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c/o Highland Community Management, LLC
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LAKELAND, FL 33803

**FIFTH AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
CALABAY PARC AT TOWER LAKES HOMEOWNERS ASSOCIATION, INC.**

THIS FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CALABAY PARC AT TOWER LAKE HOMEOWNERS ASSOCIATION, INC., a Florida non-profit Florida corporation (the "Association"), is made this 30 day of October, 2019, by the Association, by virtue of a majority vote by the Members at the Annual/Special Meeting held on October 30, 2019.

WITNESSETH

WHEREAS, The Association is subject to the Declaration of Covenants, Conditions and Restrictions of Calabay Parc at Tower Lakes Homeowners Association, Inc., recorded in O.R Book 4624, Pages 1957-2001, of the public records of Polk County, Florida, and the supplements recorded in O.R Book 5394, Pages 1485-1490, and O.R Book 7434, Pages 902-906 and as amended in that Amendments, recorded in O.R. Book 8700, Pages 45-47, O.R. Book 9021, Pages 652-660, O.R. Book 9165, Pages 1525-1527, and O.R. Book 10693, Pages 1844-1846 of the public records of Polk County, Florida (collectively referred to as the "Declaration").

WHEREAS, Pursuant to the ARTICLE XI of the Declaration, the Declaration may be amended by a majority vote of the votes entitled to be cast at any meeting at which a quorum is present as provided in the By-Laws when written notice of such meeting specifies the proposed amendment and amendments to be considered at such meeting.

WHEREAS, on October 30, 2019, 45 Members were present in person or by proxy, which constitutes a quorum of the members, and 42 votes were cast in favor of amending the Declaration, which constitutes a majority of the votes of the Association present in person or by proxy at the the meeting.

RECITALS

- A. The Association was turned over to the community on 4/27/2018 and Class B membership terminated on 1/1/2010
- B. The Board of Directors proposed changes to the Declaration.
- C. The Members of the Association were notified in writing of the proposed changes/amendments in writing.
- D. Pursuant to the Declaration and in accordance with Chapter 720 of the Florida Statutes, a majority of the voting members amended the Declaration as set forth below.
- E. The following changes and modifications to the Declaration are hereby incorporated into and made a part of the Association's governing documents as defined in the Florida Statutes, and shall be binding on all parties having any right, title, or interest in the lots, properties or land.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration the Association hereby declares and amends the Declaration as set forth below:

I. Article VII is amended as follows:

A. Section 7.1 Establishment of Architectural Review Committee: to remove the following passage:

~~There is hereby established an Architectural Review Committee (the ARC) which shall consist of three (3) or more persons designated and appointed by the Declarant. At such time the Declarant no longer owns any Lot within the Property (or earlier at the option of the Declarant),~~

and replaced with the following:

There is hereby established an Architectural Review Committee (the ARC) which shall consist of at least three (3) or more persons designated and appointed by The Board of Directors if not consisting of the Board of Directors themselves,

B. The following section shall be added to Article VII:

Section 7.13: Builder Approval for Lots: The ARC, with approval from the Board of Directors, has authority to designate approved builders for all remaining Lots within the community and those approved builders will have sole approval to begin construction within the remaining Lots with an approved Application of the buildings to be developed on said lots. The ARC will confirm approval of said applications with the Board of directors if the ARC does not consist of the Board of Directors.

II. Article VIII is amended as follows:

Section 8.1 Annexation without Association Approval is deleted in its entirety and replaced with the following sections:

Section 8.1 Annexation of Additional Property: Additional Property may not be annexed in whole or in part by the Declarant and made subject to the governing provisions of this Declaration without consent of Class A Members of the Association. The approval of annexation of additional property must be approved by both a majority vote of the Board of Directors as well as a majority vote held at a special meeting of the members.

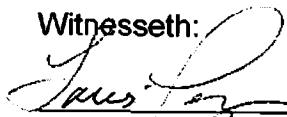
Section 8.2 Capital Improvement Fee. Effectively, immediately, all new Lots annexed in shall be subject to a Capital Improvement Fee. The fee shall be paid upon the transfer of title (deeds, mortgage foreclosures, deed-in-lieu of foreclosure and short-sales) of any new Lot. The Capital Improvement Fee for a new Lot shall be **\$5,000.00** payable to the Association. This fee is not limited to Phase IV or subsequent phases and shall apply to any vacant Lot in Calabay Parc. The Association, designated community association manager, or closing agent shall collect the applicable Capital Improvement Fee by sending notice to the Lot Owner. The Capital Improvement Fee shall have the effect of an individual assessment which becomes due and payable as of the date of the recording of the deed, certificate of title or other transfer instrument, in the public records. The Board of Directors of the Association has the authority to raise the Capital Improvement Fee at a duly-noticed Board of Directors' meeting.

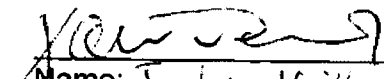
Section 8.3 Compliance Notice. Closing Agents shall collect the Capital Improvement Fee during the conduct of any real estate closing involving a new Lot in the Calabay Parc community. Lot Owners, Realtors, Lenders and Closing Agents shall comply with Chapter 720.401 and disclose the Capital Improvement Fees to all potential purchasers or buyers.


Certificate of Amendment

We, the undersigned, hereby certify that this Amendment was adopted by the majority of the Members present in person or by proxy at the duly noticed Members' meeting at which a quorum was present held at 539 Pinebrook Dr. Hudson City, NJ 08874 on October 30, 2019.

Witnesseth:


Name: Louis Perez

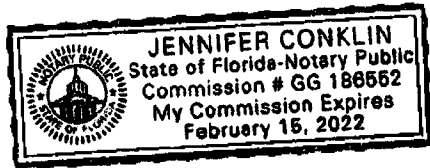

Name: Joshua Vaillancourt
As Its: President

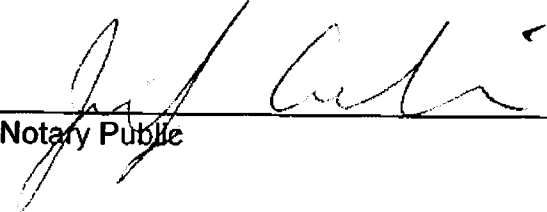

Name: _____

STATE OF FLORIDA
COUNTY OF POLK

The foregoing Fifth Amendment to the Declaration was acknowledged before me this 30 day of October, 2019, by Joshua Vaillancourt, the President of the Association, Inc., on behalf of the corporation, who is personally known to me or produced _____ as identification, and who did not take an oath.

NOTARY STAMP





Notary Public