

AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS

OR1174PG2213

THIS AMENDMENT made by the undersigned, as hereinafter set forth, this 3rd day of September, 1985, all jointly hereafter referred to as DECLARANT:

W I T N E S S E T H:

WHEREAS, heretofore a Declaration of Covenants and Restrictions was entered into and recorded relating to lands described on Exhibit "A" attached hereto and by reference incorporated herein; said lands being located in Tallahassee, Leon County, Florida; said Declaration being recorded in Official Records Book 1034, Page 761, on July 29, 1982, as joined in by certain others reflected by that certain Joinder and Declaration of Covenants and Restrictions as recorded in Official Records Book 1034, page 771, of the Public Records of Leon County, Florida on the same date and;

WHEREAS, it is the desire of the aforementioned parties to said Declaration and Joinder therein to amend the same and;

WHEREAS, certain other additional parties now have an ownership interest in the lands described in Exhibit "A" and have joined in this Amendment and;

WHEREAS, all of the undersigned constitute all of the owners of lands as described in Exhibit "A" and;

WHEREAS, the purpose of this Amendment is to add Article VII to said Declaration relating to party walls as hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing premises and for other good and valuable considerations, Declarant does hereby agree as follows:

1. The Declaration of Covenants and Restrictions, as hereinabove described and the Joinder therein, as hereinabove described, is hereby amended in regards to the lands described in Exhibit "A" so that the Declaration shall be amended by adding thereto an Article VII as follows:

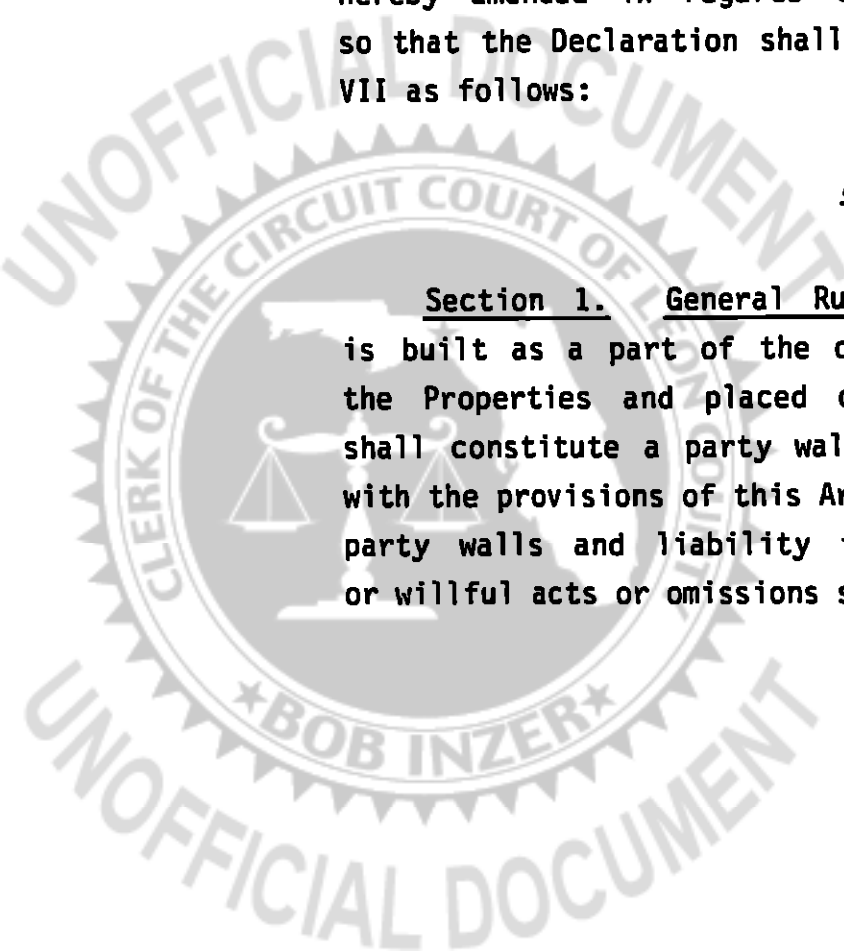
ARTICLE VII
PARTY WALLS

Section 1. General Rules of Law to Apply. Each wall which is built as a part of the original construction of the homes upon the Properties and placed on the dividing line between the Lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

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RECORDED IN THE PUBLIC
CLERK OF CIRCUIT COURT

730936



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Section 2. Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Section 3. Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

Section 4. Weatherproofing. Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Section 5. Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 6. Arbitration. In the event of any dispute arising concerning a party wall, or under the provisions of this Article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators.



OR1174PC2215

Paul F. Hayes
Witness

Edward L. Wasdin Sr.
Edward L. Wasdin, Sr.

Monica Carson
Witness

Dorothy J. Wasdin
Dorothy J. Wasdin

State of Florida

County of Leon

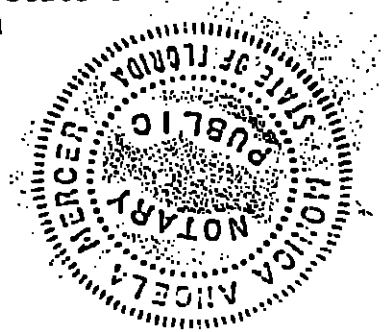
BEFORE ME, the undersigned authority, on this 3rd day of September, 1985, appeared EDWARD L. WASDIN, SR. AND DOROTHY J. WASDIN, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of September, 1985.

Paul F. Hayes
Notary Public, State of
Florida

My commission expires:

Notary Public, State of Florida
My Commission Expires Feb. 24, 1989
Bonded thru Troy Fair - Insurance, Inc.



OR1174PG2216

LEGAL DESCRIPTION FOR CERTIFICATE NO. 13-52438

Pecan Grove Estates II
Lot 22
3447 N. Carnation Court

BEGIN at a Concrete Monument marking the most Westerly corner of Lot 22 of Pecan Grove Estates, Unit No. 2, a subdivision as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East along the Southeast-erly boundary line of the 60 foot wide Right of Way for North Carnation Court 36.93 feet to an Iron Bar, then leaving said Southeasterly boundary line run South 44 degrees 29 minutes 48 seconds East through a party wall and it's prolongations thereof 160.00 feet to an Iron Bar, then South 45 degrees 50 minutes 43 seconds West 37.88 feet to a Concrete Monument, then North 44 degrees 09 minutes 17 seconds West 160.00 feet to the POINT OF BEGINNING; containing 0.137 acre, more or less.

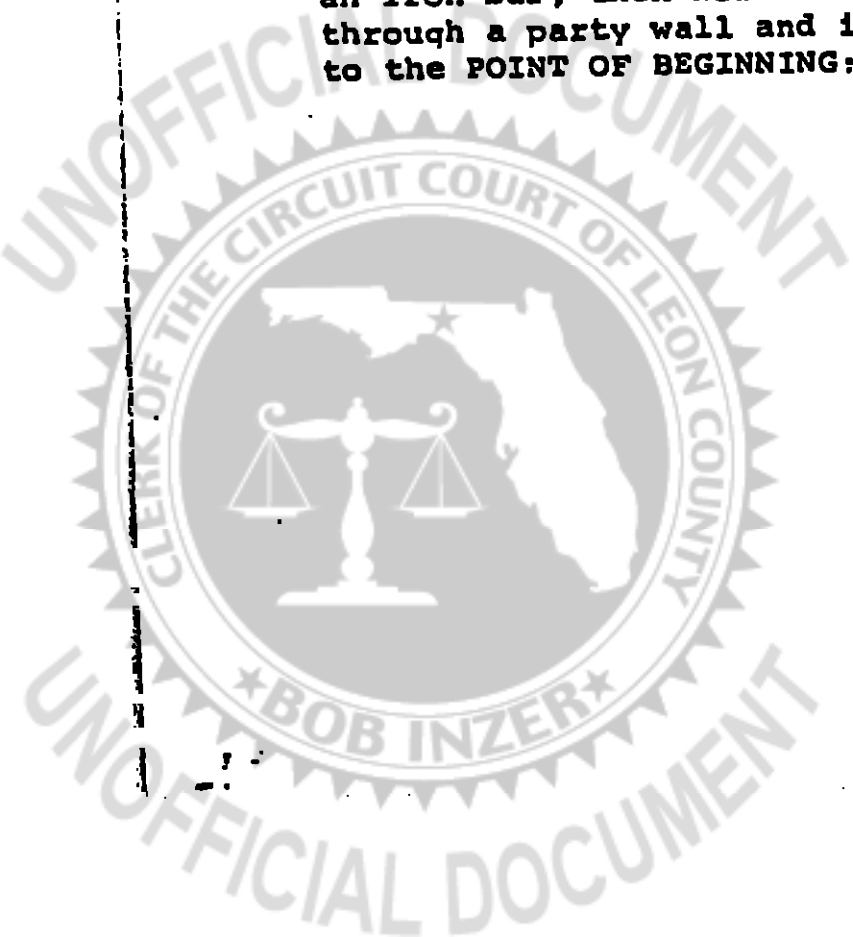
SUBJECT to Easements for Access and Utilities.



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Pecan Grove Estates II
Lot 22
3449 N. Carnation Court

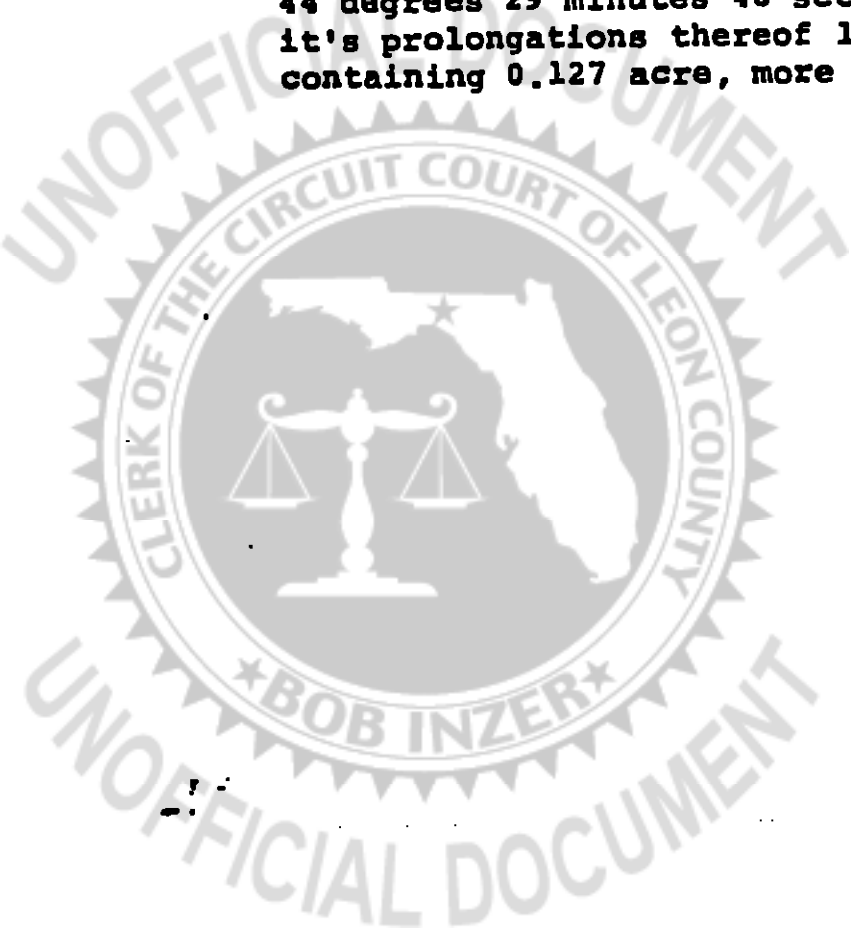
Commence at a Concrete Monument marking the most Westerly corner of Lot 22 of Pecan Grove Estates, Unit No. 2, a subdivision as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East along the Southeast-erly boundary line of the 60 foot wide Right of Way for North Carnation Court 36.93 feet to an Iron Bar and the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 45 degrees 50 minutes 43 seconds East along said Southeasterly boundary line 29.00 feet to an Iron Bar, then leaving said Southeasterly bound-ary line run South 44 degrees 29 minutes 48 seconds East through a party wall and it's prolongations thereof 160.00 to an Iron Bar, then South 45 degrees 50 minutes 43 seconds West 29.00 feet to an Iron Bar, then North 44 degrees 29 minutes 48 seconds West through a party wall and it's prolongations thereof 160.00 feet to the POINT OF BEGINNING: containing 0.106 acre, more or less.



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Pecan Grove Estates II
Lot 22
3451 N. Carnation Court

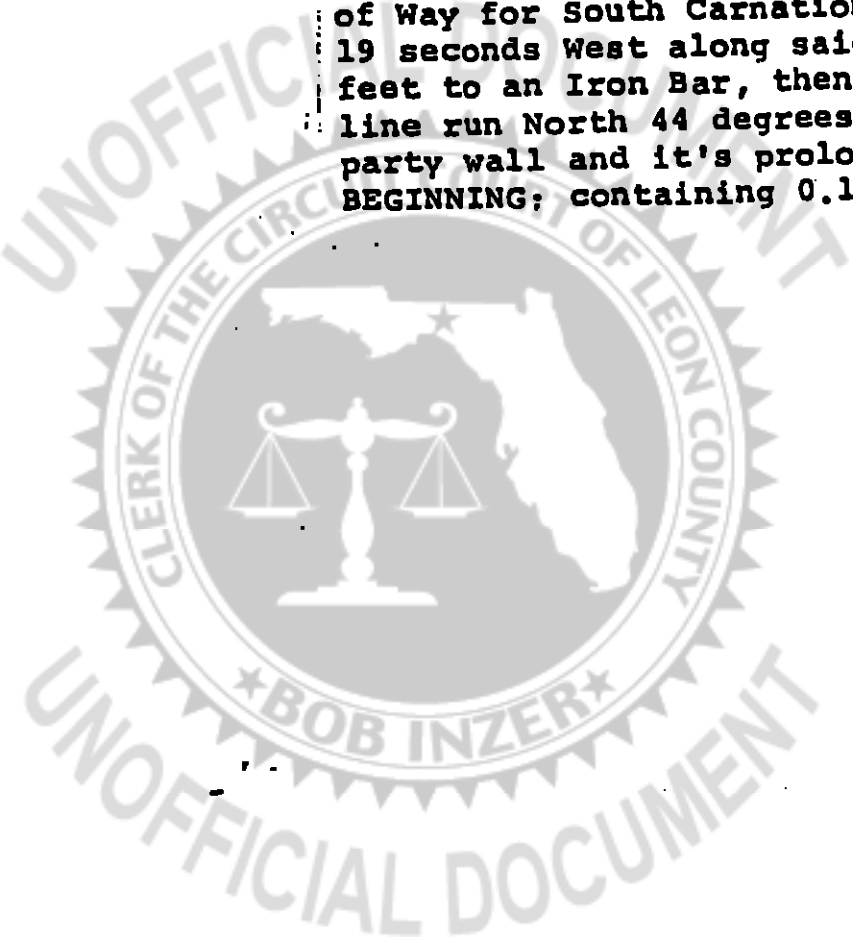
Commence at a Concrete Monument marking the most Westerly corner of Lot 22 of Pecan Grove Estates, Unit No. 2, a subdivision as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East along the Southeast-erly boundary line of the 60 foot wide Right of Way for North Carnation Court 65.93 feet to an Iron Bar and the POINT OF BEGINNING; From said POINT OF BEGINNING continue North 45 degrees 50 minutes 43 seconds East along said Southeasterly boundary line 35.32 feet to a Concrete Monument, then leaving said Southeasterly boundary line run South 44 degrees 09 minutes 17 seconds East 160.00 feet to a Concrete Monument, then South 45 degrees 50 minutes 43 seconds West 34.37 feet to an Iron Bar, then North 44 degrees 29 minutes 48 seconds West through a party wall and it's prolongations thereof 160.00 feet to the POINT OF BEGINNING, containing 0.127 acre, more or less.



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Pecan Grove Estates II
Lot 13
3524 S. Carnation Court

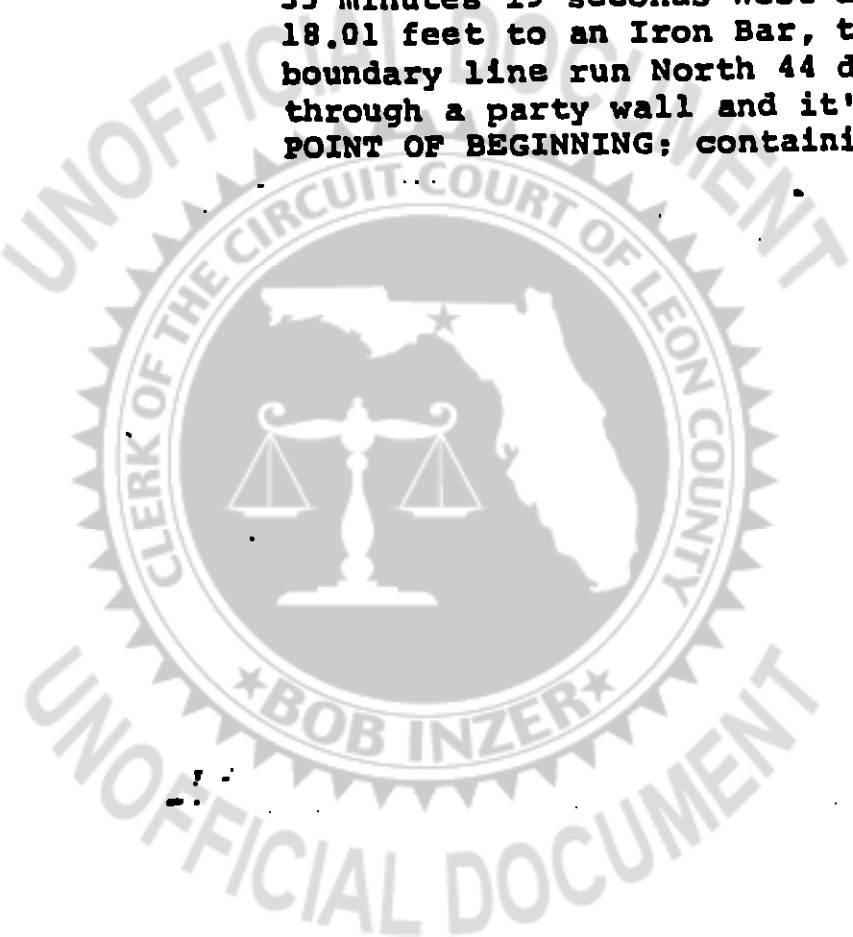
Commence at an Iron Bar marking the most Westerly corner of Lot 13 of Pecan Grove Estates, Unit No. 2, a subdivision, as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East 72.50 feet to an Iron Bar and the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 45 degrees 50 minutes 43 seconds East 67.50 feet to an Iron Bar, then South 44 degrees 09 minutes 17 seconds East 30.00 feet to a Concrete Monument, then South 45 degrees 50 minutes 43 seconds West 38.00 feet to an Iron Bar, then South 44 degrees 09 minutes 17 seconds East 152.99 feet to a Concrete Monument lying on the Northwesterly boundary line of the Right of Way for South Carnation Court, then South 47 degrees 35 minutes 19 seconds West along said Northwesterly boundary line 29.51 feet to an Iron Bar, then leaving said Northwesterly boundary line run North 44 degrees 09 minutes 17 seconds West through a party wall and it's prolongations 182.09 feet to the POINT OF BEGINNING; containing 0.149 acre, more or less.



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**Pecan Grove Estates II
Lot 13
3526 S. Carnation Court**

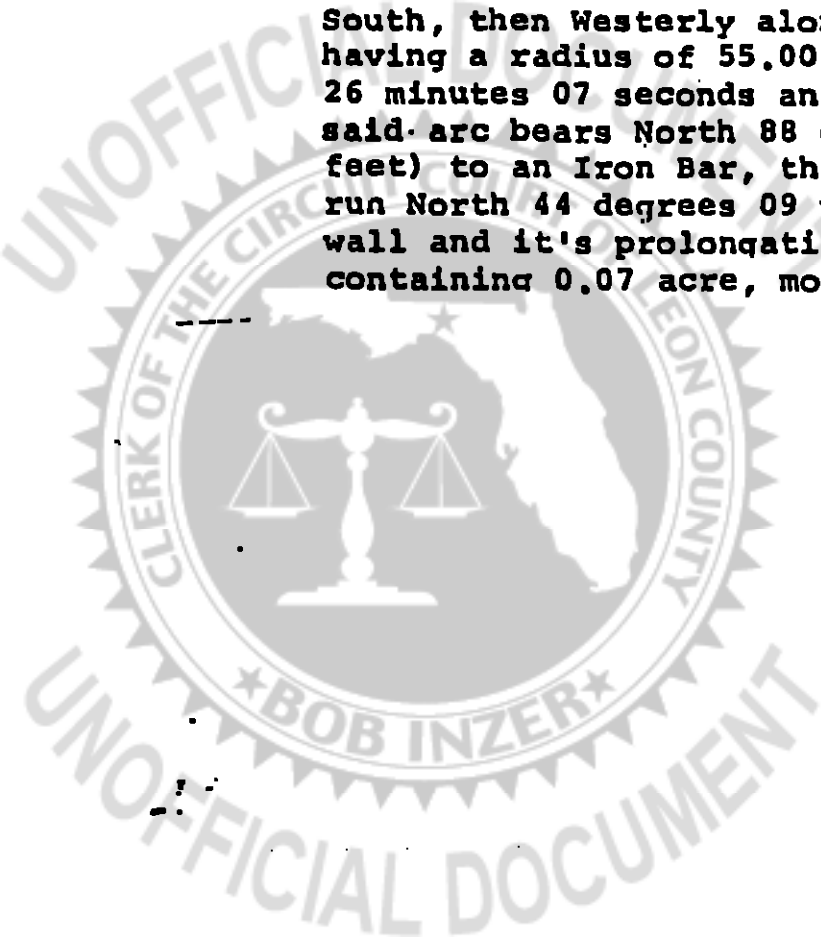
Commence at an Iron Bar marking the most Westerly corner of Lot 13 of Pecan Grove Estates, Unit No. 2, a subdivision, as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East 54.50 feet to an Iron Bar and the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 45 degrees 50 minutes 43 seconds East 18.00 feet to an Iron Bar, then South 44 degrees 09 minutes 17 seconds East through a party wall and it's prolongations thereof 182.09 feet to an Iron Bar lying on the Northwesterly boundary line of the Right of Way for South Carnation Court, then South 47 degrees 35 minutes 19 seconds West along said Northwesterly boundary line 18.01 feet to an Iron Bar, then leaving said Northwesterly boundary line run North 44 degrees 09 minutes 17 seconds West through a party wall and it's prolongations 181.54 feet to the POINT OF BEGINNING; containing 0.075 acre, more or less.



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Pecan Grove Estates II
Lot 13
3528 S. Carnation Court

Commence at an Iron Bar marking the most Westerly corner of Lot 13 of Pecan Grove Estates, Unit No. 2, a subdivision, as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East 36.50 feet to an Iron Bar and the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 45 degrees 50 minutes 43 seconds East 18.00 feet to an Iron Bar, then South 44 degrees 09 minutes 17 seconds East through a party wall and it's prolongations thereof 181.54 feet to an Iron Bar lying on the Northwesterly boundary line of the Right of Way for South Carnation Court, then South 47 degrees 35 minutes 19 seconds West along said Northwesterly boundary line 0.36 feet to an Iron Bar lying on a curve concave to the South, then Westerly along said Northerly boundary line curve having a radius of 55.00 feet and a central angel of 24 degrees 26 minutes 07 seconds an arc distance of 25.38 feet (chord of said arc bears North 88 degrees 40 minutes 59 seconds West 25.15 feet) to an Iron Bar, then leaving said Northerly boundary line run North 44 degrees 09 minutes 17 seconds West through a party wall and it's prolongations 163.60 feet to the POINT OF BEGINNING; containing 0.07 acre, more or less.



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Pecan Grove Estates II
Lot 13
3530 S. Carnation Court

BEGIN at an Iron Bar marking the most Westerly corner of Lot 13 of Pecan Grove Estates, Unit No. 2, a subdivision, as per map or plat thereof recorded in Plat Book 8 at page 86 of the Public Records of Leon County, Florida and run North 45 degrees 50 minutes 43 seconds East 36.50 feet to an Iron Bar, then South 44 degrees 09 minutes 17 seconds East through a party wall and its prolongations thereof 163.60 feet to an Iron Bar lying on the Northerly boundary line curve of the Right of Way for South Carnation Court, then Southwesterly along said Northerly boundary line curve concave to the South having a radius of 55.00 feet and a central angle of 34 degrees 12 minutes 01 seconds an arc distance of 32.83 feet (chord of said arc bears South 60 degrees 59 minutes 57 seconds West 32.35 feet) to an Iron Bar, then leaving said Northerly boundary line curve run North 46 degrees 06 minutes 10 seconds West along a radial line 155.23 feet to the POINT OF BEGINNING; containing 0.122 acre, more or less.

SUBJECT TO Easements for Access and Utilities.

