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**“PROPOSED”**  
**FIFTH AMENDMENT TO AMENDED AND RESTATED**  
**DECLARATION OF MASTER COVENANTS, CONDITIONS**  
**AND RESTRICTIONS OF WATERFORD LAKES**

THIS AMENDMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2020, by WATERFORD LAKES COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation (the “Community Association”).

WHEREAS, the Community Association is the homeowners’ association for all properties within the Waterford Lakes Development in Orange County, Florida (the “Waterford Lakes Development”); and

WHEREAS, all properties within the Waterford Lakes Development are subject to the recorded declarations and amendments to declarations of the Community Association and its predecessor, the Huckleberry Community Association, Inc., including but not limited to, the following declarations and amendments thereto:

1. The “Declaration of Covenants and Restrictions of Huckleberry”, recorded on April 4, 1985, at O.R. Book 3625, pages 2075, *et seq.*, of the Public Records of Orange County, Florida (the “1985 Declaration”);
2. The “Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on October 21, 1986, at O.R. Book 3829, page 4121, of the Public Records of Orange County, Florida (the “October 1986 Amendment”)<sup>1</sup>;
3. The “Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on December 4, 1986, at O.R. Book 3841, pages 2994, *et seq.*, of the Public Records of Orange County, Florida (the “First Amendment”);
4. The “Second Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on December 30, 1986, at O.R. Book 3848, pages 376, *et seq.*, of the Public Records of Orange County, Florida (the “Second Amendment”)<sup>2</sup>;
5. The “Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on February 4, 1987, at O.R. Book 3859, pages 1028, *et seq.*, of the Public Records of Orange County, Florida (the “Third Amendment”);

<sup>1</sup> The October 1986 Amendment was the first amendment to the 1985 Declaration. However, subsequent amendments to the 1985 Declaration incorrectly identified the second amendment as the first amendment to that declaration. Thus, the present Amendment will maintain that same identification and will list the second amendment as the first amendment, the third amendment as the second amendment, etc.

<sup>2</sup> As explained in footnote 1, the initial amendment to the 1985 Declaration, which is identified herein as the “October 1986 Amendment”, was apparently overlooked by the drafter of the “Second Amendment” as the “Second Amendment” was, in actuality, the third amendment to the 1985 Declaration.

6. The “Fourth Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on March 11, 1987, at O.R. Book 3867, pages 3353, *et seq.*, of the Public Records of Orange County, Florida (the “Fourth Amendment”);
7. The “Fifth Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on March 11, 1987, at O.R. Book 3896, pages 2333, *et seq.*, of the Public Records of Orange County, Florida (the “Fifth Amendment”);
8. The “Sixth Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on August 19, 1987, at O.R. Book 3913, pages 978, *et seq.*, of the Public Records of Orange County, Florida (the “Sixth Amendment”);
9. The “Seventh Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on August 23, 1988, at O.R. Book 4007, page 3313, of the Public Records of Orange County, Florida (the “Seventh Amendment”);
10. The “Eighth Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on December 9, 1988, at O.R. Book 4038, page 2832, of the Public Records of Orange County, Florida (the “Eighth Amendment”);
11. The “Eighth Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on January 13, 1989, at O.R. Book 4047, page 4592, *et seq.*, of the Public Records of Orange County, Florida (the “Ninth Amendment”);
12. The “Amendment to the Declaration of Covenants and Restrictions of Huckleberry, Originally Recorded in Official Records Book 3625, Public Records of Orange County, Florida”, recorded on November 17, 1989, at O.R. Book 4133, pages 2122, *et seq.*, of the Public Records of Orange County, Florida (the “Tenth Amendment”);
13. The “Amendment to Declaration of Covenants and Restrictions Huckleberry”, recorded on November 17, 1989, at O.R. Book 4133, pages 2132, *et seq.*, of the Public Records of Orange County, Florida (the “Eleventh Amendment”);
14. The “Amendment to Declaration of Covenants and Restrictions of Huckleberry”, recorded on November 2, 1990, at O.R. Book 4233, pages 1467, *et seq.*, of the Public Records of Orange County, Florida (the “Twelfth Amendment”);
15. The “Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes”, recorded on September 19, 1991, at O.R. Book 4327, pages 3881, *et seq.* of the Public Records of Orange County, Florida (the “Restated Declaration”);
16. The “Amendment to Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes Recorded in Official Record Book 4327, Page 3881”, recorded on February 24, 2000, at O.R. Book 5948, Pages 1323, *et seq.* of the Public Records of Orange County, Florida (the “First Amendment to the Restated Declaration”);

<sup>3</sup> The drafter of this document mistakenly labeled it as the “Eight Amendment” although there was already a recorded document with that label. Thus, said amendment will be defined as the “Ninth Amendment”.

17. The “Second Amendment to Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes” recorded on June 14, 2016, as document no. 20160304282 of the Public Records of Orange County, Florida (the “Second Amendment to the Restated Declaration”);
18. The “Third Amendment to Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes” recorded on October 9, 2018, as document no. 20180594815 of the Public Records of Orange County, Florida (the “Third Amendment to the Restated Declaration”); and
19. The “Fourth Amendment to Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes” recorded on February 25, 2020, as document no. 20200121738 of the Public Records of Orange County, Florida (the “Fourth Amendment to the Restated Declaration”).

WHEREAS, the Community Association wishes to further amend certain provisions in the Restated Declaration, as was previously amended by the First Amendment to the Restated Declaration, the Second Amendment to the Restated Declaration, the Third Amendment to the Restated Declaration, and the Fourth Amendment to the Restated Declaration, through the adoption of the present “Fifth Amendment to the Restated Declaration” (the “Fifth Amendment”); and

WHEREAS, the requirements for the approval of the Fifth Amendment have been complied with in accordance with the terms and provisions of the Restated Declaration.

NOW, THEREFORE, the Restated Declaration is further amended as follows:

1. Article I shall be amended to include the following paragraph QQ:

“QQ. Current Properties” or “Current Property” shall mean all of the real property made subject to the Restated Declaration as of the date of this Fifth Amendment to the Restated Declaration, as described on the attached Exhibit “A” to this Fifth Amendment to the Restated Declaration.”

2. Article 1, paragraph EE shall be amended to read as follows:

“ ‘Properties’ or ‘Property’ shall mean and include the Original Property, the real property in Exhibit B attached to this Restated Declaration, and all real property located in the Undeveloped Parcel when annexed in accordance with the terms and conditions of Article II hereof., and any other property included with the Current Properties or Current Property.”

3. Article II, Section 1, shall be amended to read as follows:

“Section 1. Property Subject to this Restated Declaration and Annexation. From and after the time that this Restated Declaration is recorded in the Public Records of Orange County, Florida, the Original Property shall be subject to the terms and conditions of this Declaration. Furthermore, the Annexed Property, as well as any property included within the Current Properties or Current Property which is not also included within the Original Property or the Annexed Property, is hereby annexed and made subject to the terms and conditions of this Restated Declaration. The Property shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions contained in this Amended Restated Declaration, which shall run with the land and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors or assigns and shall inure to the benefit of each owner thereof.”

### CERTIFICATION

By executing the Fifth Amendment, we hereby affirm the following:

1. The effective date of the Fifth Amendment is the date first above written.
2. The Fifth Amendment was approved by a majority of the Board of Directors of the Association.
3. A meeting was conducted on \_\_\_\_\_, 2020, to consider the Fifth Amendment.
4. Notice of that meeting, and a copy of the Fifth Amendment, was sent to all Class A Members on \_\_\_\_\_, 2020.
5. There are currently only Class A Members of the Association. There are no Class B Members or Class C Members. Votes by Class A Members are to be cast by Class A Voting Members, who are defined in the Restated Declaration as the “Neighborhood Representatives”.
6. The total number of votes that could be cast on the Fifth Amendment by Class A Members of the Association was 3104.
7. The number of votes necessary to adopt the Fourth Amendment was 2328, which represents three-quarters (3/4) of the votes of the Class A Members of the Association.
8. The number of votes cast at the meeting, by the Class A Voting Members, in favor of the Fifth Amendment was \_\_\_\_\_.
9. The number of votes cast at the meeting, by Class A Voting Members, against the Fourth Amendment was \_\_\_\_\_.

10. Thus, the Fifth Amendment was approved by affirmative vote of Class A Voting Members representing at least three-quarters (3/4) of the Class A votes of the Association.

IN WITNESS WHEREOF, this instrument has been executed as of the date first above written.

Witnesses:  
\_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

WATERFORD LAKES COMMUNITY ASSOCIATION, INC.

By: \_\_\_\_\_

Printed Name:

Title: President

By: \_\_\_\_\_

Printed Name:

Title: Secretary

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_ and \_\_\_\_\_, as President, and Secretary, respectively, of WATERFORD LAKES COMMUNITY ASSOCIATION, INC., a Florida corporation, on behalf of the corporation, who are  personally known to me or  who have produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public (signature)

\_\_\_\_\_  
Typed/Printed name of Notary Public

Commission No. \_\_\_\_\_

My Commission Expires:

**EXHIBIT "A" TO FIFTH AMENDMENT**  
**CURRENT PROPERTY**

All of Huckleberry Fields N-1A Unit I, according to the Plat thereof, recorded in Plat Book 15, Page 29, Public Records of Orange County, Florida.

All of Huckleberry Fields N-1A Unit II, according to the Plat thereof, recorded in Plat Book 15, Page 81, Public Records of Orange County, Florida.

All of Huckleberry Fields, N-1B, according to the Plat thereof, recorded in Plat Book 15, Page 121, Public Records of Orange County, Florida.

All of Huckleberry Fields N-2A, according to the Plat thereof, recorded in Plat Book 17, Page 23, Public Records of Orange County, Florida.

All of Huckleberry Fields N-2B, Unit I, according to the Plat thereof, recorded in Plat Book 17, Page 43, Public Records of Orange County, Florida.

All of Huckleberry Fields N-2B, Unit Two, according to the Plat thereof, recorded in Plat Book 26, Page 76, Public Records of Orange County, Florida.

Huckleberry Fields Tract N-3, a/k/a Thatcher's Landing Condominium, described as follows –

Commencing at the Northwest corner of Section 34, Township 22 South, Range 31 East, run S89°59'34"E, along the North line of the Northwest ¼, a distance of 1403.85 feet to a point on the Easterly right-of-way line of Alafaya Trail, as recorded in Official Records Book 3409, Page 1334, Public Records of Orange County, Florida, said point being on a curve, concave Easterly, having a central angle of 40°25'45" and a radius of 1668.00 feet; thence from a tangent bearing of S24°23'39"W, run Southerly along said right-of-way line and the arc of said curve, a distance of 1176.98 feet to the point of tangency; thence S16°02'05"E, a distance of 540.00 feet for a POINT OF BEGINNING; said point also being on a curve, concave southeasterly, having a central angle of 90°00'00" and a radius of 45.00 feet; thence from a tangent bearing of N16°02'05"W, depart said right-of-way line and run Northeasterly along the arc of said curve, a distance of 70.69 feet to the point of reverse curvature of a curve, concave Northwesterly, having a central angle of 09°56'11" and a radius of 500.00 feet; thence run Northeasterly along the arc of said curve, a distance of 86.71 feet to the point of reverse curvature of a curve, concave Southeasterly, having a central angle of 09°56'11" and a radius of 500.00 feet; thence run Northeasterly along the arc of said curve, a distance of 86.71 feet to the point of tangency; thence N73°57'55"E, a distance of 74.78 feet to the point of curvature of a curve, concave Northwesterly, having a central angle of 64°55'04" and a radius of 625.00 feet; thence run Northeasterly along the arc of said curve, a distance of 708.14 feet; thence departing said curve, run S78°43'29"E, a distance of 384.89 feet; thence S12°17'45"E, a distance of 389.85 feet; thence S53°24'41"W, a distance of 805.00 feet; thence S14°45'12"W, a distance of 246.57 feet; thence S73°57'55"W, a distance of

295.00 feet to a point on said Easterly right-of-way line of Alafaya Trail; thence N16°02'05"W, along said right-of-way line, a distance of 640.00 feet to the POINT OF BEGINNING.

Containing 15.869 acres, more or less.

All of Huckleberry Fields N-4, according to Plat the thereof, recorded in Plat Book 19, Page 135, Public Records of Orange County, Florida.

All of Huckleberry Fields Tract N-5, Unit 1, according to the Plat thereof, recorded in Plat Book 30, Page 101, Public Records of Orange County, Florida.

All of Huckleberry Fields Tract N-5, Unit 2, according to the Plat thereof, recorded in Plat Book 31, Page 129, Public Records of Orange County, Florida.

All of Huckleberry Fields Tract N-6, according to the Plat thereof, recorded in Plat Book 32, Page 138, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-7, Phase I, according to the Plat thereof, recorded in Plat Book 29, Page 120, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-7, Phase II, according to the Plat thereof, recorded in Plat Book 31, Page 5, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-7, Phase III, according to the Plat thereof, recorded in Plat Book 32, Page 84, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-8, according to the Plat thereof, recorded in Plat Book 27, Page 146, Public Records of Orange County, Florida.

All of Huckleberry Fields Tracts N-9 & N-10, Unit One, according to the Plat thereof, recorded in Plat Book 19, Page 138, Public Records of Orange County, Florida.

All of Huckleberry Fields Tracts N-9 & N-10 Unit Two, according to the Plat thereof, recorded in Plat Book 26, Page 98, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-11 Phase One, according to the Plat thereof, recorded in Plat Book 32, Page 86, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-11 Phase Two, according to the Plat thereof, recorded in Plat Book 34, Page 43, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-19 Phase I, according to the Plat thereof, recorded in Plat Book 37, Page 21, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-19 Phase II, according to the Plat thereof, recorded in Plat Book 39, Page 113, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N22 Phase I, according to the Plat thereof, recorded in Plat Book 36, Page 125, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N22 Phase II, according to the Plat thereof, recorded in Plat Book 38, Page 33, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-23A, according to the Plat thereof, recorded in Plat Book 38, Page 123, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-23B, according to the Plat thereof, recorded in Plat Book 38, Page 125, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-24, according to the Plat thereof, recorded in Plat Book 30, Page 89, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-25 A Phase I, according to the Plat thereof, recorded in Plat Book 32, Page 132, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-25 A Phase II, according to the Plat thereof, recorded in Plat Book 35, Page 108, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-25 A Phase III, according to the Plat thereof, recorded in Plat Book 37, Page 84, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-25B, according to the Plat thereof, recorded in Plat Book 31, Page 142, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-27, according to the Plat thereof, recorded in Plat Book 36, Page 85, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-30, according to the Plat thereof, recorded in Plat Book 33, Page 13, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-31A, according to the Plat thereof, recorded in Plat Book 32, Page 134, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-31B, according to the Plat thereof, recorded in Plat Book 33, Page 129, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-32, according to the Plat thereof, recorded in Plat Book 31, Page 42, Public Records of Orange County, Florida.

All of Waterford Lakes Tract N-33, according to the Plat thereof, recorded in Plat Book 30, Page 91, Public Records of Orange County, Florida.