

Orange Co FL 1997-0404629  
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DR Bk 5358 Pg 3813  
Rec 19.50

This Instrument Prepared By and  
Should Be Returned To:

Harold L. Downing, Esquire, of  
GILES & ROBINSON, P.A.  
Post Office Drawer 2631  
Suite 800  
390 North Orange Avenue  
Orlando, Florida 32802-2361  
407 425 3591



DEDICATION OF DRAINAGE EASEMENTS  
AND  
FOURTH  
AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS  
AND RESTRICTIONS FOR CONWAY GROVES

THIS DEDICATION OF DRAINAGE EASEMENTS AND FOURTH AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR CONWAY GROVES  
is made this 5 day of November, 1997, by CENTEX REAL ESTATE CORPORATION, a  
Nevada corporation, formerly known as Vista Properties, Inc. successor by merger with 2728  
HOLDING CORPORATION, a Nevada corporation, formerly known as CENTEX REAL ESTATE  
CORPORATION, whose address is 151 Southhall Lane, Suite 230, Maitland, Florida 32751  
("Declarant").

RECITALS:

The Declarant is the owner of, among other things, the following described real  
property located in Orange County, Florida, to-wit:

All of CONWAY GROVES UNIT 1, according to the plat thereof  
as recorded in Plat Book 36, Page 3, Public Records of Orange  
County, Florida

(the "Affected Lots");

The Declarant has imposed a Declaration of Protective Covenants and  
Restrictions for Conway Groves recorded March 6, 1996, at Official Records Book 5022, Page  
2003, Public Records of Orange County, Florida (the "Declaration") (capitalized terms herein  
shall have the same meaning as those in the Declaration) to which the Affected Lots are  
subject;

The Declaration provides that the Declarant specifically reserves for itself, for so long as Declarant owns any lots, the absolute and unconditional right to alter, modify, change, revoke, rescind or cancel any or all of the restrictive covenants contained in the Declaration (any any amendments thereto) without the joinder of any other Owner; NOW, THEREFORE,

As owner of the Affected Lots, the Declarant hereby gives, grants, devises and conveys to Conway Groves Home Owners' Association, Inc., and reserves for itself, its successors and/or assigns, an easement for drainage consistent with, and under the same terms as, the drainage easement described in Article V, Section 5 of the Declaration, over the following described portions of the Affected Lots, to-wit:

The North seven and one-half feet (7.50') of Lot 29, CONWAY GROVES UNIT 1, according to the plat thereof as recorded in Plat Book 36, Page 3, Public Records of Orange County, Florida

The South seven and one-half feet (7.50') of Lot 30, CONWAY GROVES UNIT 1, according to the plat thereof as recorded in Plat Book 36, Page 3, Public Records of Orange County, Florida

The North ten feet (10.00') of Lots 44 through 49, inclusive, and Lots 54 through 56, inclusive, CONWAY GROVES UNIT 1, according to the plat thereof as recorded in Plat Book 36, Page 3, Public Records of Orange County, Florida

(hereinafter collectively referred to as the "Additional Drainage Easement Areas"). The Additional Drainage Easement Areas shall be subject to the following restriction:

Drainage flow shall not be obstructed or diverted from any part of the Additional Drainage Easement Areas. The Declarant and the Association shall have easements for and may, but shall not be required to, cut drainways for surface water wherever thereon and whenever such action may appear to the Association to be necessary to maintain reasonable standards of health, safety and/or appearance. These easements include the right to cut any trees, bushes or shrubbery, make any gradings of the soil, or take any other action reasonably necessary to install utilities and maintain reasonable standards of health, safety and/or appearance, but shall not include the right to disturb any improvements erected on any Affected Lot which are not located within the Additional Drainage Easement Areas. Except as provided herein (or in the Declaration, as amended), drainage swales, channels and other related facilities (or areas reserved for such purposes) shall not be altered so as to divert the flow of water onto adjacent lands or into sanitary sewer lines. No Owner may alter any elevations or slopes except upon written consent of the Association.

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DEPARTMENT AS IS

Lots 44 through 56 shall hereinafter be subject to a restriction against the use of that part of such Lot upon which the Additional Drainage Easement Areas exist for any use other than for a drainage easement and a swale (hereinafter referred to as the "Swale"). The purpose of the Swale is to direct stormwater runoff directly into drainage structures located in, along or under the Additional Drainage Easement Areas and to provide for percolation of such stormwater runoff. No structure, fence, or any other improvement may be placed temporarily or permanently within the drainage easement and the Swale. The grade of the drainage easement and the Swale thereon may not be modified, or in any way changed without the written approval of the Architectural Review Board, all governmental and quasi-governmental authorities having jurisdiction over drainage within the Property and without the approval of the Declarant so long as the Declarant owns any portion of the Property. Water flow from any given Lot may not be misdirected to or away from said Swale other than pursuant to drainage plans approved by the Architectural Review Board and such governmental and quasi-governmental authorities which may have the right to regulate the use of the Swale. The Owner of any Lot with a Swale located on said Lot shall maintain the Swale in accordance with any and all rules and regulations of the Association, and in accordance with any and all rules, regulations, laws, ordinances and orders of any governmental and/or quasi-governmental authorities having jurisdiction over drainage. The Association and all applicable governmental entities having jurisdiction over the Lots shall have an easement over Lots 44 through 56 for the purpose of inspecting the drainage easement and the Swale and of removing any obstruction which inhibits or would tend to inhibit the purpose for which the drainage easement and the Swale were created (this provision shall not relieve the Owner of any such Lot from his or her liability to maintain the area and to remove such obstructions) and to repair or replace any such drainage structure as the need shall arise and to regrade the Swale within the Additional Drainage Easement Areas as may be determined by the Association to be necessary.

FURTHER, Declarant amends the Declaration to include the Additional Drainage Easement Areas as Drainage Easements (as such are defined in the Declaration) and declares that such shall be part of the Surface Water or Stormwater Management System as though the same had been shown as such on the Plat.

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IN WITNESS WHEREOF, Declarant has executed this Declaration on the day and year first above written.

CENTEX REAL ESTATE CORPORATION,  
a Nevada corporation, formerly known  
as Vista Properties, Inc. successor by  
merger with 2728 Holding Corporation,  
formerly known as Centex Real Estate  
Corporation

John W. Odom  
Print Name: John W. Odom

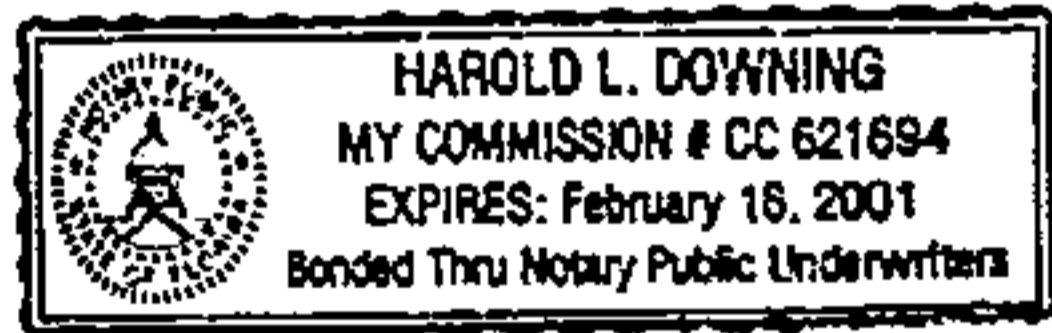
Harold L. Downing  
Print Name: Harold L. Downing

By: Patrick J. Knight  
PATRICK J. KNIGHT

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5 day of ~~October~~ NOVEMBER, 1997, by PATRICK J. KNIGHT as Division President of CENTEX REAL ESTATE CORPORATION, a Nevada corporation formerly known as Vista Properties, Inc. successor by merger with 2728 HOLDING CORPORATION, a Nevada corporation, formerly known as CENTEX REAL ESTATE CORPORATION, on behalf of the corporation. Said person did not take an oath and (check one)  is personally known to me,  produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or  produced other identification, to wit: \_\_\_\_\_



Harold L. Downing  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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OR Bk 5358 Pg 3816  
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Recorded - Martha D. Haynie

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