

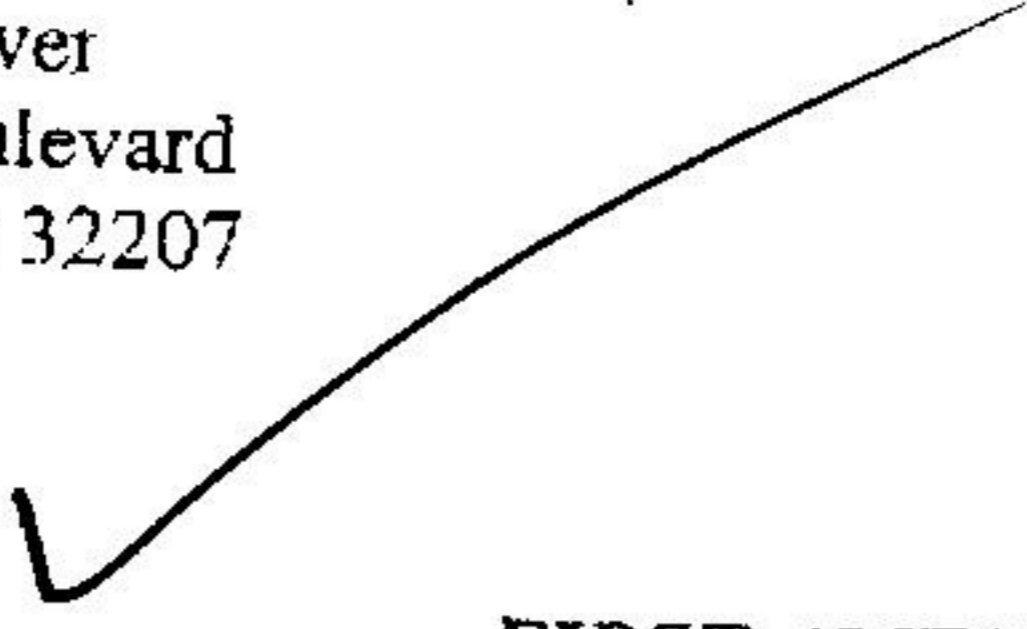
Book: 1938
Page: 0130
Rec: 05/08/2001
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File# 200120645
James B. Jett
Clerk Of Courts
Clay County, FL
FEE: \$15.00



~~PREPARED BY & RETURN TO:~~

Barry B. Ansbacher, Esquire
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1301 Riverplace Boulevard
Jacksonville, Florida 32207

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RETURN TO:
WILLIAM A. HAMILTON, III
4729 HIGHWAY 17, SUITE 203
ORANGE PARK, FL 32003

FIRST AMENDMENT TO

DECLARATION OF COVENANTS, CONDITIONS,

RESTRICTIONS, AND EASEMENTS

FOR

GLENHAVEN

THIS First Amendment is made as of the 27th day of April, 2001 by Larmac Development Corp., Inc., a Florida Corporation (the "Developer").

STATEMENT OF FACTS:

- A. The Developer established GLENHAVEN, a subdivision, according to plat thereof recorded in Plat Book 35, pages 16 through 21, inclusive of the public records of Clay County, Florida; and established the *Declaration of Covenants, Conditions, Restrictions, and Easements for GLENHAVEN* (the "Declaration") recorded in Official Records Volume 1854, page 2059 of the public records of Clay County, Florida on April 6, 2000.
- B. The Developer created *Glenhaven Homeowners Association, Inc.*, a not for profit Florida corporation (the "Association").
- C. Developer is the sole "Class B Member" of the "Association," as such terms are defined in the Declaration.
- D. The Developer desires, pursuant to Section 8.8(d) of the Declaration to bring within the scheme of the Declaration, certain additional property all as hereinafter set forth and provided.
- E. The Developer desires, pursuant to Section 8.8(a) of the Declaration to clarify the provisions regarding the construction of fences all as hereinafter set forth and provided.

15.00

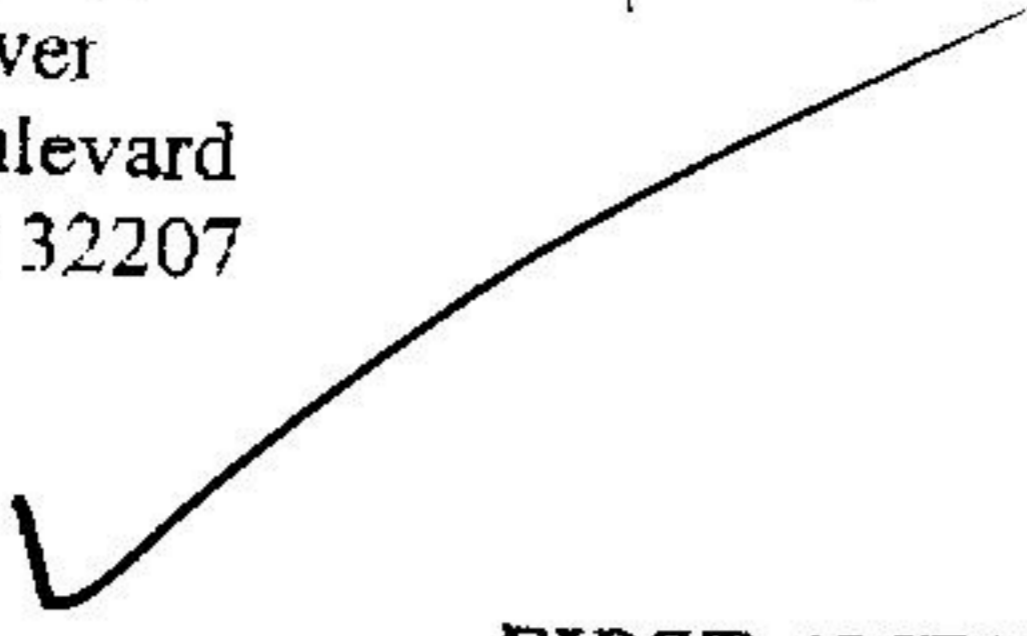
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15.00

NOW THEREFORE, for and in consideration of the above premises and for other good and valuable consideration, the Developer, for itself and its successors and assigns, hereby amends the Declaration as follows:

1. The Background is incorporated. Terms defined in the Declaration will have the same meaning when used in this instrument, except where this instrument specifies a new definition.

2. Developer, brings within the scheme of the Declaration the property shown on **GLENHAVEN UNIT TWO**, a subdivision, according to plat thereof recorded in **Plat Book 36**, pages 37, 38, 39 and 40, of the public records of **Clay County, Florida** and hereby imposes the covenants, conditions, restrictions and easements set forth in the Declaration upon said property and declares that said property shall be held, sold, and conveyed subject to the same which will run with the title and that the grantee of any deed conveying any lot within said property will be deemed by acceptance of such deed to have agreed to all such covenants, conditions, restrictions and easements and to have covenanted to observe the same. Lots within **GLENHAVEN UNIT TWO** will now be considered as "Lots" under the Declaration for all purposes.

3. **Section 5.11 Fences** is restated as follows:

5.11 Fences. No fences, except as may be required by law or government regulations may be erected without prior written approval of the Developer except for fences which (i) comply with applicable zoning, (ii) do not interfere with easements as provided above, (iii) are 6 feet in height measured from the surface of the ground, (iv) made of natural wood, (v) unpainted or painted with the same color as the exterior of the dwelling located on the same Lot as the fence, and (vi) are located within the following area of a Lot:

- *No closer to the front of the Lot, than the front of the dwelling;*
- *No closer than 20 feet to the street —and on corner Lots to either abutting street; and*
- *As to corner Lots, no closer to the side street than the edge of the dwelling closest to the side street.*

It is the intent of these provisions to avoid any appearance of fences in "front" of the dwellings or where they will disrupt the aesthetics of the neighborhood. Where the Developer determines that an exception is warranted, the Developer may grant an exemption upon the application of an Owner, but only by a written instrument recorded in the public records.