

23111973

BOOK PAGE

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AMENDMENT NO. 1 TO THE  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made on the date hereinafter set forth by  
U. S. EQUITY CORPORATION and DWAIN CARR, TRUSTEE, hereinafter  
jointly referred to as "Declarant".

Nov 17 9 20 AM '81  
FILED FOR RECORD  
RECORD VERIFIED  
CLERK OF COUNTY CLERK  
FLORIDA

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain property located  
in Volusia County, Florida, which is more particularly described  
in Exhibit "A" attached hereto; and,

WHEREAS, Declarant previously made a Declaration of Covenants,  
Conditions and Restrictions which was recorded on March 31, 1981,  
in the Public Records of Volusia County, Florida, at O. R. Book  
2255, Pages 983 through 1000; and

WHEREAS, Declarant is the holder of in excess of ninety per  
cent (90%) of the votes for lots at Stone Island Estates; and

WHEREAS, Declarant desires to amend the Declaration,

NOW, THEREFORE, Declarant hereby amends the original Declaration  
of Covenants, Conditions and Restrictions as follows:

1. ARTICLE I, Section 5, is amended to read as follows:

"Section 5. "Lot" shall mean and refer to any plats of  
land designated for single family use shown upon the unrecorded  
plat for STONE ISLAND dated October 26, 1979, and attached to the  
original Declaration as Exhibit "B". In the event more than one  
(1) lot is used as a single-family dwelling, that single-family  
dwelling for purposes of voting hereunder, shall constitute one (1)  
"lot" and shall be entitled to one (1) vote."

2. ARTICLE IV, Section 3, captioned "Assessment Allocation" is  
amended to read as follows:

"Section 3. Assessment Allocation. Assessments shall be levied  
as to each lot on the basis of the class of membership as hereinafter  
set forth. The assessment for the Class B membership for any vacant  
lot or any lot superimposed with an unoccupied, unsold living unit  
structure shall be twenty-five per cent (25%) of the annual assess-  
ment for a Class A member. From and after January 1, 1982, vacant  
and unimproved lots shall be assessed at fifty per cent (50%) of

28.00  
Please return to: Dwaine Carr, Esq.  
469 North Orange Avenue  
Orlando, Florida 32801

the annual assessment for a Class A member and vacant and unimproved lots without road access shall not be assessed."

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, have caused these presents to be executed in its name this 11 day of November, 1981.

Signed, sealed and delivered in the presence of:

Rogelio A. Cassel  
Windy O. Magnus  
Felix J. Washburn  
Sally B. Hudson

U. S. EQUITY CORPORATION

By [Signature] President

[Signature]  
DWAINE CARR, Individually and as Trustee

STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and in the County aforesaid to take acknowledgments, personally appeared C. C. TOMLIN, JR., to me well known and known to me to be the individual described in and who executed the foregoing instrument as President of the above-named corporation, and he acknowledged before me that he executed such instrument as such President of said corporation and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal, this 16 day of November, 1981.

Rogelio A. Cassel  
NOTARY PUBLIC  
My commission expires:

STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared DWAIN CARR, TRUSTEE, to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 16 day of November, 1981.

Felix J. Washburn  
NOTARY PUBLIC  
My commission expires:  
Notary Public State of Florida at Large  
My Commission Expires March 9, 1984

This instrument prepared by: Dwaine Carr, Esq.  
469 North Orange Avenue  
Orlando, Florida 32801

All of Stone Island Estates, as recorded in Map Book 11, page 221, of the Public Records of Volusia County, Florida,

LESS the following portions of the above described property that have been released from the lien of the subject mortgage:

Lot 1, Lot 2, Southeasterly 1/2 of Lot 3, Lots 4 - 10, Westerly 1/2 of Lot 11, Southwesterly 1/2 of Lot 12, Lots 13 - 17, Block A, Unit I;

Lots 2, 3 and 4, Block B, Unit I;

Lot 5A being a part of Lot 5, Block B, Stone Island Estates, Unit #5 as recorded in Map Book 11, Page 221, Public Records of Volusia County, Florida, being more particularly described as follows: Begin at the SE corner of Lot 5, Block B, run N 130 feet, thence S 78°49' W 135 feet, thence S 14°15' W 90 feet to the Northerly line of Lot 3, Block B, thence run Southeasterly along the Northerly line of Lots 3 and 2, a distance of 155 feet to the SE corner of Lot 5, Block B to the Point of Beginning. Subject to an easement over the East 20 feet for Road and a 7.5 foot easement along the back and side lot lines for drainage and utilities; (5A)

That part of Lot 5, Block B, Stone Island Estates, Map Book 11, page 221, described as follows: Parcel #1: Beginning at the SE corner of said Lot 5, thence run N 130 feet to the Point of Beginning; thence run N 86.5 feet to the NE corner of said Lot 5; thence run N 60°0' W 100 feet; thence S 30°0' W 120 feet; thence S 13°24' E 61.0 feet; thence N 78° 49' E 135 feet to the Point of Beginning, including the East 20 feet and the N 20 feet thereof which shall be reserved for public ingress and egress. Parcel #2: Beginning at the NE corner of said Lot 5; thence run N 60°0' W 100 feet to the point of beginning; thence run N 60°0' West 100 feet; thence S 30°0' W 120 feet; thence S 60°0' E 100 feet, thence N 30°0' E 120 feet to the Point of Beginning, including the N 20 feet thereof, which shall be reserved for public ingress and egress; (5B&C)

Begin at the NE corner of Lot 5, Block B, Stone Island Estates, according to the map thereof as recorded in Map Book 11, page 221, Public Records of Volusia County, Florida, run N 60°0' W 200 feet to Point of Beginning, run thence N 60°0' W 30.9 feet, thence W 83.0 feet, thence S 26°12' W 107 feet, thence S 76°33' E 100 feet, thence N 30°0' E 120 feet to the point of beginning; (5D)

Begin at the NW corner of Lot 5, Block B, Stone Island Estates, according to the map thereof as recorded in Map Book 11, page 221, Public Records of Volusia County, Florida, run S 93 feet to the North right-of-way of private road, thence run East along the North right-of-way of private road 53 feet to the Northwesterly right-of-way of Center Lane (private); thence run Northeasterly along the Northwesterly right-of-way of Center Lane (private) 88 feet to a point; thence run N 60 feet to a point on the North line of said Lot 5; thence run West along said North line 135 feet to the point of beginning. (5E)

Exhibit A

The North 100 feet of Lot 6, Block B, Stone Island Estate, according to the Map thereof as recorded in Map Book 11, page 221, of the Public Records of Volusia County, Florida; (6A)

Begin 100 feet South of the NW corner of Lot 6, Block B, Unit 1, Stone Island Estates as recorded in Map Book 11, page 221, Public Records of Volusia County. Run East 174.0 feet, South 42.0 feet, thence South  $38^{\circ}0'$  West 112 feet, thence South 53.8 feet, thence West 102.0 feet to West line of Lot 6, thence North 188.0 feet to Point of Beginning; (6)

Lots 1 through 15, Block C, Unit 1;

Lots 1 through 14, Block D, Unit 1.

Lot 5, Block B in the plat of Stone Island Estates as recorded in Map Book 11, page 221, Volusia County Public Records LESS all that part lying Westerly and Northwesterly of Timber Trail, and LESS that part described as follows: Beginning at the Northeast corner of Lot 2, Block B, run 155 feet Westerly along the North line of Lots 2 and 3; thence run N  $14^{\circ}15'$  E 90 feet; thence run N  $13^{\circ}24'$  W, 61 feet; thence run N  $60^{\circ}00'$  W, 100 feet; thence run N  $76^{\circ}33'$  W, 100 feet; thence run N  $26^{\circ}12'$  E, 107 feet to the North line of said Lot 5, Block B; thence run East along the North line 83 feet; thence run S  $60^{\circ}00'$  E, 230.9 feet; thence run South 216.5 feet along the East line of Lot 5 to the Point of Beginning. (Clubhouse)

Parcel 1:

In Section 8, Township 19 South, Range 31 East, All of Government Lot 2 and 5 together with all unsurveyed portion lying South of the Centerline of a 100 foot canal right-of-way, the centerline of which is described as follows: From the NE corner of said Section 8, Township 19 South, Range 31 East, which is an iron spike in the center of the Enterprise Osteen Road, run South  $0^{\circ}45'01''$  East on the East boundary line of said Section 8, 1801.38 feet for point beginning, thence run South  $89^{\circ}52'2''$  West parallel to the North line of said Section 8, 450 feet, thence run North  $69^{\circ}59'20''$  West 983.60 feet, thence run North  $80^{\circ}49'19''$  West 994 feet, thence run North  $89^{\circ}57'53''$  West, parallel to the North line of said Section 8, 1,210 feet more or less to water's edge of Lake Monroe; thence to a point where existing waters are 5 feet deep at low water;

ALSO

Parcel 2:

In Section 9, Township 19 South, Range 31 East, Government Lot 5 and all unsurveyed part of said Section 9 lying South of the Center line of a 100 foot canal right-of-way, the centerline of which is described as follows: Beginning at a point on the West line of said Section 9, Township 19 South, Range 31 East, 1801.38 feet South of the NW corner thereof, run South  $74^{\circ}50'$  East 836.0 feet, thence run South  $60^{\circ}00'$  East 754 feet, thence Southerly parallel to the centerline of the Stone Island Road 175 feet, thence South  $60^{\circ}00'$  East 76 feet more or less to the West right-of-way line of the said Stone Island Road;

ALSO

Parcel 3:

All unsurveyed part of said Section 9, Township 19 South, Range 31 East lying East of said Stone Island Road EXCEPT that portion lying to the North and West of a line described as follows:

Beginning at the intersection of the centerline of the canal above mentioned with the East right-of-way line of said Stone Island Road, continue on the Easterly projection of said center line on a bearing of South  $60^{\circ}00'$  East 2,350 feet more or less, to the water's edge of Lake Bethel, thence East to the Southerly projection of the East line of Government Lot 2, thence North to the SE corner of Lot 6 of the Assessor's subdivision of Government Lots 2 and 3 of Section 9, Township 19 South, Range 31 East, according to Map Book 3, Page 66 of Volusia County, Florida Records;

ALSO EXCEPT the real property described as follows:

Commencing at a point 2640 feet East of Southwest corner of Section 9, Township 19 South, Range 31 East, thence run 10 chains North  $8^{\circ}15'$  West to a point, thence 5 chains North  $41^{\circ}$  East to waterline of Lake Bethel, thence Southerly along the waterline of said Lake Bethel to a point where the division between Sections 9 and 16 intersects the said Lake Bethel, thence West along said division line to point of beginning;

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ASS the following portions of the above described property have been released from the lien of the subject mortgage:

| <u>Lot &amp; Unit No.</u> | <u>Official Records Book<br/>Reference for Actual<br/>Legal Description</u> |      | <u>Owner</u>    |
|---------------------------|---|------|-----------------|
| 1, III                    | 1835  | 0491 | Girard          |
| 32, III                   | 1779  | 1875 | Jitsey & Majors |
| 33, III                   | 1814  | 1856 | Stearns         |
| 47, III                   | 1838  | 1694 | Brucstle        |
| 48, III                   | 1836  | 1069 | Challancin      |
| 50, III                   | 1822  | 1042 | Kittel          |
| 51, III                   | 1835  | 1945 | Brown           |
| 52, III                   | 1843  | 0484 | Demchuk         |
| 53, III                   | 1843  | 0484 | Demchuk         |
| 68, III                   | 1837  | 1295 | Berry           |
| 70, III                   | 1833  | 1518 | Elzey           |
| 71, III                   | 1833  | 1518 | Elzey           |
| 75, III                   | 1835  | 0493 | Girard          |
| 3, IV                     | 1831  | 1524 | Ellis           |
| 4, IV                     | 1832  | 0839 | Richardson      |
| 7, IV                     | 1832  | 0016 | Olsan           |
| 8, IV                     | 1583  | 360  | Titus           |
| 9, IV                     | 1832  | 0017 | Olsan           |
| 10, IV                    | 1714  | 0578 | Theisen         |
| 11, IV                    | 1835  | 0863 | Shaw            |
| 12, IV                    | 1666  | 128  | Hagowan         |
| 14, IV                    | 1656  | 427  | Wynn            |
| 15, IV                    | 1798  | 0045 | Keen            |
| 16, IV                    | 1815  | 1747 | Perkins         |
| 17, IV                    | 1815  | 1317 | Long            |
| 18, IV                    | 1815  | 1748 | Perkins         |
| 19, IV                    | 1786  | 0768 | McKechnie       |
| 20, IV                    | 1806  | 1174 | Marquart        |
| 21, IV                    | 1843  | 0520 | Martin          |
| N 1/2 of 24, IV           | 1821  | 1033 | Milfs           |
| 25, IV                    | 1821  | 1033 | Milfs           |
| 27, IV                    | 1843  | 0505 | Goins           |
| 29, IV                    | 1803  | 1018 | Arnold          |
| 30, IV                    | 1803  | 1023 | Wruck           |
| 31, IV                    | 1805  | 1521 | Wynn            |
| 32, IV                    | 1819  | 0066 | Thomas          |
| N 1/2 of 33, IV           | 1819  | 0066 | Thomas          |
| S 1/2 of 33, IV           | 1819  | 0059 | Veld            |
| 34, IV                    | 1819  | 0059 | Veld            |
| 35, IV                    | 1831  | 1531 | Currie          |
| 37, IV                    | 1835  | 1694 | Caneva          |
| 38, IV                    | 1822  | 0316 | Rhonemus        |
| 43, IV                    | 1838  | 1689 | Desch           |
| 44, IV                    | 1818  | 0221 | Haley           |
| 45, IV                    | 1822  | 0333 | Scarff          |
| 46, IV                    | 1769  | 1657 | Topercer        |
| 47, IV                    | 1783  | 0220 | Clark           |
| 52, IV                    | 1829  | 0613 | Hoover          |
| 53, IV                    | 1835  | 1902 | Sheldon         |
| 54, IV                    | 1832  | 1966 | Randall         |
| 57, IV                    | 1831  | 1538 | Keim            |
| 58, IV                    | 1751  | 0335 | Jenkins         |
| 59, IV                    | 1794  | 0687 | Kettles         |
| 60, IV                    | 1713  | 1221 | Stradley        |
| 61, IV                    | 1797  | 0526 | Stradley        |
| 62, IV                    | 1835  | 1904 | Santanello      |
| 63, IV                    | 1817  | 1803 | Terlouw         |
| 65, IV                    | 1635  | 644  | Paine           |
| 67, IV                    | 1813  | 1766 | Roberts         |
| 68, IV                    | 1833  | 1416 | Strelzoff       |
| 69, IV                    | 1823  | 0511 | Goza            |
| 70, IV                    | 1823  | 0511 | Goza            |

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|------------------|------|------|-------------------------------------|------|
| 70, IV           | 1748 | 1403 | Newcomb                             |      |
| 72, IV           | 1749 | 1902 | Devita                              |      |
| 74, IV           | 1731 | 0571 | Raetlig                             |      |
| 76, IV           | 1843 | 0515 | Hogan                               |      |
| 77, IV           | 1831 | 1536 | Lauter                              |      |
| 78, IV           | 1763 | 0247 | Eader                               |      |
| 79, IV           | 1794 | 0725 | Selzer                              |      |
| 80, IV           | 1836 | 1632 | Stapp                               |      |
| 81, IV           | 1835 | 1961 | Smith                               |      |
| 82, IV           | 1836 | 1293 | Green                               |      |
| 83, IV           | 1835 | 0051 | McKechnie                           |      |
| 84, IV           | 1682 | 671  | Frazier                             |      |
| 85, IV           | 1832 | 1659 | Greene                              |      |
| 33, V            | 1835 | 0448 | Lonsway                             |      |
| 59, V            | 1819 | 15   | J. Huffman                          |      |
| 60, V            | 1416 | 661  | J. Huffman                          |      |
| 61, V            | 1416 | 661  | Titus                               |      |
| 62, V            | 1816 | 1970 | H. Huffman                          |      |
| 69, V            | 1814 | 1783 | Deck                                |      |
| 70, V            | 1832 | 0317 | Richardson                          |      |
| 89, V            | 1821 | 0599 | Watkins                             |      |
| 90, V            | 1833 | 0878 | Childs                              |      |
| 91, V            | 1818 | 1208 | Riske                               |      |
| 92, V            | 1814 | 1642 | Gordon                              |      |
| 93, V            | 1834 | 1788 | Crain                               |      |
| 94, V            | 1835 | 1365 | Lenz                                |      |
| 95, V            | 1834 | 1793 | Linear                              |      |
| 97, V            | 1426 | 298  | Hergo                               |      |
| 98, V            | 1835 | 0276 | Stenseng                            |      |
| 99, V            | 1834 | 1791 | Mabire                              |      |
| 100, V           | 1832 | 1661 | Linear                              |      |
| 106, V           | 1821 | 1257 | Noble                               |      |
| 107, V           | 1676 | 360  | Roth                                |      |
| 115, V           | 1832 | 1407 | Buchmann                            |      |
| 6, VI            | 1742 | 0562 | Thomas                              |      |
| 7, VI            | 1831 | 1516 | Melanson                            |      |
| 32, VI           | 1836 | 1972 | Melanson                            |      |
| 39, IV           | 1836 | 1974 | Doehring                            |      |
| 42, IV           | 1836 | 1974 | Reilley                             |      |
| 41, IV           | 1852 | 0681 | Kettles                             |      |
| 96, V            | 1861 | 0497 | Vincent                             |      |
| 64, IV           | 1831 | 1893 | Air Cooling & Heating               |      |
| 26, IV           | 1852 | 277  | by Anderson, Inc.                   |      |
| 73, IV           | 1822 | 0341 | Grunow                              |      |
| 11, VI           | 1836 | 1613 | Olsaa                               |      |
| 14, VI           | 1832 | 0018 | Gray, Adams, Harris                 |      |
| 15, VI           | 1830 | 0164 | & Robinson                          |      |
| 18, VI           | 1827 | 0533 | Doughty                             |      |
| 19, VI           | 1827 | 0540 | Wilson                              |      |
| 20, VI           | 1827 | 0540 | Wilson                              |      |
| 22, VI           | 1833 | 1433 | Binson                              |      |
| 23, VI           | 1832 | 0420 | Alvarez                             |      |
| 24, VI           | 1823 | 1021 | Hayer                               |      |
| 25, VI           | 1824 | 0366 | Alexander                           |      |
| 26, VI           | 1806 | 1178 | Kremenak                            |      |
| 27, VI           | 1819 | 1888 | McKechnie & Wilson                  |      |
| 28, VI           | 1819 | 1896 | Dyson                               |      |
| 48, IV           | 1818 | 1986 | Timothy                             |      |
| SW 1/2 of 49, IV | 1881 | 166  | Lake Monroe Development Corporation |      |
| 29, III          | 1827 | 0542 | Carew Development Co                |      |
| 30, III          | 1827 | 0542 | & Lake Monroe Dev. Co               |      |
|                  |      |      | Carew Development Cor               |      |
|                  |      |      | & Lake Monroe Dev. Co               |      |

AND LESS:

Unit Four, Volusia County, Florida, more particularly described as follows: From the SE corner of Section 8, Township 19S, Range 31E, run North 1130.15 feet along the East line of Section 8 to a point on the North side of a 60 foot road; thence run S 89°20'45" W, 39.26 feet along the North side of the road to the Point of Beginning; thence run S 89°20'45" W, 125.0 feet; thence run N 00°39'15" W, 125.0 feet; thence run N 89°20'45" E, 125.0 feet; thence run S 00°39'15" E, 125.0 feet to the Point of Beginning, subject to 7.5 foot easements along all lot lines.

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(Quail Hollow Enterprises)

AND LESS:

Lot 21 in the unrecorded plat of Stone Island Estates Unit Four, Volusia County, Florida, more particularly described as follows: From the Southeast corner of Section 8, T19S, R31E run North 1130.15 feet along the East line of Sec. 8; thence run S 89°20'45" W 914.26 feet; thence run S 89°29'15" W 1049.10 feet to the Point of Beginning; thence run N 67°07' W 187.55 feet; thence run N 30° E 85.48 feet; thence run S 85°41' E 125.0 feet; thence run S 2°15' E 137.65 feet to the Point of Beginning, subject to 7.5 foot easements along all lot lines. (Martin)

AND LESS:

Lot 40 in the unrecorded plat of Stone Island Estates Unit Four, Volusia County, Florida, more particularly described as follows:

From the North  $\frac{1}{4}$  corner of Section 8, T19S, R31E, run S 2° 08' 14" W 4007.37 feet along the West line of Government Lot 2 extended to the Northwesterly line of Kettledrum Trail; thence run S 54° 43' W 13.02 feet; thence run S 50° 12' W 126.49 feet; thence run S 48° 31' W 259.51 feet; thence run S 54° 01' W 129.88 feet to the Point of Beginning; thence run S 66° 44' W 129.63 feet; thence run N 49° 45' W 125.80 feet; thence run N 65° 38' E 130.61 feet; thence run S 48° 53' E 127.60 feet to the Point of Beginning; subject to 7.5 foot easements along all lot lines. (Mathews)

AND LESS:

Lot 84 in the unrecorded plat of Stone Island Estates Unit Four, Volusia County, Florida, more particularly described as follows:

From the Southeast corner of Section 8, T19S, R31E; run North 1130.15 feet along the East line of Section 8 to a point on the North side of a 60 foot road; thence run S 89°20'45" W 914.26 feet along the North line of the road; thence run S 89°29'15" W 995.67 feet along the North line of the road; thence bear S 10°54'30" W 421.60 feet to the Point of Beginning; thence run S 10°54'30" W 120.0 feet; thence run N 79°00'00" W 158.0 feet; thence run N 7°12'00" E 120.40 feet; thence run S 78°59'00" E 165.78 feet to the point of beginning; subject to 7.5 foot easements along all lot lines. (Green)

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That part of Section 9, Township 19 South, Range 31 East, described as follows: From the SW corner of Section 9, 1801.38, R31E, run N 1130.15 feet along the West line of Sec. 9 to a point on the North line of a 60 foot road; thence run N 89°20'45" E 460.74 feet along the North side of the road; thence run S 89°14'35" E 103.40 feet; thence run N 38°54' E 75.95 feet; thence run N 34° 46'30" E 105.0 feet along the Northwesterly line of Stone Island Road; thence run along the road N 29°36'30" E 105.0 feet N 24°55'30" E 210.0 feet and N 22°00' E 210.0 feet; thence run along the road N 22°52' E 145.45 feet; thence run N 07° 54'18" W 167.87 feet to a point on the South line of Lot 3 in the unrecorded plat of Stone Island Estates, Unit Three and the Point of Beginning; thence run N 77°02'50" W 82.13 feet along the South line of said Lot 32; thence run S 10°57' W 14.05 feet; thence run S 86°48'19" E 82.84 feet to the Point of Beginning. (Litsey and Majors)

AND LESS:

From the NW corner of Section 9, Township 19 South, Range 31 East, run South along the West boundary of Section 9, 1801.38 feet to a point in the center line of a canal of 100 foot right-of-way, thence run South 74°50' East along said canal center line 836.0 feet; thence run S 60°00' East along said center line 840 feet; thence Southerly parallel with the center line of the Stone Island Road, 50 feet to Point of Beginning; thence run Southerly parallel to the center line of the Stone Island Road 125 feet; thence S 60°00' East 76 feet more or less, to a point on the West right-of-way line of said Stone Island Road; thence Northerly along the West right-of-way line of said road 125 feet; thence run N 60°00' West 76 feet, more or less to Point of Beginning.