

**AMENDMENT
TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS FOR SUMMERBROOK**

This Amendment is made as of June 9th, 2009, by Armco Builders, Inc., a Florida corporation, hereinafter referred to as "Developer".

WHEREAS, Summerbrook is subject to the Declaration of Covenants, Conditions, Restrictions and Easements dated August 25, 2005, and recorded in O.R. Book 2594, Page 1016 through Page 1034, and several amendments thereto, dated: June 30, 2006, recorded in O.R. Book 2753, Pages 985 and 986; dated: August 23, 2007, in O.R. Book 2946, Pages 592 and 593, of the public records of Clay County, Florida (collectively referred to as the "Declarations" or the "Property");

WHEREAS, in accordance with Article XII, Section 12, the Developer reserves the right, without prior approval of any owner, to amend the Declaration.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the Developer hereby amends the Declaration, as set forth herein, which shall include this Amendment, the instruments previously recorded and referenced above, as amended and as they may be from time to time be further amended, as recorded in the public records of Clay County Florida.

1. Fines may be imposed as provided in §720.305, Florida Statutes, as may be amended. Said fines shall not exceed \$100.00 per violation, per day, up to \$1,000.00 in the aggregate. The notice of fine and the right to hearing shall be done in accordance with said statute.

2. Section 3 of Article III is hereby deleted and in lieu thereof shall read:

Section 3. The voting membership shall be entitled to one (1) vote for each Lot owned.

(a) The vote appurtenant to any Lot shall be suspended in the event that, and for as long as, more than one (1) member holding an interest in that Lot lawfully seeks to exercise it. When more than one (1) person holds an interest in any Lot, other than as security for the performance of an obligation, all such persons shall be members. The vote for such parcel shall be exercised as they, between themselves, determine by written designation to the Association, but in no event shall more than one (1) vote be cast with respect to any Lot.

(a) The vote appurtenant to any Lot shall be suspended for the nonpayment of any regular assessments, special assessments, late fees, interest, attorney fees or other costs of collection that are delinquent. Any regular assessment, special assessment, late fees, interest, attorney fees or other costs of collection not paid within 30 days of the due date, shall be deemed delinquent for the purposes of determining eligibility to vote. The suspension of the right to vote shall continue so long as payment is a delinquency as defined herein.

3. Section 6(d) of Article VII is hereby deleted and in lieu thereof shall read:

(d) The lien rights provided for herein shall be inferior and subordinate to the lien of the Mortgage held by a first mortgage now or hereafter placed upon any Lot subject to assessment. Sale or transfer of any Lot shall not affect such lien rights and obligations for payment of assessments regardless of whether a lien has been recorded, subject to Florida Statute §720.3085(2) and its subsections, as may hereinafter be amended.

4. Upon execution and recording of this Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Summerbrook, the Class B membership is hereby terminated and therefore the Developer's voting rights are extinguished. Any Lots owned by the Developer shall be entitled to one (1) vote as provided in Article III, Section 3, as amended herein above, without distinction or designation as being owned by the Developer.

IN WITNESS WHEREOF, the Developer has caused this Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Summerbrook to be executed by its duly authorized officers as of the day and year first above written.

Signed, Sealed and delivered
In the presence of:

Armco Builders, Inc. of Clay County,
a Florida Corporation

Tanya M. Lafary
Witness
Print Name: Tanya M. Lafary

Kathleen M Wright President
Kathleen M Wright, President

JB Moss
Witness
Print Name: JB Moss

STATE OF FLORIDA
COUNTY OF CLAY

The foregoing instrument was acknowledged before me this 9 day of June, 2009 by **Kathleen M Wright, President of Armco Builders, Inc. of Clay County**, a Florida Corporation, who has produced personally known as identification.

[Signature]
Notary Public, (seal)

