

**This instrument was prepared by  
and should be returned to:**  
DiMasi|Burton, P.A.  
801 N. Orange Ave., Suite 500  
Orlando, Florida 32801

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**SIXTH AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS AND  
RESTRICTIONS FOR METROWEST UNIT FIVE HOMEOWNERS' ASSOCIATION, INC.**

This Amendment to the Declaration of Protective Covenants and Restrictions of MetroWest Unit Five Homeowners Association, Inc. ("Amendment") was made and approved at a properly noticed meeting of the Board of Directors of MetroWest Unit Five Homeowners Association, Inc. ("Association"), whose address is c/o Vista Association Management, 323 Circle Dr, Maitland, FL 32751, which occurred on June 19, 2024.

**WITNESSETH**

WHEREAS, the Association is a not-for profit homeowners association operating pursuant to Chapter 720, Florida Statutes; and

WHEREAS, the Association is governed by that certain Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 4570, Page 3028 ("Declaration"); the Articles of Incorporation attached thereto as Exhibit A, recorded at Official Records Book 4570, Page 3074, the Bylaws attached thereto as Exhibit B, recorded at Official Records Book 4570, Page 3088, the Rules and Regulations, recorded as Document #20190614538, that certain Supplement No. 1 to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 4669, Page 2276, that certain Supplement No. 2 to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 4770, Page 3546, that certain additional Supplement No. 2 to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 4832, Page 3902, that certain Grand and Declaration of Easement for Privacy Wall of MetroWest Unit Five, recorded at Official Records Book 4929, Page 295, that Corrective Supplement to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 5171, Page 1275, that First Amendment to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 5428, Page 793, that Second Amendment to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 5626, Page 4744, that Third Amendment to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Book 8179, Page 4305, that Fourth Amendment to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Document #20200109643, that Fifth Amendment to the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five, recorded at Official Records Document #20230403737, all of the Public Records of Orange County, Florida, (collectively, "Governing Documents"); and

WHEREAS, the property governed by the Governing Documents, and subjected to additional easements, restrictions, and dedications contained therein, are those depicted in that certain Plat of MetroWest Unit Five, Section, and the restrictions contained therein, recorded in Plat Book 31, Page(s) 7-8, of the Public Records of Orange County, Florida, (“Plat”); and

WHEREAS, pursuant to Article XIII, Section 6 of the Declaration, the Declaration may be amended at any time upon the approval of at least two-thirds (2/3) of the members of the Board as evidenced by the recordation of an amendatory instrument executed by the President and Secretary of the Association in conjunction with the express written joinder and consent of the Master Association; and

WHEREAS, the Members of the Board of Directors are desirous of amending the Declaration to prohibit fountains and water features and establish additional specifications concerning fixed and portable basketball backboards; and

WHEREAS, at a meeting of the Board of Directors held on June 19, 2024, an affirmative vote of at least two-thirds (2/3) of the members of the Board voted in favor of approving the amendments to the Declaration set forth herein; and

WHEREAS, it is the intention of the Association that the Amendment provided for herein shall preserve and protect the Governing Documents, including all covenants and restrictions, currently burdening the property of each and every member of the Association, from extinguishment by the operation of Chapter 712, *Florida Statutes*, known as the Marketable Record Title Act, and to retain its status with regard to the affected real property.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. **Recitals.** The above-mentioned Recitals are hereby incorporated and made a part of this Amendment as if more fully set forth herein.
2. **Definitions.** Unless otherwise expressly set forth in this Amendment, capitalized terms appearing in this Amendment shall have the meanings ascribed to those terms by the Declaration.
3. **Amendments.**

\* \* \*

ARTICLE VIII  
ARCHITECTURAL REVIEW BOARD

\* \* \*

Section 5. Architectural Review Board Planning Criteria.

\* \* \*

(s) Fountains and Water Features. All fountains or water features of any type shall be located at the rear of the Lot and are not allowed to be visible from any street. As to existing fountains and water features, the fountain or water feature must be operational seven days a week, unless prohibited by municipal water restrictions, and must be maintained with an appropriate water treatment, filtration, or plan, to reduce stagnant water that may contribute to spread of insects and algae growth.

\* \* \*

ARTICLE XII  
RESTRICTIVE COVENANTS

\* \* \*

Section 4. Games and Play Structures. All basketball backboards (fixed or portable) are addressed in the next paragraph. All other games and play structures of any type shall be located at the rear of the improvement and on the inside portion of the corner lots within the setback lines and placed or screened so as not to be visible from any street. Treehouses or platforms of a like kind or nature shall not be constructed on any part of the Lot located in front of the rear line of improvement constructed thereon or for corner lots not within the setback line.

Basketball structures (**fixed and portable**) must conform to the following:

1. Backboards, nets and poles must be kept in “like new” condition;
2. Basketball Structures:
  - a. Must be placed at least 12 feet from the sidewalk,
  - b. Must be at least 12 feet from the front of the house,
  - c. Backboards are to be placed perpendicular to the street, and
  - d. Are to be placed at side of driveway farthest from the front door, **or at the rear or side of the property, or on the inside of the corner lots within the setback lines,** and installed per manufacturer’s instructions.
3. All new or replacement equipment must be permanently installed poles (preferably with removable sleeves) with clear acrylic backboards and approved by the ARB.
4. ~~Any existing portable structures must comply with items 1 and 2 (a-d) and be converted to a permanent structure no later than January 1, 2001.~~ **All fixed basketball backboards must be approved by the ARB and be consistent with the appearance of the house and neighborhood.**
5. Alternative placement may be considered, if deemed more appropriate, by the ARB.
6. **All portable backboards must remain standing (not tipped over) and must be used and stored only in areas approved for them, or they must be put away or out of sight from the street.**
7. **No basketball backboards are allowed to be affixed to the structure of the house (such as above the garage, etc.).**

\* \* \*

**4. Construction.** To the extent that the terms, covenants and conditions of this Amendment are inconsistent with the terms of the Declaration, the terms, covenants and conditions of this Amendment



Witnesses:

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Association:

Sign: \_\_\_\_\_  
Print: Brian Weiss  
as Secretary of MetroWest Unit Five Homeowners  
Association, Inc.

STATE OF FLORIDA                    )  
COUNTY OF ORANGE                )

The foregoing instrument was acknowledged before me by means of  physical presence  online notarization, this \_\_\_day of \_\_\_\_\_ 2024, by Brian Weiss as the Secretary of MetroWest Unit Five Homeowners Association, Inc., who is personally known to me or who produced a Driver's License as identification.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

JOINDER AND CONSENT OF MASTER ASSOCIATION

The METROWEST MASTER ASSOCIATION, INC., causes the foregoing FIFTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR METROWEST UNIT FIVE to be executed in its name to acknowledge its approval of and agreement to the terms, conditions, covenants and restrictions set forth therein, pursuant to Article XIII, Section 6 of the Declaration of Protective Covenants and Restrictions for MetroWest Unit Five ("Declaration") recorded at O.R. Book 4570, Page 3028 et seq., of the Official Public Records of Orange County, Florida.

Witnesses:

Signature: *[Signature]*  
Print Name: Allison Holgore  
Address: 2121 S. Hiawassee Rd Ste 132  
Orlando, FL 32835

Signature: *[Signature]*  
Print Name: Terrell Fawbush  
Address: 2121 S. Hiawassee Rd Ste 132  
Orlando, FL 32835

Association:

Sign: *[Signature]*  
Print: Kim Kreiger  
As President of the MetroWest Master Association,  
Inc.

STATE OF FLORIDA                    )  
COUNTY OF ORANGE                )

The foregoing instrument was acknowledged before me by means of  physical presence  
 online notarization, this 10<sup>th</sup> day of July 2024, by Kim Kreiger as the President of the  
MetroWest Master Association, Inc., who is personally known to me or who produced a Driver's License  
as identification.

*[Signature]*  
Notary Public JULIE LEA SANCHEZ  
My Commission Expires: 11/21/2025



Proposed Amendment, as approved, is as follows:

**SIXTH AMENDMENT TO THE  
DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS  
FOR METROWEST UNIT FIVE**

Omitted but unaffected provisions are represented by \* \* \*

\* \* \*

**ARTICLE VIII  
ARCHITECTURAL REVIEW BOARD**

\* \* \*

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3. All new or replacement equipment must be permanently installed poles (preferably with removable sleeves) with clear acrylic backboards and approved by the ARB.

4. All fixed basketball backboards must be approved by the ARB and be consistent with the appearance of the house and neighborhood.
5. Alternative placement may be considered, if deemed more appropriate, by the ARB.
6. All portable backboards must remain standing (not tipped over) and must be used and stored only in areas approved for them, or they must be put away or out of sight from the street.
7. No basketball backboards are allowed to be affixed to the structure of the house (such as above the garage, etc.).

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