

12

LARRY WHALEY
OSCEOLA COUNTY, FLORIDA
CLERK OF CIRCUIT COURT

5P

PREPARED BY:

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

CL 2004213383 OR 2629/249
DME Date 11/01/2004 Time 09:39:19

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

THIS SECOND SUPPLEMENTAL DECLARATION OF HARMONY RESIDENTIAL PROPERTIES DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("Supplemental Declaration") is made this 28 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 A-1"):

See Exhibit "A" attached hereto and incorporated herein by this reference.

3. Neighborhood A-1 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.

COPIED

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]

Genevieve M. O'Keefe
Witness

GENEVIEVE M. O'KEEFE
Name Printed

Rhonda Hill
Witness

Rhonda Hill
Name Printed

STATE OF FLORIDA

COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 28 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
DD238016
AUGUST 04, 2007

Serial Number, if any
Commission expires:

COPIES

EXHIBIT "A"**Legal Description of Neighborhood A-1**

A PARCEL OF LAND LYING IN A PORTION OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 32 EAST, OSCEOLA COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the Southeast Corner of GOLF COURSE TRACT 3, BIRCHWOOD GOLF COURSE, as filed and recorded in Plat Book 15, pages 139 thru 151 of the public records of Osceola County, Florida, thence N26°37'00"E, along the East line of said GOLF COURSE TRACT 3, a distance of 90.14 feet to the Point of Beginning; thence continue, N26°37'00"E, along the East line of said GOLF COURSE TRACT 3, a distance of 988.49 Feet to the point of curve of a non tangent curve to the right, of which the radius point lies S16°48'12"W, a radial distance of 780.77 Feet and having a chord bearing of S62°09'44"E, 298.88 Feet; thence southeasterly along the arc, through a central angle of 22°04'08", a distance of 300.73 Feet; thence S51°07'41"E, a distance of 91.64 Feet to a point of curve to the right having a radius of 965.00 Feet, a central angle of 08°07'35", and a chord bearing of S47°03'54"E, 136.75 Feet; thence southeasterly along the arc a distance of 136.87 Feet; thence S43°00'05"E, a distance of 277.26 Feet to the point of curve of a non tangent curve to the left, of which the radius point lies N47°02'01"E, a radial distance of 845.36 Feet and having a chord bearing of S46°46'35"E, 112.35 Feet; thence southeasterly along the arc, through a central angle of 07°37'13", a distance of 112.43 Feet; thence S41°12'35"W, a distance of 76.31 Feet to a point of curve to the left having a radius of 73.50 Feet, a central angle of 20°19'02", and a chord bearing of S31°03'04"W, 25.93 Feet; thence southwesterly along the arc a distance of 26.06 Feet; thence S20°53'33"W, a distance of 601.93 Feet to a point of curve to the left having a radius of 73.50 Feet, a central angle of 24°44'40", and a chord bearing of S08°31'13"W, 31.50 Feet; thence southerly along the arc a distance of 31.74 Feet; thence S03°51'07"E, a distance of 48.44 Feet; thence S22°54'23"W, a distance of 57.23 Feet; thence S67°05'08"E, a distance of 40.20 Feet; thence S22°54'52"W, a distance of 26.33 Feet; thence N60°13'23"W, a distance of 1,007.36 Feet to the POINT OF BEGINNING.

Containing 19.73 Acres, more or less.

C:\Documents and Settings\devans.BIN\Local Settings\Temporary Internet Files\OLK85VA-1 HARMONY RESIDENTIAL SECOND SUPPLEMENTAL DECLARATION.DOC

10/27/04 5:20 PM