

THIS INSTRUMENT PREPARED BY
AND TO BE RETURNED TO:

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, FL 32940
(321) 242-1200

CFN 2023105790, OR BK 9795 PAGE 565,
Recorded 05/23/2023 at 03:44 PM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:5

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS,
RESERVATIONS AND RESTRICTIONS
FOR
PANGEA PARK NEIGHBORHOOD AREA**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, RESERVATIONS AND RESTRICTIONS FOR PANGEA PARK NEIGHBORHOOD AREA (this “**Amendment**”) is dated as of the 23rd day of May 2023 by THE VIERA COMPANY, a Florida corporation (“**Neighborhood Declarant**”). The effective date of this Amendment shall be the date that this Amendment is recorded in the Public Records of Brevard County, Florida (the “**Effective Date**”).

RECITALS:

WHEREAS, Neighborhood Declarant is the “Neighborhood Declarant” under that certain Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Pangea Park Neighborhood Area recorded on September 10, 2021 in Official Records Book 9254, Page 324, of the Public Records of Brevard County, Florida (the “**Neighborhood Declaration**”);

WHEREAS, under Article XI of the Neighborhood Declaration, Neighborhood Declarant has the unilateral right to amend the Neighborhood Declaration during the Class B Control Period, and, as of the date of this Amendment, the Class B Control Period remains in effect;

WHEREAS, the Neighborhood Declarant desires to amend the Neighborhood Declaration as more specifically provided below; and

WHEREAS, The Viera Company, a Florida corporation, as the “Community Declarant” under the Neighborhood Declaration (the “**Community Declarant**”), is joining in the execution of this Amendment to evidence its consent to the provisions of this Amendment, as required under Article XI of the Neighborhood Declaration.

NOW, THEREFORE, Neighborhood Declarant hereby amends the Neighborhood Declaration as set forth below:

1. RECITALS: The above recitals are true and correct, and are incorporated into this Amendment by this reference.
2. DEFINED TERMS: Any capitalized term not otherwise defined in the above recitals or elsewhere in this Amendment shall have the meaning ascribed to such term in the Neighborhood Declaration.

3. AMENDMENTS: The Neighborhood Declaration is hereby amended as follows, as of the Effective Date, with new language evidenced by double-underlined text and deleted language evidenced by ~~strikethrough~~ text:

(a) Quadplex/Duplex Lots: The definition of Quadplex/Duplex Lots set forth in Article I, Section 46 of the Neighborhood Declaration is hereby amended as follows:

“Quadplex/Duplex Lots” shall mean the following Lots within the Neighborhood Area, designated as such on any Plat of the Neighborhood Area and which are intended for the development of an attached quadplex or duplex Home:

Lots 1-18, Block K, Lots 1-8, Block L, Lots 1-20, Block M, Lots 1-8, Block N, Lots 1-12, Block O, Lots 1-16, Block P, Lots 1-8, Block Q, Lots 1-24, Block R, Lots 1-64, Block S, and Lots 1-28, Block T, of PANGEA PARK PHASES 3 & 4, according to the plat thereof recorded in Plat Book 73, Page 37, of the Public Records of Brevard County, Florida.

(b) Single Family Owner-Maintained Lots: The definition of Single Family Owner-Maintained Lots set forth in Article I, Section 49 of the Neighborhood Declaration is hereby amended as follows:

“Single Family Owner-Maintained Lots” shall mean Lots within the Neighborhood Area designated as such on any Plat of the Neighborhood Area that are not Quadplex/Duplex Lots or Single Family Association Maintained Lots and, which are intended for development of a detached single-family Home to be maintained by the Owner thereof as provided for in this Neighborhood Declaration.

(c) Single Family Association-Maintained Lots: The definition of Single Family Association-Maintained Lots set forth in Article I, Section 50 of the Neighborhood Declaration is hereby amended as follows:

“Single Family Association-Maintained Lots” shall mean the following Lots within the Neighborhood Area designated as such on any Plat of the Neighborhood Area and, which are intended for development of a detached single-family Home to be maintained by the Owner thereof and/or the Neighborhood Association as provided for in this Neighborhood Declaration:

Lots 1-14, Block A, Lots 1-6, Block B, Lots 1-19 Block C, Lots 1-53, Block D, Lots 1-10 Block E, Lots 1-14, Block F, and Lots 1-12, Block LL, of PANGEA PARK – PHASES 1 & 2, according to the plat thereof recorded in Plat Book 70, Page 58, of the Public Records of Brevard County, Florida; and

Lots 1-32, Block G, of PANGEA PARK PHASES 3 & 4, according to the plat thereof recorded in Plat Book 73, Page 37, of the Public Records of Brevard County, Florida.

(d) Assessments: Article VIII, Section 1(a) of the Declaration is hereby deleted in its entirety and replaced with the following provisions (Note: Substantial rewording. See governing documents for current text):

“(a) Assignment of Points. Each Lot shall be allocated one (1) point. Each Lot owned by a Class “A” member shall be allocated zero (0) points until such time as a certificate of occupancy is issued by Brevard County, Florida, for a residence constructed upon the Lot, after which time one (1) point shall be allocated to the Lot. The reduced point assignment provided for by the immediately preceding sentence is provided for in recognition of the fact that Lots as to which certificates of occupancy have not been issued receive reduced levels of services from the Neighborhood Association due to the fact that there are no residents of the applicable Lots. Notwithstanding the foregoing, each Lot owned by a Class “B” member shall be allocated one (1) point.”

(e) Amendment: The third paragraph of Article XI of the Declaration is hereby amended as follows:

“Any amendment of the Neighborhood Declaration shall be recorded in the Public Records of Brevard County, Florida. In addition to the requirements set forth hereinabove, any amendment of the Neighborhood Declaration shall require the prior written approval of the Community Declarant. Notwithstanding anything to the contrary set forth herein, the Neighborhood Declarant may unilaterally amend this Neighborhood Declaration at any time pursuant to ~~Article IX~~ Article XI or to include any provisions which may be required by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Veterans Administration, the Department of Housing and Urban Development, or any other federal, state or local governmental entity, agency, or authority.”

4. JOINDER: The Community Declarant joins in the execution of this Amendment to evidence its consent to the provisions of this Amendment.

5. FULL FORCE AND EFFECT: The terms, provisions and conditions set forth in the Neighborhood Declaration that are not modified in this Amendment remain unmodified and in full force and effect. In the event of a discrepancy between the terms and conditions of the Neighborhood Declaration and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall prevail.

6. COUNTERPARTS: This Amendment may be executed in counterparts.

(SIGNATURES ARE ON THE FOLLOWING PAGES.)

IN WITNESS WHEREOF, Neighborhood Declarant has executed this Amendment as of the date set forth above.

WITNESSES:

Benjamin E. Wilson
Print Name: Benjamin E. Wilson

Charlene R. Spangler
Print Name: Charlene R. Spangler

STATE OF FLORIDA)
COUNTY OF BREVARD)

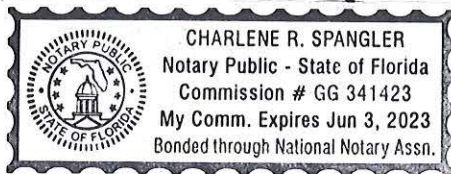
NEIGHBORHOOD DECLARANT:

THE VIERA COMPANY,
a Florida corporation

By: [Signature]
Name: Todd J. Pokrywa
Title: President



The foregoing instrument was acknowledged before me by ✓ physical presence or online notarization on the 23rd day of May 2023 by Todd J. Pokrywa, as the President of The Viera Company, a Florida corporation, on behalf of the corporation. He is personally known to me.



Charlene R. Spangler
Print Name: Charlene R. Spangler
Notary Public: Florida
Commission No.: GG341423
My Commission Expires: 6/3/2023

(JOINDER OF THE COMMUNITY DECLARANT IS ON TH FOLLOWIG PAGE.)

JOINDER

(COMMUNITY DECLARANT)

The Community Declarant hereby joins in the execution of this Amendment for the purpose of consenting to the terms and conditions of this Amendment

WITNESSES:

COMMUNITY DECLARANT:

Benjamin E. Wilson

Print Name: Benjamin E. Wilson

Charlene R. Spangler

Print Name: Charlene R. Spangler

THE VIERA COMPANY,
a Florida corporation

By: [Signature]

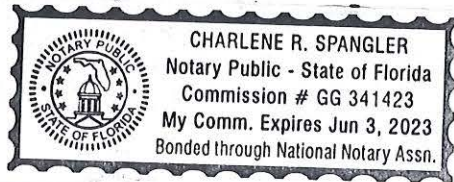
Name: Todd J. Pokrywa

Title: President



STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me by ✓ physical presence or _____ online notarization on the 23rd day of May 2023 by Todd J. Pokrywa, as the President of The Viera Company, a Florida corporation, on behalf of the corporation. He is personally known to me.



Charlene R. Spangler

Print Name: Charlene R. Spangler

Notary Public: Florida

Commission No.: GG 341423

My Commission Expires: 6/3/2023