



01/15/2004 10:50:21 20040027142
DR BK 16441 PG 1738
Palm Beach County, Florida
Dorothy H Wilken, Clerk of Court

THIS IS A LEGAL DOCUMENT

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS AND CONDITIONS FOR INDIAN CREEK PHASE IV B**

WHEREAS, the Declaration of Covenants and Conditions for Indian Creek Phase IV B was recorded in Official Records Book 4367, Page 257, and subsequently amended as recorded in Official Records Book 14519, Page 745, of the Public Records of Palm Beach County, Florida (hereinafter collectively referred to as the "Declaration"), affecting certain real property described in Exhibit "A" attached hereto; and

WHEREAS, the Declaration provides for amendment of the Declaration, as set forth herein.

NOW THEREFORE, Article IV of the Declaration is hereby amended as follows (additions to prior language are reflected by underlining, and deletions of prior language are struck through):

1. Section 6 is hereby amended to read in its entirety as follows:

Section 6. Maintenance of Building Exterior and Sprinkler System.
Phase IV B Association's maintenance responsibilities further extend to and include roofs replacement (per Section 8 of this Article IV), repainting of the decorated or improved exterior surface of each Villa situated in a Lot, excluding therefrom, however, any and all screening, shutters and glass, which shall remain the Owner's responsibility. All other maintenance, repair, replacement and refurbishing not provided for herein shall be the responsibility of the Owner. Declarant shall install sprinkler systems and the Phase IV B Association shall be solely responsible for all water charges and all other costs attendant to or as a consequence of such sprinkler systems, including but not limited to the drilling of additional wells to maintain sufficient water supply, well or pump upkeep, filtering and maintenance, repair and replacement of sprinkler lines, pipes, sprinkler heads and caps, etc. The costs for such charges shall be assessed by the Phase IV B Association among the Owners. The Phase IV B Association shall commence such assessment upon the sale of the first Lot in Phase IV B."

2. A new Section 8 is hereby added to read in its entirety as follows:

Section 8. Roof Replacement. Phase IV B Association's maintenance responsibilities further extend to and include roof replacement.

Unit Roof Surface: The Association shall at all times be responsible for the replacement of the shared roofing (defined herein) of the Units. The cost to the Association of replacing the shared roofing of the Units shall be assessed proportionately among the Unit Owners, as part of the Association Expenses pursuant to the provisions of this Declaration.

Shared Roofing: The entire roof covering of the Unit building shall be referred to as "shared roofing". Any interim maintenance, repairs or partial replacements and any additional repairs necessary at time of roof replacement shall be the sole obligation of the unit owner."

3. Except as otherwise expressly set forth herein, the terms and conditions of the Declaration are hereby reaffirmed.

It is hereby certified that the foregoing Second Amendment to Declaration of Covenants and Conditions for Indian Creek Phase IV B was approved in a writing signed by not less than fifty-one percent (51%) of the Owners of the Association, pursuant to Article VI, Section 8, of the Declaration.

IN WITNESS WHEREOF, the undersigned President and Secretary have executed this Amendment to Declaration this 7th day of January, 2004.

INDIAN CREEK PHASE IV B
HOMEOWNERS ASSOCIATION, INC.,
a Florida Not-for-Profit Corporation

Witnesses:

Susan Michel
(signature)
SUSAN MICHEL
(printed name)

Bonnie English
(signature)
BONNIE ENGLISH
(printed name)

BY Edward Jonkers (v.p.)
EDWARD JONKERS, President

Susan Michel
(signature)
SUSAN MICHEL
(printed name)

Attest: Cathy G. Yonkers (Director)
CATHY G. YONKERS, Secretary

[Signature]
(signature)
Bonnie English
(printed name)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 7th day of January, 2004, by Edward Yonkers, as President, and Cathy Yonkers, as Secretary, respectively, of INDIAN CREEK PHASE IV B HOMEOWNERS ASSOCIATION, INC., who are personally known to me or have produced _____ as identification and who did take an oath.



Carolynne E. Casale
Commission #DD253813
Expires: Sep 28, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(Notary Seal)

Carolynne E. Casale
Notary Public
State of Florida
My Commission Expires: 9/28/07

Original Copy

EXHIBIT "A"

LEGAL DESCRIPTION

INDIAN CREEK PHASE IV B recorded at Plat Book 49, Pages 18-20, of the Public Records of Palm Beach County, Florida.

This is not a certified copy