

ANCHOR PO BOX 1667 LAKELAND, FL 33802 INSTR # 2000007567 OR EM. 04387 PG 0069 RECORDED 01/14/2000 01:59 PM RICHERD N. WEISS CLERK OF COURT

POLK COUNTY DEPUTY CLERK J Ford

This Instrument Prepared By John L. Mann Attorney at Law P.O. Bex 2435 Lakeland, Florida 33805-2435

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MT. OLIVE SHORES NORTH

THIS Amendment is made this <u>14</u> day of <u>January</u> . 2000, by ANCHOR INVESTMENT CORPORATION OF FLA., a Florida corporation, (the "Developer").

Background

The Developer is the developer of Mt. Olive Shores North, as per the map or plat thereof recorded in Plat Book 104, pages 38 and 39, and Mt Olive shores North First Addition recorded in Plat Book 110, page 26, of the public records of Polk County, Florida, and in connection therewith has filed the Declaration of Covenants, Conditions and Restrictions of Mt. Olive Shores North dated July 16, 1997 and recorded in Official Records Book 3871, page 2137, of the public records of Polk County, Florida, as supplemented by Supplemental Declarations of the Covenants, Conditions and Restrictions (the "Supplemental Declaration") dated <u>January 6, 2000</u> and recorded in Official Records Book04382 page 0842 of the public records of Polk County, Florida (taken together, the "Covenants, Conditions and Restrictions").

There is a conflict between the Phase II Plat and the Supplemental Declaration as it relates to the definition of Common Properties, in that the Supplemental Declaration appears to assume that the fee simple ownership of Tract "C" will be included within the definition of Common Property when only a non-exclusive easement for ingress/egress and the construction, installation and maintenance of utilities over Tract "C" is included within the Common Property.

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The Covenants, Conditions and Restrictions provide for their amendment by the Class B Members (as that term is defined in the Covenants, Conditions and Restrictions) and the Developer is the sole Class B Member.

NOW, THEREFORE, the in order to clarify the Covenants, Conditions and Restrictions, Developer, as the Class B Member of the Association hereby amends the Covenants, Conditions and Restrictions as follows:

The definition of Common Property is revised to have the following meaning:

"Common Properties" means the property depicted on the Plat as: Tracts A, B, C, D, and E (including all Improvements thereon), plus the property depicted on the Phase II Plat as Tracts A and B (including all Improvements thereon) plus a non-exclusive easement for incress/egress and the construction, installation and maintenance of utilities over Tract "C" (including all Improvements thereon which serve or are designed to serve the Subdivision), [Note: the fee simple ownership of Tract "C" shown on the Phase II Plat is reserved to Developer along with the exclusive right to grant additional easements therein and the right to use the land in any fashion plus whatever portions of any lands (together with all Improvements thereon) are declared to be Common Properties in any future plat of subsequent phases of the Subdivision; provided, however, the term "Common Properties" shall not mean any portion of the Water System or Sewer System unless and until that portion of the Water System or Sewer System is expressly made a part of the Common Properties by specific reference to it in a Supplemental Declaration. The term "Common Properties" shall include any portion of the Surface Drainage System thereon.

Except as modified hereby the Covenants, Conditions and Restrictions remain in full force and effect.

IN WITNESS WHEREOF, Developer has caused these presents to be signed in its name by its proper officer and its corporate seal to be affixed, all on this 14 day of January , 2000.

Signed in the presence of:

or Print Name)

Michelle

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FLA. Br Geor III. as President J. Linds By: Joh Assistant Secretar b, as 520 Sout Florida Avenue Lakeland, FL 33802

ANCHOR INVESTMENT CORPORATION OF

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STATE OF FLORIDA COUNTY OF POLK

The foregoing instrument was acknowledged before me on this the <u>141</u> day of <u>**L**</u>, <u>140</u>, <u>2000</u>, by George M. Lindsey, III, and John B. Tubb who are personally known to me or who have produced <u>______</u> as identification and who did not take an oath, as President and Assistant Secretary respectively of **Anchor Investment Corporation of Fla.**, on behalf of the corporation.

Alle Notary Public Lisa C- Guertin (Print or Type Notary Name)

(Print or Type Notary Name) Commission (Serial) Number:______ My Commission Expires:

(SEAL)

LISA C. GUERTIN MY COMMISSION & CC 812281 TO TO 1400-2-NOTARY SIA NOLLY STYLES BJ/6/2003

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