

25.50
#1

LARRY WHALEY
OSCEOLA COUNTY, FLORIDA
CLERK OF CIRCUIT COURT

4P

PREPARED BY:

Jessica M. Parker, Esq.
Baker & Hostetler LLP
200 South Orange Avenue
Orlando, Florida 32801
(407) 649-4000

CL 2004213382 OR 2629/245
DME Date 11/01/2004 Time 09:39:19

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

THIS FIRST SUPPLEMENTAL DECLARATION OF HARMONY RESIDENTIAL PROPERTIES DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("Supplemental Declaration") is made this 25th day of October, 2004, 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, as amended by that certain First Amendment of Harmony Residential Properties Declaration of Covenants, Conditions, and Restrictions; and

WHEREAS, pursuant to Section 9.1 of the Declaration, Expansion by Developer, Developer has the right to annex ~~all or portions~~ of the real property that is described in Exhibit "B" of the Declaration and subject such property to the Declaration; and

WHEREAS, the Declaration further provides that such annexation shall be accomplished by filing a Supplemental Declaration in the Official Records of Osceola County, Florida, describing the property to be annexed and specifically subjecting it to the terms of this Declaration; that such Supplemental Declaration shall not require the consent of Owners, but shall require the consent of the owner of such property, if other than Developer; and that any such annexation shall be effective upon the filing for record of such Supplemental Declaration unless otherwise provided therein.

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 ("Neighborhood C-2"):

Neighborhood C-2 according to the Plat of Birchwood Neighborhood C-2 recorded in Plat Book 17, at Pages 10 through 11, of the Public Records of Osceola County, Florida.

3. Neighborhood C-2 is hereby included in the Properties and shall be treated for all purposes under the Declaration as included in Exhibit "A" of the Declaration, and is hereby expressly subjected to the terms of the Declaration.

4. The terms and conditions of this Supplemental Declaration 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 Supplemental Declaration, this Supplemental Declaration shall control as indicating the intent of the Developer. All other terms of the Declaration shall remain in full force and effect. All capitalized terms that are not defined herein shall be given the meaning ascribed thereto in the Declaration.

2004

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: 3500 Harmony Square Drive West Harmony, FL 34733

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

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

[CORPORATE SEAL]

Vence Smith

Witness

VENCE SMITH

Name Printed

Rhonda Hill

Witness

Rhonda Hill

Name Printed

STATE OF FLORIDA

COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 25 day of OCTOBER, 2004, 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.

[NOTARIAL SEAL]



By: _____
Name:

Carolyn McArthur
CAROLYN MCARTHUR
Notary Public
DD 238016
AUGUST 4, 2007

Serial Number, if any _____
My commission expires: _____

C:\Documents and Settings\devans.BIN\Local Settings\Temporary Internet Files\OLK85\Harmony Residential First Supplemental Declaration 001.doc.DOC

10/21/04 11:22 AM

2004