

This instrument prepared by  
and return to:  
Bruce Barkett, Esq.  
Collins, Brown, Barkett,  
Garavaglia & Lawn, Chtd.  
756 Beachland Blvd.  
Vero Beach, FL 32963

**FIRST AMENDMENT TO DECLARATION OF  
RESTRICTIVE COVENANTS**

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS is made by Windsor Properties, a Florida general partnership, ("Owner"), and is approved by the Board of County Commissioners of Indian River County, Florida ("County").

W I T N E S S E T H:

WHEREAS, Owner recorded that certain Declaration of Restrictive Covenants in favor of County on February 2, 2009, at Official Records Book 2317, Page 2223, Public Records of Indian River County, Florida ("Declaration"), with respect to certain property in Indian River County consisting of 8.93 acres, more or less, legally described on Exhibit "A" attached hereto and made a part hereof ("Windsor Property"); and

WHEREAS, the Declaration restricted the Windsor Property to a residential density of one dwelling unit per acre; and

WHEREAS, the subject property has been approved for development by Indian River County as the Windsor Beachside - Plat 27 - Phase II - Planned Development (the "PD"); and

WHEREAS, Owner has applied to the County to amend the PD to add a second housing type, resulting in a modest increase in density; and

WHEREAS, County has agreed, pursuant to the terms of the Declaration, to permit modification of the Declaration to permit residential density to be increased to up to 3 units per acre;

NOW, THEREFORE, for and in consideration of the foregoing recitals, the Owner hereby agrees and declares, and the County hereby approves, the following First Amendment to Declaration of Restrictive Covenants:

1. The foregoing recitals are true and are incorporated herein by reference.
2. Section 2 of the Declaration is hereby amended to read in its entirety as follows:

2. Density Restriction. The Owner hereby declares and voluntarily covenants and agrees that the following development restriction shall apply within the Windsor Property: Residential density shall be limited to three (3) dwelling units per acre.

3. In all other respects the Declaration remains in full force and effect. To the extent of any conflict between the Declaration and this First Amendment to the Declaration, this First Amendment shall prevail.

IN WITNESS WHEREOF, the undersigned has executed this First Amendment to Declaration of Restrictive Covenants on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
*Print Name:* \_\_\_\_\_

Windsor Properties, a Florida general  
partnership

\_\_\_\_\_  
*Print Name:* \_\_\_\_\_

By: Torwest, Inc., a Florida corporation,  
General Partner

By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of Torwest, Inc., a Florida corporation, General Partner of Windsor Properties, a Florida general partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Approved by:

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

\_\_\_\_\_  
Jason E. Brown, County Administrator

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

BCC Approved: \_\_\_\_\_

Approved as to Form and Legal Sufficiency

Attest:  
Jeffrey R. Smith, Clerk of the Circuit  
Court

  
\_\_\_\_\_  
William K. DeBaal, Deputy County Attorney

By: \_\_\_\_\_  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, as Chairman of the Board of County Commissioners, and \_\_\_\_\_, as Deputy Clerk, for Jeffrey R. Smith, who are personally known to me or who have produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
My Commission Expires \_\_\_\_\_