

Amendments to Millpond's Governing Documents and Regulations

ARB Criteria

1995 1st Fence Amendment

Article 11. Wording changes from discourage to prohibit fences, except under certain circumstances.
Article 21. Amends approve/disapprove time for ARB application from 30 to 60 days.

By-Laws

1997 Quorum Amendment

Addition to Article VII, Directors and Meetings. Creates Section 5, affirming a 1984 resolution that 25 members in person or by proxy constitute a quorum.

Declarations of Covenants and Restrictions

1998 Cable Amendment

Modifies Article V, Covenants for Maintenance Assessments, Section 1 and 2.
Modifies Article VI, Exterior Maintenance Section 1. Adds a new Section 8 to Article X, General Provisions.

ARB Criteria

2001 2nd Fence Amendment

Article 11, Fences and Walls. Permits of fences to be repaired or replaced in the same location.

By-Laws

2001 Fining Amendment

Article VI, Section 1. Addition of subsection G to allow for fining.

Board Resolution Regarding Swale Trees

2002 Resolution to establish rule about maintenance of swale trees.

States that it is the HOA's responsibility to maintain Millpond's swale trees and that owners who cut or otherwise alter these trees are in violation of the rule and subject to fine.

By-Laws

2003 Election Amendment

Deletes/replaces Article V
Articles of Incorporation, deletes/replaces Section A.

By-Laws

2004 Election Amendments

Article V, Election for Directors. Addition of Section 6 and 7.
Article VII, Directors and Meeting. Confirmation of previous addition of Section 5 for quorum purposes.

ARB Criteria Amendment

2009 3rd Fence and Landscaping Amendment

Article 11. Fences and Walls. Permits for both pool screen enclosure and fence.
Article 12, Landscaping. Change from minimum of \$1,500 to \$3,000.

ARB Criteria Amendment

2011 Substantial Amendment to update and clarify language in the document.

ARB Criteria Amendment

2018 4th Fence Amendment, Roof Amendment, and updates and clarifications of language in the document.

This Instrument Prepared by:
Steven L. Daniels, Esq. ✓
SACHS & SAX, P.,A.
Post Office Box 810037
Boca Raton, Florida 33481-0037

AUG-10-1995 11:37am 95-253368
CRB 8870 Pg 1449
RECEIVED 11:52AM 1995

CERTIFICATE OF AMENDMENT TO ARCHITECTURAL PLANNING CRITERIA

OF

MILLPOND HOMEOWNERS ASSOCIATION, INC.

This CERTIFICATE OF AMENDMENT TO THE ARCHITECTURAL PLANNING CRITERIA for MILLPOND HOMEOWNERS ASSOCIATION, INC. is made this day of July 19, 1995, 1995, by Millpond Homeowners Association, Inc., a Florida Not-for-Profit Corporation.

WITNESSETH:

WHEREAS, the Declaration of Covenants & Restrictions for Millpond ("Declaration") was originally recorded on May 7, 1979, in Official Records Book 3054, Page 947 of the Public Records of Palm Beach County, Florida; and

WHEREAS, recorded as Exhibit "C" to the Declaration is the "Architectural Planning Criteria" ("Criteria"); and

WHEREAS, pursuant to Article VII, Sect. 3.A. of the Declaration, the Criteria may be amended by a majority vote of the Millpond Homeowners Association, Inc. Board of Directors; and

WHEREAS, on July 19, 1995, 1995, a meeting of the Millpond Homeowners Association, Inc. Board of Directors was held wherein the proposed Amendment attached hereto as Exhibit "A" to the Criteria was presented for adoption; and

WHEREAS, the requisite number of affirmative votes were registered to pass the Amendment attached hereto as Exhibit "A" ("Criteria Amendment").

NOW THEREFORE, the Criteria is hereby amended as set forth on Exhibit "A" attached hereto. The Criteria Amendment shall run with the land know as Millpond and shall be binding on all parties having any right, title or interest in said real property or any part thereof, their heirs, successors and assigns, and shall enure to the benefit of each owner thereof.

WE HEREBY CERTIFY that the attached Criteria Amendment was duly adopted as an amendment to the Criteria, and that the requisite affirmative votes were registered for the Amendment at a duly scheduled and held meeting at which quorums were present.

IN WITNESS WHEREOF, the President and Secretary have caused the execution of this Certificate of Amendment this 19 day of July, 1995.

MILLPOND HOMEOWNERS ASSOCIATION, INC.

By: [Signature]
President

By: [Signature]
Secretary

(SEAL)



STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

ORR 8870 Pg 1450

The foregoing instrument was acknowledged before me this
19 day of July, 1995, by Wolfgang Kurpiers and
Elena Wiskinski as President and Secretary, respectively, of
Millpond Homeowners Association, Inc., a Florida Not-for-Profit
Corporation, on behalf of the Corporation. They are personally
known to me or have produced _____ as
identification and did/did not take an oath.

Alice Allen
NOTARY PUBLIC
PRINT/STAMP/TITLE NAME: Alice Allen
COMMISSION EXPIRES:
COMMISSION NUMBER:



EXHIBIT "A"

I. 11. FENCES AND WALLS. Fences are discouraged, and when a barrier is desired, landscaping is suggested as a substitute. ~~prohibited except where they enclose an unscreened swimming pool. Shadow box or similar fences are strictly prohibited.~~ The composition, location landscaping, and height of any permitted fence around an unscreened swimming pool or wall to be constructed on any lot shall be subject to the approval of the ARB and the prohibitions of this paragraph. The ARB shall require the composition of any swimming pool fence or wall to be consistent with the material used in the surrounding homes and other pre-existing fences, if any. A swimming pool fence shall not obstruct, partially or completely, the lakeview of any dwelling. ~~Fences will not be permitted on lot lines where any adjacent view is obstructed or on the rear lot lines which border a water body.~~ Pool fencing must abut pool decking and shall stand no closer than twelve (12) feet from the property line on one side, and not stand beyond a line extended and aligned with the side wall of the dwelling on the other side. A dwelling may not have both, a permitted swimming pool fence and a screened enclosure. ~~Any existing fence, approved prior to July 1, 1995, and any fence built subsequent to that date and approved prior to July 1, 1995 may be repaired, but not replaced. Walls of any type are strictly prohibited.~~

II. 21. ARB REPORTS. The ARB's approval or disapproval as required in the foregoing Architectural Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the lot owner submitting same, together with a copy of the approved plans and specifications signed by the Lot Owner and the contract purchaser of the Lot, if any. In the event the ARB fails to approve or disapprove plans and specifications within ~~thirty (30)~~ sixty (60) days of submission hereto, ~~or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof,~~ approval will not be required and the related criteria shall be deemed to have been fully complied with.

EXHIBIT C

ARCHITECTURAL PLANNING CRITERIA

Revised July, 1995

WHEREAS, the Declaration of Covenants and Restrictions for Millpond being recorded simultaneously herewithin the Public Records of Palm Beach County, Florida, provides that Arvida Corporation (the "Developer"), a Delaware corporation, shall form a committee known as the Architectural Review Board (the "ARB"); and

WHEREAS, the above-referenced Declaration of Covenants and Restrictions for Millpond provides that the Board of Directors of Millpond Homeowners' Association, Inc. (the "Association") on recommendation of said committee shall adopt and modify or amend from time to time Architectural Planning Criteria for Millpond which criteria are to be set forth in writing and made known to all owners and all prospective owners in Millpond.

NOW, THEREFORE, the Developer has appointed a committee to be known as the ARB, and in accordance with the duties and obligations imposed upon said committee by the Declaration of Covenants and Restrictions for Millpond, the Board of Directors of the Association, upon recommendation of the ARB, does hereby adopt the following Architectural Planning Criteria:

1. BUILDING TYPE. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family residence containing not less than fifteen hundred (1,500) square feet of livable enclosed floor area (exclusive of open or screen porches, patios, terraces, garages and carports) not to exceed thirty-five (35) feet in height and having a private and enclosed garage (or carport if approved) for not less than two (2) nor more than four (4) cars. Unless approved by the ARB as to use, location and architectural design, no garage, tool or storage room may be constructed separate and apart from the residential dwelling, nor can any such structure(s) be constructed prior to construction of the main residential dwelling.
2. LAYOUT. No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARB. It is the purpose of this approval to assure that no trees are unnecessarily disturbed and that the home is placed on the lot in its most advantageous position.

3. EXTERIOR COLOR PLAN. The ARB shall have final approval of all exterior color plans and each Owner must submit to the ARB prior to initial construction and development upon any Lot a color plan showing the color of the roof, exterior walls, shutters, trims, etc. The ARB shall consider the extent to which the color plan is consistent with the homes in the surrounding areas and the extent to which the color plan conforms with the natural color scheme of and for Millpond.

4. ROOFS. Flat roofs shall not be permitted unless approved by the ARB. Such areas where flat roofs may be permitted are Florida rooms, porches and patios. There shall be no flat roofs on the entire main body of a building; provided that, the ARB shall have discretion to approve such roofs on part of the main body of a building, particularly if modern or contemporary in design. Minimum pitch of roof will be 6/12 on homes containing 1500 to 1800 square feet and 4/12 on homes containing more than 1800 square feet. Mansard roofs will not be permitted. The composition of all pitched roofs shall be tile, cedar shake shingle, slate or concrete construction, or other composition approved by the ARB. Asphalt shingles will not be allowed.

White roofs will not be permitted without specific approval from the ARB.

5. Similar elevations shall not be built directly adjacent, diagonally or across from each other.

6. GARAGES. In addition to the requirements stated in Paragraph 1 hereinabove, all garages shall have a minimum square footage of three hundred seventy-five (375) square feet as measured from the inside wall of the garage. All garages must have either a single overhead door width of sixteen feet (16') for a two-car garage, or two (2) sixteen foot (16') doors for a four-car garage, or two (2), three (3), or four (4) individual overhead doors, each a minimum of ten feet (10') in width, and a service door. No carports will be permitted unless approved by the ARB.

7. DRIVEWAY CONSTRUCTION. All dwellings shall have a paved driveway of stable and permanent construction of at least sixteen feet (16') in width at the entrance to the garage. All driveways must be constructed with concrete, asphalt or a comparable material approved by the ARB. Where curbs are required to be broken for driveway entrances, the curb shall be repaired in a neat and orderly fashion acceptable to the ARB.

8. DWELLING QUALITY. The ARB shall have final approval of all exterior building materials. Exposed concrete block shall not be permitted on the exterior of any building or detached structure unless prior approval is obtained from the ARB. The ARB shall discourage the use of imitation materials for facades and encourage the use of front materials such as brick, four or five-inch block, stone, wood, and stucco, or a combination of the foregoing.

9. SIGNS. No sign of any kind shall be displayed to the public view on any Lot except the following:

- A. The exclusive sales agent for the original building of a single family residence on any lot(s) may place one professional sign advertising the property for sale.
- B. Homeowners shall not display or place any sign of any character including "for rent" or "for sale" signs except that a sign displaying the word "open", not to exceed five square feet, may be displayed during anytime the homeowner or his designated representative is in attendance.

The size and design of all signs shall be subject to approval by the ARB.

10. GAMES AND PLAY RESTRICTIONS. All basketball backboards, tennis courts and play structures shall be located at the rear of the dwelling, or on the inside portion of corner lots within the setback lines. No playform, doghouse, tennis court, playhouse or structure of similar kind or nature shall be constructed on any part of a lot located in front of the rear line of the residence constructed thereon, and any such structure must have prior approval of the ARB and include sufficient landscaping treatment acceptable to the ARB.

11. FENCES AND WALLS. Fences are prohibited except where they enclose an unscreened swimming pool. Shadow box or similar fences are strictly prohibited. The composition, landscaping and height of any permitted fence around an unscreened swimming pool to be constructed on any lot shall be subject to the approval of the ARB and the prohibitions of this paragraph. The ARB shall require composition of any swimming pool fence to be consistent with the material used in the surrounding homes and other pre-existing fences, if any. A swimming pool fence shall not obstruct, partially or completely, the lakeview of any dwelling. Pool fencing must abut pool decking, and shall stand no closer than twelve (12) feet from the property line on one side, and not stand beyond a line extended and aligned with the side wall of the dwelling on the other side. A dwelling may not have both, a permitted swimming pool fence and a screened enclosure. Any existing fence, approved prior to July 1, 1995, and any fence built subsequent to that date and approved prior to July 1, 1995 may be repaired, but not replaced. Walls of any type are strictly prohibited.

12. LANDSCAPING. A basic landscaping plan for each lot must be submitted to and approved by the ARB at the time of initial construction and development therein. A budget of \$1,500.00 is required for initial plant material and trees, excluding sodding and irrigation which is required on all lots. All lots are required to have installed a standard underground sprinkler system. The entire lot, including that portion of the lot between the street pavement and the right-of-way line, shall be irrigated and maintained. It shall be the goal of the ARB in the approval of any landscape plan and layout plan to preserve all existing trees where possible.

The Developer shall supply criteria for materials appropriated for landscaping in Millpond and a designation of the number of required trees and shrubs to be planted upon each Lot in Millpond based upon such criteria.

13. SWIMMING POOLS AND TENNIS COURTS. Any swimming pool or tennis court to be constructed on any lot shall be subject to the requirements of the ARB, which include, but are not limited to the following:

- A. Composition to be of material thoroughly tested and accepted by the industry for such construction;
- B. The outside edge of any pool wall may not be closer than four (4) feet to a line extended and aligned with the side walls of the dwelling;
- C. No screening of pool area may stand beyond a line extended and aligned with the side walls of the dwelling unless approved by the ARB;
- D. Pool screening may not be visible from the street in front of the dwelling;
- E. Location and construction of tennis or badminton courts must be approved by ARB;
- F. Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting.
- G. Tennis court lighting shall not be permitted.

If one owner elects to purchase two (2) adjoining lots and use one for recreation purposes, the lot used for recreation purposes must be adequately screened by landscaping and/or walls or fences on both the front and side as required by the ARB. It shall be the intent of the ARB to screen any such use from public view.

14. GARBAGE AND TRASH CONTAINERS. No lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage and other waste shall be kept in sanitary containers and, except during pickup, if required to be placed at the curb. All lots shall be maintained during construction in a neat and nuisance-free condition.

15. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any lot at any time as a residence either temporarily or permanently, except that the lot may be used as a sales office during the development of Millpond, or other developments by Developer in the same area. A construction trailer may be parked during the construction phase only with the express written consent to Developer on certain designated Lots.

16. REMOVAL OF TREES. In reviewing building, plans, the ARB shall take into account the natural landscaping such as trees, shrubs and palmettos, and encourage the Owner to incorporate them in his landscaping plan. As a result a tree survey will be required clearly indicating which trees will be removed and which trees will remain. No trees of two (2) inches in diameter at one (1) foot above natural grade shall be cut or removed without approval of the ARB, which approval may be given when such removal is necessary for the construction of a dwelling or other improvement.

17. WINDOW AIR CONDITIONING UNITS. No window or wall air conditioning units shall be permitted.

18. MAILBOXES. No mailbox or paperbox or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected on any lot other than that supplied by the Developer. If and when the United States mail service or the newspaper or newspapers involved shall indicate a willingness to make delivery to wall receptacles attached to dwellings, each property owner, on the request of the ARB, shall replace the boxes or receptacles previously employed for such purpose or purposes with wall receptacles attached to dwellings.

19. SIGHT DISTANCE AT INTERSECTION. No fence, wall, hedge, or shrub planting which obstructs sight lines and elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines.

20. UTILITY CONNECTIONS. Building connections for all utilities, including, but not limited to, water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

21. ARB REPORTS. The ARB's approval or disapproval as required in the foregoing Architectural Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the lot owner submitting same, together with a copy of the approved plans and specifications signed by the Lot Owner and the contract purchaser of the Lot, if any. In the event the ARB fails to approve or disapprove plans and specifications within sixty (60) days of the submission hereto, approval will not be required and the related criteria shall be deemed to have been fully complied with.

22. WAIVER OF ARCHITECTURAL PLANNING CRITERIA. The Architectural Planning Criteria set forth herein are intended as guidelines to which adherence shall be required by each Owner in Millpond; provided however, the ARB shall have the express authority to waive any requirement set forth herein if, in its professional opinion, it deems such waiver in the best interest of the community and the deviation requested is compatible with the character of Millpond. A waiver shall be evidence by an instrument signed and executed by the President and Secretary of the Association upon unanimous approval of the ARB.

This instrument was prepared by
and should be return to:
Spencer M. Sax, Esq.
Sachs, Sax & Klein, P.A.
Post Office Box 810037
Boca Raton, Florida 33481-0037

JUN-04-1997 11:22am 97-202619
CMB 9832 Pg 1361

CERTIFICATE OF AMENDMENT
TO THE
BYLAWS OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.

THIS CERTIFICATE OF AMENDMENT TO THE BYLAWS OF THE
MILLPOND HOMEOWNERS ASSOCIATION, INC. ("Association") is made this
16 day of APRIL, 1997, by the President and
Secretary of the Association.

W I T N E S S E T H:

WHEREAS, the Declaration of Covenants and Restrictions
and Bylaws for the Association, has been filed in Official Records
Book 947, Page 3054 and Official Records Book 3070, Page 327, of
the Public Records of Palm Beach County, Florida ("Declaration"),
and established covenants running with the land therein described;

WHEREAS, Article XII of the Bylaws provides that the
Bylaws may be amended by the affirmative vote of a majority of the
Board of Directors present at a duly constituted meeting of the
Board;

WHEREAS, the Association desires that the amendment to
the Bylaws set forth herein be certified of record as notice to all
current and future owners of property subject to the Declaration,
and Bylaws of the contents of said amendment.

NOW THEREFORE, the President and Secretary of the
Association hereby certify that:

1. That a meeting of the Board of Directors was duly
conducted and at said meeting a majority of the Board of Directors
voted to adopt the amendment to the Bylaws attached hereto as
Exhibit "A".

2. The approval and adoption of the amendment appears
in the minutes of the Association and said approval is unrevoked.

IN WITNESS WHEREOF, the undersigned have set their hand
and seal this 16 day of April, 1997.

Witnesses (as to both):

MILLPOND HOMEOWNERS
ASSOCIATION, INC.

C. Davis
Signature

CHRIS DAVIS
Print Name

[Signature]
Signature

Richard Stevens
Print Name

By: [Signature]
W.H. Kurpiers, President

Attest: [Signature]
Signature

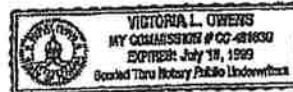
JANET W. Russell
Print Name

Title: Secretary

STATE OF FLORIDA }
COUNTY OF PALM BEACH } ss.:

The foregoing instrument was acknowledged before me this 16th day of April, 1997 by W.H. Kurpiers and Janet Russell, as President and Secretary, respectively of MILLEFOND HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. They are personally known to me ~~or~~ have produced as identification.

Victoria L. Owens
Notary Public, State of Florida



Name

Address

DBB 9832 Pg 1363
DOROTHY H. WILKINS, CLERK PB COUNTY, FL

Property Appraisers Parcel Identification (Folio) Number(s):

EXHIBIT "A"

AMENDMENT* TO THE BYLAWS OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.

Article VII, DIRECTORS AND MEETINGS, shall be amended by the addition of a new Section 5, which shall read as follows:

5. A quorum at any members' meeting shall consist of twenty-five (25) members being present in person or by proxy.

* Added language is underlined.

MAY-20-1998 11:45am 98-187668
CRB 10412 Pg 141
JAN 11 1998

THIS CERTIFICATE OF AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR MILLPOND, is made by this 12th day of May, 1998 by MILLPOND HOMEOWNERS' ASSN, INC., a Florida not for profit corporation, as follows:

WHEREAS, the Declaration of Covenants and Restrictions for Millpond was recorded in the Public Records of Palm Beach County, Florida at Official Records Book 3054, page 947, and re-recorded at official Records Book 3070, page 327, together with all Amendments thereto (Declaration);

WHEREAS, Art. X Sec. IV of the Declaration provides that the Declaration may be amended by approval of Owners holding not less than two thirds of the voting interests of membership of Millpond Homeowners' Association, Inc.; and

WHEREAS the requisite number of affirmative votes were registered to pass the Amendment attached hereto as Exhibit A and made a part hereof (Amendment);

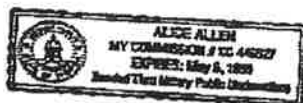
THEREFORE, the Declaration is hereby amended as set forth on Exhibit A attached hereto. The Declaration as hereby amended shall run with the land known as Millpond and shall be binding on all parties having any right, title or interest in said real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

WE HEREBY CERTIFY that the attached Amendment was duly adopted as an amendment to the Declaration, and that the requisite affirmative votes were registered in favor of the Amendment as provided for in Declaration.

IN WITNESS WHEREOF, the President and Secretary have caused the execution of this Certificate of Amendment this 12th day of May, 1998, Millpond Homeowners' Assn., Inc., by Ms. A. H. [Signature], its President and, by Paul F. Russell [Signature], its Secretary.

STATE OF FLORIDA)
)
) ss.:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 12 day of May, 1998, by Wolfgang Kurpius, as President, and by Janet Russell, as Secretary, respectively of MILLPOND HOMEOWNERS' ASSOCIATION, INC., a Florida not for profit corporation, on behalf of the Corporation. They are personally known to me or have produced as identification.



NOTARY PUBLIC
PRINT/STAMP/TYPE NAME
COMMISSION EXPIRES:
COMMISSION NUMBER:

EXHIBIT "A"

AMENDMENTS TO DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
MILLPOND

I. The preamble to the Declaration is hereby modified to add the following:

WHEREAS, the Board of Directors of the Association has determined that the ability of the Association to provide for and to maintain bulk cable and/or telecommunication services to the Lots and residential structures in Millpond will preserve the beauty, quality and value of the neighborhood and promote the recreation, health, safety and welfare of the residents;

II. Article V, COVENANTS FOR MAINTENANCE ASSESSMENTS, Section 1, is hereby modified as to only the last sentence thereof, as follows:

Section 1. Creation of the Lien and Personal Obligation of Assessments. . . . No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area, by waiver or refusal of the benefits of any bulk cable and/or telecommunications service contract entered into by Association pursuant to Article X, Section 8 hereinbelow, or by abandonment.

III. Article V, COVENANTS FOR MAINTENANCE ASSESSMENTS, Section 2, is hereby modified as follows:

Section 2. Purpose of Assessments. The annual and special assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents in Millpond and in particular for the costs and fees incident to provision of bulk cable and/or telecommunication services as provided for in Article X, Section 8 hereinbelow, the improvement and maintenance of the Common Area and of any easement in favor of the Association, including, but not limited to, the cost of taxes on the Common Area, insurance, labor, equipment, materials, management, maintenance and supervision thereof, as well as for such other purposes as are permissible activities of, and undertaken by, the Association.

New Language is underlined; deleted language is ~~struck through~~.

IV. Article VI, EXTERIOR MAINTENANCE ASSESSMENT, Section 1, is hereby modified as follows:

Section 1. Exterior Maintenance. In addition to maintenance upon the Common Area the Association may provide upon any Lot requiring same, when necessary in the opinion of the Board of Directors of the Association to preserve the beauty, quality and value of the neighborhood, maintenance, including paint, repair, roof repair and replacement, gutters, downspouts, exterior building surfaces, and yard clean up and/or maintenance. Maintenance hereunder shall include without limitation the installation, inspection, maintenance, alteration and replacement of any and all systems or components of systems providing bulk cable and/or telecommunication services to any Lot and the structures thereupon under the scope of Article X, Section 8 hereinbelow.

V. Article X, GENERAL PROVISIONS, is hereby modified by adding a new Section 8, as follows:

Section 8. Bulk Cable and Master Telecommunication Service. The Association, through the Board of Directors, may enter into a bulk contract serving all Lots in Millpond for the provision of cable television service, or other telecommunication services as same may become available from time to time. The bulk contract may provide that the service provider shall have a limited right of entry upon the Property in order to perform such services. The costs and fees for the provision of such services shall be considered to be general expenses and shall be part of the maintenance assessments assessed against all the Lots in Millpond. The Association shall have all the rights provided in Article V of this Declaration to impose and recover such costs and fees as assessments, including without limitation the right to file lien(s) and including the recovery of reasonable attorney's fees and costs.

New Language is underlined; deleted language is struck through

This instrument prepared by
and to be returned to:
Louis Caplan, Esquire
Sachs, Sax & Klein, P.A.
Post Office Box 810037
Boca Raton, FL 33481-0037

**CERTIFICATE OF AMENDMENT TO
ARCHITECTURAL PLANNING CRITERIA OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

This Certificate of Amendment to the Architectural Planning Criteria for Millpond Homeowners Association, Inc., is made this 3 day of April, 2001, by Millpond Homeowners Association, Inc., a Florida not-for-profit corporation.

WITNESSETH:

WHEREAS, the Declaration of Covenants and Restrictions for Millpond ("Declaration") was originally recorded on May 7, 1979, in Official Records Book 3054, Page 947 of the Public Records of Palm Beach County, Florida; and

WHEREAS, recorded as Exhibit "C" to the Declaration is the "Architectural Planning Criteria" ("Criteria"); and

WHEREAS, pursuant to Article VII, Section 3.A. of the Declaration, the Criteria may be amended by a majority vote of the Millpond Homeowners Association, Inc. Board of Directors; and

WHEREAS, on Oct 18, 2000, a meeting of the Millpond Homeowners Association, Inc. Board of Directors was held wherein the proposed Amendment attached hereto as Exhibit "A" to the Criteria was presented for adoption; and

WHEREAS, the requisite number of affirmative votes were registered to pass the Amendment attached hereto as Exhibit "A" ("Criteria Amendment").

NOW THEREFORE, the Criteria is hereby amended as set forth on Exhibit "A" attached hereto. The Criteria Amendment shall run with the land known as Millpond and shall be binding on all parties having any right, title or interest in said real property or any part thereof, their heirs, successors and assigns, and shall enure to the benefit of each owner thereof.

WE HEREBY CERTIFY that the attached Criteria Amendment was duly adopted as an amendment to the Criteria, and that the requisite affirmative votes were registered for the Amendment at a duly scheduled and held meeting at which quorums were present.

IN WITNESS WHEREOF, the President and Secretary have caused the execution of this Certificate of Amendment this 3rd day of April, 2001.

**MILLPOND HOMEOWNERS
ASSOCIATION, INC.**

By: Dena M. Scheer

Dena Scheer, President

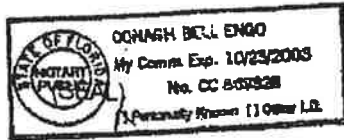
By: Lisa Zindman

Lisa Zindman, Secretary

STATE OF FLORIDA)
 BROWARD)ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 3rd day of April, 2001, by Dena Scheer, as President, and Lisa Zindman, as Secretary, of Millpond Homeowners Association, Inc., a

Florida not-for-profit corporation, on behalf of the corporation. They are personally known to me or have produced: _____, as identification and did / did not take an oath.



Ochagh Bice Engo
NOTARY PUBLIC, State of Florida
At Large

EXHIBIT "A"

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

I. 11. FENCES AND WALLS. Fences are prohibited except where they enclose an unscreened swimming pool. Shadow box or similar fences are strictly prohibited. The composition, landscaping, and height of any permitted fence around an unscreened swimming pool to be constructed on any lot shall be subject to the approval of the ARB and the prohibitions of this paragraph. The ARB shall require the composition of any swimming pool fence to be consistent with the material used in the surrounding homes and other pre-existing fences, if any. A swimming pool fence shall not obstruct, partially or completely, the lakeview of any dwelling. Pool fencing must abut pool decking and shall stand no closer than twelve (12) feet from the property line on one side, and not stand beyond a line extended and aligned with the side wall of the dwelling on the other side. A dwelling may not have both, a permitted swimming pool fence and a screened enclosure. Any existing fence, approved prior to July 1, 1995, and any fence built subsequent to that date and approved prior to July 1, 1995 may be repaired, but not or replaced in the exact location (subject to ARB approval pursuant to these rules). Walls of any type are strictly prohibited.

This instrument prepared by
and to be returned to:
Louis Caplan, Esquire
Sachs, Sax & Klein, P.A.
301 Yamato Road, Suite 4150
Boca Raton, FL 33431

10/17/2001 15:33:22 20010451160
DR BK 12994 PG 1123
Palm Beach County, Florida

**CERTIFICATE OF AMENDMENT
TO THE
BYLAWS OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

The original Declaration of Covenants and Restrictions for Millpond was recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 3054, at Page 0947. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, in the Public Records of Palm Beach County, Florida.

DATED this 24 day of September, 2001.

WITNESSES:

Signature

Print Name

Signature

Print Name

MILLPOND HOMEOWNERS
ASSOCIATION, INC.

By:

Dana Scheer, President

DATE

By:

Lisa Zindman, Secretary

DATE

STATE OF FLORIDA)

) ss:

COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 27 day of Sept. 2001, by Dana Scheer, as President, and Lisa Zindman, as Secretary, of Millpond Homeowners Association, Inc., who are Personally Known ☒ or Produced Identification ☐.

Type of Identification Produced: _____

(SEAL) Patricia F. Rider
My Commission CC708934
Expires March 7, 2002

Patricia F. Rider
NOTARY PUBLIC, State of Florida
at Large

EXHIBIT "A"

AMENDMENT
TO THE BYLAWS
OF
MILLPOND HOMEOWNERS' ASSOCIATION, INC.

The original Declaration of Covenants and Restrictions for Millpond was recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 3054, at Page 0947. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, of the Public Records of Palm Beach County, Florida.

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

Item 1: Article VI, Section 1, is amended by providing a new subsection G, as follows:

VI POWERS AND DUTIES OF THE BOARD OF DIRECTORS

1. The Board of Directors shall have power:

...
G. To suspend the rights of a member or a member's tenants, guests, or invitees, or both, to use common areas and facilities and to levy fines as provided for in Section 720.305, Florida Statutes, as amended from time to time. Any fine or fines levied by the Association shall become an assessment against the Owner's individual Lot and shall be collectible by the Association in the same fashion as any other assessment, including the Association's ability to lien for same and the Association's ability to foreclose such lien pursuant to the Declaration of Covenants and Restrictions for Millpond, as it may be amended from time to time.

**BOARD RESOLUTION
FOR
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Article III, Section B of the Association's Articles of Incorporation provide the Association with the authority to promulgate rules, regulations, Bylaws, covenants, restrictions and agreements to effectuate the purposes for which the Association is organized;

WHEREAS, Article VI, Section 1(D) of the Association's Bylaws additionally provide the Association with the power to adopt and publish rules and regulations governing the use of the Common Areas or any portion thereof and the personal conduct of the members and their guests thereon;

WHEREAS, Article III, Section C of the Association's Declaration provides the Association additional rule-making authority;

WHEREAS, Article V, Section 2 of the Association's Declaration provides that annual and special assessments levied by the Association shall be used for the purpose of promoting the recreation, health, safety and welfare of the residents in Millpond;

WHEREAS, the Association, for over twenty (20) years has maintained the trees within Millpond that are located in swales for the purpose of promoting the health, safety and welfare of the residents in Millpond;

WHEREAS, Article VI, Section 1(G) of the Association's Bylaws provides the Association with the power to levy fines in accordance with the provisions of Section 720.305, Florida Statutes, for violations of the Association's governing documents, including the rules and regulations;

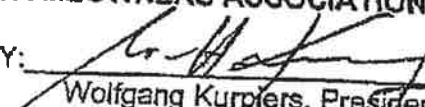
THEREFORE, be it resolved as follows:

It shall be the responsibility of the Association to maintain the trees located in swales throughout Millpond as a Common Expense. Individual Unit Owners may not maintain or otherwise alter, cut, chop, damage or remove such trees. Any such maintenance, alteration, damage or removal of said trees shall be considered a violation of the Association's governing documents, including this Rule, and shall be subject to the levying of fines against such individual Owners, pursuant to the Bylaws and Section 720.305, Florida Statutes.

DATED this 20th of November, 2002.

MILLPOND HOMEOWNERS ASSOCIATION, INC.

BY:


Wolfgang Kurpiers, President

 **Mary Kimberly**
My Commission CC98558
Expires May 21, 2004

EXHIBIT "A"

AMENDMENTS
TO THE BYLAWS AND ARTICLES OF INCORPORATION
OF
MILLPOND HOMEOWNERS' ASSOCIATION, INC.

The original Declaration of Covenants and Restrictions for Millpond was recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 3054, at Page 0947. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, of the Public Records of Palm Beach County, Florida.

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

**** Substantial rewording of By-Laws and Articles of Incorporation. See Article V of the By-Laws and Article VI, Section A of the Articles of Incorporation for present text.**

Item 1: Article V of the By-Laws, entitled Election of Directors, shall be deleted in its entirety and replaced by an entirely new Article V as follows:

V. ELECTION OF DIRECTORS

1. The members of the Board of Directors shall be elected by a plurality of the votes cast by written ballot or voting machine. Proxies, whether limited or general, shall in no event be used in electing the Board of Directors, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise. The composition of the Board of Directors shall be as provided in Article VI of the Articles of Incorporation, as amended by the Board of Directors from time to time.
2. Nominations for the election of Board members may be made by a nominating committee if one is appointed by the Board. Additionally, a homeowner can become a nominee by providing his/her intent, in writing, to the Board or its management agent. Finally, nominations may be made from the floor at the meeting at which the election is to be held.
3. Any candidate shall have the right to submit a resume, not to exceed one (1) page, which must be submitted not less than twenty (20) days before a scheduled election. The Association shall include this resume in the fourteen (14) day notice to the homeowners. The Association shall not be responsible for any representations made in the resume from the candidate owner.
4. Not less than thirty (30) days before a scheduled election, the Association shall mail or deliver to each unit owner entitled to a vote, a first notice of the date of the election.

5. Not less than fourteen (14) days before a scheduled election, the Association shall mail or deliver to each unit owner entitled to vote, a second notice of the election, together with a ballot which shall list all of the nominated candidates for the Board of Directors. If an owner desires to vote by absentee ballot, he or she shall return the absentee ballot, in an envelope provided by the Association, to the Secretary of the Association prior to the meeting at which the election is to be held.

Item 2. Article VI of the Articles of Incorporation, entitled Board of Directors, Section A shall be deleted in its entirety and replaced by a new Section A as follows:

- A. The affairs of the Association shall be managed by a Board of Directors consisting of five (5) Directors. Commencing with the election at the 2004 annual meeting, the two directors who were elected at the 2003 annual meeting shall continue to serve one (1) additional year until the 2005 annual meeting. The three remaining Directors shall be up for election at the 2004 annual meeting. The three Directors elected at the 2004 annual meeting shall serve for a term of two (2) years through the 2006 annual meeting. At all subsequent elections, Directors shall be elected for a term of two (2) years.

...

ARTICLES OF AMENDMENT
TO THE
ARTICLES OF INCORPORATION
FOR
MILLPOND HOMEOWNERS ASSOCIATION, INC.

Pursuant to the provision of Chapter 617 and 720 of the Florida Statutes, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation.

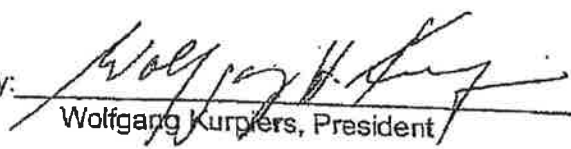
FIRST: The Amendment adopted is attached as Exhibit "A".

SECOND: On OCTOBER 15, 2003, the above Amendment was adopted by the members and the number of votes cast for the amendment was sufficient for approval.

DATED: NOV. 20, 2003.

MILLPOND HOMEOWNERS
ASSOCIATION, INC.

By:


Wolfgang Kurpiers, President

By:

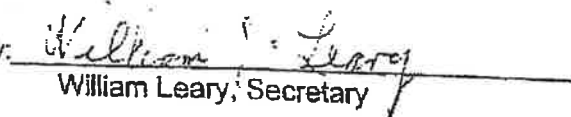

William Leary, Secretary

Exhibit "A"

MILLPOND HOMEOWNERS ASSOCIATION, INC. Election Procedures and Criteria

I. Voting Committee

1. A Voting Committee (the "Committee") shall be established by the Board of Directors and shall serve at the pleasure of the Board of Directors. The Committee shall consist of no less than three (3) Members of the Association who are not currently serving as a Director or running as a candidate for Director, and are not the husband or wife of such current Director or candidate. The Board of Directors shall have the authority, in its sole discretion to increase the number of members of the Committee, but at all times the Committee shall consist of an odd number of members.
2. The Committee shall assist in checking in Members at the Annual Meeting, counting ballots and any other function or duty assigned by the Board of Directors.

II. Check-in Process

1. Prior to the Annual Meeting, the Committee shall meet with the management company to review voting and ballot counting procedures.
2. At least two (2) members of the Committee shall sit with the management company to assist in checking in Members at the Annual Meeting. All Members attending must check in at the Annual Meeting in order to establish a quorum, regardless of whether they cast their votes by absentee ballot or in person.
3. A sign-in sheet shall be established, indicating all Members, in order, by name or Lot number. Spaces next to the name or Lot number shall indicate whether said Member has cast an absentee ballot or will be voting in person. If the person has cast an absentee ballot, his or her name will be marked with an "AB." If he or she wishes to vote in person, he or she shall sign his or her name and shall be provided with a ballot. No Member shall vote both in person and by absentee ballot.

III. Ballots and Voting

1. Members may vote in person at the Annual Meeting or by absentee ballot. Proxies, whether limited or general shall not be used in the election of directors, but may be used to establish a quorum. Absentee ballots shall count towards a quorum. Absentee ballots shall be of a different color than the ballots used at the Annual Meeting. Further, to ensure voting accuracy and security, all ballots and absentee ballots may be numbered to insure that no Member casts more than one (1) vote.

2. The Board of Directors or a majority of Members present at the Annual Meeting may determine that the election of Directors shall be by secret ballot. If it is so determined by either the Board or the Members, no ballot shall have any identification of the Member voting the ballot. Absentee ballots shall be mailed back to the Association or turned in at the meeting in an envelope that identifies the Member's name or Lot number and contains a signature line, but the ballot itself shall not contain any identification information.
3. Absentee Ballots shall be kept segregated until all ballots are cast at the Annual Meeting. Prior to the meeting officially starting, the Committee shall make a final call for submission of any outstanding absentee ballots. Once the meeting has been called to order, no absentee ballots shall be accepted. Further, no absentee ballots may be revoked once the meeting has been called to order.
4. Any person who submitted an absentee ballot may revoke his or her ballot at any time prior to the start of the Annual Meeting and may receive a ballot to vote in person at the meeting. If this occurs, the absentee ballot shall be recovered from the absentee ballot pile, ripped in front of the Member who cast the absentee ballot, and discarded. A new ballot to be cast at the meeting shall then be given to that Member.
5. Once the candidates have made their presentations and the voting has concluded, the Committee and management company representatives shall collect the ballots cast at the meeting.
6. The Committee and management company representatives shall then count all of the ballots, both those cast at the meeting and the absentee ballots. The Committee shall count the total number of votes cast and cross-check this number with the total numbers of signatures plus "AB" marks on the sign-in sheet to confirm that no Member cast more than one (1) vote. The counting of ballots shall be done in the open and in front of the Membership, but the Board of Directors or the Committee may adopt procedures at the Annual Meeting to control the number of people standing or walking around the counting area and to make sure that the counting of ballots is done efficiently and expediently without any undue influence from the Members or Directors.
7. The Committee shall have the authority to appoint additional persons to assist with the counting of ballots at the Annual Meeting. However, no such additional persons shall be current members of the Board of Directors, current candidates for the Board, or the husband or wife of such Directors or candidates.
8. The ballots shall be counted and the Committee shall bring the results to the Secretary of the Association. The Secretary shall announce the results to the Membership.

IV. Voting Irregularities and Runoff Elections

1. The Committee shall have the ultimate authority, by majority vote, to declare whether a ballot or absentee ballot shall be considered void.

2. If there are two or more ballots cast, the following rules shall apply in an attempt to insure that votes are counted and no Member is disenfranchised:
 - a) Where two or more absentee ballots are cast and they are all postmarked such that it is easy to determine which ballot was cast most recently, the Committee shall count the most recently dated ballot and discard the remaining ballot(s).
 - b) Where two or more ballots are cast and they are all cast for the identical candidates, one such ballot shall be counted and the remaining ballot(s) shall be discarded.
 - c) Where two or more ballots are cast and it is impossible to identify the most recently cast ballot, and the ballots are not cast for the identical candidates, then the Committee shall exercise its authority to void the ballots and that Member's vote shall not be counted.
3. If, after the counting of votes is complete, any two candidates are within three (3) votes of one another, and such a result affects the outcome of the election, the Committee shall conduct an automatic recount of the ballots cast for those two candidates.
4. If there is a tie vote between two (2) or more candidates, and such a result affects the outcome of the election, there shall be a runoff election between those candidates. Such runoff election shall be conducted pursuant to the Bylaws, as amended from time to time.

V. Miscellaneous

1. The Committee and the Board of Directors shall endeavor to follow these Procedures and Criteria to the best of their ability. However, neither the Board nor the Committee shall be liable for any failure to abide by these Procedures and Criteria where such failure does not prejudice the outcome of the election.
2. The Board of Directors shall have the authority, in its sole and absolute discretion, to modify, amend, alter or rescind these Procedures and Criteria at any time by a majority vote of the Board.

MILLPOND HOMEOWNERS' ASSOCIATION, INC.
ANNUAL MEMBERS MEETING

QUORUM PROXY

The undersigned Owner(s) of Lot No. _____ in Millpond Homeowners' Association, Inc., hereby appoints _____ as my proxy, to attend the meeting of Millpond Homeowners' Association, Inc. to be held on _____, 200__ at _____ at the _____, with full powers of substitution, to appear for the sole purpose of obtaining a quorum, with full power of substitution, and for all lawful adjournments of such Meeting held within ninety (90) days of the date for which this Meeting was originally called, if any, unless this Proxy is revoked in writing by the undersigned.

QUORUM PROXY: This Proxy shall be for the sole purpose of establishing a quorum at the above referenced meeting of the Members, and shall in no event empower the Proxy holder to vote on any matter brought up at said meeting, including the election of Directors.

Dated this _____ day of _____, 200__

Owner Signature* _____

Print Name _____

Lot No. / Address: _____

*Where a Lot is owned by more than one person, or by a corporation, the Owner entitled to vote shall be as determined by all of the Owners of the Lot.

SUBSTITUTION OF PROXY

The undersigned, appointed as proxy above, does hereby designate _____ to substitute for me in the proxy set forth above.

DATED: _____

PROXY _____

This instrument prepared by
and to be returned to:
Louis Caplan, Esquire
Sachs, Sax & Klein, P.A.
301 Yamato Road, Suite 415G
Boca Raton, FL 33431

CFN 20040737238
OR BK 17958 PG 0967
RECORDED 12/30/2004 15:52:50
Palm Beach County, Florida
Dorothy H Wilken, Clerk of Court
Pgs 0967 - 970; (4pgs)

**CERTIFICATE OF AMENDMENT
TO THE
BYLAWS OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

The original Declaration of Covenants and Restrictions for Millpond was recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 3054, at Page 0947, and re-recorded at Official Records Book 3070, Page 327. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, and re-recorded in Official Records Book 3070, Page 346, in the Public Records of Palm Beach County, Florida.

DATED this 15th day of December, 2004.

WITNESSES:

David N. Kelley
Signature
DAVID N. Kelley
Print Name
John Schneck
Signature
J.A. DOWD
Print Name

**MILLPOND HOMEOWNERS
ASSOCIATION, INC.**

By: Wolfgang Kurpiers
Wolfgang Kurpiers, President
By: John Schneck
John Schneck, Secretary

STATE OF FLORIDA)
COUNTY OF Broward) ss:
PALM BEACH)

The foregoing instrument was acknowledged before me this 15 day of December 2004, by Wolfgang Kurpiers, as President, and John Schneck, as Secretary, of Millpond Homeowners Association, Inc., who are Personally Known ☒ or Produced Identification ☐.

Type of Identification Produced: _____

(SEAL)

Carolyn E. Riggins
NOTARY PUBLIC, State of Florida
at Large



Carolyn E. Riggins
Commission #DD253990
Expires: Nov 01, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

**BOARD RESOLUTION
OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Article III, Section B of the Articles of Incorporation provides the Association with the authority to promulgate and enforce Rules, Regulations, Bylaws, Covenants, Restrictions and agreements to effectuate the purposes for which the Association is organized;

WHEREAS, one of the purposes for which the Association has been formed is to elect a Board of Directors and hold an annual meeting of the Members of the Association

WHEREAS, the Board of Directors has recently amended the Bylaws to provide for a Voting Committee which shall serve at the pleasure of the Board of Directors and which shall assist in the counting of ballots and any other functions or duties prescribed to it by the Board of Directors, from time to time;

WHEREAS, in order to insure that no Member casts more than one (1) vote at the Annual Meeting and Election of Directors, and in order to insure the accuracy and security of the voting at the Annual Meeting and Election of Directors, the Board of Directors proposes the Election Procedures and Criteria as more fully described on the attached Exhibit "A";

THEREFORE, be it resolved as follows:

1. That the Election Procedures and Criteria, attached as Exhibit "A", were approved by a majority of the Board of Directors at a duly called meeting of the Board of Directors held on October 20th, 2004.

DATED this 15th of December, 2004.

**MILLPOND HOMEOWNERS ASSOCIATION,
INC.**

BY: _____

Wolfgang Kurpiers, President

EXHIBIT "A"

AMENDMENTS TO THE BYLAWS
OF
MILLPOND HOMEOWNERS' ASSOCIATION, INC.

The original Declaration of Covenants and Restrictions for Millpond was recorded in Official Records Book 3054, at Page 0947, in the Public Records of Palm Beach County, Florida. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, in the Public Records of Palm Beach County, Florida.

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

Item 1: Article V of the By-Laws, entitled Election of Directors, shall be amended by the creation of a new Section 6 as follows:

6. In the event of a tie between two or more candidates, which affects who will be elected, there shall be a runoff election to determine which of those candidates shall be elected to the Board of Directors. The runoff election shall be conducted by mail-in ballot only. A ballot shall be mailed to each Unit Owner entitled to vote and shall list all of the candidates in the runoff election. All ballots must be returned to the Association no later than two (2) weeks after the management company mails out the runoff ballots. Only those ballots that are received on or before 5:00 p.m. on the due date shall be counted. The ballots shall be counted and tabulated by a Voting Committee appointed by the Board of Directors. Pursuant to Section 1 of this Article, proxies, whether limited or general, shall not be used in the runoff election, but the runoff ballots shall be used to establish a quorum.

Item 2: Article V of the By-Laws, entitled Election of Directors, shall be amended by the creation of a new Section 7 as follows:

7. A Voting Committee shall be established by the Board of Directors to oversee the election process and be responsible for the counting of ballots during the election of Directors. The Voting Committee shall serve at the pleasure of the Board of Directors and shall be comprised of at least three (3) members of the Association who are not currently serving on the Board of Directors or running as a candidate for the Board of Directors, nor shall they be the husband or wife of any such current Director or candidate. The Voting Committee shall have the powers and duties assigned to it, from time to time, by the Board of Directors in its sole and absolute discretion.

Item 3: Article VII of the By-Laws, entitled Directors and Meetings, Section 5, shall be amended as follows:

5. A quorum at any members meeting shall consist of twenty-five (25) members being present in person, by absentee ballot or



This instrument prepared by
and to be returned to:
Steven G. Rappaport, Esquire
Sachs Sax Caplan
6111 Broken Sound Parkway NW
Suite 200
Boca Raton, FL 33487

CFM 20090326334
OR BK 23454 PG 0605
RECORDED 09/21/2009 16:16:32
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0605 - 607; (3pgs)

**CERTIFICATE OF AMENDMENT
TO THE RULES AND REGULATIONS AND
ARCHITECTURAL PLANNING CRITERIA OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

The original Declaration of Covenants and Restrictions for Millpond is recorded in
Official Records Book 3054, at Page 0947, in the Public Records of Palm Beach County,
Florida.

DATED this 16th day of September 2009.

WITNESSES:

Fred Adolphson
Signature

FRED ADOLPHSON
Print Name

Wolfgang Kurpiers
Signature

WOLFGANG KURPIERS
Print Name

**MILLPOND HOMEOWNERS
ASSOCIATION, INC.**

By: Dana Scheer
Dana Scheer, President

By: Charles Lewis
Charles Lewis, Secretary

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 16th day of September
2009, by Dana Scheer, as President, and Charles Lewis, as Secretary, of Millpond
Homeowners Association, Inc., who are Personally Known [] or Produced Identification [].

Type of Identification Produced: _____

(SEAL)

David J. Haag
NOTARY PUBLIC, State of Florida
at Large



EXHIBIT "A"

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

- I. 11. FENCES AND WALLS. Fences are prohibited except where they enclose ~~an unscreened~~ swimming pool. Shadow box or similar fences are strictly prohibited. The composition, landscaping, and height of any permitted fence around ~~an unscreened~~ swimming pool to be constructed on any lot shall be subject to the approval of the ARB and the prohibitions of this paragraph. The ARB shall require the composition of any swimming pool fence to be consistent with the material used in the surrounding homes and other pre-existing fences, if any. A swimming pool fence shall not obstruct, partially or completely, the lake view of any dwelling. Pool fencing must abut pool decking and shall stand no closer than twelve (12) feet from the property line on one side, and not stand beyond a line extended and aligned with the side wall of the dwelling on the other side. A dwelling may ~~not~~ have both, a permitted swimming pool fence and a permitted screened enclosure. Any existing fence, approved prior to July 1, 1995 may be repaired or replaced in the exact location (subject to ARB approval pursuant to these rules). Walls of any type are strictly prohibited.
- II. 12. LANDSCAPING. A basic landscaping plan for each lot must be submitted to and approved by the ARB at the time of initial construction and development therein. A budget of ~~\$1,500.00~~ \$3,000.00 is required for ~~initial~~ plant material and trees, excluding sodding and irrigation which is required on all lots. All lots are required to have installed a standard underground sprinkler system. The entire lot, including that portion of the lot between the street pavement and the right-of-way line, shall be irrigated and maintained. It shall be the goal of the ARB in the approval of any landscape plan and layout plan to preserve all existing trees where possible.



August 5, 2009

NOTICE OF BOARD OF DIRECTORS MEETING

TO: ALL MILLPOND HOMEOWNERS

NOTICE: Board of Directors Meeting for MILLPOND HOMEOWNERS ASSOCIATION, INC. will be held at the date, hour and place noted below:

DATE: Wednesday, August 19, 2009

HOOR: 6:30 PM

PLACE: Unitarian Universalist Fellowship
2601 St. Andrews Boulevard
Boca Raton, FL 33431

PURPOSE: To conduct normal Board of Directors business and:

**ADOPT AMENDMENT TO ARCHITECTURAL PLANNING CRITERIA OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

Millpond Homeowners Association, Inc. (Association") will take action to amend as set forth in Exhibit "A" to this notice the Architectural Planning Criteria recorded as Exhibit "C" to the Declaration of Covenants and Restrictions of the Association and as last amended October 18, 2000. To this end, the Association shall cause notice required by Chapter 712, Fla. Stat., to be recorded in the Public Records of Palm Beach County, Florida. Copies of this notice and its attachments are available through the Association pursuant to the Association's governing documents regarding official records of the Association.

MILLPOND HOMEOWNERS ASSOCIATION, INC.

This instrument prepared by
and to be returned to:
Steven G. Rappaport, Esquire
Sachs Sax Caplan
6111 Broken Sound Parkway NW
Suite 200
Boca Raton, FL 33487

CFN 20110240732
OR BK 24606 PG 1596
RECORDED 06/29/2011 15:16:24
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1596 - 1601; (6pgs)

CERTIFICATE OF AMENDMENT
TO THE
ARCHITECTURAL PLANNING CRITERIA OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.

The original Declaration of Covenants and Restrictions for Millpond is recorded in
Official Records Book 3054, at Page 0947, in the Public Records of Palm Beach County,
Florida.

DATED this 15 day of June, 2011.

WITNESSES:

MILLPOND HOMEOWNERS
ASSOCIATION, INC.

Fred Adolphson
Signature

Fred Adolphson
Print Name

Hilda Lucia Bernal
Signature

Hilda Lucia Bernal
Print Name

By: Dana M Scheer
Dana Scheer, President

By: Charles Lewis
Charles Lewis, Secretary

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 15th day of June,
2011, by Dana Scheer, as President, and Charles Lewis, as Secretary, of Millpond
Homeowners Association, Inc., who are Personally Known ☒ or Produced Identification [].

Type of Identification Produced: _____

(SEAL)

David J. Haag
NOTARY PUBLIC, State of Florida
at Large



EXHIBIT C
ARCHITECTURAL PLANNING CRITERIA
Updated April 2011

WHEREAS, the Declaration of Covenants and Restrictions for Millpond being recorded simultaneously herewith in the Public Records of Palm Beach County, Florida, provides that Arvida Corporation (the "Developer"), a Delaware corporation, shall form a committee known as the Architectural Review Board (the "ARB"); and

WHEREAS, the above-referenced Declaration of Covenants and Restrictions for Millpond provides that the Board of Directors of Millpond Homeowners' Association, Inc. (the "Association") on recommendation of said committee shall adopt and modify or amend from time to time Architectural Planning Criteria for Millpond which criteria are to be set forth in writing and made known to all owners and all prospective owners in Millpond;

NOW, THEREFORE, the Developer has appointed a committee to be known as the ARB, and in accordance with the duties and obligations imposed upon said committee by the Declaration of Covenants and Restrictions for Millpond, the Board of Directors of the Association, upon recommendation of the ARB, does hereby adopt the following Architectural Planning Criteria:

1. **BUILDING TYPE.** No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family residence containing not less than fifteen hundred (1,500) square feet of livable enclosed floor area (exclusive of open or screen porches, patios, terraces, and garages) not to exceed thirty-five (35) feet in height and having a private and enclosed garage for not less than two (2) nor more than four (4) cars. No garage, tool or storage room may be constructed separate and apart from the residential dwelling, nor can any such structure(s) be constructed prior to construction of the main residential dwelling.

2. **LAYOUT.** No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARB. It is the purpose of this approval to assure that no trees are unnecessarily disturbed and that the home is placed on the lot in its most advantageous position. No change, alteration, modification, addition, or improvement shall be approved by the ARB or the Association, and no owner shall make any change, alteration, modification, addition, or improvement to any dwelling or other structure, if said change, alteration, modification, addition, or improvement will partially or completely obstruct the lake view from any other dwelling on the lake. Structures must meet the City of Boca Raton building setbacks for single family homes in effect as of 9/30/10, as shown below:

Zoning District R-1-D (Millpond is R-1-D)			
Type of Setback	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
Building	25	12.5	20
Pool (from the waterline)		10	10
Patio/Deck (applies to both open and screened enclosures) Note: Roofed patios must meet <u>building</u> setback requirements.		7	7

Note: Per City zoning code, corner lots have a "front" and a "street-side," each of which have a 25' setback. Rear yards and the interior side yards of corner lots each have a setback of 12.5 feet.

For fence setbacks, see section 11 of ARB Criteria titled "Fences and Walls."

3. EXTERIOR COLOR PLAN. The ARB shall have final approval of all exterior color plans for new construction, renovation, or maintenance (including repainting in the same color). Prior to commencing with construction or painting upon any Lot, each Owner must submit an ARB application including a color plan showing the color of the roof, exterior walls, shutters, trims, etc. The ARB shall consider the extent to which the color plan is consistent with the homes in the surrounding areas and the extent to which the color plan conforms with the natural color scheme of and for Millpond. The "six-house rule" shall apply (i.e., similar color schemes shall not exist directly adjacent to, diagonally or across from each other) unless the home in question is being repainted the same color.

4. ROOFS. Flat roofs shall not be permitted unless approved by the ARB. Such areas where flat roofs may be permitted are Florida rooms, porches and patios. There shall be no flat roofs on the entire main body of a building; provided that, the ARB shall have discretion to approve such roofs on part of the main body of a building, particularly if modern or contemporary in design. Minimum pitch of roof will be 6/12 on homes containing 1500 to 1800 square feet and 4/12 on homes containing more than 1800 square feet. Mansard roofs will not be permitted. The composition of all pitched roofs shall be tile, cedar shake shingle, slate or concrete construction, or other material approved by the ARB. Asphalt shingles will not be allowed.

White roofs will not be permitted without specific approval from the ARB.

5. BUILDING ELEVATIONS. Similar elevations shall not be built directly adjacent to, diagonally or across from each other.

6. GARAGES. In addition to the requirements stated in Paragraph 1 hereinabove, all garages shall have a minimum square footage of three hundred seventy-five (375) square feet of useable space appropriate for the parking of automobiles, as measured from the inside wall of the garage. All garages must have either a single overhead door with a minimum door width of sixteen feet (16') for a two-car garage, or two (2) sixteen foot (16') doors for a four-car garage, or two (2), three (3), or four (4) individual overhead doors, each a minimum of ten feet (10') in width, and a service door. Carports will not be permitted. Garage doors must be functionally operable as originally designed. No garage shall be converted to another use, either temporarily or permanently.

7. DRIVEWAY CONSTRUCTION. All dwellings shall have a paved driveway of stable and permanent construction of at least sixteen feet (16') in width at the entrance to the garage. All driveways must be constructed with concrete pavers, travertine tiles or a comparable material approved by the ARB. Where curbs are required to be broken for driveway entrances, the curb shall be repaired in a neat and orderly fashion acceptable to the ARB.

8. DWELLING QUALITY. The ARB shall have final approval of all exterior building materials, including windows and doors. Exposed concrete block shall not be permitted on the exterior of any building or detached structure. The ARB shall discourage the use of imitation materials for facades and encourage the use of front materials such as brick, four or five-inch block, stone, wood, and stucco or a combination of the foregoing.

9. SIGNS. No sign of any kind shall be displayed to the public view on any Lot except the following:

- A. a sign displaying the word "open house," not to exceed five square feet, which may be displayed during any time the homeowner or his/her designated representative is in attendance.

- B. a sign of reasonable size provided by a contractor for security services within 10 feet of the entrance to the home.

10. GAMES AND PLAY STRUCTURES. All play structures, with the exception of portable basketball systems, shall be located at the rear of the dwelling, or on the inside portion of corner lots within the setback lines. Portable basketball systems must be located adjacent to the driveway between the house and the sidewalk. No playform, tennis court, playhouse or structure of a similar kind or nature shall be constructed on any part of a lot located in front of the rear line of the residence constructed thereon, and any such structure must have prior approval of the ARB and include sufficient landscaping treatment approved by the ARB. On lakefront lots, play structures may not be located beyond the rear property line.

11. FENCES AND WALLS. Fences are prohibited except where they enclose a swimming pool. Shadow box or similar fences are strictly prohibited. The composition, landscaping, and height of any permitted fence around a swimming pool to be constructed on any lot shall be subject to the approval of the ARB and the prohibitions of this paragraph. The ARB shall require the composition of any swimming pool fence to be consistent with the material used in the surrounding homes and other pre-existing fences, if any. A swimming pool fence shall not obstruct, partially or completely, the lakeview of any dwelling. Pool fencing must abut pool decking and shall stand no closer than twelve and one-half (12.5) feet from the property line on one side, and not stand beyond a line extended and aligned with the side wall of the dwelling on the other side. A dwelling may have both a permitted swimming pool fence and a permitted screened enclosure. Any existing fence, approved prior to July 1, 1995, and any fence built subsequent to that date and approved prior to July 1, 1995 may be repaired, or replaced in the exact same location (subject to ARB approval pursuant to these rules). Walls of any type are strictly prohibited. Portions of fences (other than fences around pools) that are visible from the street must be screened by landscaping treatment approved by the ARB.

12. LANDSCAPING. A basic landscaping plan for each lot must be submitted to and approved by the ARB at the time of initial construction, substantial renovation or redesign therein. A budget of \$3,000.00 is required for initial plant material and trees, excluding sodding and irrigation which are required on all lots. All lots are required to have installed a standard underground sprinkler system which must be maintained in good operational order. The entire lot, including that portion of the lot between the street pavement and right-of-way line, shall be irrigated and maintained. It shall be the goal of the ARB in the approval of any landscape plan and layout plan to preserve all existing trees where possible.

Landscaping includes not only trees and plants, but such items as paving, pavers, fountains, exterior lighting fixtures, and statuary. Landscaping must be used to conceal or screen from view items such as air conditioners, whole-house generators, pool pumps, tanks, garbage containers, and fencing that is visible from the street.

Landscaping shall not obstruct, partially or completely, the lakeview from any dwelling on the lake. On lakefront lots, landscape items may not be located beyond the rear property line.

13. SWIMMING POOLS AND TENNIS COURTS. Any swimming pool or tennis court to be constructed on any lot shall be subject to the requirements of the ARB, which include, but are limited to the following:

- A. Composition to be of material thoroughly tested and accepted by the industry for such construction;
- B. The outside edge of any pool wall may not be closer than four (4) feet to a line extended and aligned with the side walls of the dwelling;

- C. No screening of pool area may stand beyond a line extended and aligned with the side walls of the dwelling unless approved by the ARB;
- D. Pool screening may not be visible from the street in front of the dwelling;
- E. Location and construction of tennis, badminton or basketball courts must be approved by ARB;
- F. Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting.
- G. Tennis court lighting shall not be permitted.

If one owner elects to purchase two (2) adjoining lots and use one for recreation purposes, the lot used for recreation purposes must be adequately screened by landscaping and/or walls or fences on both the front and side as required by the ARB. It shall be the intent of the ARB to screen any such use from public view.

14. GARBAGE AND TRASH CONTAINERS. No lot shall be used or maintained as a dumping ground for rubbish, trash, debris or other waste. All trash, garbage and other waste shall be kept in sanitary containers. Trash and recycling containers, as well as all unbundled vegetation, shall be placed out for collection in accordance with City of Boca Raton ordinance, but in no case earlier than the day prior to the scheduled collection day. All trash containers and recycle bins must be removed within 12 hours following collection (per City ordinance), and must be stored behind a line extended and aligned with the front wall of the dwelling.

To avoid damage, vegetative waste or bulk items are not to be placed for collection adjacent to a mailbox, on a storm drain, or on a driveway or sidewalk. Landscapers and lawn maintenance personnel must remove trimmings and debris and not leave them in the swale.

All lots shall be maintained in a neat and nuisance-free condition. No unsightly objects shall be allowed to be placed or remain anywhere on any lot, per Section 16 of the Declaration of Covenants and Restrictions for Millpond.

15. TEMPORARY STRUCTURES AND OUTDOOR STORAGE. No structure of a temporary character, or trailer, boat, shed, doghouse, shack, garage, barn, or other out building shall be placed on any lot at any time. Tents are permitted for up to 72 hours. Small, low profile storage containers not exceeding 4 feet in height (and not to exceed 25 cubic feet in volume) are permitted provided that same shall be located in an area on the rear pool deck immediately adjacent to a structural wall of the home (i.e., excluding any screen or fence). No more than one such container is permitted per home.

16. REMOVAL AND PRUNING OF TREES AND HEDGES. Trees, cocoplum hedges and ficus hedges shall not be removed without prior ARB approval. The ARB may require that any trees or hedges that are removed be replaced with an equivalent amount of landscaping material.

In reviewing building plans, the ARB shall take into account the natural landscaping such as trees, shrubs and palmettos, and encourage the Owner to incorporate them in his/her landscaping plan. As a result, a drawing will be required clearly indicating which trees will be removed and which trees will remain. No trees of two (2) inches in diameter at one (1) foot above natural grade shall be cut or removed without approval of the ARB, which approval may be given when such removal is necessary for the construction of a dwelling or other improvement.

Owners are prohibited from pruning, trimming, removing or otherwise altering swale trees. Maintenance of these trees is the responsibility of the Association.

Ficus hedges must be neatly maintained and trimmed straight across the top. Hedges shall be planted a sufficient distance from property lines so as not to encroach on adjacent lots when fully grown and to allow access for trimming and maintenance on all sides by the owner.

17. WINDOW AIR CONDITIONING UNITS. No window or wall air conditioning units shall be permitted.

18. MAILBOXES. No mailbox or paperbox or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected on any lot other than that supplied by the Homeowners' Association.

19. SIGHT DISTANCE AT INTERSECTION. No fence, wall, hedge, or shrub planting which obstructs sight lines and elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines.

20. UTILITY CONNECTIONS. Building connections for all utilities, including, but not limited to, water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

21. ARB REPORTS. The ARB's approval or disapproval as required in the foregoing Architectural Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the Lot owner submitting same, together with a copy of the approved plans and specifications signed by the Lot owner and the contract purchaser of the Lot, if any. In the event the ARB fails to approve or disapprove plans and specifications within sixty (60) days of submission thereto, approval will not be required and the related criteria shall be deemed to have been fully complied with.

22. WAIVER OF ARCHITECTURAL PLANNING CRITERIA. The Architectural Planning Criteria set forth herein are intended as guidelines to which adherence shall be required by each Owner in Millpond; provided however, the ARB shall have the express authority to waive any requirement set forth herein if, in its professional opinion, it deems such waiver in the best interests of the community and the deviation requested is compatible with the character of Millpond. A waiver shall be evidenced by an instrument signed and executed by the President and Secretary of the Association upon unanimous approval of the ARB.

23. HURRICANE SHUTTERS. Hurricane shutters or other protective coverings shall cover window and/or door openings only during official hurricane season. ARB approval is required for shutter systems and impact resistant doors or windows.

24. REQUIREMENT TO OBTAIN GOVERNMENTAL PERMITS. ARB approval of requested modifications/alterations/changes to an owner's property does not constitute local government approval or permits. It is the owner's responsibility to obtain necessary permits from the appropriate governmental entities for the work to be performed. Receipt of such a permit does not constitute or guarantee approval from the ARB or Association. The ARB may request or require issuance or evidence of issuance of a City permit (if required by applicable City of Boca Raton code or ordinance) as a condition of the effectiveness of an ARB approval.