

**FIFTH AMENDMENT
TO
DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND
EASEMENTS
FOR
CHAPEL TRAIL**

THIS FIFTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS FOR CHAPEL TRAIL ("Amendment") is made this 26th day of JUNE, 1996, by CHAPEL TRAIL OWNERS ASSOCIATION, INC. ("Association").

WITNESSETH:

WHEREAS, the First Amendment to the Declaration was recorded in Official Records Book 15979, Page 963 of the Public Records of the County; and

WHEREAS, the Second Amendment to the Declaration was recorded in Official Records Book 17188, Page 740, of the Public Records of the County; and

WHEREAS, the Third Amendment to the Declaration was recorded in Official Records Book 17787, Page 926 of the Public Records of the County; and

WHEREAS, the Fourth Amendment to the Declaration was recorded in Official Records Book 23028, Page 815, of the Public Records of the County; and

WHEREAS, Turnover of the Association to the Members of the Association by the Declarant occurred on January 11, 1995; and

WHEREAS, Article X, I provides that the Members may amend the Declaration upon the vote of seventy-five (75%) percent of the entire membership of Corporation ; and

WHEREAS, the Members deem it desirable and advisable for the best interests of Chapel Trail to make this Amendment to the Declaration; and

WHEREAS, on June 12, 1996, more than seventy-five (75%) percent of the entire membership of the corporation voted to amend the Declaration as hereinafter provided.

NOW, THEREFORE, Association hereby amends the Declaration as follows:

1. Article III, C, 14, (a) is hereby deleted in its entirety and is replaced by the following:

DECLARATION

RESOLUTION OF THE BOARD OF DIRECTORS
OF
CHAPEL TRAIL OWNERS ASSOCIATION, INC.

WHEREAS, the Declaration of Protective Covenants, Restrictions and Easements for Chapel Trail was amended by the members at its November 20, 1996 Annual meeting to provide for the following authority to fine:

ii. The Board of Directors, subject to applicable law, may levy a fine against an owner, not to exceed such amount as is permitted by law, for each violation by the owner, or his or her tenants, guests or visitors, of the Declaration, Articles, By-Laws, or Rules and Regulations, and a separate fine for each repeated or continued violation, provided, however, written notice of the nature of the violation and an opportunity to attend a hearing shall be given prior to the levy of the initial fine. No written notice shall be required for the levy of a separate fine for repeat or continued violations if substantially similar to the initial violation for which notice and a hearing was provided. The Board of Directors shall have the authority to adopt rules, regulations and policies to fully implement its fining authority.

WHEREAS, pursuant to said fining amendment, the Board is granted the authority to promulgate Rules and Regulations governing the fining procedure.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Chapel Trail Owners Association, Inc., hereby adopts the following Rules and Regulations governing the levying of fines:

(a) The Board of Directors shall appoint a Covenant Enforcement Committee (hereinafter Committee), of at least three (3) members, who are not officers, directors, or employees of the Corporation, or the spouse, parent, child, brother, or sister of an officer, director or employee. The Committee is charged with determining whether there is a probable cause that any of the provisions of the Declaration of Protective Covenants, Restrictions and Easements, the Rules and Regulations of the Corporation, and/or provisions of the Articles or By-Laws of the Corporation are being or have been violated. In the event that the Committee determines an instance of such probable cause, it shall report same to the Board of Directors and the Committee shall thereupon provide written notice to the person(s) alleged to be in violation, and the owner of the lot which that person occupies or occupied at the time the violation was committed, if that person is not the owner, of the opportunity for a hearing before the Committee as provided below. The notice shall also specify, and it is hereby provided, that each occurrence or recurrence of the alleged violation or each day during which it continues shall be deemed a separate offense, subject to a separate fine in the highest amount permitted by law.

(b) The Committee shall hold a hearing, after providing the person(s) alleged to be in violation, and the owner of the lot which that person occupies or occupied at the time the violation was committed, if that person is not the owner, with reasonable notice of not less than fourteen (14) days stating the date, time and place of the hearing, the provisions of the documents, or the Corporation Rules which have been violated and a short and plain statement of the matters asserted by the Committee. The Committee shall hear any defense to the charges of the Committee, including any witnesses that the alleged violator, the lot owner, or the Committee may produce. Any party at the hearing may be represented by counsel.

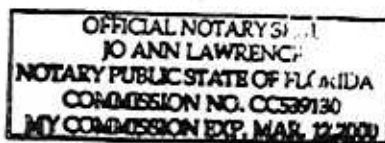
(c) Subsequent to any hearing, the Committee shall determine whether there is sufficient evidence of a violation or violations as provided herein. If the Committee determines there is not sufficient evidence of a violation, the matter

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized and acting, William Simone, the President of Chapel Trail Owners Association, Inc., a Florida not-for-profit Corporation, to me known to be the person who signed the foregoing instrument as such person, and acknowledged the execution thereof to be the act and deed of said Corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal in the State and County last aforesaid, this 31 day of Dec., 1996.

 (SEAL)
Notary Public
State of Florida at Large



170001400001