PE

This instrument was prepared by and when recorded return to:
E. Snow Martin, Jr.
Martin & Martin, P.A.
Post Office Box 117
Lakeland, Florida 33802-0117

INSTR # 2000201212 OR BK 04592 PG 0374

RECORDED 12/18/2000 09:07 9M RICHARD M. WEISS CLERK OF COURT POLK COUNTY DEPUTY CLERK 5 Wetzel

CERTIFICATION AS TO AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS AND CONDITIONS FOR BEVERLY RISE SUBDIVISION

The undersigned, Secretary of Beverly Rise Property Owners' Association, Inc., a Florida not for profit corporation ("Corporation"), does hereby certify that:

- 1. I am the duly elected, qualified and acting Secretary of the Corporation, and as such officer, have custody of the corporate records of the Corporation and its corporate seal.
- 2. The Declaration of Restrictive Covenants and Conditions for Beverly Rise Subdivision heretofore filed in O.R. Book 04389, Page 1184, public records of Polk County, Florida, was upon the written direction of more than seventy-five percent (75%) of the members, modified as follows:

Paragraph 16 (k) is amended to read as follows:

- (k) The surface water management system facilities shall be owned by the association or said surface water management system facilities shall be denominated as common property and it shall be the responsibility of the association to operate and maintain the surface water management system facilities as permitted by the Southwest Florida Water Management District ("District"). Operation and maintenance and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.
 - i. The surface water management system facilities shall include, but are not limited to: all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland and mitigation areas.
 - ii. No construction activities may be conducted relative to any portion of the surface water management system facilities. Prohibited activities include, but are not limited to: digging or excavation; depositing fill, debris or any other material or item; constructing or altering any water control structure; or any other construction to modify the surface water management system facilities. If the project includes a wetland mitigation area, or a wet detention pond, no vegetation in these areas shall be removed, cut, trimmed or sprayed with herbicide without specific written approval from the District. Construction and maintenance activities which are consistent with the design and permit conditions approved by the District in the Environmental Resource Permit may be conducted without specific written approval from the District.

iii. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against the association to compel it to correct any outstanding problems with the surface water management system facilities.

Paragraph 16 is amended to add the following:

If the association ceases to exist, all of the lot owners, parcel owners or unit (o) owners shall be jointly and severally responsible for operation and maintenance of the surface water management system facilities in accordance with the requirements of the Environmental Resource Permit, unless and until an alternative entity assumes responsibility.

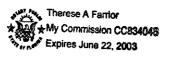
EXECUTED this 14 day of Dec., 20	00.
Witnessed by:	BEVERLY RIS OWNERS' ASSOCI Florida not for profit
Print: John C. McKnight	By: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Print: THERE A. FARMEN	

E PROPERTY IATION, INC corporation

STATE OF FLORIDA **COUNTY OF POLK**

The foregoing instrument was acknowledged before me this 14th day of December 2000 by WILLIAM H. LOFTIN, as Secretary of Beverly Rise Property Owners' Association, Inc., a Florida not for profit corporation, on behalf of the corporation, who is personally known to me.

(seal)



POLK OR BK 04592 PG 0375