board of Directors of such Association and also, for such funds exceeding the sum of \$4,000.00, upon approval by two-thirds favorable vote of the Members of such Association voting at a meeting or by ballot as may be provided in the By-Laws of such Association.

And inserting in lieu thereof the following new Section 10. Capital Improvements

Section 10. Capital Improvements: Funds necessary for capital improvements, emergencies or non-recurring expenses that exceed the sum of \$4000.00 shall require the approval of a majority of the Board of Directors of the Association and approval of two-thirds favorable vote of the Members of the Association voting at a meeting or by ballots as may be provided in the By-Laws of the Association. The \$4000.00 cost cap shall be all inclusive and in computing the \$4000.00 cost limitation, the cost of installation, furnishing all supplementary or miscellaneous items, appurtenances and devices incidental to accomplishing the work and making it operational shall be included.

Nothing contained herein shall limit the authority that may be provided to the Board of Directors elsewhere in the Restrictive Covenants and Easements to levy special assessments.

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:

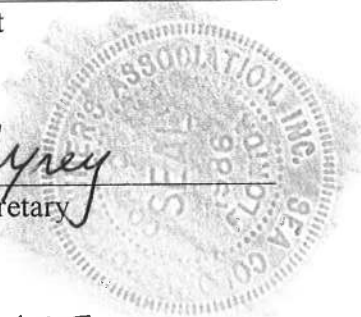
SEA COLONY HOMEOWNER'S ASSOCIATION, INC.

Diane K. Upton
Witness

Judy K. Shearouse
Judy K. Shearouse, President

Margaret A. Russell
Notary Public (Margaret A. Russell)

Attest: Frances M. Ayrey
Frances M. Ayrey, Secretary



STATE OF FLORIDA
COUNTY OF Flagler

Alma Nemrava
Alma Nemrava, Vice President

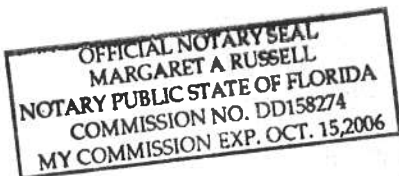
Sworn to (or affirmed) and subscribed
before me this 20th day of May, Year 2003
by Judy K. Shearouse + Frances M. Ayrey
(Name of Person Making Statement)
Margaret A. Russell
(Official Notary Signature)

James W. Chaffee
James Chaffee, Treasurer

NOTARY SEAL MARGARET A. RUSSELL
(Name of Notary Typed,
Printed or Stamped)

Lou McCutchan
Lou McCutchan, Director

Personally known: _____
or Produced Identification, _____
Identification Produced:
FL DL



Attachment: Covenants Ballot Counting Committee Report

On April 10, 2003, the Board reconvened their adjourned meeting of March 27, 2003, for the purpose of counting the Covenant Ballots. After much discussion, a motion was made to let the ballots received so far, be counted. This was with the provision that the meeting be again convened April 26, 2003, to count those ballots certified by April 25, 2003, as well as any Covenant Ballots returned in Election Ballot envelopes, in error. On April 26, 2003 the votes cast were 330. The votes for the fence to be replaced by the association were 238 – those against were 89. The votes for the clarification of the \$4000.00 Board spending limit were 277 for the amendment and 47 against. Three ballots were discarded due to one being a straw pole orange paper, one voting ½ for each fence option, and one not containing a ballot. Three ballots did not mark a vote on the spending limit. .

Included in the April 28, 2003 Board Election Ballots, were two Covenant Change Ballots. Both of these ballots voted yes for the \$4000.00 spending limit, and also voted for the Association to be responsible for the replacement of the North and South perimeter fences. The final totals on this Covenant voting were:

Association responsible for fence replacement: 240
Homeowners responsible for fence replacement: 89

\$4000.00 Spending Limit Re-defined: Yes 279
No 47

To pass a Covenant change, per our association documents, 233 of our 350 member/owners must vote for the change. Therefore, both Covenant changes are passed. There was much hard work done by many persons to “Get Out The Vote”. Contacting out of town people and absentee owners was a real challenge. Even explaining the importance of these issues to local folks required much patience. A tremendous effort was the key to having a successful election.

Committee:

Jim Curran, Marthe Geringer, Patti McDonald,
Pat Waity, Margaret Ward and Gerry Wright.

KayAnn Chaffee, Chairperson

