

This Instrument Prepared By:

Albert C. Penson, Esquire
Penson & Davis, P.A.
2810 Remington Green Circle
Tallahassee, Florida 32308

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR
MARIANA OAKS – PHASE II**

This **FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**, (hereinafter, "First Amendment"), is made this 15th day of July, 2008, by **MASON CREEK, LLC**, a Florida limited liability company, having as an address in Leon County, Florida, 2115 Trescott Drive, Tallahassee, Florida 32303, (hereinafter, "Declarant").

Statement of Preliminary Facts

The Declarant has caused a Declaration of Covenants, Conditions and Restrictions, (hereinafter, the "Declaration") to be recorded in Official Records Book 3874, Page 60, of the Public Records of Leon County, Florida, with respect to Mariana Oaks Subdivision. The Declarant is desirous of amending the Declaration pursuant thereto as provided below.

Terms

In consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, including incorporating the above Statement of Preliminary Facts herein, the receipt whereof is hereby acknowledged, the Declarant does hereby amend the Declaration as follows:

Page 3, Article II – Property Rights – A new Section 4 shall be inserted as follows:

Section 4. Maintenance Obligation. All roads, streets, open spaces, common areas and facilities, easements, including Association drainage easements, and rights-of-way providing ingress and egress to the property hereon described, except for the following: All roads and road rights-of-way, Stormwater Management Facilities, Leon County Drainage Easements and Leon County Slope Easements as depicted hereon; shall be maintained by the Mariana Oaks Homeowners Association, Inc., and Leon County is not responsible for the maintenance of the above.

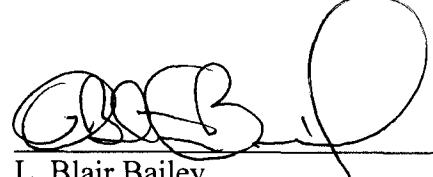


IN WITNESS WHEREOF, the Declarant has caused this First Amendment to be executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Mason Creek, LLC

Printed Name: Alber C. Penso

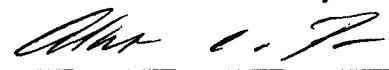

By: L. Blair Bailey
L. Blair Bailey,
Its Managing Member

Printed Name: Kimberly A. Terre II

State of Florida
County of Leon

Before Me the undersigned authority duly authorized in the State and County aforesaid to take acknowledgements personally appeared this day L. Blair Bailey, as Managing Member of Mason Creek, LLC, known personally to me to be the person described herein and who executed the foregoing instrument, and who acknowledged before me that he executed the same, and that no oath was taken.

Dated this 15th day of July, 2008.


Notary Public

