

E -> Hawks Nest at Aquarina HOA Inc.
8501 Atlantic Ave
Wildwood Crest NJ 08260

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This instrument was prepared by
And to be returned to:
MAD ASSOCIATES, LLC
17 Cache Cay Drive
Vero Beach, FL 32963
(609) 729-8562

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

THIS FIFTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS FOR HAWKS NEST AT AQUARINA, is made and entered into this 24th day of Sept., 2018, 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, as amended and restated by that certain Amended and restated Declaration of Covenants and Restrictions for Hawks Next at Aquarina recorded in Official Records Book 7102, Page 1374, Official Records Book 7170 Page 2684 and Official Book 7865 Page 363 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, 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 in the Association (As defined in the Declaration); and

WHEREAS, MAD Associates has requested and the Voting Interests and HOA has agreed to amend ARTICLE V Paragraphs 1.A. and 2.A.; and

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 in order to reduce all landscaping buffers to 5':

1. All of the recitals above are true and accurate.
2. ARTICLE V Paragraph 1.A. shall be deleted in its entirety.
3. ARTICLE V Paragraph 2.A. shall be deleted in its entirety and replaced with the following:
 - "2. By Owners.
 - A. Maintenance of Dwelling. Each Owner shall be responsible for keeping the interior and exterior of his/her dwelling in a clean, safe and orderly condition and good repair.
4. All other terms, provisions and conditions of the Declaration shall remain in full force and effect and unchanged except as set forth above.

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

Margaret Bozarth
Margaret Bozarth

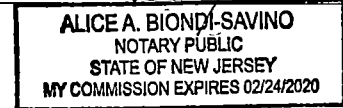
By: Michael A. DiAntonio, Sr.
Michael A. DiAntonio, Sr., Manager

Elizabeth Fox
Elizabeth Fox

STATE OF NEW JERSEY)
COUNTY OF CAPE MAY)

The foregoing instrument was acknowledged before me this 24th day of Sept, 2018 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.

Alice A. Biondi-Savino
Notary



JOINDER

HAWKS NEST AT AQUARINA HOMEOWNERS ASSOCIATION, INC., a Florida non-profit corporation hereby agrees to accept all the benefits and all of the duties, responsibilities, obligations and burdens imposed upon it by the provisions of this Third 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 24th day of Sept, 2018.

WITNESSED BY:

HAWKS NEST AT AQUARINA
HOMEOWNERS ASSOCIATION,
INC.
a Florida non-profit corporation

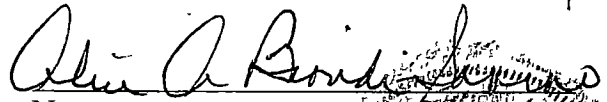
Margaret Bozarth
Margaret Bozarth

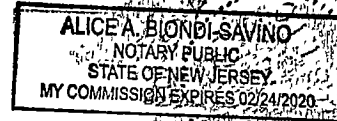
By: Michael A. DiAntonio, Sr.
Michael A. DiAntonio, Sr., President

Elizabeth Fox
Elizabeth Fox

STATE OF NEW JERSEY)
COUNTY OF CAPE MAY)

The foregoing instrument was acknowledged before me this 24th day of Sept, 2018 by Michael A. DiAntonio, Sr., as president of Hawks Nest at Aquarina Homeowners Association, Inc., a Florida non-profit corporation who, is personally known to me.


Notary


ALICE A. BIONDI SAVINO
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES 02/24/2020