RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 1999163823 2 PGS
1999 DEC 10 05:15 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCLINGER Receipt#159424

Record $10 50

Prepared by and return to
J Michael Hartenstine, Esq
Williams, Parker, Harrison, Dietz & Getzen
200 South Orange Avenue
Sarasota, Florida 34236
(941) 366-4800

1999163823

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HERON CREEK

WHEREAS, HERON CREEK ASSOCIATES, LTD., a Florida limited partnership ("Declarant"), heretofore recorded a Declaration of Covenants, Conditions, and Restrictions for Heron Creek (the "Declaration"), in the Official Records as Instrument # 1999127212, Public Records of Sarasota County, Florida, and

WHEREAS, the Declaration reserves unto Declarant the right to amend the Declaration, provided any such amendment reasonably conforms to the general purposes of the covenants and restrictions set forth in the Declaration, and

WHEREAS, Declarant desires to amend Articles 1 52 and 1 56 with respect to the definitions of "Neighborhood Developer" and "Neighborhood Roads",

NOW, THEREFORE, pursuant to the rights of Declarant reserved in Article 21 of the Declaration, Declarant hereby amends the Declaration as follows

1 Article 1 52 of the Declaration is amended to read as follows

1.52 "Neighborhood Developer" shall mean any Person, other than Declarant, who may (a) subsequently execute and record a Supplemental Declaration affecting a portion of the Properties owned by such Person, or (b) acquire, pursuant to agreement with Declarant, subdivision lots within a Neighborhood for the purpose of resale and construction, in the ordinary course of business, of dwelling units thereon

2 Article 1 56 of the Declaration is amended to read as follows

1.56 "Neighborhood Roads" shall mean all nonpublic roads within a Neighborhood that are available for the common use and benefit of the Neighborhood Owners and, if and to the extent the Supplemental Declaration applicable to the Neighborhood so provides, the Owners of Parcels in one or more other Neighborhoods Neighborhood Roads shall be identified as such in plats or other instruments executed by or consented to by Declarant and recorded in the Public Records, provided that if any portion of a Neighborhood is submitted to condominium ownership, all roads that are part of the condominium common elements shall be deemed Neighborhood Roads whether or not designated as such in the declaration of condominium or condominium plat

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed in its name this 9th day of December 1999

WITNESSES

Signature of Witness

J Michael Hutchins
Print Name of Witness

Signature of Witness

Lizabeth Berg
Print Name of Witness

HERON CREEK ASSOCIATES, LTD.

By Marsh Creek Communities, Inc ,
a Florida corporation, as General Partner

By
H Dieter Gebhard
As its Vice President

STATE OF FLORIDA
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments in the state and county named above, personally appeared H Dieter Gebhard, as Vice President of Marsh Creek Communities, Inc , a Florida corporation and general partner of **HERON CREEK ASSOCIATES, LTD.**, a Florida limited partnership, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged that he executed the foregoing instrument for and on behalf of the corporation and the partnership as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so

WITNESS my hand and official seal in the state and county named above this 9 day of December 1999

Signature of Notary Public

(Notary Seal)

LIZABETH BERG
Notary Public, State of Florida
My comm expires Oct 4, 2002
Comm No CC 780522

Lizabeth King
Print Name of Notary Public

I am a Notary Public of the State of Florida, and my commission expires on 10-4-02

JMH-376068 1