

SEMINOLE CO. FL.

THIS INSTRUMENT PREPARED BY:

ROBERT T. ROSEN, ESQ.
BROAD AND CASSEL
1051 WINDERLEY PLACE, 4TH FLOOR
MAITLAND, FLORIDA 32751

FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS:
BEAR CREEK ESTATES

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS: BEAR CREEK ESTATES is made this 30th day of May, 1991, by WINTER SPRINGS DEVELOPMENT JOINT VENTURE, a Florida general partnership (the "Developer").

R E C I T A L S:

A. The Developer has heretofore made, executed and delivered a certain Declaration of Restrictions: Bear Creek Estates dated April 15, 1982 and recorded on April 20, 1982 in Official Records Book 1388, Page 0600, Public Records of Seminole County, Florida (hereinafter referred to as the "Declaration").

B. The Developer desires to amend the Declaration as provided herein, as said Declaration allows for same according to Article X, Section 7 thereof.

C. Article IX, Section 5 of the Declaration provides for the method of amendment of the "Design Criteria" attached to the Declaration and recorded in Official Records Book 1388, Pages 657 and 658, Public Records of Seminole County, Florida.

D. Article IX, Section 2 of the Declaration delegates and defines the authority of the Architectural Control Committee.

NOW, THEREFORE, in consideration of the premises and also in consideration of the sum of Ten and no/100 Dollars (\$10.00) paid to the Developer, the receipt whereof is hereby acknowledged, the Developer hereby declares, covenants and agrees as follows:

1. Each and every one of the aforementioned recitals are true and correct and are incorporated herein by reference thereto.

MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FL.

169356

1991 JUN 14 PM 2:06

RECORDED & VERIFIED

Broad and Cassel

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Bid

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SEMINOLE CO. FL.

2. The first, second, and third sentences of numbered paragraph 1 of the Design Criteria entitled "Garages" are hereby amended as follows:

"Each garage must contain sufficient space for at least three, but not more than four, standard sized passenger automobiles. Each garage must contain the following minimum widths, measured between the interior walls or the interior facing of the studs or other structural components of an unfinished interior wall: 33 feet for a three-car garage, and 44 feet for a four-car garage. Each garage must have (i) two 16-foot doors for a four car garage, or (ii) three or four individual overhead doors, as the case may be, each a minimum of 8 feet in width."

3. The second sentence of numbered paragraph 3 of the Design Criteria entitled "Roofs" is hereby amended to read as follows:

"All roofs on the principal part of any residential dwelling and on any garage must have a minimum 6/12 pitch."

4. Numbered paragraph 4 of the Design Criteria entitled "Driveways" is hereby amended in its entirety to read as follows:

"4. Driveways. Each residential dwelling must be serviced by a paved driveway of stable and permanent construction at least 12 feet wide and widening to at least 16 feet in width at the garage and curb entrances. Each driveway must be constructed of concrete. All curb cuts must be finished to such standards as the Committee may establish."

5. Numbered paragraph 6 of the Design Criteria entitled "Landscaping" is hereby amended in its entirety to read as follows:

"6. Landscaping. Each landscaping plan must provide for the following minimum requirements: (i) a minimum of \$5,000.00 must be expended on plants alone, exclusive of sod, sprinkler system and landscape architect fees. As a minimum, plants must be planted along both sides of the house, as well as the front; (ii) on all lots, there must be a minimum of

ten (10) trees being a minimum fifteen (15) feet in height and four (4) inches caliper; (iii) the entire lot must be fully sodded with certified St. Augustine or St. Augustine high bred sod (acceptable to the Architectural Control Committee); and (iv) all homes must have full yard irrigation."

6. The Design Criteria are hereby amended to add the following paragraphs as numbered paragraphs 10, 11, 12 and 13:

"10. Construction. A builder constructing a home in Bear Creek Estates must be on the Approved Builder's List, which list shall be established and maintained by the Architectural Control Committee. The Architectural Control Committee has full authority to establish criteria for the placement of and removal of names from the Approved Builder's List. During construction, the builder is responsible to clean up the construction site at the end of each day to prevent paper and garbage blowing onto adjacent lots. If the construction site is not cleaned on a daily basis as provided herein, the Developer has the right to clean the construction site and bill the responsible builder for such cleanup. No construction may take place on Sundays. During construction, portable toilets may be placed only in a location satisfactory to the Architectural Control Committee.

11. Homes. Homes must have a minimum of 3,200 square feet under air conditioning. Each home must be a custom home with plans original to the Tusawilla community and no two homes within Bear Creek Estates may be look-alike homes. The preceding sentence shall be interpreted such that the elevation of each home within Bear Creek Estates must be entirely unique as to all other homes within Bear Creek Estates and the floor plans of no two homes within Bear Creek Estates shall be substantially the same unless approved by the Architectural Control Committee. The meaning of the word "original" as used in this paragraph shall be as defined by the Architectural Control Committee. The elevation of all homes must be aesthetically

fluid and consistent in keeping with the quality presently existing in Bear Creek Estates. The ceilings on the main floor of each home must be at least nine (9) feet high and at least eight (8) feet high on the second floor. Chimneys must match the exterior elevation and must include wind vents, unless the chimney is masonry in construction. All homes must be prewired for a burglar alarm system.

12. Fences. No wooden or chain link fences are permitted. Plastered masonry wall fences are permitted as long as they are consistent with the masonry work of the residence.

13. Satellite Dishes. Satellite dishes are prohibited within Bear Creek Estates."

7. In the event of any inconsistency between the Design Criteria, as amended, and any other planning or design criteria or rules or regulations, with respect to matters within the authority of the Architectural Control Committee, the Design Criteria shall control.

8. The first sentence of Article IX, Section 2 of the Declaration is hereby amended to read as follows:

"Section 2. COMMITTEE AUTHORITY. The Committee has full authority to regulate the exterior appearance of the Lots to: (i) assure harmony of external design and location in relation to surrounding buildings and topography; (ii) to protect and conserve the value and desirability of the Properties as a residential community; and (iii) to grant variances to set backs herein set forth and as set forth on the plat, provided that variances granted by the Architectural Control Committee shall not exceed the standard minimum set back requirements of any governmental authority, and that such variances granted by the Architectural Control Committee prior to the date hereof are hereby ratified and affirmed. . . . "

9. Except as specifically amended hereby, the Declaration and Design Criteria shall remain in full force and effect.

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10. The amendments to the Declaration and Design Criteria hereby adopted shall be effective on the eleventh day after at least two-thirds (2/3) of the total eligible votes of Class A Members and at least two-thirds (2/3) of the total eligible votes of Class B Members have executed a Joinder and Consent hereto. The amendments to the Declaration and Design Criteria hereby adopted shall apply as of the effective date of said amendments to any and all initial installations of residential dwellings on lots within Bear Creek Estates and to any and all alterations or additions to residential dwellings on lots within Bear Creek Estates. In the event of any question as to the applicability of said amendments to construction within Bear Creek Estates, the decision of the Architectural Control Committee shall control.

IN WITNESS WHEREOF, the undersigned, being the Developer herein, does hereby make this First Amendment to the Declaration of Restrictions: Bear Creek Estates, and has caused this First Amendment to be executed in its name, on the day and year first above written.

Witnesses:

WINTER SPRINGS
DEVELOPMENT JOINT VENTURE,
a Florida general partnership

By: HOME CAPITAL CORP.,
a California corporation,
General Partner

Virginia M. Barker
Paige Fairley

By: Louis E. Vogt
Louis E. Vogt,
Vice President

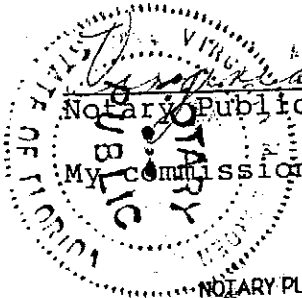
By: Joy DeCaro
Joy DeCaro,
Assistant Secretary

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Louis E. Vogt and Joy DeCaro, Vice President and Assistant Secretary, respectively, of Home Capital Corporation, a California corporation, as General Partner of WINTER SPRINGS DEVELOPMENT JOINT VENTURE, a Florida general partnership, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 30th day of May, 1991.



Virginia M. Burden
Notary Public - State of Florida at Large
My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG. 18, 1992
BONDED THRU GENERAL INS. UND.

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SEMINOLE CO. FL.

JOINDER AND CONSENT OF THE SOLE CLASS B MEMBER

Pursuant to Article IX, Section 5 of the Declaration, and Article XIII of the Articles of Incorporation of Bear Creek Homeowners Association, Inc., the undersigned hereby joins in and consents to the foregoing First Amendment to the Declaration of Restrictions of Bear Creek Estates.

The execution of the Joinder and Consent of Class A Members, being at least two-thirds (2/3) of the total eligible votes of Class A Members, and the execution of this Joinder and Consent of the Sole Class B Member by Winter Springs Development Joint Venture, pursuant to Article XIII of the Articles of Incorporation of Bear Creek Homeowners Association, Inc. and Section 607.394 of the Florida Statutes, and the subsequent insertion of a copy of the Joinder and Consents of the sole Class B Member and of the Class A Members in the Minute Book of Bear Creek Homeowners Association, Inc., prior to the taking of the action authorized by said Joinder and Consents, waives any requirement of a formal meeting of the members of the Bear Creek Homeowners Association, Inc. to conduct the business referred to herein.

The Joinder and Consents of the sole Class B Member and of the Class A Members shall be effective when signed by Winter Springs Development Joint Venture and at least two-thirds (2/3) of the Class A Members of Bear Creek Homeowners Association, Inc.

Dated this 30th day of May, 1991.

Witnesses:

WINTER SPRINGS
DEVELOPMENT JOINT VENTURE,
a Florida general partnership

By: HOME CAPITAL CORP.,
a California corporation,
General Partner

By: Louis E. Vogt
Louis E. Vogt,
Vice President

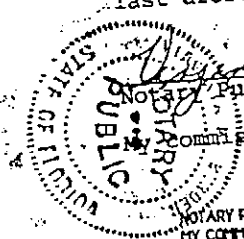
By: Joy DeCafro
Joy DeCafro,
Assistant Secretary

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Louis E. Vogt and Joy DeCaro, Vice President and Assistant Secretary, respectively, of Home Capital Corporation, a California corporation, as General Partner of WINTER SPRINGS DEVELOPMENT JOINT VENTURE, a Florida general partnership, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 30th day of May, 1991.



Virginia M. Butler
Notary Public - State of Florida at Large

Commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG. 16, 1992
BONDED THRU GENERAL INS. UNO.

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JOINDER AND CONSENT OF CLASS A MEMBERS SEMINOLE CO. FL.

Pursuant to Article IX, Section 5 of the Declaration, and Article XIII of the Articles of Incorporation of Bear Creek Homeowners Association, Inc., the undersigned hereby joins in and consents to the foregoing First Amendment to the Declaration of Restrictions of Bear Creek Estates.

The execution of this Joinder and Consent of Class A Members, being at least two-thirds (2/3) of the total eligible votes of Class A Members, and the execution of the Joinder and Consent of the Sole Class B Member by Gulfstream Housing Corp., pursuant to Article XIII of the Articles of Incorporation of Bear Creek Homeowners Association, Inc. and Section 607.394 of the Florida Statutes, and the subsequent insertion of a copy of the Joinder and Consents of the sole Class B Member and of the Class A Members in the Minute Book of Bear Creek Homeowners Association, Inc., prior to the taking of the action authorized by said Joinder and Consents, waives any requirement of a formal meeting of the members of the Bear Creek Homeowners Association, Inc. to conduct the business referred to herein.

The Joinder and Consents of the sole Class B Member and of the Class A Members shall be effective when signed by Gulfstream Housing Corp. and at least two-thirds (2/3) of the Class A Members of Bear Creek Homeowners Association, Inc.

Dated this ____ day of _____, 1991.

Signed, sealed and delivered
in the presence of:

As to Lot(s) _____:

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STATE OF FLORIDA
COUNTY OF

SEMINOLE CO. FL.

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this ____ day of _____, 1990 by _____ and _____ as owners of Lot(s) _____ of Bear Creek Estates, according to the plat thereof as recorded in Plat Book 26, Pages 57, 58 and 59, Public Records of Seminole County, Florida, who personally appeared before me and acknowledged that they/he executed this Joinder and Consent to the First Amendment to the Declaration of Restrictions: Bear Creek Estates for the purposes herein.

Notary Public - State of Florida at Large

My commission expires: