

Upon recording, return to:

1431 Orange Camp Rd.
512-116
Deland, FL 32724
Michelle Stundis



Cross-Reference to Amended and Restated Declaration recorded in
Book 6548, Page 4331, Official Records of Volusia County, Florida.

THIS SPACE FOR RECORDER'S USE

**SECOND AMENDMENT
TO
AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
VICTORIA GARDENS**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR VICTORIA GARDENS is made this 27 day of March, 2017, by OK Victoria Gardens LLLP, a Delaware limited liability partnership ("**Declarant**").

WHEREAS, that certain Declaration of Covenants, Conditions, and Restrictions for Victoria Gardens, was recorded in Deed Book 4653, Page 4343, *et seq.*, of the Official Records of Volusia County, Florida (as amended and supplemented, the "**Original Declaration**"); and

WHEREAS, the Original Declaration was amended, restated, replaced, and superseded in its entirety by that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Victoria Gardens, recorded on December 23, 2010, as Instrument # 2010-230704 in Deed Book 6548, Page 4331, *et seq.*, of the Official Records of Volusia County, Florida (as amended and supplemented, the "**Declaration**"); and

WHEREAS, pursuant to the terms of Section 19.1, of the Declaration, Declarant may unilaterally amend the Declaration for any purpose during the Class "B" Control Period (as defined in the Declaration); and

WHEREAS, the Class "B" Control Period has not yet terminated; and

WHEREAS, Declarant desires to amend Exhibit "C" to the Declaration in the manner provided herein;

NOW, THEREFORE, Exhibit "C" to the Declaration, Initial Use Restrictions, paragraph (m), is hereby amended by deleting such paragraph in its entirety and substituting the following therefor:

(m) Trash Containers and Collection. No garbage or trash shall be placed or kept on any Lot, except in covered containers of a type, size and style which are pre-approved by the Reviewer or specifically permitted under the Architectural Guidelines, or as required by the applicable governing jurisdiction. Such containers shall be kept inside of an enclosed garage on the Lot except when they are being made available for collection and then only for the shortest time reasonably necessary to effect such collection. Rubbish, trash, and garbage must be removed from the Lots and may not accumulate on any Lot. Outdoor incinerators may not be kept or maintained on any Lot.

Notwithstanding the above, an Owner may continue to keep approved or permitted trash containers outside of an enclosed garage if screened from view in an enclosure which was specifically approved by the Reviewer or deemed approved in accordance with Article IV for such purpose prior to November 1, 2016. This exemption shall apply only during the period of such Owner's ownership of the Lot and shall not apply to subsequent Owners who take title to the Lot after November 1, 2016.

The restriction on the placement or keeping of garbage or trash set forth in this paragraph (m) shall not apply to any Lot which Declarant, an Affiliate of Declarant, or a Builder owns and uses for business or administrative offices, for marketing or sales purposes, or for further subdivision, development, and/or resale in the ordinary course of business.

[Signature page follows]

