

This instrument prepared by
and after recording return to:

Steven W. Zelkowitz, Esq.
Spiritus Law LLC
2525 Ponce De Leon Boulevard, Suite 1080
Coral Gables, FL 33134

FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS (the “First Amendment”) is made and entered into as of April ____, 2021 (the “Effective Date”) by MEGA DEVELOPERS, LLC, a Florida limited liability company (the “Developer”).

RECITALS

1. The Developer’s predecessor in title, the Hallandale Beach Community Redevelopment Agency (the “HBCRA”) executed that certain Declaration of Restrictive Covenants dated February 13, 2019 and recorded in Official Records Book ____, Page ____ of the Public Records of Broward County, Florida (the “Declaration”).

2. The Declaration was recorded in connection with the conveyance of certain real property from the HBCRA to Developer, and Developer’s subsequent development of the property which property is more particularly described in Exhibit “A” (the “Property”).

3. Developer desires to incorporate certain modifications into the Declaration as set forth in this First Amendment.

4. The HBCRA desires to consent to Developer’s modifications to the Declaration as set forth in this First Amendment.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth in this First Amendment and the Declaration, the adequacy of which is hereby acknowledged, the Developer and the HBCRA agree as follows:

Section 1. **Recitals**. The foregoing recitals are true and correct and incorporated herein by this reference. All defined terms not defined in this First Amendment shall have the meanings set forth in the Declaration.

Section 2. **Single-Owner Multi-Family Dwelling**. Paragraph 2.1 of the Declaration is hereby deleted and replaced by the following:

Single-Owner Multi-Family Dwelling. The Property shall be used and

occupied as a Single-Owner Residential Multi-Family Dwelling, allowing units to be leased by Developer, in accordance with the Code of Ordinances of the City of Hallandale Beach, Florida (the “City”) for a minimum period of fifteen (15) years from the date of this Declaration. If within fifteen (15) years from the date of this Declaration the Property is used for anything other than a Single-Owner Residential Multi-Family Dwelling, allowing units to be leased by Developer, then the Developer and individual principal members of the Developer, jointly and severally, agree to pay the Declarant the value of the Property (i.e., \$31,300.00) with such amount amortized on a straight line basis over the fifteen (15) year period.

Section 3. **Conflicts.** Except as expressly modified herein by this First Amendment, the provisions of the Declaration remain unmodified and in full force and effect and are hereby ratified by the parties. In the event of any conflict between the terms and provisions of this First Amendment and the terms and provisions of the Declaration, the terms and provisions of this First Amendment shall control.

Section 4. **Consent; Amendment.** The HBCRA hereby joins and consents to the amendments set forth in this First Amendment. Any further amendments to the Declaration must be in writing and require the joinder and consent of the HBCRA; provided, however, following the sunset of the HBCRA in 2026, the joinder and consent of the City of Hallandale Beach shall be required to amend this Declaration.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the undersigned have caused the execution hereof as of April ___, 2021.

DEVELOPER:

MEGA DEVELOPERS, LLC,
a Florida limited liability company

By: _____
William C. Delgado
Manager

HBCRA:

HALLANDALE BEACH COMMUNITY
REDEVELOPMENT AGENCY,
a public body corporate and politic

By: _____
Jeremy Earle
Executive Director

Attest:

By: _____
Jenorgen M. Guillen
HBCRA Clerk

Approved as to form and legal sufficiency:

By: _____
Spiritus Law LLC
HBCRA Attorney

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

The foregoing was acknowledged before me by means of (check one) ☐ physical presence or ☐ online notarization this ____ day of April, 2021, by William C. Delgado, as Manager of Mega Developers, LLC, a Florida limited liability company, who (check one) ☐ is personally known to me or ☐ has produced a Florida driver's license as identification.

My Commission Expires:

Notary Public

Print Name: _____

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

The foregoing was acknowledged before me by means of (check one) ☐ physical presence or ☐ online notarization this ____ day of April, 2021, by Jeremy Earle, as Executive Director of the Hallandale Beach Community Redevelopment Agency, who (check one) ☐ is personally known to me or ☐ has produced a Florida driver's license as identification.

My Commission Expires:

Notary Public

Print Name: _____

Exhibit A

The Property

Lots 38, 39, and 40, of Block 4, of FOSTER HOMESITES, according to the Plat thereof, as recorded in Plat Book 15, at Page 48, of the Public Records of Broward County, Florida.