

This document was prepared by:  
Bruce I. Wiener, attorney  
Gardner, Wadsworth, Duggar, Bist & Wiener, P.A.  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
Matter No.:

**SECOND AMENDMENT TO**  
**DECLARATION OF COVENANTS, CONDITIONS,**  
**RESTRICTIONS AND EASEMENTS FOR STONEBRIAR AND JOINDER**

This SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR STONEBRIAR (hereafter "Second Amendment") is made this 18 day of February, 2005, by Pennyworth Homes, Inc., a Florida corporation, whose mailing address is 679 Blackshear Road, Thomasville, Georgia 31792 (hereafter "Declarant").

**STATEMENT OF PRELIMINARY FACTS:**

The Declarant has caused that certain Declaration of Covenants, Conditions, Restrictions and Easements for Stonebriar to be recorded in Official Records Book 2831, at Page 400 of the Public Records of Leon County, Florida, and that certain First Amendment to Declaration of Covenants, Conditions, Restrictions and Grant of Easements for Stonebriar to be recorded in Official Records Book 2938, at Page 1833 of the Public Records of Leon County, Florida (hereafter "the Declaration"). The Declaration contemplates the annexation of additional property into the Subdivision as defined in the Declaration. The owner of the property described on the attached **Exhibit "A"**, which adjoins the Subdivision, desires to impose the terms, covenants, conditions and restrictions provided in the Declaration on his property and to join the Association as defined in the Declaration. The Declarant hereby consents to such owner's request pursuant to the terms of this Second Amendment. The Declarant is also desirous of amending the Declaration and granting certain additional easements pursuant to the terms provided below and in accordance with the Declaration.

**TERMS:**

In consideration of \$10.00 and other good and valuable consideration, and incorporating the above Statement of Preliminary Facts herein, the Declarant does hereby amend the Declaration as follows:

1. Article XIV of the Declaration is hereby amended to read as follows:

**ARTICLE XIV-ANNEXATION OF ADDITIONAL PROPERTY**

Additional residential property and common area may be annexed to the Subdivision with the consent of two-thirds of each class of members or solely by the Declarant so long as Declarant's Class B status remains.

2. The definition of "Properties" as provided in Section 2 of Article I of the Declaration shall include the property described on the attached Exhibit "A" provided the Joinder by Property Owner attached hereto is fully executed and recorded with this Second Amendment. Upon the execution of the Joinder by Property Owner attached hereto, and except as otherwise provided herein or in the Joinder by Property Owner, the owners of the property described on the attached Exhibit "A" shall be entitled to the

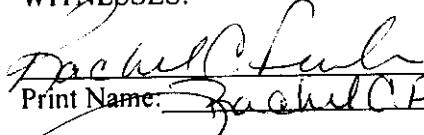
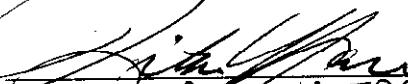
benefits provided in the Declaration, as amended, and shall be obligated to comply with all of its terms and conditions.

3. The Declaration is supplemented to include the following sentence at the end of Section 1 of Article XIII:

The Declarant hereby grants the owner of the property described as Parcel 2 on Exhibit "A" ("Parcel 2 Property"), including all future owners of said property, a non-exclusive, perpetual easement for ingress and egress and utilities over, across and under the property described on the attached **Exhibit "A-1"** ("Exhibit A-1 Property"). The owner of the Parcel 2 Property is responsible for making and paying for all improvements to the Exhibit A-1 Property which are consistent with the specific easements granted herein. In addition, all such improvements shall only be made in accordance with applicable laws, rules and regulations.

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

WITNESSES:

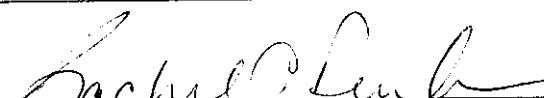
  
Print Name: Rachel C. Fenlon  
  
Print Name: RITA M. JACOBS

~~PENNYWORTH HOMES, INC.~~, a  
Florida corporation

By:   
Ebe Walter  
Its President

STATE OF FLORIDA,  
COUNTY OF LEON.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of February, 2005, by Ebe Walter as President of Pennyworth Homes, Inc., a Florida corporation, on behalf of the corporation. He  is personally known to me; or  has produced \_\_\_\_\_ as identification.

  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

  
Rachel C. Fenlon  
MY COMMISSION # DD259680 EXPIRES  
October 19, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.



**JOINDER BY PROPERTY OWNER**

This JOINDER BY PROPERTY OWNER ("Joinder") in the Declaration of Covenants, Conditions, Restrictions and Easements of Stonebriar, as amended, is made this 18<sup>th</sup> day of February, 2005, by Todd L. Thompson ("Property Owner").

**TERMS**

In consideration of \$10.00 and other good and valuable consideration, including being granted the right to join in the Declaration of Covenants, Conditions, Restrictions and Easements for Stonebriar, as amended, and be a member of the Stonebriar Homeowners Association, Inc., the receipt and sufficiency of which is acknowledged the Property Owner hereby agrees as follows:

1. The Statement of Preliminary Facts provided in the Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Stonebriar and Joinder is accurate and is incorporated in the terms of this Joinder.

2. The Property Owner hereby imposes upon his property, which is identified on the attached Exhibit "A", the Declaration, including the conditions, limitations and restrictions provided therein as amended by the Second Amendment, for the benefit of the present and future owners of said property, and the benefit of all other owners of property within the Stonebriar residential subdivision. Notwithstanding the foregoing, the Property Owner, including his successors in title, is expressly entitled to subdivide the property identified as the parent tract of Parcel 1 on Exhibit "A" into two (2) or three (3) lots\* and the property identified as Parcel 2 on Exhibit "A" shall not be subdivided. \*shown therein or as otherwise redrawn by property owner *W*

3. The Declaration as amended by the Second Amendment, shall run with the land described in the attached Exhibit "A" and be binding on the owners thereof, including their successors, heirs, personal representatives and assigns, and all other persons claiming any right, title or interest in the property described on the attached Exhibit "A".

**WITNESSES:**

*Sam B. Waddill*  
Print Name: A. Cartledge  
*Sam B. Waddill*  
Print Name: Sam B. Waddill

*Todd L. Thompson*  
Todd L. Thompson

STATE OF FLORIDA,  
COUNTY OF LEON.

~~On 24 February, 2005~~ The foregoing Joinder by Property Owner was acknowledged before me this 24<sup>th</sup> day of February, 2005, by Todd L. Thompson. He  is personally known to me or  has produced \_\_\_\_\_ as identification.



**Sam B. Waddill**  
Commission # DD391124  
Expires February 19, 2009  
Bonded Troy Fair - Insurance, Inc. 800-385-7019

Printed Name: Sam B. Waddill  
Notary Public  
My Commission Expires:



**JOINDER BY HOMEOWNERS ASSOCIATION**

The STONEBRIAR HOMEOWNERS ASSOCIATION, INC., a Florida non-profit corporation, whose address is 679 Blackshear Drive, Thomasville, Georgia 31792, hereby consents and acknowledges that the Property Owner has encumbered the property set forth in the attached Exhibit "A" with the Declaration of Covenants, Conditions, Restrictions and Easements for Stonebriar, as amended, and by this instrument, evidences its joinder thereto.

**WITNESSES:**

**STONEBRIAR HOMEOWNERS  
ASSOCIATION, INC.,**  
a Florida non-profit corporation

Print Name: Rachel C. Fenlon

Print Name: RACHEL C. FENLON

By: EBC Weller  
Print Name: EBC Weller  
Its: PRES.

STATE OF Florida,  
COUNTY OF Leon.

The foregoing Joinder by Homeowners Association was acknowledged before me this 18<sup>th</sup> day of February, 2005, by EBC Weller, as President of the Stonebriar Homeowners Association, Inc., a Florida non-profit corporation, on behalf of the corporation. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

Rachel C. Fenlon  
Printed Name: RACHEL C. FENLON  
Notary Public  
My Commission Expires:



Rachel C. Fenlon  
MY COMMISSION # DD259680 EXPIRES  
October 19, 2007  
BONDED THRU TROY RAIN INSURANCE, INC



## EXHIBIT "A"

## Parcel 1

## PARENT TRACT:

Commence at a concrete monument marking the Southeast corner of the Northwest Quarter of Section 33, Township 2 North, Range 1 East, Leon County, Florida and run South 89 degrees 55 minutes 26 seconds West 164.75 feet to a concrete monument lying on the centerline of the old abandoned Thomasville and Tallahassee Road, thence North 07 degrees 10 minutes 15 seconds East along said centerline a distance of 280.31 feet to an iron pipe, thence North 02 degrees 26 minutes 23 seconds East along said centerline a distance of 382.79 feet to a concrete monument, thence leaving said centerline run South 89 degrees 54 minutes 51 seconds West 144.96 feet to a concrete monument for the POINT OF BEGINNING. From said POINT OF BEGINNING run West 245.23 feet to a concrete monument #1254, thence run 6.49 feet to the northeast corner of property described in Official Records Book 1857, Page 598 of the Public Records of Leon County, Florida, thence run North 00 degrees 04 minutes 29 seconds West 67.34 feet to a point lying on the Southerly boundary of a 40' access easement as described in Official Records Book 2531, Page 484 of the Public Records of Leon County, Florida, said point also lying on a curve concave Southwesterly, thence along said Southerly boundary and said curve with a radius of 110.00 feet, through a central angle of 15 degrees 04 minutes 40 seconds for an arc distance of 29.07 feet (chord of said arc being South 51 degrees 28 minutes 44 seconds East 29.88 feet), thence leaving said Southerly boundary run North 89 degrees 58 minutes 09 seconds East 29.21 feet to a point lying on the centerline of said 40' access easement, said point lying on a curve concave Northeasterly, thence along said centerline and curve with a radius of 130.00 feet through a central angle of 39 degrees 04 minutes 53 seconds for an arc distance of 88.67 feet (chord of said arc being South 70 degrees 47 minutes 32 seconds East 86.96 feet), thence centerline run South 02 degrees 26 minutes 09 seconds West 270.28 feet to the POINT OF BEGINNING. Containing 1.61 ~~foot~~ acres, more or less.

## Lot 1:

Commence at a concrete monument marking the Southeast corner of the Northwest Quarter of Section 33, Township 2 North, Range 1 East, Leon County, Florida and run South 89 degrees 55 minutes 26 seconds West 164.75 feet to a concrete monument lying on the centerline of the old abandoned Thomasville and Tallahassee Road, thence North 07 degrees 10 minutes 15 seconds East along said centerline a distance of 280.31 feet to an iron pipe, thence North 02 degrees 26 minutes 23 seconds East along said centerline a distance of 382.79 feet to a concrete monument, thence leaving said centerline run South 89 degrees 54 minutes 51 seconds West 144.96 feet to a concrete monument, thence West 169.19 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue West 76.04 feet to a concrete monument #1254, thence run North 00 degrees 04 minutes 29 seconds West 248.54 feet, thence run North 89 degrees 40 minutes 01 seconds West 6.49 feet to the northeast corner of property described in Official Records Book 1857, Page 598 of the Public Records of Leon County, Florida, thence run North 00 degrees 04 minutes 29 seconds West 67.34 feet to a point lying on the Southerly boundary of a 40' access easement as described in Official Records Book 2531, Page 484 of the Public Records of Leon County, Florida, said point also lying on a curve concave Southwesterly, thence along said Southerly boundary and said curve with a radius of 110.00 feet, through a central angle of 15 degrees 04 minutes 40 seconds for an arc distance of 29.07 feet (chord of said arc being South 51 degrees 28 minutes 44 seconds East 29.88 feet), thence leaving said Southerly boundary run North 89 degrees 58 minutes 09 seconds East 29.21 feet to a point lying on the centerline of said 40' access easement, said point lying on a curve concave Northeasterly, thence along said centerline and curve with a radius of 130.00 feet through a central angle of 15 degrees 56 minutes 33 seconds for an arc distance of 36.17 feet (chord of said arc being South 59 degrees 13 minutes 22 seconds East 36.06 feet), thence leaving said centerline run South 279.44 feet to the POINT OF BEGINNING. Containing 0.53 feet, more or less.

## Lot 2:

Commence at a concrete monument marking the Southeast corner of the Northwest Quarter of Section 33, Township 2 North, Range 1 East, Leon County, Florida and run South 89 degrees 55 minutes 26 seconds West 164.75 feet to a concrete monument lying on the centerline of the old abandoned Thomasville and Tallahassee Road, thence North 07 degrees 10 minutes 15 seconds East along said centerline a distance of 280.31 feet to an iron pipe, thence North 02 degrees 26 minutes 23 seconds East along said centerline a distance of 382.79 feet to a concrete monument, thence leaving said centerline run South 89 degrees 54 minutes 51 seconds West 144.96 feet to a concrete monument, thence West 82.17 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue West 87.02 feet, thence North 279.44 feet to a point lying on the centerline of said 40' access easement, said point lying on a curve concave Northeasterly, thence along said centerline and curve with a radius of 130.00 feet through a central angle of 23 degrees 08 minutes 20 seconds for an arc distance of 52.50 feet (chord of said arc being South 78 degrees 45 minutes 49 seconds East 52.14 feet), thence North 89 degrees 40 minutes 01 seconds East along said centerline a distance of 35.88 feet, thence leaving said centerline run South 269.49 feet to the POINT OF BEGINNING. Containing 0.54 feet, more or less.

## Lot 3:

Commence at a concrete monument marking the Southeast corner of the Northwest Quarter of Section 33, Township 2 North, Range 1 East, Leon County, Florida and run South 89 degrees 55 minutes 26 seconds West 164.75 feet to a concrete monument lying on the centerline of the old abandoned Thomasville and Tallahassee Road, thence North 07 degrees 10 minutes 15 seconds East along said centerline a distance of 280.31 feet to an iron pipe, thence North 02 degrees 26 minutes 23 seconds East along said centerline a distance of 382.79 feet to a concrete monument, thence leaving said centerline run South 89 degrees 54 minutes 51 seconds West 144.96 feet to a concrete monument for the POINT OF BEGINNING. From said POINT OF BEGINNING run West 82.17 feet, thence North 269.49 feet to a point lying on the centerline of said 40' access easement, thence North 89 degrees 40 minutes 01 seconds East along said centerline a distance of 93.65 feet, thence leaving said centerline run South 02 degrees 26 minutes 09 seconds West 270.28 feet to the POINT OF BEGINNING. Containing 0.54 feet, more or less.

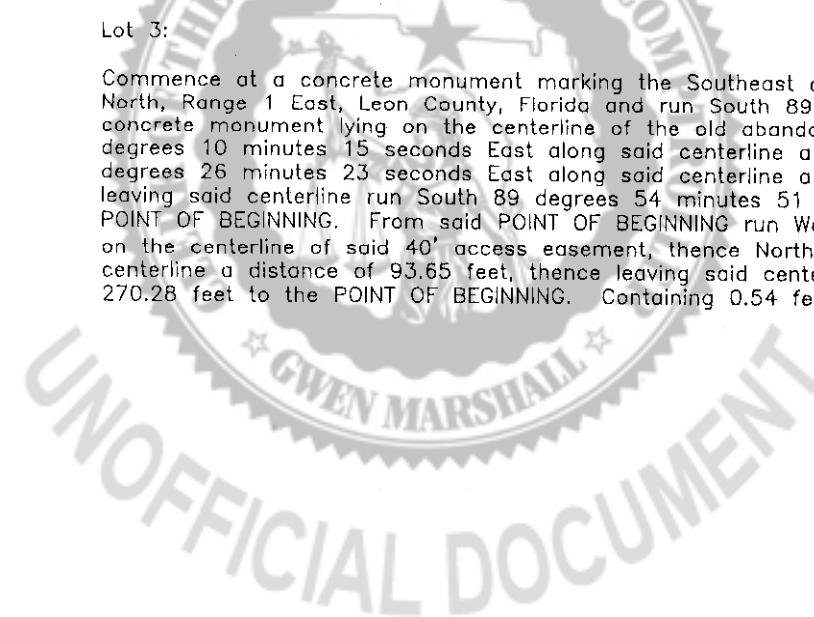


EXHIBIT "A": continued

PARCEL 2

Tract 8-B of an unrecorded plat of property of Mary Martin Enterprises, Inc., prepared by Roman Dotson & Associates, Land Surveyors, under date of December 15, 1981, being more particularly described as follows:

Commence at the Northwest Corner of the East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 33, Township 2 North, Range 1 East, Leon County, Florida, thence North 89 degrees 57 minutes 20 seconds East 528.41 feet to a point, thence South 00 degrees 18 minutes 30 seconds East 117.25 feet to a point, thence South 00 degrees 18 minutes East 1267.33 feet to a point, thence South 23 degrees 04 minutes 50 seconds East 268.14 feet to a point, thence South 89 degrees 50 minutes 07 seconds East 503.30 feet to a point, thence South 02 degrees 44 minutes 40 seconds West 40.05 feet to a point, thence North 89 degrees 50 minutes 07 seconds West 511.35 feet to the Point of Beginning. From said Point of Beginning, run thence South 05 degrees 42 minutes 40 seconds West 100.50 feet to a point, thence East 220.20 feet to a point, thence North 00 degrees 07 minutes 00 seconds East 100.43 feet to a point, thence North 89 degrees 50 minutes 07 seconds West 210 feet to the Point of Beginning.



## EXHIBIT "A-1"

A 20-foot access easement lying 10.00 feet each side of the following described centerline:

Commence at a concrete monument marking the Southeast corner of the Northwest Quarter of Section 33, Township 2 North, Range 1 East, Leon County, Florida and run South 89 degrees 55 minutes 26 seconds West 164.75 feet to a concrete monument lying on the centerline of the old abandoned Thomasville and Tallahassee Road, thence North 07 degrees 10 minutes 15 seconds East along said centerline a distance of 280.31 feet to an iron pipe, thence North 02 degrees 26 minutes 23 seconds East along said centerline a distance of 382.79 feet to a concrete monument, thence leaving said centerline run South 89 degrees 54 minutes 51 seconds West 144.96 feet to a concrete monument marking the Southeast corner of property described in Official Records Book 1853, Page 99 of the public records of Leon County, Florida, thence West 245.23 feet to a concrete monument #1254 marking the Southwest corner of said property, thence North 00 degrees 04 minutes 29 seconds West along the Westerly boundary of said property a distance of 148.30 feet, thence leaving said Westerly boundary run South 89 degrees 55 minutes 31 seconds West 6.49 feet to a iron rod and cap #6590 marking the Southeast corner of property described in Official Records Book 1857, Page 598 of the Public Records of Leon County, Florida, thence North 00 degrees 04 minutes 29 seconds West along the East boundary of said property a distance of 100.21 feet to the Northeast corner of said property, thence run South 89 degrees 40 minutes 01 seconds West along the North boundary of said property a distance of 10.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run thence North 00 degrees 04 minutes 29 seconds West 71.31 feet, more or less to the Southerly boundary of a 40 foot access easement for the terminal point of said centerline.

Subject to a 10.00-foot wide utility easement over and across the Northerly 10 feet thereof.

