

REC-787 REC-709

365594

RECORDED IN THE PUBLIC
RECORDS OF LEON COUNTY
IN THE YEAR 1976

JUN 9 9 23 AM 1976

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

AMENDMENT
AND
DECLARATION OF INTENT
AS TO
COVENANTS AND RESTRICTIONS
OF KILLEARN ESTATES (All Units)

STATE OF FLORIDA,
COUNTY OF LEON:

June 8, 1976
~~March 17, 1976~~

That KILLEARN PROPERTIES, INC., a Florida corporation, being the owner and developer of a tract of land in Leon County, Florida, known as Killearn Estates, does hereby execute and record this Declaration of Intent pertaining to the covenants and restrictions of all units of Killearn Estates as the same currently stand recorded among the Public Records of Leon County, Florida, and as to the extent that such Declaration of Intent may constitute an amendment to such existing articles, do hereby amend the same as hereinafter more specifically recited;

W I T N E S S E T H:

WHEREAS, Article XXXII of the Covenants and Restrictions relating to Units 1 through 7 and Unit 9, and Article IV of the Covenants and Restrictions relating to Units 8, 10, 11, 12, 14, 15, 16 and 17 of Killearn Estates, a subdivision in Leon County, Florida, reserved unto the undersigned developer the sole right to amend such Covenants and Restrictions for the purpose of curing any ambiguity in or inconsistency between the provisions contained therein; and,

WHEREAS, the Veterans Administration, a Division of the Government of the United States, and the Developer agree that there is such an ambiguity in or inconsistency between certain provisions contained therein; and,

WHEREAS, the developer desires to cure such ambiguity or inconsistency and thus obtain approval by the Veterans Administration of Killearn Estates, as a subdivision, for

This instrument was prepared by:
Mallory E. Horne, Esquire
800, Barnett Bank Building
Tallahassee, Florida 32301

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guaranteeing certain loans to qualified persons;

NOW, THEREFORE, THIS INDENTURE WITNESSETH, That by and under the authority of the hereinabove recited provisions of the recorded Covenants and Restrictions relating to Killearn Estates, a subdivision in Leon County, Florida, the undersigned does hereby execute and record its Declaration of Intent and, where necessary, this Amendment to the following articles and sections of such recorded Covenants and Restrictions and declares its intent as to future Covenants and Restrictions pertaining to Killearn Estates, to-wit:

1. Article V, Section 2 of Units 1 through 7 and Unit 9, and Article XXXIII, Section 2 of Units 8, 10 through 12, and 14 through 17, are not intended to include, as a responsibility of Killearn Homes Association, a non-profit corporation, the payment of taxes and insurances on private homes or lots in Killearn Estates.

2. Article III, Section 1 in Units 3-7 and Unit 9 and Article XXXI, Section 1 of Unit 8, 10-12 and 14-17 were not intended to deny membership to an owner acquiring title in Killearn Estates at foreclosure or by voluntary conveyance in lieu of foreclosure. An owner acquiring by such process, will not be required to become a member of the Homeowners Association but may, at their option, become such a member.

3. The reference, in Article II, Section 2 of Units 1-7 and 9 and Article I, Section 2 of Units 8, 10-12 and 14-17, to the term "sole discretion of developer" refers, exclusively, to whether or not an additional unit will be added and does not intend to convey to the developer "sole discretion" as to the substance of such Covenants and Restrictions.

IN WITNESS WHEREOF, KILLEARN PROPERTIES, INC. has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

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KILLEARN PROPERTIES, INC.

By: J. T. Williams

J. T. Williams

(CORPORATE SEAL)

Attest:

Arleta S. Kerr
Arleta S. Kerr

STATE OF FLORIDA,
COUNTY OF LEON:

BEFORE ME personally appeared J. T. WILLIAMS, JR. and ARLETA S. KERR, to me well known, and known to me to be the individuals described in and who executed the foregoing instrument as President and Secretary of the above named KILLEARN PROPERTIES, INC., a Florida corporation, and severally acknowledged to and before me that they executed such instrument as such President and Secretary, respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal, this 9th day of March, 1976.

Charlotte R. Nelson
NOTARY PUBLIC

My Commission Expires: 9-14-79

Notary Public, State of Florida at Large.
My Commission Expires Sept. 14, 1979.