

OR1265PC1236

FIRST AMENDMENT

TO

DECLARATION OF RESTRICTIVE COVENANTS,
EASEMENTS AND PARTY WALL AGREEMENT

RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
JUN 5 3 48 PM '87
PAUL H. PROCTOR
CLERK OF CIRCUIT COURT

826640

THIS FIRST AMENDMENT, made on this 5th day of June,
1987, by R. FRANK DONALDSON and A. B. HOPKINS, JR., referred to
herein as "the Declarants",

W I T N E S S E T H :

WHEREAS, the Declarants did impose upon an unrecorded subdivi-
sion in Leon County, Florida, known as "FOREST COMMONS" certain
covenants, restrictions and easements as set forth in the Declara-
tion of Restrictive Covenants, Easements and Party Wall Agreement
dated March 30, 1987, and recorded in Official Records Book 1254
at Page 1175, Public Records of Leon County, Florida (referred to
herein as "the Declaration"); and

WHEREAS, the said Declaration authorizes the amendment thereof
by the owners of all of the lots located within Forest Commons
Subdivision, joined by all mortgagees of record holding mortgages
encumbering land located within said subdivision; and

WHEREAS, the Declarants are the sole and only owners of all
of the land located within Forest Commons Subdivision, and
Barnett Bank of Tallahassee, N.A., is the sole and only mortgagee
owning and holding a mortgage constituting a lien on land within
said subdivision; and

WHEREAS, the Declarants wish to amend the Declaration in
certain particulars as hereinafter set forth.

NOW, THEREFORE, the Declarants do by this instrument amend
the Declaration as follows:

1. Provision numbered 9 of the Declaration is amended to
read as follows:

"9. Purpose of Assessments. The assessments
levied by the Association shall be used exclusively
to promote and maintain the recreation, health,

safety, and welfare of the members of the Association, and in particular, for the improvement and maintenance in a first class condition and in a good state of repair of the common areas, roadways, roadway lighting, and easement areas of the property, and such other areas which are maintained by the Association, whether owned by the Association or by the homeowner. The aforesaid roadways located within Forest Commons Subdivision are private roadways which are or will be owned by the Forest Commons Homeowners Association, Inc., which Association shall have the sole and absolute responsibility for the maintenance and repair of such private roadways. Located beneath the roadways within the subdivision are certain conduits or lines for utilities services, including water, sewer and electricity. The Association shall be responsible for the maintenance and repair of such utility lines or conduits, and for the maintenance and repair of any damage caused to the roadways in Forest Commons as a result of or in connection with the installation and/or the existence of such utilities beneath said roadways. The City of Tallahassee will not have any responsibility or liability for maintenance or repair of the roadways located within Forest Commons, including repair for any damage caused in connection with the installation and/or existence of utilities lines or conduits located beneath such roadways."

2. Provision numbered 20(b) of the Declaration is amended to read as follows:

"(b) Southerly portions of Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Block "A" of FOREST COMMONS as depicted upon Exhibit "B" attached hereto are subject to storm water detention easements to the extent reflected on said Exhibit "B", said easement areas being designated as "restricted fill area" on Exhibit "B". Except for

construction and site work done upon said lots by the Declarants, the grade or elevation of any of the aforesaid lots shall not be changed within the restricted fill areas by fill or otherwise, nor shall any construction which displaces water volume holding capacity be made upon such areas."

EXCEPT as specifically modified by this instrument the aforesaid Declaration remains in full force and effect in accordance with its original terms and provisions.

DONE AND EXECUTED at Tallahassee, Leon County, Florida, the day and year first above written.

Witnesses:

Verjé B. Murphy
Donna W. Wren
Verjé B. Murphy
Donna W. Wren

R. Frank Donaldson
R. FRANK DONALDSON
A. B. Hopkins, Jr.
A. B. HOPKINS, JR.
"Declarants"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing First Amendment to Declaration of Restrictive Covenants, Easements, and Party Wall Agreement was acknowledged before me on this 5th day of June, 1987, by R. FRANK DONALDSON.



Verjé B. Murphy
NOTARY PUBLIC, State of Florida
at Large.

My Commission Expires: 9-30-90
Notary Public, State of Florida
My Commission Expires Sept. 30, 1990
Bonded Three Troy Poin - Insurance Inc.

STATE OF FLORIDA
COUNTY OF LEON

The foregoing First Amendment to Declaration of Restrictive Covenants, Easements, and Party Wall Agreement was acknowledged before me on this 5th day of June, 1987, by A. B. HOPKINS, JR.



Verjé B. Murphy
NOTARY PUBLIC, State of Florida
at Large.

My Commission Expires: 9-30-90
Notary Public, State of Florida
My Commission Expires Sept. 30, 1990
Bonded Three Troy Poin - Insurance Inc.

CONSENT TO AMENDMENT

BARNETT BANK OF TALLAHASSEE, N.A., the owner and holder of a mortgage encumbering the property known as "FOREST COMMONS SUBDIVISION", does hereby evidence its consent to the foregoing Amendment to the Declaration of Restrictive Covenants, Easements and Party Wall Agreement, recorded March 30, 1987, in Official Records Book 1254, Page 1175, Public Records of Leon County, Florida.

Witnesses:

Kathy H. Bailey
Janice L. Davidson

BARNETT BANK OF TALLAHASSEE, N.A.

By: *Charles Watson*
CHARLES WATSON
As Its Senior Vice President

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Consent to Amendment was acknowledged before me on this 5th day of June, 1987, by CHARLES WATSON as Senior Vice President of BARNETT BANK OF TALLAHASSEE, N.A., a Florida banking corporation, on behalf of said corporation.

Janice L. Davidson
NOTARY PUBLIC, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. DEC. 3, 1990
BONDED THRU GENERAL INS. UND.