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This document prepared by
and return after recording to:
Jeffrey P. Brock, Esq.
Post Office Box 15200
Daytona Beach, FL 32115

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Instrument# 2004-205556
Book : 5383
Page : 1251

**Amendment, First, To Declaration
Of Covenants, Restrictions For
Venetian Bay Subdivision
New Smyrna Beach, Volusia County, Florida**

This Amendment, First, to the Declaration of Covenants and Restrictions for Venetian Bay Subdivision, recorded May 26, 2004 in Official Records Book 5327 Page 3951 et seq of the Public Records of Volusia County, Florida ("Declaration") made this 23rd day of July, 2004 ("Effective Date") by Venetian Bay of New Smyrna Beach, LLC, a Florida limited liability company (Developer) joined by Venetian Bay Homeowners' Association, Inc. ("Association").

WITNESSETH

WHEREAS, Section 5.1 of Article V of the Declaration reserves the right to the Developer the right to amend, modify, or resend such parts of the Declaration or any recorded plat as it, in its sole discretion, deems necessary; and,

WHEREAS, Article VIII of the Declaration reserves the right to the Developer to convey any undivided interest in the Common Areas to the Associations for the purpose of effectuating the purposes of this Declaration; and,

WHEREAS, Section 1.1 of Article I of the Declaration defines Associations to include the Owners Association and any Neighborhood Associations; and

WHEREAS, the plat of Venetian Bay Subdivision - Phase 1A recorded in Map Book 51 Pages 1-15 of the Public Records of Volusia County, Florida identifies Tract J as a common area and Note 23 on said plat states that Venetian Bay Homeowners Association shall manage and operate the common areas identified on said plat and,

WHEREAS, Developer desires to amend and modify the Declaration such that Tract J is a common area to be managed and operated by the Neighborhood Association known as The Villas at Venetian Bay Homeowners Association, Inc. and said Tract J, and any future amenities or improvements constructed thereon, shall be for the exclusive use of owners of lots 190 through 294 inclusive, their families and guests,

NOW THEREFORE, Developer joined by Association, hereby amend and modify the following Articles and Sections of the Declaration:

1. Section 1.1 (c) of Article I is hereby amended and restated as follows:

"c. **Common Area.** shall mean those areas shown and indicated as Common Areas on the plats to be recorded and subjected to this Declaration. Notwithstanding the foregoing and the designation of Tract J on the plat of Venetian Bay Subdivision - Phase IA recorded in Map Book 51 Pages 1- 15 of the Public Records of Volusia County as common area and notwithstanding Note 23 of on said plat, said Tract J shall be common area for the exclusive use of members of The Villas at Venetian Bay Homeowner's Association, Inc. (a "Neighborhood Association") their families and guests."

2. Pursuant to Section 2.21 of Article II of the Declaration, the Association joined by the Developer shall execute and record a Warranty Deed conveying Tract J as shown on the plat of Venetian Bay Subdivision - Phase 1A to The Villas at Venetian Bay Homeowner's Association, Inc. such that title to Tract J and the operation and maintenance responsibilities associated therewith shall be vested in The Villas at Venetian Bay Homeowner's Association, Inc., for the benefit of its membership exclusively.

3. All provisions of the Declaration not in conflict with paragraphs 1 and 2 above shall remain in full force and effect and are hereby confirmed, ratified and approved.


IN WITNESS WHEREOF, Developer has hereunto set its hand and seal the day and year first above written.

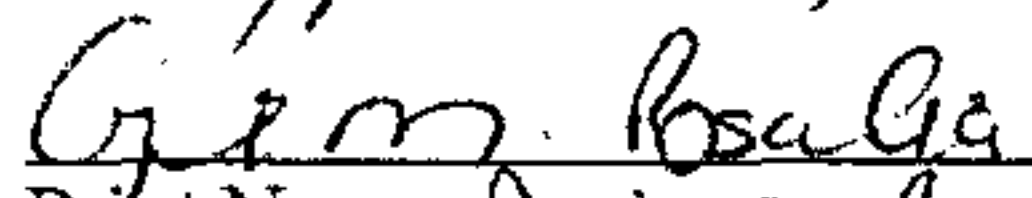
WITNESSES:

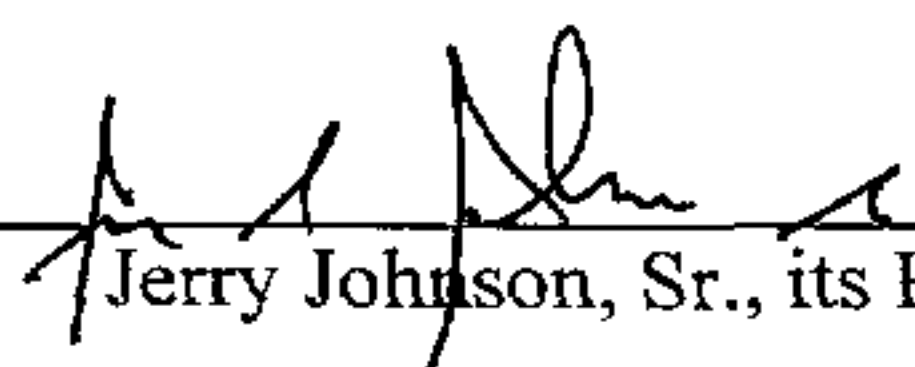
"Developer"

Venetian Bay of New Smyrna Beach, LLC,
a Florida limited liability company

By Venetian Bay Development, Inc.
its manager

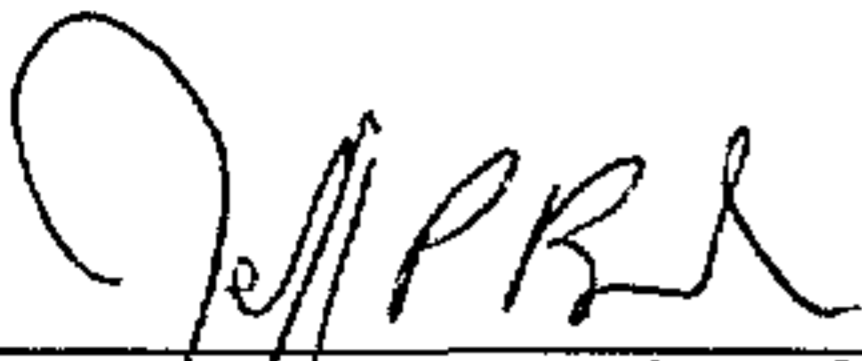

Print Name: Jeffrey P. Brant



Print Name: April M. Rosenthal

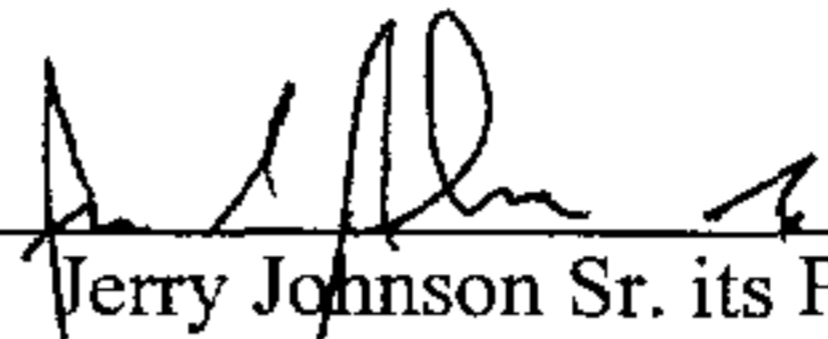
By 
Jerry Johnson, Sr., its President

"Association"

Venetian Bay Homeowners
Association, Inc.
a Florida not for profit corporation



Print Name: Jeffrey P. Brunt


Print Name: April M. Rosamilia

By 
Jerry Johnson Sr. its President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 23rd day of July, 2004, by Jerry Johnson, Sr. as President of Venetian Bay Development Inc., a Florida corporation, as manager of Venetian Bay of New Smyrna Beach, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me.

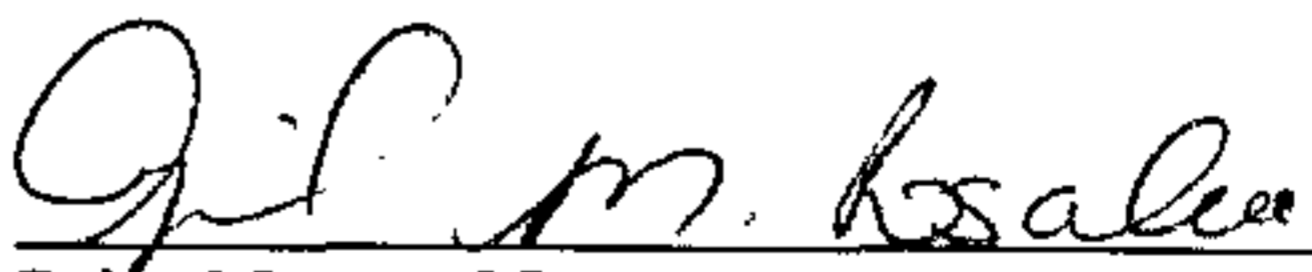

Print Notary Name: _____
Notary Public, State of Florida at Large
My Commission expires:



April M. Rosamilia
MY COMMISSION # DD079527 EXPIRES
January 6, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 23rd day of July, 2004, by Jerry Johnson, Sr., as President of Venetian Bay Homeowners Association, Inc., a Florida not for profit corporation. He is personally known to me.


Print Notary Name: _____
Notary Public, State of Florida at Large
My Commission expires:



April M. Rosamilia
MY COMMISSION # DD079527 EXPIRES
January 6, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

Prepared by and return to:
Jeffrey P. Brock
444 Seabreeze Blvd. Suite 900
Daytona Beach, Florida 32118

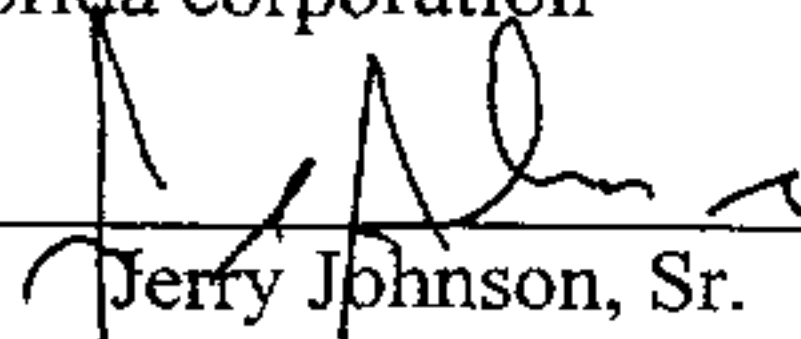
CONSENT AND JOINDER

The undersigned owner of the lots described below, hereby approves the foregoing Amendment, First, To Declaration Of Covenants, Restrictions For Venetian Bay Subdivision New Smyrna Beach, Volusia County, Florida ("Amendment"), and subject our property to the terms of the Amendment.

Lots

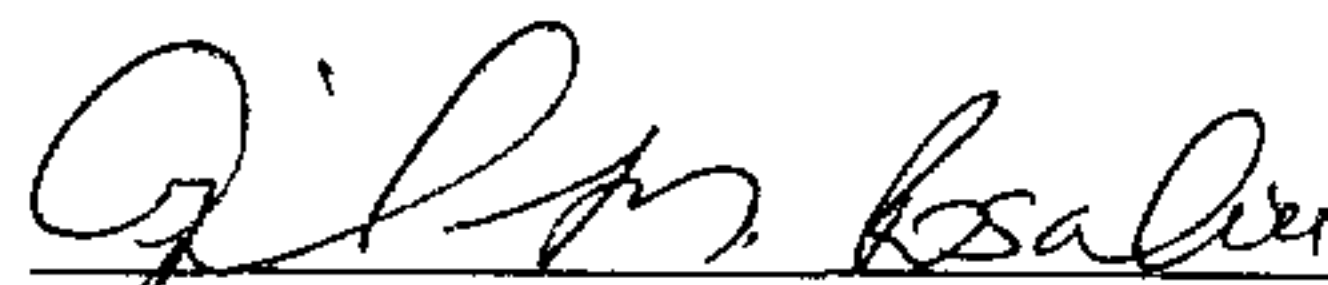
Venetian Bay Subdivision – Phase 1A, according to the plat thereof as recorded in Map Book 51, Pages 1-15, Public Records of Volusia County, Florida.

Johnson Group, Inc.
a Florida corporation

By: 
Jerry Johnson, Sr.
its President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 25 day of July, 2004, by Jerry Johnson Sr., as President of Johnson Group, Inc., a Florida corporation on behalf of the corporation. He is personally known to me or produced _____ as identification.


Notary Public State of Florida



April M. Rosamilia
MY COMMISSION # DD079527 EXPIRES
January 6, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

Prepared by and return to:
Jeffrey P. Brock
444 Seabreeze Blvd. Suite 900
Daytona Beach, Florida 32118

CONSENT AND JOINDER

The undersigned owner of the lots described below, hereby approves the foregoing Amendment, First, To Declaration Of Covenants, Restrictions For Venetian Bay Subdivision New Smyrna Beach, Volusia County, Florida ("Amendment"), and subject our property to the terms of the Amendment.

Lots 1, 11, 22, 27, 28, 29, 30, 32, 33, 35, 37, 38, 40, 41, 42, 45, 46, 49, 51, 58, 59, 60, 62, 64, 65, 66, 67, 68, 69, 73, 74, 76, 80, 81, 86, 87, 88, 89, 91, 96, 97, 98, 99, 100, 101, 104, 114, 115, 116, 117, 118, 122, 123, 125, 126, 130, 132, 133, and 134, Venetian Bay Subdivision - Phase 1A, according to the plat thereof as recorded in Map Book 51, Pages 1-15, Public Records of Volusia County, Florida.

Paytas Homes, Inc.
a Florida corporation

By: _____


James Paytas, Jr.,
its President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 21st day of July, 2004, by James Paytas, Jr. as President of Paytas Homes, Inc., a Florida corporation on behalf of the corporation. He is personally known to me or produced _____ as identification.




Notary Public State of Florida

Prepared by and return to:
Jeffrey P. Brock
444 Seabreeze Blvd. Suite 900
Daytona Beach, Florida 32118

CONSENT AND JOINDER

We the undersigned owners of the lot described below, hereby approve the foregoing Amendment, First, To Declaration Of Covenants, Restrictions For Venetian Bay Subdivision New Smyrna Beach, Volusia County, Florida ("Amendment"), and subject our property to the terms of the Amendment.

Lot 124, Venetian Bay Subdivision – Phase 1A, according to the plat thereof as recorded in Map Book 51, Pages 1-15, Public Records of Volusia County, Florida.

By: *Edward D. Sgro*
Edward D. Sgro
By: *Nora Sgro*
Nora Sgro

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22nd day of July, 2004, by Edward D. Sgro. He is personally known to me or produced _____ as identification.

[Signature]
Notary Public State of Florida



STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22nd day of July, 2004, by Nora Sgro. She is personally known to me or produced _____ as identification.

[Signature]
Notary Public State of Florida



Prepared by and return to:
Jeffrey P. Brock
444 Seabreeze Blvd, Suite 900
Daytona Beach, Florida 32118

CONSENT AND JOINDER

We the undersigned owners of the lot described below, hereby approve the foregoing Amendment, First, To Declaration Of Covenants, Restrictions For Venetian Bay Subdivision New Smyrna Beach, Volusia County, Florida ("Amendment"), and subject our property to the terms of the Amendment.


Lot 36, Venetian Bay Subdivision - Phase 1A, according to the plat thereof as recorded in Map Book 51, Pages 1-15, Public Records of Volusia County, Florida.

By: 
Daniel F. Ruth

By: 
Tracy Ruth

STATE OF FLORIDA
COUNTY OF VOLUSIA

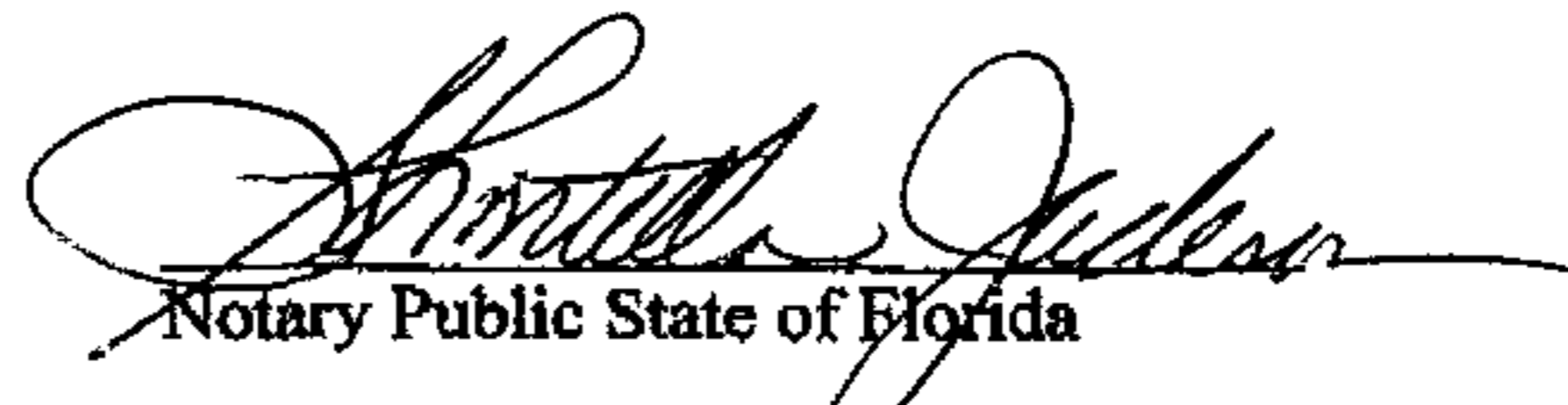
The foregoing instrument was acknowledged before me this 22 day of July, 2004, by Daniel F. Ruth. He is personally known to me or produced _____ as identification.

 SHONTELA JACKSON
Notary Public - State of Florida
My Commission Expires Aug 6, 2007
Commission # DD239199
Banded by Notary Public
COUNTY OF VOLUSIA


Notary Public State of Florida

The foregoing instrument was acknowledged before me this 22 day of July, 2004, by Tracy Ruth. She is personally known to me or produced _____ as identification.

SHONTELA JACKSON
Notary Public - State of Florida
My Commission Expires Aug 6, 2007
Commission # DD239199
Banded by Notary Public


Notary Public State of Florida