

9/7/79

483613

RECORDED IN THE PUBLIC RECORDS OF LEON CO., FLA. IN THE BOOK & PAGE IND.

NOV 16 3 14 PM 1979

AT THE TIME & DATE NOTED PAUL F. HARTSFIELD CLERK OF CIRCUIT COURT

OFF REC 945 PAGE 1826

AMENDMENT TO
DECLARATION OF RESTRICTIVE COVENANTS
OF VILLAS, UNIT 2
AT TALLAHASSEE, FLORIDA

THIS AMENDMENT OF DECLARATION OF RESTRICTIVE COVENANTS, made this 15th day of November, 1979, by EVERHART CONSTRUCTION COMPANY, INC., a Florida corporation, hereinafter referred to as "Declarant", for itself, its successors, grantees and assigns.

WITNESSETH THAT:

WHEREAS, Declarant has heretofore executed and duly recorded that certain document entitled DECLARATION OF RESTRICTIVE COVENANTS OF VILLAS, UNIT 2, AT TALLAHASSEE, FLORIDA (hereinafter called Declaration), having executed the same on or about August 3, 1979, and duly recorded the same on that same date, in Official Records Book 935, at Page 1773, in the Public Records of Leon County, Florida; and

WHEREAS, there appear to be several ambiguities as hereinafter mentioned in said Declaration; and

WHEREAS, it is the desire of Declarant, by execution of this Amendment, to clarify such ambiguities, if any, that may exist in the hereinafter mentioned portions of said Declaration.

NOW, THEREFORE, Declarant does hereby for itself, its successors, grantees, and assigns hereby amends the Declaration as follows:

1. It is the intent of Declarant that the provisions of the Declaration as recorded in Official Records Book 935, at Page 1773, of the Public Records of Leon County, Florida, be effective and applicable as to the lands described in Exhibit "A", as mentioned in paragraph 2 thereof, as of the date of said recording, to-wit, August 3, 1979. In order to avoid any ambiguity as to the said effective date of the Declaration as to said lands described in Exhibit "A" and in order to make it

This instrument prepared by
BEN H. WILKINSON of
PENNINGTON, WILKINSON, GARY & DUNLAP
Attorneys at Law
Post Office Box 3985
Tallahassee, Florida 32303

clear that said Declaration runs with the land, Declarant does hereby impress and declare the said Declaration, as recorded aforesaid and as amended hereby, shall be and is effective upon all of that part of those lands located in Leon County, Florida, described in Exhibit "A" attached to the Declaration and mentioned in paragraph 2 thereof as of August 3, 1979, and shall be deemed to run with the land.

2. In paragraph 30 of the Declaration mentioned aforesaid, the last sentence thereof provides as follows: "No 'For Sale' or 'For Rent' signs shall be posted or displayed by homeowners other than Declarant until the Declarant has sold the last house." It was the intent of Declarant that said provision be applicable only to those lands described in paragraph 2 of the Declaration. Therefore, said sentence is hereby amended to read as follows:

No "For Sale" or "For Rent" signs shall be posted or displayed by homeowners other than Declarant until the Declarant has sold the last house in the lands described in Exhibit "A", or until August 3, 1981, whichever shall sooner occur.

3. The last sentence of paragraph 41 is hereby amended to read as follows:

Each homeowner acknowledges that he understands the meaning of the term "exclusive right of sale" and further acknowledges that under the same, Lee A. Everhart & Company, Inc. is and will be entitled to the payment of a normal and customary real estate commission prevailing in Tallahassee, Leon County, Florida, for the sale of residential properties regardless of whether any sale is effectuated by the homeowner or any other broker.

4. This Declaration provides for additional lands to become subject to the Declaration and provides that the subsequent purchasers of houses and lots within said additional lands may become members of the Homeowners Association described in the Declaration and use the common areas mentioned therein. The first sentence of paragraph 51 appears to be ambiguous as to the description of said lands. The first sentence of paragraph 51

is hereby amended to read as follows:

Notwithstanding anything to the contrary contained in this Declaration, Declarant reserves the right to develop such additional lands which are contiguous with and adjoin the property described in Exhibit "A", said additional lands being described in Exhibit "H" attached hereto.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed in its name and its corporation seal to be affixed hereto the day and year first above written.

WITNESSES:

EVERHART CONSTRUCTION COMPANY, INC.

W. L. L. Gentry
Valerie K. Kellogg

By: Lee A. Everhart
LEE A. EVERHART, President

(CORPORATE SEAL)

STATE OF FLORIDA,
COUNTY OF LEON.

I HEREBY CERTIFY that on this day, before me, a Notary Public duly authorized in the State and County aforesaid to take acknowledgments, personally appeared LEE A. EVERHART to me known to be the person described as President of EVERHART CONSTRUCTION COMPANY, INC., a Florida corporation, in and who executed the foregoing AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS OF VILLAS, UNIT 2, AT TALLAHASSEE, FLORIDA, and acknowledged before me that that person executed the foregoing AMENDMENT in the name of and for that corporation, affixing the corporate seal of that corporation thereto; that as such corporate officer that person is duly authorized by that corporation to do so; and that the foregoing AMENDMENT is the act and AMENDMENT of that corporation.

WITNESS my hand and official seal in the County and State named above this 15th day of November, A. D. 1979.

Valerie K. Kellogg
NOTARY PUBLIC
My Commission Expires: 12/11/82
Notary Public, State of Florida at Large
My Commission Expires Dec. 11, 1982
Bonded By American Fire & Casualty Company