

FILE # 1792035 RCD: Sep 05 2000 @ 12:07PM
Newman C. Brackin, Clerk, Okaloosa Cnty Fl

Subject: Addendum to Master Declaration of Covenants, Conditions and Restrictions for
Magnolia Plantation at Bluewater Bay as recorded in Public Records, Okaloosa County,
Florida, Plat Book 2204, Pages 4656-4666

Date: August 10, 2000

The following changes incorporate policies and procedures previously approved by the Association Board of Directors and promulgated through various mailouts.

Article VII, Section 3. Enforcement Procedures. Replace in its entirety with new Section 3 as follows:

Section 3. Enforcement Procedures. In order to maintain the appearance of Magnolia Plantation in a fair and equitable manner, the following procedures will be in effect for enforcement of the Covenants, Conditions and Restrictions.

- A. Monitoring routine compliance with the covenants will be the responsibility of the Property Manager, not individual residents. The Property Manager will make periodic inspections of Magnolia Plantation to insure consistent compliance.
- B. Individual resident may report covenant violations that directly impact them (occur in the immediate vicinity of their residence or normal route of travel to and from their residence). This report must be in writing to the Property Manager (in confidence).
- C. Enforcement emphasis will be on the "spirit" rather than the "letter" of the covenants. In this regard, a Homeowner's Resolution Committee will be appointed that reflects the makeup of our community. The Property Manager will seek the opinion of this committee on all reported or observed violations that are considered "gray areas".
- D. Only proposed permanent changes, additions, etc. to the exterior of your home or lot will be submitted to the Developer/Architectural Review Committee for prior approval. All proposed temporary changes, additions, etc. (primarily easily movable equipment or structures) will be submitted to the Property Manager for prior approval. As necessary, the Property Manager will seek the opinion of the Homeowner's Resolution Committee. Approval for temporary changes, additions, etc. may be revisited if conditions that influenced the approval change at a later date.
- E. Actions by the Association/Property Manager in response to a violation:
 - 1. First violation reported to or observed by the Property Manager. A telephone call, with follow up letter from the Property Manager informing the resident (and property owner) of the violation. The property owner will have up to 30 days from the date of the letter to correct the violation. Failure to correct the violation within 30 days will constitute a second violation.
 - 2. Second violation of the same matter reported to or observed by the Property Manager. A \$50.00 fine will be assessed and notification by phone and certified letter will be made to the property owner. Fines not paid within 30 days of the date

of the certified letter will result in a lien for the fine amount, plus administrative fees, being placed on the property. Failure to correct the violation within 30 days will constitute a third violation.

- 3. Third and subsequent violation of the same matter reported to or observed by the Property Manager. A \$250.00 fine will be assessed and notification by phone and certified letter will be made to the property owner. Fines not paid within 30 days of the date of the certified letter will result in a lien for the fine amount, plus administrative fees being placed on the property. Failure to correct the violation within 30 days will constitute a subsequent violation.

Article VIII. Add new Section 6, Collection of Assessments, after existing Section 5 as follows:

Section 6. Collection of Assessments. The Property Manager shall bill property owners quarterly, in advance, for general assessments. This may be altered as necessary by the Board of Directors to specify any period, in advance, between monthly and yearly. Assessments are due on the first day of the billing period and considered late after 30 days have passed. A late charge of 10 percent of the quarterly assessment will be added to the amount billed after 30 days. If the amount billed, plus late charge, remains unpaid for an additional 30 days, a lien for the full amount will be recorded against the property. From the date of recording, interest on the lien amount will accrue at the rate of 18 percent per annum, or the highest permitted by law, whichever is lower. If subsequent initial billings in the same budget year become past due, there will be an administrative charge, in addition to the 10 percent late fee, of \$25, \$50 and \$100 respectively, for the 2^d, 3rd and 4th or more incidents of overdue initial billings.

IN WITNESS WHEREOF, the undersigned declarant has executed this Declaration this 31st day of August, 2000.

"DECLARANT"
EMCA FOREST INVESTORS, LTD.
A Florida Limited Partnership

[Signature]
Witness

By: *[Signature]*
Raimund Herden, General Partner

Edna M. Keefe
Witness

STATE OF FLORIDA

COUNTY OF OKALOOSA

I HEREBY CERTIFY that on this day, before me an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Raimund Herden as General Partner of EMCA Forest Investors, Ltd. To me well known to be the person described in and who executed the foregoing and acknowledged before me that he executed the same. He is personally known to me and did take an oath.

WITNESS my hand and seal in the County and State last aforesaid this 31st day of August, 2000

Edna M. Keefe

SEAL

Notary Public
My Commission Expires:

Prepared by: Magnolia Plantation POA
P.O. Box 5024
Niceville, FL 32578

