

Public Records of St. Johns County, FL Clerk # 2011048741, O.R. 3478 PG 606,
09/30/2011 at 10:59 AM REC. \$17.00 SUR. \$18.50

This instrument was prepared by
Please return to:
J. Andrew Hagan, Esq.
2379 Beville Road
Daytona Beach, FL 32119

**FIRST AMENDMENT WITH ANNEXATION AND SUPPLEMENTAL
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
PALENCIA NORTH**

This instrument executed this 27th day of Sept., 2011, is executed by **INTERVEST CONSTRUCTION OF JAX, INC.**, a Florida corporation, as Developer of Palencia North, to be recorded in the Public Records of St. Johns County, Florida. All references to recording data herein are to the Public Records of St. Johns County, Florida.

WITNESSETH:

WHEREAS, Intervest Construction of Jax, Inc., is the Developer under the Declaration of Covenants and Restrictions for Palencia North Subdivision recorded in Official Records Book 2779, Page 267 (the "Declaration"); and

WHEREAS, Article 3 of the Declaration permits the Developer to annex additional lands within the Palencia North Subdivision to the Declaration and Section 8.3 of the Declaration permits the Developer to file amendments to the Declaration; and

WHEREAS, Developer desires and intends to annex subject to the provisions of the Declaration, and to the jurisdiction of Palencia North Homeowners Association, Inc., a Florida not-for-profit corporation, the property located within the Palencia North Subdivision and which is described on Exhibit "A" attached hereto; and

WHEREAS, Developer also desires to amend the Declaration to fix a typographical error in Section 2.15 and to add a new Section 5.30 as described below; and

NOW THEREFORE, the following amendment to the Declaration is hereby adopted, and each transferee, mortgagee or lienor of any property within the Palencia North Subdivision and their respective heirs, successors and assigns, shall be bound by and subject to such amendment, to wit:

1. Developer hereby annexes the real property described on Exhibit "A" attached hereto (hereinafter the "Property") and declares the Property subject to the jurisdiction of Palencia North Homeowners Association, Inc., and to all of the terms and conditions of the Declaration, as if the Property were originally set forth therein; and the Property shall be held, sold, transferred and conveyed subject to all of the terms, conditions, obligations, covenants, rights, privileges, and immunities for the Declaration, and the covenants of the same shall constitute covenants running with the land.

2. Section 2.15 contained a typographical error and is hereby deleted in its entirety and replaced with the following:

Section 2.15 **Developer.** Intervest Construction of Jax, Inc., a Florida corporation, its successors or assigns. No successor or assignee of Developer shall have any rights or obligations of Developer under this Declaration except to the extent any such rights and obligations are specifically set forth in an instrument of succession and/or assignment, or unless such rights pass by operation of law. Reference in this Declaration to Intervest Construction of Jax, Inc. as the Developer of the Property is not intended, and shall not be construed, to impose upon Intervest Construction of Jax, Inc., its officers, directors, employees, agents and/or attorneys any obligations and/or responsibility, legal or otherwise, for the acts and/or omissions of third parties who purchase Lots and/or Building Sites within the Property.

3. **Sidewalks.** A new Section 5.30 is hereby added to the Declaration as follows:

Sidewalks.” The Owner of a Lot building a Residential Dwelling Unit on such Lot shall be responsible for constructing a sidewalk on or in front of such Lot, in accordance with the subdivision construction plans submitted to and approved by St. Johns County (the “Plans”). Such sidewalk shall be completed in accordance with the Plans prior to the issuance of a certificate of occupancy for a Dwelling Unit on a Lot.

4. **Ratification.** Except as specifically amended hereby, all of the terms and provisions of the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Developer has hereunto set its hand and seal the day and year first written above.

Signed, sealed and delivered
In the presence of:

Teril L. Hansen
TERIL HANSEN
(Name Printed or Typed)

Nicole Keefe
NICOLE KEEFE
(Name Printed or Typed)

INTERVEST CONSTRUCTION OF JAX, INC.,
a Florida corporation

By: *Charlene B. Irland*
Charlene B. Irland, Vice President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27th day of Sept., 2011, by Charlene B. Irland, Vice President of Intervest Construction of Jax, Inc., a Florida corporation, and who is personally known to me.

NOTARY PUBLIC:

Sign: *Teri L. Hansen*
Print: TERI L. HANSEN

State of Florida at Large
(Seal)

My Commission Expires: May 3, 2012

Title/Rank:

Commission Number: DD782428



EXHIBIT "A"

LEGAL DESCRIPTION

That certain real property more fully described as all of the lands within PALENCIA NORTH PHASE II A, according to Plat thereof recorded in Plat Book 65, Page 10, of the Public Records of St. Johns County, Florida