

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
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This Instrument Prepared by:  
Frank H. Fee, III, Esquire  
Fee, Koblegard & DeRoss  
401 South Indian River Drive  
Fort Pierce, Florida 34950  
Return to: CHB #25

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

THIS THIRD AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS REGARDING WINDING CREEK PROPERTY OWNERS ASSOCIATION, INC. ("Third Amendment") is made this \_\_\_\_\_ day of April, 2002, 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 ("Corporation").

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

WHEREAS, Declarants remain the owners of lots in Winding Creek Subdivision, and are members of WINDING CREEK PROPERTY OWNERS ASSOCIATION, INC. ("Association"); 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, which First Amendment is recorded in Official Records Book 1188, page 2266, of the Public Records of St. Lucie County, Florida; and

WHEREAS, on July 19, 2000 the Declarants adopted the Second Amendment to Declaration of Protective Covenants, which Second Amendment is recorded in Official Records Book 1316, page 806, of the Public Records of St. Lucie County, Florida; and;

WHEREAS, Declarants wish to further amend 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. Article VIII, A., 8. entitled Tree Removal, is modified and amended in its entirety as follows:

"8. Tree Removal.

No tree having a forty (40) inch DBH (as defined in the St. Lucie County Development Code) or greater, shall be removed unless it can be shown to the satisfaction of the St. Lucie County Community Development Administrator that no other viable alternative exists in the location or placement of the affected unit or structure."

This prohibition is imposed by Resolution No. 93-126 of St. Lucie County granting site plan approval for WINDING CREEK SUBDIVISION as recorded in Official Records Book 855, at page 1164, of the Public Records of St. Lucie County, Florida.

2. Article VIII, A., 21. imposing certain restrictions, rules and regulations is amended to add subpart "c." as follows:

c. Stem wall or similar piling forms of foundation construction shall be exclusively employed in respect of construction upon Lots 11 through 29, inclusive, of WINDING CREEK SUBDIVISION. General filling of these lots for the purpose of residential construction is specifically prohibited as per St. Lucie County Resolution No. 93-126.

IN WITNESS WHEREOF, this Third Amendment has been signed by the Declarants and the Corporation on the respective dates set forth below.

Signed, sealed and delivered  
in the presence of:

DECLARANTS:

Christine Marazzolo  
Printed Name: CHRISTINE MARAZZOLO

Dale V. Colean  
DALE V. COLEAN

Connie Sue Moore  
Printed Name: CONNIE SUE MOORE

DATED: April 9, 2002

Christine Marazzolo  
Printed Name: CHRISTINE MARAZZOLO

Marlene Colean  
MARLENE COLEAN

Connie Sue Moore  
Printed Name: CONNIE SUE MOORE

DATED: April 9, 2002

Christine Marazzolo  
Printed Name: CHRISTINE MARAZZOLO

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

Connie Sue Moore  
Printed Name: CONNIE SUE MOORE

DATED: 11 April 2002

JOINED IN BY:  
WINDING CREEK PROPERTY OWNERS  
ASSOCIATION, INC., a Florida  
corporation not for profit

Christine Marazzolo  
Printed Name: CHRISTINE MARAZZOLO

By: Dale V. Colean  
DALE V. COLEAN, its President

Connie Sue Moore  
Printed Name: CONNIE SUE MOORE

DATED: April 9, 2002

(Corporate Seal)

OR BOOK 1515 PAGE 57

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 9th day of April, 2002, by **DALE V. COLEAN** and **MARLENE COLEAN**, his wife, who each provided a Florida driver's license as identification and who did not take an oath.

Connie Sue Moore  
Connie Sue Moore, NOTARY PUBLIC  
My Commission Expires:  
My Commission No.:



Connie Sue Moore  
MY COMMISSION # CC995254 EXPIRES  
April 4, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 11th day of April, 2002, by **ELIZABETH HEARD MALLONEE**, as Trustee of the **ELIZABETH HEARD MALLONEE Revocable Trust** dated August 17, 1994, who provided a Florida driver's license as identification and who did not take an oath.

Connie Sue Moore  
Connie Sue Moore, NOTARY PUBLIC  
My Commission Expires:  
My Commission No.:



Connie Sue Moore  
MY COMMISSION # CC995254 EXPIRES  
April 4, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 9th day of April, 2002, by **DALE V. COLEAN**, as President of **WINDING CREEK PROPERTY OWNERS ASSOCIATION, INC.**, a Florida corporation not for profit, on behalf of the corporation, and who provided a Florida driver's license as identification, and who did not take an oath, and he acknowledged that the execution thereof was of his free act and deed as such officer for the uses and purposes therein expressed and that the said instrument is the act and deed of said corporation.

Connie Sue Moore  
Connie Sue Moore, NOTARY PUBLIC  
My Commission Expires:  
My Commission No.:



Connie Sue Moore  
MY COMMISSION # CC995254 EXPIRES  
April 4, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.