

CFN 2004118478  
BK 02648 Pgs 0773 - 781; (9pgs)  
DATE: 08/31/2004 10:08:59 AM  
JAMES C. WATKINS, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 78.00

This instrument prepared by and return to:  
Gregg R. Lehrer, Esq.  
GrayRobinson, P.A.  
301 E. Pine Street, Suite 1400  
Orlando, Florida 32801  
(407) 843-8880

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

**THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS ("Amendment")** is made this 4<sup>th</sup> day of ~~July~~<sup>August</sup>, 2004  
by **EAGLE DUNES, LLC**, a Florida limited liability company ("**Declarant**") whose address is  
86 Spring Vista Drive, Suite 200, DeBary, FL 32713 and joined by **TOUSA HOMES, INC.**, a  
Florida corporation and **D.R. HORTON, INC.**, a Delaware corporation ("**Builders**").

**RECITALS:**

A. Declarant has created a general plan of development for the property known as Eagle Dunes, located in Lake County, Florida.

B. Declarant recorded that certain Declaration of Covenants, Conditions and Restrictions on May 22, 2003 in Official Records Book 2324, Page 337, Public Records of Lake County, Florida, as amended by that certain First Amendment to Declaration of Covenants Conditions and Restrictions recorded on August 15, 2003 in O.R. Book 2384, Page 2390 (collectively, the "Declaration").

C. Pursuant to Article XI, Declarant and Builders, as holder of at least two-thirds (2/3) of the votes of the Association, may amend the Declaration.

D. Declarant and Builders desire to amend the Declaration as hereinafter set forth, in accordance with the terms and conditions of this Amendment.

NOW, THEREFORE, Developer amends the Declaration as follows:

1. The above Recitals are true and correct and are hereby incorporated herein by reference.

2. Article VI, Section 7 of the Declaration is hereby amended by deleting the phrase "ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$150.00)" and by inserting "TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00)" in lieu thereof.

3. Capitalized terms used herein, unless specifically defined herein, shall have the same meaning as set forth in the Declaration.

IN WITNESS WHEREOF, the undersigned Declarant and Builders have hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Wanda H. Huntley  
Signature  
Print Name: WANDA H. HUNTLEY

Dorothy F. Grenier  
Signature  
Print Name: Dorothy F. Grenier

[Signature]  
Signature  
Print Name: David Moss

Marianne Boggs  
Signature  
Print Name: MARIANNE BOGGS

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

**DECLARANT:**

**EAGLE DUNES, LLC**, a Florida limited liability company

By: **The Gray Family, LLC**, a Florida limited liability company, its Sole Member

By: [Signature]  
Name: John C. Gray, Jr.  
Title: Managing Member

**BUILDERS:**

**D.R. HORTON, INC.**, a Delaware corporation

By: [Signature]  
Name: David Auld  
Title: \_\_\_\_\_

**TOUSA HOMES, INC.**, a Florida corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned Declarant and Builders have hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

Diane Williams  
Signature  
Print Name: Diane Williams

Maritza Gonzalez  
Signature  
Print Name: Maritza Gonzalez

**DECLARANT:**

**EAGLE DUNES, LLC**, a Florida limited liability company

By: **The Gray Family, LLC**, a Florida limited liability company, its Sole Member

By: \_\_\_\_\_  
Name: John C. Gray, Jr.  
Title: Managing Member

**BUILDERS:**

**D.R. HORTON, INC.**, a Delaware corporation

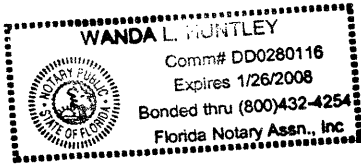
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**TOUSA HOMES, INC.**, a Florida corporation

By: J. D. [Signature]  
Name: JEAN BURLESON  
Title: DIV. PRESIDENT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 2nd day of July, 2004, by John C. Gray, Jr., as Managing Member of The Gray Family, LLC, a Florida limited liability company, as Sole Member of EAGLE DUNES, LLC, a Florida limited liability company, on behalf of the companies.



AFFIX NOTARY STAMP

Wanda L. Huntley  
Signature of Notary Public

WANDA L. HUNTLEY

(Print Notary Name)  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_  
~ Personally known, or  
~ Produced Identification  
Type of Identification Produced  
\_\_\_\_\_

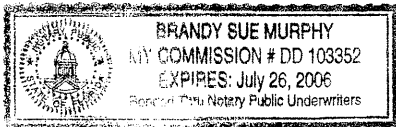
STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 4th day of August, 2004, by David Auld, as \_\_\_\_\_ President of D.R. Horton, Inc., a Delaware corporation, on behalf of the companies.

Brandy Sue Murphy  
Signature of Notary Public

Brandy Sue Murphy  
(Print Notary Name)  
My Commission Expires: 7-26-06  
Commission No.: DD103352  
~ Personally known, or  
~ Produced Identification  
Type of Identification Produced  
\_\_\_\_\_

AFFIX NOTARY STAMP



STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 7<sup>TH</sup> day of JULY, 2004, by JEAN A BURLESON, as DIV. President of Touse Homes, Inc., a Florida corporation, on behalf of the companies.

Jeannine J. Herndon  
Signature of Notary Public



Jeannine J. Herndon  
MY COMMISSION # CC970261 EXPIRES  
January 11, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.

(Print Notary Name)  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

Personally known, or  
 ~ Produced Identification  
Type of Identification Produced  
\_\_\_\_\_

AFFIX NOTARY STAMP

**JOINDER AND CONSENT BY MORTGAGEE**

KNOW ALL MEN BY THESE PRESENTS:

THAT **MERCANTILE BANK** (the "Mortgagee"), whose address is 1560 North Orange Avenue, Suite 300, Winter Park, Florida 32789, is the owner and holder of that certain Mortgage and Security Agreement from Declarant, dated May 6, 2003, and recorded on May 14, 2003 in Official Records Book 2318, Page 2330, Public Records of Lake County, Florida, encumbering the Property described in Exhibit "A" of the that certain Declaration of Covenants, Conditions and Restrictions dated May 6, 2003 and recorded on May 22, 2003 in Official Records Book 2324, Page 337, Public Records of Lake County, Florida (the "Declaration"), as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions and this Second Amendment to Declaration of Covenants, Conditions and Restrictions (collectively, the "Amendment"), and securing that certain Mortgage Note dated May 6, 2003, in the original principal amount of \$7,000,000.00 and by the execution hereof, Mortgagee hereby joins into and consents to the terms of the Amendment, and further covenants and agrees that the lien of the Mortgage is and shall be subordinate to the Declaration, as amended by this Amendment, as if the Declaration and Amendment had been executed and recorded prior to execution, delivery or recordation of the Mortgage.

IN WITNESS WHEREOF, the Mortgagee has executed this Joinder and Consent by Mortgagee this 19 day of August, 2004.

Signed, sealed and delivered in the presence of:

Joyce M Cicero  
Signature  
Print Name: Joyce M Cicero

Natalie S Taylor  
Signature  
Print Name: Natalie S. Taylor

**MERCANTILE BANK**

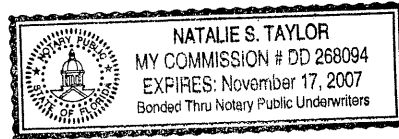
By: [Signature]  
Name: Richard D. Graham  
Title: SVP

STATE OF FLORIDA     )  
  ) SS:  
COUNTY OF ORANGE    )

The foregoing instrument was acknowledged before me this 19 day of August, 2004 by Richard D. Graham, as Sr. Vice President of **MERCANTILE BANK**, on behalf of the Bank. He is personally known to me ~~or has produced~~ as identification.

Notary Stamp

Natalie Taylor  
Notary Public State of Florida  
Print Name: Natalie S. Taylor  
Title: Notary Public  
Serial No. (if any):  
Commission Expires:



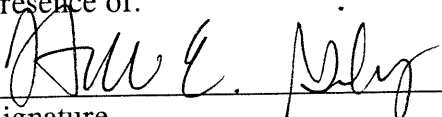
**JOINDER AND CONSENT BY MORTGAGEE**

KNOW ALL MEN BY THESE PRESENTS:

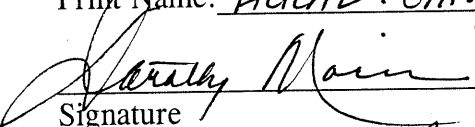
THAT CNLBANK (the "Mortgagee"), whose address is P.O. Box 1546 Orlando, Florida 32802, is the owner and holder of that certain Mortgage and Security Agreement from Declarant, dated September 26, 2002 and recorded and recorded on September 26, 2002 in Official Records Book 2180, Page 0159; as modified by Assignment and Assumption Agreement with **EAGLE DUNES, LLC**, a Florida limited liability company ("Eagle Dunes"), recorded May 14, 2003, in Official Records Book 2318, Page 2297; and Notice of Limitation of Future Advances recorded May 14, 2003, in Official Records Book 2318, Page 2328, Public Records of Lake County, Florida (the "Mortgage") Public Records of Lake County, Florida, encumbering the Property described in Exhibit "A" of the that certain Declaration of Covenants, Conditions and Restrictions dated May 6, 2003 and recorded on May 22, 2003 in Official Records Book 2324, Page 337, Public Records of Lake County, Florida (the "Declaration"), as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions and this Second Amendment to Declaration of Covenants, Conditions and Restrictions (collectively, the "Amendment"), and by the execution hereof, Mortgagee hereby joins into and consents to the terms of the Amendment, and further covenants and agrees that the lien of the Mortgage is and shall be subordinate to the Declaration, as amended by this Amendment, as if the Declaration and Amendment had been executed and recorded prior to execution, delivery or recordation of the Mortgage.

IN WITNESS WHEREOF, the Mortgagee has executed this Joinder and Consent by Mortgagee this 24<sup>th</sup> day of AUGUST, 2004.

Signed, sealed and delivered in the presence of:

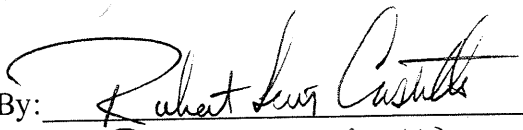
  
Signature

Print Name: Helen E. Gilroy

  
Signature

Print Name: DOROTHY MORIN

**CNLBANK**

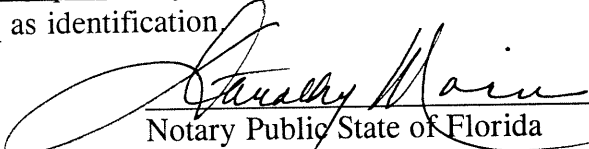
By:   
Name: ROBERT LUIS CASTILLO  
Title: SVP

STATE OF FLORIDA        )  
                                  ) SS:  
COUNTY OF ORANGE     )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of AUGUST, 2004 by ROBERT LUIS CASTILLO, as SENIOR Vice President of CNLBANK, on behalf of the Bank. He is personally known to me or has produced \_\_\_\_\_ as identification

Notary Stamp

**DOROTHY MORIN**  
Notary Public, State of Florida  
My comm. exp. **June 30, 2005**  
Comm. No. DD 023885

  
\_\_\_\_\_  
Notary Public State of Florida

Print Name: \_\_\_\_\_  
Title: Notary Public  
Serial No. (if any): \_\_\_\_\_  
Commission Expires: \_\_\_\_\_