

THIS INSTRUMENT PREPARED BY:

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DUANE MORRIS LLP
200 SOUTH BISCAYNE BLVD., SUITE 3400
MIAMI, FLORIDA 33131

AFTER RECORDING RETURN TO:

FOUNDERS TITLE
5100 WEST COPANS ROAD, SUITE 600
MARGATE, FL 33063

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3722658 07/09/2012 at 12:04 PM
OR BOOK 3408 PAGE 1352 - 1359 Doc Type: REST
RECORDING: \$69.50

FOURTH AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR TOWNPARK AND AMENDMENT TO BY-LAWS OF TOWNPARK MASTER ASSOCIATION, INC.

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR TOWNPARK AND AMENDMENT TO BY-LAWS OF TOWNPARK MASTER ASSOCIATION (this "**Fourth Amendment**") is made by Minto TownPark, LLC, a Florida limited liability company ("**Minto**"), and joined in by TownPark Master Association, Inc., a Florida not-for-profit corporation ("**Association**") and Wells Fargo Bank, N.A., successor by merger to Wachovia Bank, National Association, as Administrative Agent.

RECITALS

- A. That certain Declaration of Covenants, Restrictions and Easements for TownPark was recorded in Official Records Book 2708, Page 1709 of the Public Records of Saint Lucie County, Florida (the "**Original Declaration**") respecting the community known as TownPark.
- B. The Original Declaration was amended by the Amendment to Declaration of Covenants, Restrictions and Easements for TownPark recorded in Official Records Book 2964, Page 2813, the Second Amendment to Declaration of Covenants, Restrictions and Easements for TownPark recorded in Official Records Book 3015, Page 1510, and the Third Amendment to Declaration of Covenants, Restrictions and Easements for TownPark recorded in Official Records Book 3281, Page 2063, all in the Public Records of Saint Lucie County, Florida (each an "**Amendment**" and collectively the "**Amendments**").
- C. Section 13.5 of the Original Declaration provides that so long as there exists a Class B Membership in the Association, Minto as Declarant, shall have the right to amend the Original Declaration in any manner which does not have a material adverse affect upon rights of an Institutional Mortgagee without the joinder or consent of any person or entity whatsoever.
- D. Class B Membership in the Association still exists, and this amendment will not have a material adverse affect upon the rights of an Institutional Mortgagee.

E. Minto as Declarant desires to amend the Original Declaration as set forth in this Fourth Amendment.

NOW THEREFORE, Declarant hereby declares that every portion of the Project is to be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

1. Recitals. The foregoing Recitals are true and correct and are incorporated into and form a part of this Fourth Amendment.

2. Conflicts. In the event that there is a conflict between this Fourth Amendment and the Original Declaration or the Amendments, this Fourth Amendment shall control. Whenever possible, this Fourth Amendment, the Original Declaration, and the Amendments shall be construed as a single document. Except as modified by this Fourth Amendment, the Original Declaration and Amendments shall remain in full force and effect.

3. Definitions. All initially capitalized terms not defined herein shall have the meanings set forth in the Original Declaration, except that the defined terms are hereby modified as follows:

“By-Laws” shall mean the By-Laws of TownPark Master Association in the form attached as Exhibit E to the Original Declaration as amended by this Fourth Amendment, and as further amended from time to time.

“Declaration” shall mean the Original Declaration, the Amendments and this Fourth Amendment, together with all amendments and modifications thereof.

4. Amendment to By-Laws. The By-Laws of TownPark Master Association attached to the Original declaration as Exhibit E are hereby amended as indicated below. Pursuant to Sections 12.1 and 12.2 of the By-Laws of the Association, the Board approved the amendment to the By-Laws and a certificate complying with Section 12.4 of the By-Laws is attached to this Fourth Amendment as Exhibit 1. The second paragraph of Section 4.14 of the By-Laws is amended to state as follows:

The Board may by resolution also create other committees and appoint persons to such committees and invest in such committees such powers and responsibilities as the Board shall deem advisable. Notwithstanding the foregoing, members of a committee may not simultaneously serve on more than one (1) committee, nor may (a) Persons living together in a Dwelling Unit, (b) partners, or (c) the spouse, parent, child, brother, sister or other family member of a person appointed to a committee serve on the same committee or any other committee at the same time.

[ADDITIONAL TEXT AND SIGNATURES APPEAR ON FOLLOWING PAGE]

5. Covenant. This Fourth Amendment shall be a covenant running with the land.

5th IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal as of this day of JUNE, 2012.

WITNESSES:

MINTO TOWNPARK, LLC,
a Florida limited liability company

[Signature]
Print Name: JANET J. KROLL

By: [Signature]

[Signature]
Print Name: Paesella V. Ligati

Name: John Carter
Title: Vice President

{SEAL}

STATE OF FLORIDA)
)SS.:
COUNTY OF BROWARD)

The foregoing was acknowledged before me this 5th day of June, 2012 by John Carter as Vice President of MINTO TOWNPARK, LLC, a Florida limited liability company, who is personally known to me or who has produced [Signature] as identification on behalf of the company.

My commission expires:



[Signature]
NOTARY PUBLIC, State of Florida

Print name: Laura LaFauci

JOINDER

TOWNPARK MASTER ASSOCIATION, INC.

TownPark Master Association, Inc. ("Association") does hereby join in the Fourth Amendment to the Declaration of Covenants, Restrictions and Easements for TownPark (the "Fourth Amendment") to which this Joinder is attached, and the terms thereof are and shall be binding upon the undersigned and its successors in title. Association acknowledges that this Joinder is for convenience purposes only and does not apply to the effectiveness of the Fourth Amendment, as Association has no right to approve the Fourth Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 5th day of June, 2012.

WITNESSES:

**TownPark Master Association, Inc., a Florida
not for profit corporation**

[Signature]
Print Name: JANET J. KROLL

[Signature]
Print Name: Priscilla Yg Ligoff

[Signature]
By: [Signature]
Name: [Signature]
Title: [Signature]

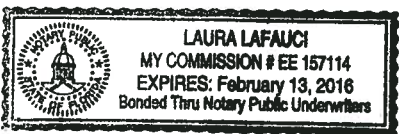
{SEAL}

STATE OF FLORIDA)
) SS.:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 5th day of June, 2012 by John Carter, as President of TownPark Master Association, Inc., a Florida not for profit corporation, who is personally known to me or who has produced _____ as identification, on behalf of the corporation.

My commission expires:

[Signature]
NOTARY PUBLIC, State of Florida



Print Name Laura LaFauci

CONSENT

Wells Fargo Bank, N.A., successor by merger to Wachovia Bank, National Association, as Administrative Agent ("Wells Fargo"), the owner and holder of a certain Amended and Restated Mortgage and Security Agreement dated February 14, 2008, recorded February 15, 2008, in Official Records Book 2939, Page 83 together with Financing Statement Form UCC-1 recorded February 15, 2008 in Official Records Book 2939, Page 143; Absolute Assignment of Leases and Rents recorded February 15, 2008 in Official Records Book 2939, Page 189; and Assignment of Agreements Affecting Real Estate recorded February 15, 2008 in Official Records Book 2939, Page 239, all of the Public Records of Saint Lucie County, Florida (as amended from time to time, the "Mortgage") which encumbers the real property described in Exhibit A to the Original Declaration, does hereby join in and consent to the Fourth Amendment to the Declaration of Covenants, Restrictions and Easements for TownPark ("Amendment"), to which this consent is attached, and acknowledges that the terms thereof are and shall be binding upon the undersigned and its successors and assigns.

NOW, THEREFORE, the undersigned consents to the recordation of the Amendment.

Wells Fargo makes no warranty or any representation of any kind or nature concerning the Amendment, any of its terms or provisions, or the legal sufficiency thereof, and disavows any such warranty or representation as well as any participation in the development of TownPark, and does not assume and shall not be responsible for any of the obligations or liabilities of the Declarant contained in the Amendment or other documents used in connection with the promotion of TownPark. None of the representations contained in the Amendment or other documents shall be deemed to have been made by Wells Fargo, nor shall they be construed to create any obligations on Wells Fargo to any person relying thereon. Nothing contained herein shall affect or impair the rights and remedies of Wells Fargo as set forth in the Mortgage or in the Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Consent on this 2nd day of July, 2012.

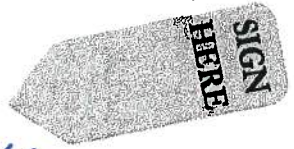
WITNESSES:

Janice K. Tice
Print Name: Janice K. Tice

Jane Vilsack
Print Name: Jane Vilsack

Wells Fargo Bank, N.A., successor-by merger to Wachovia Bank, National Association, as Administrative Agent

By: Beverly J. Matter
Name: Beverly J. Matter
Title: Vice President



{SEAL}

STATE OF FLORIDA)
) SS.:
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 2nd day of July, 2012 by Beverly J. Matter as VP of Wells Fargo Bank, N.A., successor by merger to Wachovia Bank, National Association, as Administrative Agent who is personally known to me or who produced _____ as identification.

My commission expires: 1/9/2015

Sandra Ortiz
NOTARY PUBLIC, State of FLORIDA
Print name: Sandra Ortiz



EXHIBIT 1

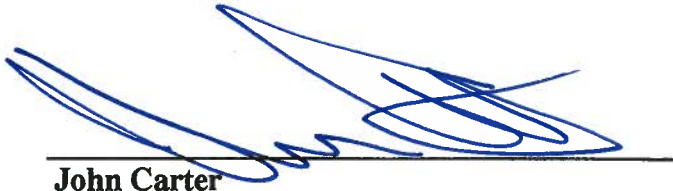
Certificate

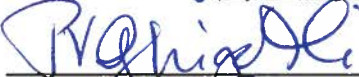
The undersigned, the duly appointed and acting President of TownPark Master Association, Inc., a Florida not-for-profit corporation (the "Association"), does hereby certify pursuant to Section 12.4 of the By-Laws that the amendments to the By-Laws of the Association which are contained in the Fourth Amendment to Declaration of Covenants, Restrictions and Easements for TownPark and Amendment To By-Laws of TownPark Master Association, Inc., were duly adopted by the Board of the Association.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the 5th day of June, 2012.

WITNESSES:


Print Name: JANET J. KROLL


John Carter



Print Name: Priscilla V. Gigotti

The undersigned, the Secretary of the Association, hereby certifies that JOHN CARTER is the President of the Association and that he has the authority to execute this document.

WITNESSES:


Print Name: JANET J. KROLL

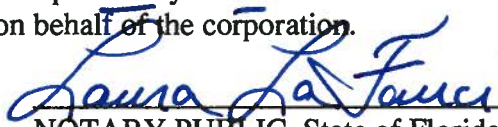

Mike Dyko, Secretary of Association


Print Name: Priscilla V. Gigotti

STATE OF FLORIDA)
)SS.:
COUNTY OF BROWARD)

The foregoing Certificate was sworn to, subscribed and acknowledged before me this 11th day of June, 2012, by MIKE DYKO, as Secretary of TownPark Master Association, Inc., a Florida not-for-profit corporation, who is personally known to me or who produced _____ as identification, on behalf of the corporation.

My commission expires:


NOTARY PUBLIC, State of Florida
Print name: Laura LaFauci



CORPORATE RESOLUTION OF TOWNPARK MASTER ASSOCIATION, INC.
("ASSOCIATION") ADOPTING AMENDMENT TO THE BY-LAWS FOR THE
ASSOCIATION

Pursuant to Section 617.0821 of the Florida Not-For-Profit Corporation Act, as amended (the "**Act**"), the Board of Directors of TownPark Master Association, Inc., a Florida not-for-profit corporation (the "**Association**"), does hereby consent to and approve the following actions:


WHEREAS, Pursuant to Section 12.2(d) of the By-Laws of the Association, the Board of Directors of the Association, prior to the date upon which Owners other than Developer control the Board of Directors of Association (the "**Board**"), has the power to amend the By-Laws upon approval of not less than 60% of the Board of Directors;

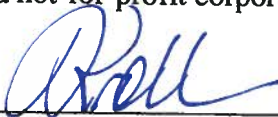
NOW THEREFORE, BE IT RESOLVED, that the Association hereby adopts the amendment to the second paragraph of Section 4.14 of the By-Laws contained in the Fourth Amendment to Declaration of Covenants, Restrictions and Easements For TownPark and Amendment to By-Laws of TownPark Master Association;

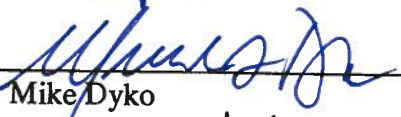
BE IT FURTHER RESOLVED, that the officers of the Association be and hereby are authorized, empowered and directed to take all actions necessary or desirable to carry out and comply with the terms and provisions of this resolution, including the execution of a certificate in compliance with Section 12.4 of the By-Laws and any other correspondence it deems necessary to carry out the terms of this resolution, and all acts and doings of the officers of the Association which are in conformity with the intent and purpose of this action shall be and the same are hereby in all respect ratified, confirmed and approved in full as acts of the Association; and

BE IT FURTHER RESOLVED, that this resolution shall be placed with the minutes of the Board of Directors of the Association.

TOWNPARK MASTER ASSOCIATION, INC., a Florida not-for-profit corporation

By: 
Name: John Carter
Title: Director
Date: 6/6/12

By: 
Name: Janet Kroll
Title: Director
Date: 6.5.12

By: 
Name: Mike Dyko
Title: Director
Date: 6/6/12