

**SECOND AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS
REGARDING
WINDING CREEK PROPERTY OWNERS ASSOCIATION, INC.**

This Second Amendment To Declaration of Protective Covenants Regarding Winding Creek Property Owners Association, Inc. ("Second Amendment") is made this 19th day of July, 2000, by Dale V. Colean, Marlene Colean, and Elizabeth Heard Mallonee, as Trustee of the Elizabeth Heard Mallonee, Revocable Trust dated August 17, 1994 (successor to John Mallonee and Elizabeth Mallonee, individually) ("Declarants") and is joined in by Winding Creek Property Owners Association, Inc., a Florida corporation not for profit ("Association").

WITNESSETH:

WHEREAS, Declarants are the Declarants under the Declaration of Protective Covenants ("Protective Covenants") dated October 28, 1994, recorded in Official Record Book 1082, Page 1277, of the Public Records of St. Lucie County, Florida; and

WHEREAS, Declarants remain the owners of the majority of lots in Winding Creek Subdivision and Declarants retain the power to appoint the members of the Architectural Review Board as set forth in the Protective Covenants; and

WHEREAS, turnover of management to the Class A members as defined pursuant to Article III, B. of the Association's Articles of Incorporation has not occurred and the Declarants may amend or modify the Protective Covenants without the Association's or Class A members' consent pursuant to Article XI.D.1. of the Protective Covenants; and

WHEREAS, on December 1, 1998, the Declarants adopted the First Amendment to Declaration of Protective Covenants Regarding Winding Creek Property Owners Association, Inc., thereby amending Article VIII, Section A.13., of the Protective Covenants; and

WHEREAS, the Declarants wish to further amend and modify the Protective Covenants as hereinafter set forth.

NOW, THEREFORE, in consideration of the premises set forth above, the Declarants hereby amend and modify the Protective Covenants as follows:

1) The following provisions shall be added to or replace those sections of Article VIII, Section A, as indicated:

1. Residential Use:

(a) All lots shall be used, improved and devoted exclusively for single family residential use and not for trade, professional or commercial purposes. Nothing herein shall be deemed

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Ft. Pierce, Fl. 34981*

to prevent the Owner from leasing a dwelling unit, subject to all of the provisions of the Declaration, Covenants, Restrictions, Charter, and Bylaws.

(b) For one-story dwelling units there shall be a minimum of 2,000 square feet of air conditioned space under one roof.

(c) For two-story dwelling units there shall be a minimum of 2,300 square feet of air conditioned space under one roof.

(d) The exterior walls of all dwelling units shall be constructed of concrete block or wood frame. If concrete block, the exterior surface shall be either stucco, cement plank siding, brick, or stone or some combination thereof. If wood frame, the exterior surface shall be either cement plank siding, brick, or stone or some combination thereof. No wood siding shall be allowed.

(e) The roofing material for all dwelling units shall be constructed of 30 year laminated (2 dimensional) architectural shingles, metal, or tile.

(f) All landscaping shall be appropriately irrigated and all sod shall be Floratam type.

10. Fences.

Fences shall only be allowed as backyard enclosures and shall generally be of coated chain link, wood, or vinyl construction unless otherwise approved. Fences shall not be placed closer to the street than the rear wall of the dwelling unit. For corner lots, the rear wall shall be determined by first identifying the front of the dwelling unit which shall be the wall that contains the front door.

12. Swales:

(a) No Owner shall plant any trees or shrubs or the like in or on a swale area, nor shall any Owner alter the slope of the swales or take any other action which may impede the drainage system and the flowage of water.

(b) All culverts installed in the swales must have mitered ends with concrete caps or approved equivalent.

13. Garages.

All dwelling units shall contain a garage sized to fit, at a minimum, two standard passenger vehicles. No garage shall be erected which is separate from the residence, except, however, a detached garage which may be installed upon the Lot with the approval of the ARB and which shall be in addition to the undetached garage of the residence. Any detached

garage permitted by the ARB shall be approved with consideration extended to the buildable size and configuration of the Lot or Lots of the applicant, and the compatibility of design and location with surrounding residences. No garage shall be permanently enclosed so as to make such garage unusable by a vehicle, and no portion of a garage originally intended for the parking of a vehicle shall be converted into living space unless the equivalent amount of garage space is added. All garage doors shall remain closed when not in use.

IN WITNESS WHEREOF, this Second Amendment has been adopted and executed by the Declarants and the Association on the dates set forth below.

Signed, sealed, and delivered
in the presence of:

Declarants:

Marnie Moake
Printed Name: Marnie Moake

Dale V. Colean
DALE V. COLEAN

Barbara Edman
Printed Name: BARBARA EDMAN



Kathryn A. Lindsey
Printed Name: Kathryn A. Lindsey

Marlene Colean
MARLENE COLEAN

Printed Name: _____

Printed Name: _____

Printed Name: _____

Elizabeth Heard Mallonee
ELIZABETH HEARD MALLONEE,
as Trustee of the ELIZABETH HEARD
MALLONEE Revocable Trust dated
August 17, 1994.

DATED: 7/19/00

JOINED IN BY:

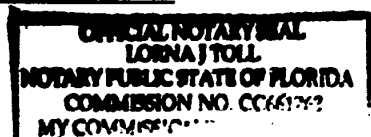
WINDING CREEK PROPERTY
OWNERS ASSOCIATION, INC.

BY: Dale V. Colean
DALE V. COLEAN, President

Lorna Toll
Printed Name: LORNA TOLL

Printed Name: _____

DATED: _____



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