

SECOND AMENDMENT AND MODIFICATION OF DECLARATION
OF COVENANTS, RESTRICTIONS AND EASEMENTS
FOR VILLAGE PHASE III

THIS AMENDMENT made the 30TH day of June, 2006, by THE VILLAGE DRIVE OWNERS ASSOCIATION, INC., a not-for-profit Florida Corporation, hereinafter referred to as the "Association does hereby modify, alter, and amend the Covenants, Restrictions and Easements for Village Phase III, recorded in Book 221 at page 528, Public Records of Flagler County, Florida as amended by instrument recorded in Book 526 at page 1694 of the Public Records of Flagler County, Florida, hereinafter collectively referred to as the "Declaration".

WITNESSETH:

Whereas, said Declaration provides for and specifically reserves the right of the Owners of seventy-five (75%) percent of the Lots, with written consent of Developer if the Developer owns any Lots, to amend said Declaration;

Whereas, the Developer no longer owns any lots;

Whereas the Owners of seventy-five (75%) per cent of the lots have approved of the following amendments, changes, and/or modifications to the Declaration at a regular meeting of the holders of lots;

Now Therefore, the Declaration is hereby amended as follows:

1. Article VI ASSESSMENTS IN GENERAL, BUDGETS, DUTIES OF THE BOARD OF DIRECTORS OF ASSOCIATION ATTENDANT THERETO Section 3(e) is hereby amended by deleting the existing provision and inserting in its place and stead the following substitute provision:

"The annual assessment (pro-rated on a monthly basis) shall commence against each lot on the first day of the month following its conveyance by Developer. Assessments shall be collected monthly, but may be paid up to four months in advance.

2. Likewise the second paragraph of ARTICLE VI, Section 4, is hereby amended to read as follows:

"If the assessments are not paid within fifteen (15) days after the due date, a fifteen (\$15.00) per month late charge shall be added thereto. The Association may bring an action at law against the Owner personally obligated to pay the same or to foreclose, as hereinafter provided, the lien against the Lot. The offending Owner shall be responsible to the Association for all costs and fees of enforcement, specifically including, without limitation, court costs and reasonable attorneys' fees and paralegal fees, regardless of whether suit is brought. (including such fees and costs before trial, at trial and on appeal).

VILLAGE DRIVE OWNERS ASSOCIATION, INC.

BY: Christine Petok
CHRISTINE PETOK, as President

WITNESSES:
Marc Bellapianta
Witness signature
Witness name printed:
MARC BELLAPIANTA

ATTESTED TO BY Lorraine Kapczynski
LORRAINE KAPCZYNSKI,
as Secretary

(Corporate Seal)

Doraine Wayne
Witness signature
Witness name printed:
DORAINC. WAYNE



STATE OF FLORIDA
COUNTY OF FLORIDA

I hereby certify that on this 30th day of June, 2006, before me, an officer duly authorized in the state and County aforesaid to take acknowledgments and administer oaths, personally appeared CHRISTINE PETOK, who did present a valid Florida Driver's License as identification and she did state under oath that she is the President of VILLAGE DRIVE OWNERS ASSOCIATION and acknowledged that she executed the foregoing in the presence of two subscribing witnesses, freely and voluntarily and under the authority duly vested in her by said corporation and that the seal affixed hereto is the true corporate seal of said corporation and that the foregoing Amendment to the Declaration was passed with the required vote having been received at a regular meeting of the members.

Linda L. Bellapianta
NOTARY PUBLIC



Linda L. Bellapianta
My Commission DD225929
Expires September 06, 2007

STATE OF FLORIDA
COUNTY OF FLORIDA

I hereby certify that on this 30th day of June, 2006, before me, an officer duly authorized in the state and County aforesaid to take acknowledgments and administer oaths, personally appeared LORRAINE KAPCZYNSKI, who did present a valid Florida Driver's License as identification and she did state under oath that she is the Secretary of VILLAGE DRIVE OWNERS ASSOCIATION and acknowledged that she executed the foregoing in the presence of two subscribing witnesses, freely and voluntarily and under the authority duly vested in her by said corporation and that the seal affixed hereto is the true corporate seal of said corporation and that the foregoing Amendment to the Declaration was passed with the required vote having been received at a regular meeting of the members.

Linda L. Bellapianta
NOTARY PUBLIC



Linda L. Bellapianta
My Commission DD225929
Expires September 06, 2007

Prepared by: Stephen P. Sapienza, Esq.