

INSTR # 200435322
OR BK 01267 PGS 0065-0067
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J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
RECORDING FEES 27.00

PREPARED BY AND RETURN TO:

* Leonardo J. Maiman, Esq.
AKERMAN SENTERFITT
Bank of America Tower · Suite 2500
50 North Laura Street
Jacksonville, FL 32202

3/Dec 27.00
cc 4.50
3/50

**THIRD AMENDMENT AND ANNEXATION AMENDMENT
TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR FLORA PARKE**

THIS THIRD AMENDMENT AND ANNEXATION TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FLORA PARKE ("Second Amendment") is made and executed as of the 6th day of October, 2004 by **FLORA PARKE DEVELOPMENT, INC., a Florida corporation** ("Developer") and joined in by **FLORA PARKE HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation**.

RECITATIONS:

WHEREAS, Developer executed that certain Declaration of Covenants, Conditions and Restrictions for Flora Parke, recorded in Official Records Book 0877, at Page 1916 as amended by that certain First Amendment and Annexation Amendment to Declaration of Covenants, Conditions and Restrictions for Flora Parke recorded in Official Records Book 997, at Page 1447, and that certain Second Amendment and Annexation Amendment to Declaration of Covenants, Conditions and Restrictions for Flora Parke recorded in Official Records Book 1087, at Page 1196 ("Third Amendment"), all of the Public Records of Nassau County, Florida (collectively "Declaration"); and

WHEREAS, pursuant to authority granted to it in Section 1.1 of the Declaration, Developer desires to incorporate certain additional lands into Flora Parke and to subject such additional lands to the terms and provisions of the Declaration as "Future Development Property" and pursuant to authority granted to Developer in Section 7.2 of the Declaration and as the owner of a majority of Lots within the Property, Developer desires to amend the Declaration to conform the terms and provisions of the Declaration with the existing policies and regulations of the "Association" (as defined in the "Declaration").

NOW, THEREFORE, the undersigned Developer hereby declares as follows:

1. In the event the terms and provisions of this Third Amendment should conflict with the terms and provisions of the Declaration, the terms and provisions of this Third Amendment shall control.
2. The additional real property described in this Paragraph 2, which additional real property is contiguous to the Property originally described in the Declaration shall be and is hereby annexed into the Flora Parke development as of the date hereof whereupon the terms and provisions of the Declaration, as hereinafter modified and amended, shall encumber such additional real property as if such lands had originally been designated as part of the Property in the Declaration and, as such, shall be owned held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, reservations, regulations, burdens and liens set forth in the Declaration, as amended. As used in the Declaration, the term, "Property" shall henceforth include the following real property:

FLORA PARKE UNIT 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, AT PAGES 402 THROUGH 407 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA. ("Unit 3").

3. Developer hereby confirms that Unit 3, as "Future Development Property", is subject to all the terms and provisions contained in the Declaration as heretofore amended by the aforementioned Second Amendment.
4. Section 5.3 of the Declaration is hereby amended with respect to Lots within Unit 3 adding the following thereto:

5.3 Fences. *With respect to lots located within Unit 3, no fencing shall be commenced without prior approval by the Architectural Review Committee. No fencing shall be*


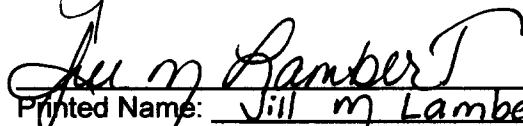
closer to the dedicated right-of-way than ten (10) feet forward (closer to the right of way) of the rear corner of any structure and in the case of a corner Lot, no fencing shall be closer to the side street than the rear corner of the structure closest to the side street. In addition to requirements regarding fencing currently set forth in the Declaration, as amended, all fencing within Unit 3 shall be installed with the finish side of the fence material facing the outside. No wood fencing shall be permitted: only black metal or white vinyl/PVC fencing may be placed on any lot.

As to Lots with Unit 3, if any, which border or include a portion of any Stormwater Retention Ponds, no fence shall be erected closer to the Stormwater Retention Ponds than ten (10) feet from the "top of bank" as designated on the recorded Plat of the Property. Any such fence shall not exceed four (4) feet in height along said "top of bank" boundary and along any side boundary of the Lot so as not to obstruct any views of such water from any other Lot. Such fences on Lots bordering a Stormwater Retention Pond must be constructed of black metal, picket style fencing approved by Developer.

5. Except as expressly amended and modified hereby the Declaration, as previously amended, shall remain in full force and effect in accordance with the terms and provisions thereof.

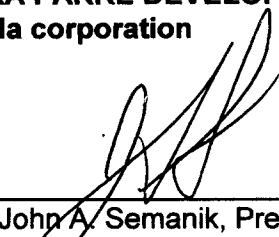
IN WITNESS WHEREOF, this Third Amendment has been executed as of the date first set forth above by Developer, acting by and through its undersigned officer who is thereunto duly authorized.

Signed, sealed and delivered
in the presence of:


Printed Name: Jennie Lesniak

Printed Name: Jill M Lambert

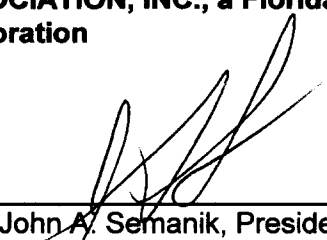
DEVELOPER:

FLORA PARKE DEVELOPMENT, INC., a
Florida corporation

By: 
John A. Semanik, President

(Corporate Seal)

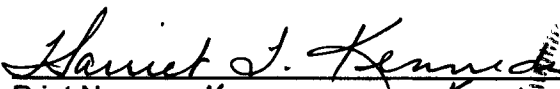
FLORA PARKE HOMEOWNERS
ASSOCIATION, INC., a Florida not for profit
corporation

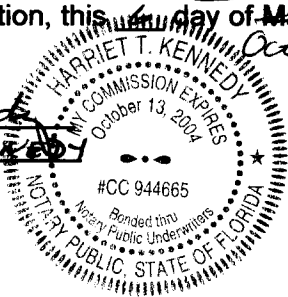
By: 
John A. Semanik, President

(Corporate Seal)

STATE OF FLORIDA
DUVAL COUNTY

BEFORE ME, the undersigned authority, appeared John A. Semanik, as President of FLORA PARKE DEVELOPMENT, INC., a Florida corporation, on behalf of said corporation, who is personally known to me or has produced _____ as identification, this 4th day of March, 2004.


Print Name: HARRIET T. KENNEDY
Notary Public State of Florida At Large
Commission No.: #CC 944665
My Commission Expires: 10/13/04



STATE OF FLORIDA
DUVAL COUNTY

BEFORE ME, the undersigned authority, appeared **John A. Semanik**, as President of **FLORA PARKE HOMEOWNERS ASSOCIATION, INC.**, a Florida not for profit corporation, on behalf of said corporation, who is personally known to me or has produced _____ as identification, this 6 day of ~~March~~ ^{October}, 2004.

Harriet T. Kennedy
Print Name: HARRIET T. KENNEDY
Notary Public State of Florida At Large
Commission No.: CC 944665
My Commission Expires: 10/13/04

