

FIRST AMENDMENT
TO
DECLARATION OF RESTRICTIVE COVENANTS,
EASEMENTS AND PARTY WALL AGREEMENT

APPROVED IN THE PUBLIC
RECORDER OF LEON COUNTY
JUN 5 1987 PM
PAUL F. HANSCHEID
CLERK OF CIRCUIT COURT

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 subdivision in Leon County, Florida, known as "FOREST COMMONS" certain covenants, restrictions and easements as set forth in the Declaration 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

OR1265R1238

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:

Vergie B. Murphy
Debra W. Miller

R. Frank Donaldson
R. FRANK DONALDSON

Vergie B. Murphy
Debra W. Miller

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 26 day of June, 1987, by R. FRANK DONALDSON.



Vergie 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 thru Troy Fair - 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 26 day of June, 1987, by A. B. HOPKINS, JR.



Vergie 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 thru Troy Fair - 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 George

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 P. Davidson
NOTARY PUBLIC, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. DEC. 3, 1988
BONDED THRU GENERAL INS. LTD.