

LARRY WHALEY
OSCEOLA COUNTY, FLORIDA
CLERK OF CIRCUIT COURT

3P

PREPARED BY:

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**FIRST AMENDMENT OF
HARMONY RESIDENTIAL PROPERTIES
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

THIS FIRST AMENDMENT OF HARMONY RESIDENTIAL PROPERTIES DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("Amendment") is made this 6th day of February, 2003, by Birchwood Acres Limited Partnership, LLLP, a Florida limited liability limited partnership ("Birchwood").

WHEREAS, Birchwood is the Developer under that certain Harmony Residential Properties Declaration of Covenants, Conditions, and Restrictions (the "Declaration") recorded in the Public Records of Osceola County, Florida at Book 2125, Page 2093; and

WHEREAS, pursuant to Section 10.1 of the Declaration, Withdrawal of Property, Developer reserved the right to amend the Declaration, so long as it has a right to annex additional property pursuant to Section 9.1 of the Declaration, for the purpose of removing any portion of the Properties (as defined in the Declaration) from the coverage of the Declaration provided such withdrawal is not unequivocally contrary to the overall, uniform scheme of development for the Properties; and

WHEREAS, the Declaration further provides that such amendment shall not require the consent of any person other than the owner of the property to be withdrawn, if not Developer, and if the property is Common Area (as defined in the Declaration), the Association shall consent to such withdrawal; and

WHEREAS, Developer has the right to annex additional property pursuant to Section 9.1 of the Declaration and the withdrawal of Tract WC (defined below) from the Properties is not contrary to the overall, uniform scheme of development for the Properties, nor is Tract WC a portion of the Common Area.

NOW, THEREFORE, Developer, for itself and its successors and assigns, declares that the description of the Properties are and shall be amended as hereinafter set forth.

1. The above recitals are true and correct and incorporated herein by this reference.
2. Developer is the owner of the following property ("Tract WC"):

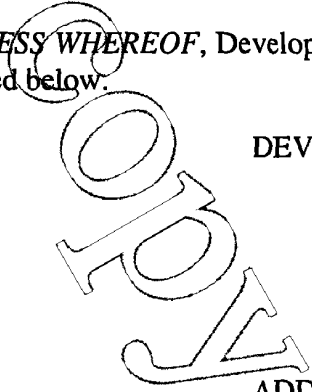
Tract WC according to the Plat of Birchwood Tracts Phase One recorded in Plat Book 14, at Page 171, of the Public Records of Osceola County, Florida.

3. Tract WC is hereby removed from the Properties for all purposes and shall no longer be subject to the Declaration.

4. The terms and conditions of this Amendment shall run with the land and the benefits and burdens hereof and of the Declaration shall bind and inure to the benefit of the owners of the Properties, and any owner or occupant of other lands governed by the Declaration, and their successors, tenants and assigns.

5. To the extent that any provisions of the Declaration are different from or in contravention of matters set forth in this Amendment, this Amendment shall control as indicating the intent of the Developer. All other terms of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Developer has caused these presents to be executed on the day and year indicated below.



DEVELOPER:

Birchwood Acres Limited Partnership, LLLP, a Florida limited liability limited partnership

ADDRESS:

4305 Neptune Road
St. Cloud, Florida 34769

By: Three E Corporation, a Florida corporation, its general partner

By: James L. Lentz
Name: James L. Lentz
Title: President

[CORPORATE SEAL]

Vence Smith, Jr.
Witness

VENCE SMITH, JR.
Name Printed

Carolyn McArthur
Witness

CAROLYN MCARTHUR
Name Printed

STATE OF FLORIDA

COUNTY OF Osceola

February The foregoing instrument was acknowledged before me this 6th day of October, 2003, by James L. Lentz, as President, of Three E Corporation, a Florida corporation, general partner of Birchwood Acres Limited Partnership, LLLP, a Florida limited liability limited partnership, on behalf of the partnership. He is personally known to me or has produced _____ as identification and did (did not) take an oath.

By:
Name:

Genevieve M. O'Keefe
GENEVIEVE M. O'KEEFE
Notary Public
CC 993600
1-27-05

[NOTARIAL SEAL]



Serial Number, if any
My commission expires: