

FIFTH SUPPLEMENTAL DECLARATION OF AND AMENDMENT TO
RESTRICTIVE AND PROTECTIVE COVENANTS

WHEREAS, BIG TREE LAKES, a partnership existing under the laws of the State of Florida, with offices at 412 NE 16th Avenue, Gainesville, Florida, hereinafter referred to as the "Developer", did file an instrument titled "Declaration of Restrictive and Protective Covenants" dated October 4, 1982 at Official Records Book 689, Pages 193-199 of the Public Records of Clay County, Florida, hereinafter referred to as the "Declaration", to make, declare and impose upon the lands described therein certain conditions, restrictions, limitations and easements, and

WHEREAS, said Declaration was amended and modified by a Supplemental Declaration of and Amendment to Restrictive and Protective Covenants dated October 6, 1982 and filed at Official Records Book 689, Pages 550-554 of the Public Records of Clay County, Florida, and

WHEREAS, said Declaration was further amended and modified by a Second Supplemental Declaration of and Amendment to Restrictive and Protective Covenants dated October 6, 1982 and filed at Official Records Book 706, Pages 467-471 of the Public Records of Clay County, Florida, and

WHEREAS, said Declaration was further amended and modified by a Third Supplemental Declaration of and Amendment to Restrictive and Protective Covenants dated January 6, 1983 and filed at Official Records Book 712, Pages 75-78 of the Public Records of Clay County, Florida, and

WHEREAS, said Declaration was further amended and modified by a Fourth Amendment to Restrictive and Protective Covenants dated March 10, 1983 and filed at Official Records Book 716, Pages 116-117 of the Public Records of Clay County, Florida, and

WHEREAS, pursuant to Article XVI(b) of said Declaration the Developer reserved the right to make additional land subject to said Declaration, and

WHEREAS, the Developer desires to make additional lands subject to said Declaration in accordance therewith,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that that certain Declaration of Restrictive and Protective Covenants dated October 4, 1982 and recorded at Official Records Book 689, Pages 193-199 of the Public Records of Clay County, Florida, as may have been heretofore amended, is hereby further amended as follows:

1. In addition to the property already subject to said Declaration, as is described in the Declaration, as amended, the Developer does by this instrument hereby make, declare and impose upon the following lands, for the benefit and protection thereof, the conditions, restrictions, limitations and easements set forth in the Declaration, as amended, which shall be and constitute the covenants running with the land, binding upon said owner, its successors and assigns, all persons deraining title through said owner or claiming any right, title or interest in said land, all subsequent purchasers thereof, their heirs, personal representatives, successors and assigns:

All of the property described in that certain Declaration of Interpretive Data Relating to Legal Descriptions for BIG TREE LAKES, SECTION "C", Clay County, Florida, dated June 1, 1983 and filed September 13, 1983 at Official Records Book 749, Page 418 of the Public Records of Clay County,

LAW OFFICES OF
STEPHEN A. SCOTT
POST OFFICE BOX 2218
GAINESVILLE, FLORIDA 32602
TELEPHONE (904) 378-3080

Florida, LESS AND EXCEPT Tract "A" and Tract "B" as described therein.

2. Article II, paragraph (n) shall be and is hereby amended by adding the following thereto:

"No mobile or modular homes may be constructed on Lots 7-12, inclusive, Block 2; Lots 16-18, inclusive, Block 3; Lots 1, 16 and 17, Block 4; Lots 1 and 17, Block 5; Lots 1-9, inclusive, Block 6; and Lots 12-14, inclusive, Block 11, all of the foregoing lots being located within Big Tree Lakes, Section "C", as described more fully in paragraph 1 above.

"Modular and mobile homes will be allowed on the following lots only in the event they are constructed with wooden or lapped siding (non-metallic in appearance) and asphalt shingles (non-metallic in appearance), or such other criteria which, in the opinion of the Developer or the Association, meets the quality and intent to fulfill this standard: Lots 8-15 and 19-23, inclusive, Block 1; Lots 1-6, inclusive, Block 2; Lots 1-7, inclusive, Block 3; Lots 10-17, inclusive, Block 6; Lot 1, Block 7; Lots 1-16, inclusive, Block 8; Lots 1-29, inclusive, Block 9; Lots 1-26, inclusive, Block 10; Lots 1-11 and 15-35, inclusive, Block 11; Lots 1-8, inclusive, Block 12; Lots 1-70, inclusive, Block 13; Lots 1-25, inclusive, Block 14; Lots 1-18, inclusive, Block 15; Lots 1 and 2, Block 16; Lots 1-6, inclusive, Block 17; Lots 1-9, inclusive, Block 18; Lots 1-24, inclusive, Block 19; Lots 1-4, inclusive, Block 20; and Lots 1-11, inclusive, Block 21, all of the foregoing lots being located within BIG TREE LAKES, SECTION "C", as described more fully in paragraph 1 above."

3. All other terms, provisions and conditions contained in the Declaration, as amended, except as may be expressly amended herein, are hereby ratified and confirmed, and are incorporated herein by this reference, to the same extent and effect as if those said provisions, terms and conditions were set forth herein in their entirety. This incorporation by reference shall be for the purpose of, inter alia, complying with the requirements of Article XVI(b) of the Declaration that any additional or supplemental declarations which add land or property for the purpose of making said additional land or property subject to this Declaration shall contain essentially the same substance as in the original Declaration.

IN WITNESS WHEREOF, the undersigned, being the Developer herein, has executed this instrument on this 5th day of Sept., 1983 at Gainesville, Alachua County, Florida.

WITNESSES:

BIG TREE LAKES, a partnership existing under the laws of the State of Florida

[Signature]

By: Dennis G. Lee
Dennis G. Lee, as Partner

[Signature]

By: Jim Jean
Jim Jean, as Partner

AS to BTL

STATE OF FLORIDA
COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, personally appeared DENNIS G. LEE and JIM JEAN, as Partners in BIG TREE LAKES, a partnership existing under the laws of the State of Florida, well known to me to be the persons described in the foregoing instrument,

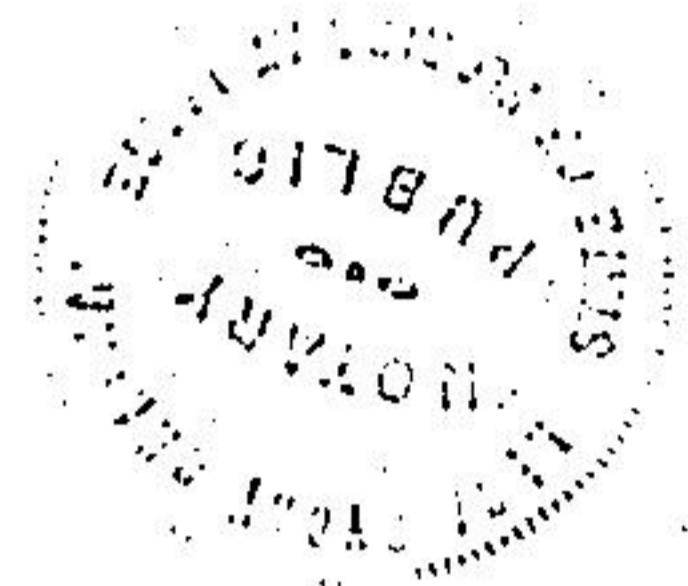
LAW OFFICES OF
STEPHEN A. SCOTT
POST OFFICE BOX 2218
GAINESVILLE, FLORIDA 32602
TELEPHONE (904) 378-3088

and they acknowledged that they freely and voluntarily executed the foregoing Fifth Supplemental Declaration of and Amendment to Restrictive and Protective Covenants on the 5th day of Sept., 1983 at Gainesville, Alachua County, Florida.

Anna Tracy Chapman
Notary Public
State of Florida at Large

My Commission Expires: 2-28-87

This instrument
prepared by:
STEPHEN A. SCOTT, ESQUIRE
P.O. Box 2218
Gainesville, FL 32602



FILE NO. 84-01560
OFFICIAL RECORDS NO. 75
PAGE 12
JAN 26 10 49 AM '84
FILED AND RECORDED IN PUBLIC
RECORDS OF CLAY COUNTY, FLORIDA
Henry L. Clark
CLERK CIRCUIT COURT

