

This instrument was prepared by:
Gary A. Poliakoff, J.D.
Becker & Poliakoff, P.A.
3111 Stirling Road
Fort Lauderdale, FL 33312

97-035546 T#004
01-23-97 10:37AM

3K25934PS0520

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

This Sixth Amendment to the Declaration of Protective Covenants, Restrictions and Easements for Chapel Trail ("Amendment") is made this 31 day of DEC., 1996, by Chapel Trail Owners Association, Inc. ("Corporation").

WITNESSETH:

WHEREAS, the Declaration of Protective Covenants, Restrictions and Easements for Chapel Trail was recorded in Official Records Book 15283 at Page 283, of the Public Records of Broward County, Florida ("Declaration"); and

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

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

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

WHEREAS, the Fourth Amendment to the Declaration was recorded in Official Records Book 23028 at Page 0815 of the Public Records of Broward County; and

WHEREAS, the Fifth Amendment to the Declaration was recorded in Official Records Book 25078 at Page 424; and

WHEREAS, at the Annual Meeting of the Corporation held on Wednesday, November 20, 1996, at which a quorum was present, the Neighborhood Representatives approved, by a vote in excess of seventy-five (75%) percent of the votes of the entire membership of the Corporation, an amendment of Article X, Section E of the Declaration to add a new Subsection "ii" authorizing the levying of fines;

NOW, THEREFORE, the Declaration is hereby amended as follows:

Article X, Section E. (Enforcement):

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.

IN WITNESS WHEREOF, the Corporation has executed the Amendment on the date set forth below.

Signed, sealed and
delivered in the presence of:

John Lawrence
Hedy Maurer

CHAPEL TRAIL OWNERS
ASSOCIATION, INC.


By: William Simone, President (SEAL)

Dated: 12/31/96

shall be ended and no fine shall be levied. If the Committee determines that there is sufficient evidence of a violation, the Committee shall forward its findings, conclusions and recommendations to the Board of Directors. Based upon such Committee findings, conclusions and recommendations, the Board of Directors may levy a fine for each violation in the amount permitted by law. In the event the Board of Directors determines to levy a fine, the Board of Directors shall send a written notice to the violator and the lot owner, if the violator is not the lot owner, advising that the fine has been levied and requiring payment of the fine immediately upon receipt of such notice. The lot owner shall be jointly and severally liable with the violator for payment of all fines.

(d) Nothing herein shall be construed to interfere with any right that a lot owner may have to obtain from a violator occupying his unit payment in the amount of any fine or fines assessed against that unit.

(e) Nothing herein shall be construed as a prohibition of or a limitation on the right of the Association to pursue other means to enforce the provisions of the various documents, or the Corporations' Rules, and all rights and remedies of the Corporation shall be cumulative.



President

Attest: 

Secretary

Date: 5-11-97

CONSENT OF MORTGAGEE

FIRST UNION NATIONAL BANK OF FLORIDA, the holder of that certain Mortgage dated November 22, 1988 and recorded in Official Records Book 15979, Page 967, of the Public Records of Broward County, Florida ("County"), as modified by that certain Mortgage Modification and Future Advance Agreement recorded in Official Records Book 16472, Page 433, and Second Amendment to Mortgage and Security Agreement and Loan Agreement and First Amendment to Assignment of Rents and Leases, Assignment of Sales Contracts and Note recorded in Official Records Book 17076, Page 931, all of the Public Records of the County, hereby consents to the recording of the foregoing Second Amendment to Declaration of Protective Covenants, Restrictions and Easements for Chapel Trail among the Public Records of the County.

Signed, sealed and delivered in the presence of:

FIRST UNION NATIONAL BANK OF FLORIDA

By: Albert Fils
Albert Fils, Vice President

STATE OF FLORIDA:

COUNTY OF _____:

The foregoing instrument was acknowledged before me this 11 day of January, 1990, by Albert Fils as Vice President of First Union National Bank of Florida, on behalf of said institution.

Wanda K. L. [Signature]
Notary Public

(NOTARIAL SEAL)

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. DEC. 10, 1993
BONDED THRU GENERAL INS. UND.

BK 71188 PG 0743

A-H.15

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR