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TIN FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
RECORDING \$ 13.00
TRUST FUND \$ 2.00

Prepared by and Return to:

Thomas M. Jenks, Esq.
Pappas Metcalf Jenks & Miller, P.A.
245 Riverside Avenue, Suite 400
Jacksonville, FL 32202

**FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS
FOR NORTH CREEK**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR NORTH CREEK ("Amendment") is made effective January 1, 2004, by **NORTH CREEK HOMEOWNERS ASSOCIATION, INC.**, a Florida non-profit corporation (the "Association").

RECITALS:

A. Duval Station Development, Inc., a Florida corporation (the "Developer") has previously executed the Declaration of Covenants and Restrictions for North Creek which is recorded in Official Records Book 10225, pages 1573 through 1621, of the public records of Duval County, Florida. Said Declaration, as amended and supplemented to the date hereof, is herein collectively referred as the "Declaration".

B. The Association desires to amend the Declaration to conform the lot set back provisions contained therein to the current zoning ordinances applicable to the Property.

C. Pursuant to Section 12.5 of the Declaration, the Declaration may be amended by the Owners holding two-thirds (2/3) or more of the total votes in the Association. As of the date hereof, the Developer holds in excess of two-thirds (2/3) of the total votes in the Association, and the Developer has authorized the execution and delivery of this Amendment by the Association.

D. As of the date hereof, HUD and VA no longer review or approve amendments to the Declaration as contemplated by Section 12.5 of the Declaration.

NOW THEREFORE, the Association hereby amends the Declaration as follows:

1. All capitalized terms contained in this Amendment shall have the same meanings as such terms are defined by the Declaration.

2. Section 10.4.2 of the Declaration is hereby amended in its entirety as follows:

10.4.2 **Side.** No dwelling shall be erected within five (5) feet of any side Lot line.

3. The Developer executes this Amendment solely to confirm that it presently holds more than two-thirds (2/3) of the total votes in the Association and that it has authorized the amendment to the Declaration effected hereby.

4. Except as specifically amended hereby, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Association and the Developer have caused this Amendment to be duly executed as of the date and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Thomas M. Jenks
(Print Name)
Pamela A. Jansen
Pamela G. Jansen
(Print Name)

NORTH CREEK HOMEOWNERS ASSOCIATION, INC., a Florida non-profit corporation

By: [Signature]
James E. Putnal
President

STATE OF FLORIDA }
 }
COUNTY OF DUVAL }

The foregoing instrument was acknowledged before me this 11th day of March, 2004, by James E. Putnal, as President of **NORTH CREEK HOMEOWNERS ASSOCIATION, INC.**, a Florida non-profit corporation, on behalf of the corporation.

[Signature]
Thomas M. Jenks
(Print Name)

NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires:
Personally Known X
or Produced I.D. _____
[Check one of the above]

Type of Identification Produced



Thomas M. Jenks
MY COMMISSION # CC953055 EXPIRES
July 13, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

[Signature]

Thomas M. Jenks
(Print Name)
Pamela M. Jopson
Pamela G. Jopson

**DUVAL STATION DEVELOPMENT,
INC.,** a Florida corporation

By: [Signature]
James E. Putnal
Vice President

STATE OF FLORIDA }
 }
COUNTY OF DUVAL }

The foregoing instrument was acknowledged before me this 11th day of March, 2004, by James E. Putnal, as Vice President of **DUVAL STATION DEVELOPMENT, INC.**, a Florida corporation, on behalf of the corporation.

[Signature]

Thomas M. Jenks
(Print Name)
NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires:
Personally Known
or Produced I.D. _____
[Check one of the above]

Type of Identification Produced



Thomas M. Jenks
MY COMMISSION # CC953055 EXPIRES
July 13, 2004
BONDED THRU TROY FAIN INSURANCE, INC.