

Return Recorded Original to:  
Stephen E. Spira, Esq.  
Spira, Beadle & McGarrell, PA  
5205 Babcock Street, NE  
Palm Bay, Florida 32905

**FIRST AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF COVENANTS AND RESTRICTIONS FOR  
HAWKS NEST AT AQUARINA**

**THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS FOR HAWKS NEST AT AQUARINA**, is made and entered into this 7 day of April, 2017, by MAD ASSOCIATES, LLC, a Florida limited liability company ("MAD Associates").

**WITNESSETH:**

**WHEREAS**, the Declaration of Covenants and Restrictions for Hawks Nest at Aquarina, was recorded in Official Records Book 5423, Page 2691, Public Records of Brevard County, Florida, as amended and restated by that certain Amended and Restated Declaration of Covenants and Restrictions for Hawks Nest at Aquarina recorded in Official Records Book 7102, Page 1374, Public Records of Brevard County, Florida (collectively referred to as "Declaration"); and

**WHEREAS**, the plat for Hawks Nest at Aquarina was recorded in Plat Book 52, Page 85, Public Records of Brevard County, Florida ("Plat"); and

**WHEREAS**, there exist on the Plat, a private twenty five foot (25') landscape easement ("Landscape Easement") to be owned and maintained by the Hawk's Nest at Aquarina Homeowner's Association ("HOA"); and

**WHEREAS**, Section 17.5 of the Declaration provides that the Declaration may be amended at any annual meeting or special meeting called for the purpose by at least two-thirds (2/3) of the Voting Interests (as defined in the Declaration) in the Association (As defined in the Declaration); and

**WHEREAS**, MAD Associates has requested and the Voting Interests and HOA has agreed to reduce that portion of the Landscape Easement on the real property owned by MAD Associates to five feet (5').

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby modified as follows:

1. All of the recitals above are true and accurate.
2. Section 9.4 of the Declaration shall be added as follows:

"Section 9.4 A twenty five foot (25') landscape easement ("Landscape Easement") exists on the Plat on the northern boundary of the Community. The Landscape Easement shall be reduced to five feet (5') for the following portions of the Plat:

- (a) Block C, Lot 14,
- (b) Block B, Lots 5 through and including Lot 12, as noted on the Plat,
- (c) That portion of the Tract A Common Area located between Block B, Lot 12 and Tract B, and
- (d) Tract B.”

3. All other terms, provisions and conditions of the Declaration shall remain in full force and effect and unchanged except as set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day set forth above.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

MAD ASSOCIATES, LLC,  
a Florida limited liability company

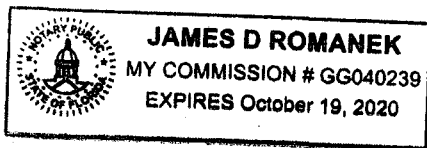
Janae Burzyński  
Janae Burzyński (Print Name)

By: Michael A. DiAntonio  
Michael A. DiAntonio, Sr., Manager

Joseph DiAntonio  
Joseph DiAntonio (Print Name)

STATE OF FLORIDA )  
COUNTY OF ~~BREVARD~~ )  
Indian River

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of April, 2017 by Michael A. DiAntonio, Sr., as manager of MAD ASSOCIATES, LLC, a Florida limited liability company, on behalf of said limited liability company, who is personally known to me or has produced Drivers License as identification.



James D. Romanek  
NOTARY  
My commission expires:

**JOINDER**

HAWKS NEST AT AQUARINA HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit, hereby agrees to accept all the benefits and all of the duties, responsibilities, obligations and burdens imposed upon it by the provisions of this First Amendment to Amended and Restated Declaration of Covenants and Restrictions for Hawks Nest at Aquarina.

IN WITNESS WHEREOF, HAWKS NEST AT AQUARINA HOMEOWNERS ASSOCIATION, INC. has caused these presents to be signed in its name by its proper officer and its corporate seal to be affixed this 7 day of April, 2017.

Witnessed by:

HAWKS NEST AT AQUARINA  
HOMEOWNERS ASSOCIATION, INC.,  
a Florida corporation not for profit

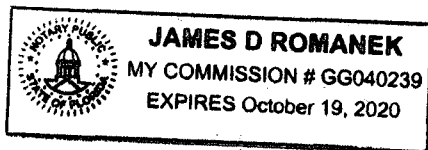
Janae Burzynski  
Print Name: Janae Burzynski

By: Michael A. DiAntonio  
Michael A. DiAntonio, Sr., President

Joy DiAntonio  
Print Name: JOY DIANTONIO

STATE OF FLORIDA            )  
COUNTY OF ~~BREVARD~~    )  
                  Indian River

The foregoing joinder was acknowledged before me this 7<sup>th</sup> day of April, 2017, by Michael A. DiAntonio, Sr., as President of HAWKS NEST AT AQUARINA HOMEOWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, on behalf of said corporation. He is personally known to me or has produced Drivers License as identification.



Name: James D. Romanek  
Notary Public, State of Florida  
My Commission Expires: 10/19/2020  
Commission No.: GG 040239

(Notarial Seal)