

This instrument prepared by and to be returned to:  
Morrison Homes, Inc.  
501 N. Cattlemen Rd., Suite 100  
Sarasota, FL 34234

**FIRST AMENDMENT TO  
DECLARATION OF MAINTENANCE AND LAND USE PROVISIONS  
OF CRYSTAL LAKES**

THIS FIRST AMENDMENT TO DECLARATION (“Amendment”) is made as of the date hereinafter set forth by MORRISON HOMES, INC., a Florida corporation (“Developer”), whose mailing address is: 501 N Cattlemen Rd., Suite 100, Sarasota, FL 34234.

WITNESSETH:

WHEREAS, on the 9<sup>th</sup> day of September, 2005, Developer has caused that certain **DECLARATION OF MAINTENANCE AND LAND USE PROVISIONS FOR CRYSTAL LAKES** (the “Original Declaration”) as recorded in Official Records Book 2023, Page 4058 of the Public Records of Manatee County, Florida; and

WHEREAS, Article VII, Section 7.3 of the Original Declaration specifically provides that the Developer may amend the Declaration, so long as the Developer owns one (1) Lot for sale in the normal course of business or more in the Subdivision ; and

WHEREAS, the Developer owns one or more Lots in the Crystal Lakes Subdivision, which are for sale in the normal course of business; and

WHEREAS, the Developer deems it necessary to preserve the tranquil, harmonious and congruous aesthetic nature of the Crystal Lakes Subdivision by amending the Original Declaration to restrict posting of signs and advertisements; and

WHEREAS, the Developer wishes to clarify a portion of the Notice to Buyers to indicate that although Postal Equipment has been placed in the “View Easements” as required by Federal Law, no additional obstructions are allowed;

NOW, THEREFORE, Developer hereby amends the Original Declaration as follows:

1. **Signs.** The following language shall be added to Article IV- Use Restrictions, Section 4.1- General:

(hh) **Signs.** In order to preserve the tranquil, harmonious and congruous aesthetic nature of the neighborhood, no sign (including brokerage or for sale/lease signs), banner, advertisement, notice or other lettering shall be exhibited, displayed, inscribed, painted or affixed in, or upon any part of Crystal Lakes that is visible from the outside without the prior approval being first obtained from the Association Board of Directors as required by this Declaration or as otherwise permitted by law; provided, however, any Owner may display one portable, removable

United States flag or official flag of the State of Florida in a respectful way; provided, further, on Armed Forces Day, Memorial Day, Flag Day, Independence Day and Veterans' Day Owners may display an official flag of the United States Army, Navy, Air Force Marine Corps and Coast Guard. Flags may not exceed 4 feet by 6 feet. No "for sale," "for rent" signs or other signs advertising the sale, renting or leasing of a Lot and/or Dwelling shall be displayed on or within any Lot and for Dwelling. No in-ground flagpoles shall be permitted within Crystal Lakes, unless written approval of the Association Board of Directors is obtained. Except as hereinabove provided, no signs or advertising materials displaying the names or otherwise advertising the identity of contractors, subcontractors, real estate brokers or the like employed in connection with the construction, installation, alteration or other improvement upon or the sale or leasing of the Lot and/or Dwelling shall be permitted. No signs shall be permitted to be displayed on or within vehicles parked or kept within Crystal Lakes and visible from the outside of said vehicles, including without limitation, lettering or display on a vehicle used in a trade or business. Declarant and other homebuilders which are currently constructing homes are exempt from this Section; provided, further, the Declarant specifically reserves the right, for itself and its agents, employees, nominees and assigns, including builders, the right, privilege and easement to construct, place and maintain upon any property within Crystal Lakes such signs as they deem appropriate in connection with the development, improvement, construction, marketing and sale of any of the Lots and/or Dwellings. The prohibitions on signs displayed on or within vehicles as set forth above in this Section shall not apply to temporarily parked commercial vehicles for construction use, pick-up and delivery services, and other such commercial services.

In no event shall any sign or notice within the Properties, other than those placed in the subdivision entrance areas, be specially or specifically lighted or illuminated. All signs permitted by this Subsection are subject to the Association's rules and regulations, provided however that these restrictions shall not apply to signs used by Declarant or its designee to advertise the Property during the promotion and construction of Dwellings and sale of Lots.

2. **Amended and Restated "Notice to Buyers"**: In order to clarify the use of the view easements described in section 10 of the Original Declaration, Exhibit "B: to the Original Declaration has been amended and restated. The First Amended and Restated Exhibit "B" is attached hereto, and does replace and supersede the Exhibit "B" previously filed with the Original Declaration.

3. **Operative Effect**. The Original Declaration, as amended hereby, is hereby ratified and confirmed.

IN WITNESS WHEREOF, the Developer has caused this First Amendment to the Declaration to be executed by its duly authorized officer and affixed its corporate seal as of this 22<sup>nd</sup> day of June, 2006.

**DEVELOPER:**

Signed, sealed and delivered  
in the presence of:

Dan Thompson

Morrison Homes

By: [Signature] VP



Printed Name: Dawn Thompson

Printed Name: Brad Foster

Janice Leavitt  
Printed Name: Janice Leavitt

Its: VP

STATE OF FLORIDA )  
COUNTY OF Sarasota )

The foregoing instrument was acknowledged before me this 22 day of June, 2006, by Brad Foster of Morrison Homes, a Delaware corporation, on behalf of the company, who  is personally known to me or who  has produced a driver's license as identification.

Andrea Grady  
Notary Public

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

My commission expires:



**EXHIBIT "B"**

**FIRST AMENDED AND RESTATED**

**NOTICE TO BUYERS**

To the Purchasers of Lots in Crystal Lakes, Manatee County, Florida:

YOU ARE HEREBY NOTIFIED that the purchase of your Lot is subject to:

1. The covenants, conditions and restrictions set forth in the Declaration of Maintenance and Land Use Provisions of Crystal Lakes Subdivision as amended from time to time ("Crystal Lakes Subdivision"), a copy of which shall be provided to you upon execution of your contract to purchase.
2. Ownership of a Lot in Crystal Lakes Subdivision automatically makes you a member of the Crystal Lakes Homeowner's Association of Manatee, Inc.
3. The Crystal Lakes Homeowner's Association owns and controls the association property, as described in the Listing of Holdings and has the right and power to assess and collect for the cost of maintenance and care of all property and uses under the purview of the non-profit organization which you have the right to enjoy, in accordance with the Declaration, the Articles of Incorporation, and Bylaws of the Association. A ten year Fiscal Program is included as part of the Declaration to provide adequate reserve funds for the Association.
4. The initial proposed assessment by the Crystal Lakes Homeowners Association of Manatee, Inc. is \$350.00 annually for each Lot within the Crystal Lakes Subdivision. You are hereby notified that the Association may increase that amount as may be required to maintain the amenities of the Subdivision.
5. The Owner of each Lot shall be responsible for the planting and maintenance of trees on such Lot as required by Manatee County pursuant to the final site plan approval for Crystal Lakes. Such plan approval requires that each Lot owner plant one (1) canopy tree for every fifty (50) linear feet of right of way in accordance with the lot tree matrix attached as Schedule 1. Each tree shall have a minimum of 10' height and 4' spread, and two and one-half inch (2 1/2") caliper diameter trunk at planting, with the additional requirements that (i) trees shall be planted within the first twenty (20) feet of the front yard, but not within a public or private utilities easement, and not closer together than twenty five (25) feet unless a decorative grouping or an alternative method is chosen and approved by Manatee County; (ii) trees must meet the requirements of this paragraph whenever they meet the spacing and size requirements hereof, and no certificate of occupancy will be issued for any home to be constructed on a Lot until the conditions of this paragraph have been satisfied. Upon such initial planting, each Owner shall be responsible for maintenance of the trees and such trees may not be removed without appropriate permits and authorizations provided by Manatee County, Florida. In the event

that a tree planted in compliance with the requirements of this paragraph dies or is removed, the Owner of the Lot is responsible to replace the tree within thirty (30) days thereafter. If an Owner fails to comply with the foregoing requirements, then after notice and compliance with the procedural requirements as stated in the Declaration, the Association may take such action as is necessary to achieve compliance. All costs of the Association in so doing shall be assessed to the particular Owner and his Lot as a Special Assessment. Until so collected, such costs shall be treated as a Common Expense. For tree requirements per Lot, please see attached Schedule K .

6. The following language is included as part of the deed restrictions for each Lot:
  - Unless otherwise specified by the terms of the applicable Southwest Florida Water Management District permit, two copies of all information and reports required by the applicable permit shall be submitted to:
    - Sarasota Regulation Department
    - Southwest Florida Water Management District 6750 Fruitville Road
    - Sarasota, FL 34240-9711
  - "Each property owner within the subdivision at the time of construction of a building, residence, or other structure shall comply with the construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District (SWFWMD)."
  - The, operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule. For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.
  - The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless other approved by the District. Removal includes dredging the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Surface Water Regulation Manager. Sarasota Service Office.
7. Persons purchasing lots in Crystal Lakes are hereby notified of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
8. All homes along the southern perimeter shall be limited to one story in height.
9. Persons purchasing Lots in Crystal Lakes are hereby notified that 60<sup>th</sup> Avenue East/Buffalo Road is planned to be extended or widened along the west property line of the Crystal Lakes Subdivision.
10. Unless permitted by the Manatee County Land Development Code, the following acts and activities are **prohibited** within the boundaries of any Conservation Easement within the Crystal Lakes Subdivision without the prior consent of Manatee County:



- Construction or placing of buildings, roads, signs, billboards or other advertising structures on or other structures on or above the ground.
  - Construction or placing of utilities on, below or above the ground without appropriate local, state and federal permits or other authorization.
  - Dumping or placing of soil or other substances or material as landfill or dumping or placing trash, waste, unsightly, or offensive materials.
  - Removal, mowing, or trimming of trees, shrubs or other vegetation.
  - Application of herbicides, pesticides, or fertilizers.
  - Excavation, dredging or removal of loam, peat, gravel, soil rock or other material substances in such manner as to affect the surface.
  - Surface use except for purposes that permit the land or water areas to remain in its natural condition.
  - Any activity detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation.
  - Acts of uses detrimental to such retention of land or water areas.
11. A "View Easement" is noted on the plat for Crystal Lakes, recorded in the Public Records of Manatee County at Plat Book 47, Pages 1-14, in the following locations: at the end of 51<sup>st</sup> Terrace East, at the end of 53<sup>rd</sup> Place East, and at the end of 54<sup>th</sup> Terrace East. Federally required mail facilities are located in this view easement. No other structure or landscaping will be placed at the end of any of the cul-de-sacs. As set forth herein, the intent of this prohibition is to provide an unobstructed view from the mail facilities.
  12. The presently planned source of irrigation for the common areas will be a well in the 20' buffer adjacent to Buffalo Road or other non-public water sources. Such irrigation water is not for human consumption. The Code requires that all users of the irrigation system comply with all provisions of the Water Shortage Plan and the Water Shortage Emergency.
  13. "A portion of Crystal Lakes falls in Flood Zones AE and X, with Base Flood Elevations of twenty feet through twenty-one feet above Mean Sea Level, and a portion of Crystal Lakes (but no Lots) encroaches into the regulatory floodway of Frog Creek. Lots 5 through 17, 60 through 70, 99 through 101,103, 107 through 120, 122 through 137, 139 through 143, 145 through 160, 162 through 185, and 192 through 199 encroach into Flood Zone AE. For these lots, at the time of application for a building permit, a sealed survey must be submitted to Manatee County showing the FIRM panel number, flood zone, floodway lines, base flood elevation, and existing and proposed grades of the lot, unless FEMA has approved a Letter of Map Revision for the Lot. The Declarant Is applying for a Letter of Map Revision for all of these lots.

Manatee County Ordinance 89-10, as revised, requires the lowest finished floor In Flood Zone AE must be one foot above the Base Flood elevation. If any structure is constructed In the AE Flood Zone, a Floodplain Management Permit will be required by Manatee County.

If a lot lies within Flood Zone AE, a mortgage lender may require the owner to purchase flood insurance. **THE BUYER IS HEREBY NOTIFIED THAT THEIR MORTGAGE LENDER'S FLOOD DETERMINATION MAY DIFFER FROM THE DETERMINATION MADE BY THE MANATEE COUNTY BUILDING DEPARTMENTS FLOODPLAIN MANAGEMENT SECTION."**

14. The foregoing statements are only summary in nature and shall not be deemed to supersede or modify the provisions of the Covenants or Restrictions of the Crystal Lake Homeowner's Association, or any Lot sales contract between a purchaser and the Developer.
15. The landscape plan can be found in the Records Management Division of the Planning Department in final site plan PDC-03-27/FSP-04-58, approved 08/27/04.