

Prepared by and return to:
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07750-0004

“Proposed”

**SEVENTH AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF MASTER COVENANTS, CONDITIONS
AND RESTRICTIONS OF WATERFORD LAKES**

THIS AMENDMENT is made this ____ day of _____, 2022, 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”)¹;
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”)²;

¹ 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.

² 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.

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”);
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”)³;
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

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

- O.R. Book 5948, Pages 1323, *et seq.* of the Public Records of Orange County, Florida (the “First Amendment to the Restated Declaration”);
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”);
 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”);
 20. The “Fifth Amendment to Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes” recorded on September 23, 2020, as document no. 20200497324 of the Public Records of Orange County, Florida (the “Fifth Amendment to the Restated Declaration”);
 21. The “Sixth Amendment to Amended and Restated Declaration of Master Covenants, Conditions and Restrictions of Waterford Lakes” recorded on June 9, 2021, as document no. 20210345261 of the Public Records of Orange County, Florida (the “Sixth Amendment to the Restated Declaration”); and

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, the Fourth Amendment to the Restated Declaration, the Fifth Amendment to the Restated Declaration, and the Sixth Amendment to the Restated Declaration through the adoption of the present “Seventh Amendment to the Restated Declaration” (the “Seventh Amendment”); and

WHEREAS, the requirements for the approval of the Seventh 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. A new Section 17 shall be added to Article VI (“Assessments”), to read as follows:

Section 17. Transfer Assessments. In addition to the Annual Assessments, Special Assessments, Neighborhood Assessments and any other types of

assessments described above, a transfer assessment (the “Transfer Assessment”) shall be due as described herein.

Section 17.a. Events Which Trigger Liability for Transfer Assessments. Upon any sale or transfer of title a Unit or Lot (the “Title Transfer”) there shall be established against that Unit or Lot a single assessment, denoted as a Transfer Assessment, in an amount which will match the quarterly assessment amount for that Unit or Lot for the year in which the Title Transfer occurs, which will be due and payable to the Community Association on the date of the sale or transfer. The obligation to pay the Transfer Assessment will arise on the date of the Title Transfer, regardless of when the document reflecting said sale of transfer is recorded in the public records of Orange County, Florida. The failure to pay the Transfer Assessment within thirty (30) days of the due date will entitle the Community Association to all collection rights provided within Restated Declaration, including, but not limited to, those provides in Article VI, Section 13.

Section 17.b. Exemptions from Liability for Transfer Assessments. Notwithstanding the language of Section 17.a. above, a Title Transfer meeting the following criteria will be exempt from liability for a Transfer Assessment:

- 1) A transfer where one of multiple owners listed on an existing deed conveys to one or more of the other existing owners listed on that same deed.
- 2) Any transfer of title through the issuance of a certificate of title to the Community Association or to a Neighborhood Association in a lawsuit in which said association was the plaintiff.

CERTIFICATION

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

1. The effective date of the Seventh Amendment is the date first above written.
2. The Seventh Amendment was approved by a majority of the Board of Directors of the Association.
3. A meeting was conducted on _____, 2022, to consider the Seventh Amendment.

4. Notice of that meeting, and a copy of the Seventh Amendment, was sent to all Class A Members on _____, 202__.
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 Seventh Amendment by Class A Members of the Association was 3104.
7. The number of votes necessary to adopt the Seventh 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 Seventh Amendment was _____.
9. The number of votes cast at the meeting, by Class A Voting Members, against the Seventh Amendment was _____.
10. Thus, the Seventh 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:

WATERFORD LAKES COMMUNITY ASSOCIATION, INC.

Printed Name: _____

By: _____

Printed Name: _____

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 _____, 2022 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:

PROPOSED