

FIRST AMENDMENT TO
COVE POINTE
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS

WHEREAS, that real property more particularly described on Exhibit A, attached hereto and made a part hereof, was made subject to the terms of that certain Cove Pointe Declaration of Covenants, Conditions, Restrictions and Easements, dated as of February 20, 2006, executed by Cove Preservation Partners, Inc., as the Declarant, and recorded in the Public Records of Bay County, Florida at Book 2739, Page 2053 (the "Declaration"). Any capitalized terms not otherwise defined herein shall have the meaning set forth for such term in the Declaration;

WHEREAS, Declarant continues to maintain its Class B Membership in the Association;

WHEREAS, section 13.4 of the Declaration provides that so long as Declarant retains its Class B Membership that Declarant has the right without consent or joinder of any Owner or Mortgagee to amend the Declaration for the purpose of curing any ambiguity in or inconsistency between the provisions of the Declaration;

WHEREAS, sections 6.10 and 12.2 of the Declaration each provide that in the event an Owner fails to properly maintain the Owner's Lot and the Association incurs costs to bring such Lot into compliance that the cost of such compliance plus a twenty percent administrative fee or penalty shall constitute an Individual Assessment upon the Owner and the Lot;

WHEREAS, section 10.35 provides that in the event an Owner fails to properly maintain the Owner's Lot and the Association incurs costs to bring such Lot into compliance that the cost of such compliance plus a ten percent penalty shall constitute an Individual Assessment upon the Owner and Lot, and thus section 10.35 is inconsistent with sections 6.10 and 12.2, and should be corrected;

WHEREAS, at a duly called and noticed meeting of members of the Cove Pointe Owners Association, Inc. ("CPOA"), held on October 16, 2017, at which a quorum was present, the Class A Members and the Class B Member both voted unanimously to amend section 10.26 of the Declaration as set forth in part 2, below;

WHEREAS, in 2015, the CPOA Architectural Review Board, and the CPOA Board of Directors voted to add the provisions set forth in part 3 below to the Cove Pointe Design Guidelines, and although changes to the Design Guidelines are not required to be recorded in the public records (interested parties are directed to contact CPOA for a current copy of the Design Guidelines as desired), the CPOA Board of Directors determined to include notice in this document of the change in Design Guidelines as a courtesy;

NOW, THEREFORE, the Declaration is hereby amended as provided in parts 1 and 2 below, and courtesy notice is given that the Design Guidelines have been modified to include the provisions in part 3, below:

1. The fifth to the last sentence of section 10.35 of the Declaration is hereby amended to change ten percent to twenty percent to resolve the inconsistency between the provision of the Declaration, and as amended such sentence shall provide in its entirety as follows:

"Any such work shall be at the expense of the Owner, which expense, together with a penalty equal to twenty percent of the cost thereof, shall be deemed an Individual Assessment upon the Owner and his Lot."

2. Section 10.26 of the Declaration is hereby amended to provide in its entirety as follows:

"10.26 Restrictions on Waterfront Development. All development or construction activity on upland areas above the mean high tide of any estuarine water body shall be in compliance with all City of Panama City and State of Florida statutes, rule and regulations.

3. The Cove Pointe Design Guidelines include the following guidelines regarding outdoor lighting:

"A. Outdoor lighting must be carefully designed with regard to placement, intensity, timing, duration and color.

B. All outdoor lighting shall be 'full cut off' or 'fully shielded' fixtures.

C. All outdoor flood lights shall be installed and at all times operated with functional motion sensors and such motion sensors shall only be overridden the minimum amount needed for outdoor activities and then limited to the time of the outdoor activities.

D. All outdoor lighting shall be designed, installed and used so that excessive or misdirected light does not intrude upon the privacy or comfort of others when light or glare trespasses over property line."

IN WITNESS WHEREOF, the Declarant and CPOA have hereunto set its hands this 8 Day of November, 2017.

DECLARANT:
COVE PRESERVATION PARTNERS, INC.,
a Florida corporation

COVE POINTE OWNERS ASSOCIATION, INC.,
a Florida not-for-profit corporation

By Christine L. Reiss
Christine L. Reiss, Vice President

By: John E. Dye
John E. Dye, President and Director

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 9 day of November 2017, by Christine L. Reiss, Vice-President of COVE PRESERVATION PARTNERS, INC., a Florida corporation, on behalf of said corporation,

M who is personally known to me.

() who produced _____ as identification.

Gay Jenkins Woodall

Signature of Notary Public
STATE OF FLORIDA
COUNTY OF BAY



The foregoing instrument was acknowledged before me this 8th day of November, 2017, by John E. Dye, President and Director of COVE POINTE OWNERS ASSOCIATION, INC, a Florida not-for-profit corporation, on behalf of said corporation,

() who is personally known to me.

(M) who produced FL DL Exp 5/31/20 as identification.

[Signature]
Signature of Notary Public



Yesenia Adames
State of Florida
My Commission Expires 06/21/2019
Commission No. FF 242280

THIS INSTRUMENT PREPARED BY:

Christine L. Reiss, Esq.
Florida Bar No. 938262
338 Bunkers Cove Road
Panama City, Florida 32401
(850) 785-6671

Exhibit A
to
FIRST AMENDMENT TO
COVE POINTE
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS

BEGIN AT THE NORTHEAST CORNER OF LOT 7, BLOCK 59, AS PER PLAT OF BUNKERS COVE, BEING H.L. SUDDUTH REALTY COMPANY'S FOURTH ADDITION TO PANAMA CITY, FLORIDA LOCATED IN SECTIONS 9 AND 10, TOWNSHIP 4 SOUTH, RANGE 14 WEST, ACCORDING TO PLAT ON FILE WITH THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 1 AT PAGE 72 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE NORTH 00°21'09" EAST ALONG A NORTHERLY EXTENSION OF THE EAST LINE OF LOTS 1, 2, 3, 4, 5, 6 AND 7 OF SAID BLOCK 59, FOR A DISTANCE OF 535 FEET, MORE OR LESS, TO THE WATER'S EDGE OF WATSON BAYOU; THENCE EASTERLY AND SOUTHERLY ALONG SAID WATER'S EDGE FOR THE FOLLOWING COURSES: SOUTH 56°10'12" EAST FOR A DISTANCE OF 58.08 FEET; THENCE SOUTH 65°00'17" EAST FOR A DISTANCE OF 34.32 FEET; THENCE NORTH 44°09'27" EAST FOR A DISTANCE OF 86.82 FEET; THENCE NORTH 83°43'22" EAST FOR A DISTANCE OF 45.36 FEET; THENCE NORTH 62°32'59"

EAST FOR A DISTANCE OF 55.49 FEET; THENCE NORTH 45°47'11" EAST FOR A DISTANCE OF 51.01 FEET; THENCE NORTH 67°16'50" EAST FOR A DISTANCE OF 86.07 FEET; THENCE NORTH 69°56'49" EAST FOR A DISTANCE OF 39.32 FEET; THENCE NORTH 85°42'40" EAST FOR A DISTANCE OF 45.68 FEET; THENCE NORTH 77°02'24" EAST FOR A DISTANCE OF 66.98 FEET; THENCE NORTH 87°08'30" EAST FOR A DISTANCE OF 45.36 FEET; THENCE NORTH 69°34'16" EAST FOR A DISTANCE OF 50.69 FEET; THENCE NORTH 76°38'29" EAST FOR A DISTANCE OF 106.85 FEET; THENCE NORTH 64°58'09" EAST FOR A DISTANCE OF 50.09 FEET; THENCE NORTH 63°45'55" EAST FOR A DISTANCE OF 27.43 FEET; THENCE SOUTH 78°20'11" EAST FOR A DISTANCE OF 50.49 FEET; THENCE SOUTH 64°21'07" EAST FOR A DISTANCE OF 45.69 FEET; THENCE SOUTH 25°41'02" EAST FOR A DISTANCE OF 50.99 FEET; THENCE SOUTH 23°56'49" EAST FOR A DISTANCE OF 77.55 FEET; THENCE SOUTH 03°43'14" EAST FOR A DISTANCE OF 53.56 FEET; THENCE SOUTH 24°09'25" EAST FOR A DISTANCE OF 38.38 FEET; THENCE SOUTH 03°25'38" EAST FOR A DISTANCE OF 284.95 FEET; THENCE SOUTH 06°06'39" EAST FOR A DISTANCE OF 122.38 FEET; THENCE SOUTH 20°55'54" EAST FOR A DISTANCE OF 67.79 FEET; THENCE SOUTH 16°43'47" EAST FOR A DISTANCE OF 48.34 FEET; THENCE SOUTH 26°09'12" EAST FOR A DISTANCE OF 39.50 FEET; THENCE SOUTH 14°29'06" EAST FOR A DISTANCE OF 129.54 FEET; THENCE SOUTH 10°15'56" EAST FOR A DISTANCE OF 25.73 FEET; THENCE SOUTH 67°15'28" EAST FOR A DISTANCE OF 26.45 FEET; THENCE SOUTH 04°34'23" WEST FOR A DISTANCE OF 57.42 FEET; THENCE SOUTH 00°26'42" EAST FOR A DISTANCE OF 58.48 FEET; THENCE SOUTH 15°47'04" EAST FOR A DISTANCE OF 68.12 FEET; THENCE SOUTH 21°26'52" EAST FOR A DISTANCE OF 76.45 FEET; THENCE SOUTH 18°30'35" EAST FOR A DISTANCE OF 44.04 FEET; THENCE SOUTH 31°53'36" EAST FOR A DISTANCE OF 22.05 FEET; THENCE SOUTH 27°31'09" WEST FOR A DISTANCE OF 72.62 FEET; THENCE SOUTH 38°15'40" WEST FOR A DISTANCE OF 33.86 FEET; THENCE SOUTH 24°09'56" WEST FOR A DISTANCE OF 87.53 FEET; THENCE SOUTH 34°19'17" WEST FOR A DISTANCE OF 53.79 FEET TO THE NORTH LINE OF LOT 4, BLOCK 96, FIRST ADDITION TO COVE TERRACE (BUNKER'S COVE) , BENIG SUDDUTH'S TWELTH ADDITION, AS PER PLAT RECORDED IN PLAT BOOK 7, PAGE 51 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, SAID LINE BEING THE NORTH RIGHT OF WAY LINE OF THIRD STREET PROJECTED EASTERLY FROM THE SOUTH LINE OF BLOCKS 50, 52 AND 57 AS PER PLAT OF BUNKERS COVE, SAID SUDDUTHS FOURTH ADDITION; THENCE NORTH 89°57'41" WEST, ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 1,020.03 FEET, TO A POINT OF INTERSECTION WITH THE EAST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1234, PAGE 1804 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE NORTH 00°06'24" EAST ALONG SAID EAST LINE AND NORTHERLY EXTENSION THEREOF, A DISTANCE OF 339.57 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1365, PAGE 1009, SAID PUBLIC RECORDS; THENCE NORTH 89°59'38" WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 10.39 FEET TO THE POINT OF INTERSECTION WITH A SOUTHERLY EXTENSION OF THE AFORESAID EAST LINE OF SAID LOTS 1, 2, 3, 4, 5, 6 AND 7 OF SAID BLOCK 59; THENCE LEAVING SAID NORTH LINE, NORTH 00°21'09" EAST, ALONG SAID EAST LINE AND A SOUTHERLY EXTENSION THEREOF, FOR A DISTANCE OF 376.01 FEET TO THE POINT OF BEGINNING. CONTAINING 31.7 ACRES, MORE OR LESS.