

FOURTH AMENDMENT AND SUPPLEMENTAL DECLARATION
TO CARILLON MASTER DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS

SEMINOLE CO. FL.

0596

0931

THIS FOURTH AMENDMENT AND SUPPLEMENTAL DECLARATION TO CARILLON MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this 19th day of FEBRUARY, 1993, by FIRSTDEV THREE, a Florida joint venture ("Firstdev").

W I T N E S S E T H:

WHEREAS, Firstdev recorded that certain Carillon Master Declaration of Covenants, Conditions and Restrictions recorded December 19, 1989 in Official Records Book 2135, Page 1718 of the Public Records of Seminole County, Florida (the "Declaration"); and

WHEREAS, the Declaration was amended by that certain First Amendment to Carillon Master Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 2236, Page 709, of the Public Records of Seminole County, Florida; and

WHEREAS, the Declaration was further amended by that certain Second Amendment to Carillon Master Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 2236, Page 713 of the Public Records of Seminole County, Florida; and

WHEREAS, the Declaration was further amended by that certain Third Amendment and Supplemental Declaration to Carillon Master Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 2563, Page 242, of the Public Records of Seminole County, Florida (for purposes hereof the Declaration, First Amendment, Second Amendment and Third Amendment are hereafter collectively referred to as the "Declaration"); and

WHEREAS, the Declaration provides that the holders of at least two-thirds of the votes of the Carillon Community Residential Association, Inc. (the "Association") may amend any provision, covenant or restriction found within the Declaration; and

WHEREAS, effective as of the date hereof, the Declarant holds in excess of two-thirds of the votes in the Association; and

WHEREAS, Firstdev desires to make certain further amendments to the Declaration; and

WHEREAS, the Declaration provides that Additional Properties can be brought within the scheme of the Declaration by the Declarant; and

WHEREAS, Firstdev owns certain real property (the "Tract 301 Property"), more particularly described on Exhibit "A" attached hereto, which Firstdev desires to bring within the scheme of the Declaration.

05/00

(x)

NOW, THEREFORE, Firstdev, for itself and its successors and assigns, does hereby declare and state as follows:

1. Recitals. The foregoing recitals are incorporated herein by reference as though fully set forth below.

2. Additional Property. The Tract 301 Property is hereby brought within the scheme of the Declaration, as provided in Article II, Section 3 of the Declaration. This Supplemental Declaration is made for the purpose of annexing the Tract 301 Property, as Additional Property, to the scheme of the Declaration and extending the jurisdiction of the Association (as defined in the Declaration) to the Tract 301 Property.

3. Assessments. Pursuant to Article VII, Section 5 of the Declaration, the initial annual assessment for each lot in the Tract 301 Property shall be Two Hundred Ninety Five Dollars (\$295.00) per Lot.

4. Master Drainage System Maintenance Expense. Article VII, Section 12 of the Declaration is hereby deleted in its entirety. The Lots in Tract 301 shall be subject to assessments by the Association in the same manner as all other Lots subject to the Declaration.

5. Building Setbacks. Article IX, Section 5(a) of the Declaration is hereby amended to read as follows:

(a) Building Setback: No building or structure shall be allowed within a setback area. Landscaping (including pedestrian and bicycle paths if defined as part of the landscaping) retention areas, vehicular access and parking area may be permitted within the setback areas. Minimum building setback requirements shall be:

<u>Unit Type</u>	<u>Front Yard</u>	<u>Sideyard*</u>	<u>Sideyard</u>	<u>Rearyard</u>
SF detached	20	7.5	20	20
SF-ZLL detached	20	0 and 10	15	20
SF-ZLL detached	20	5	15	20
SF attached	25	none	25**	20
Multiplex	25	15***	25***	20

NOTE:

SF = Single family - Lots with a front line dimension of 75 feet or greater.
 ZLL = Zero-lot line - Lots with a front lot line dimension of less than 75 feet.

0595
 0932
 PAGE

* Sideyard setbacks shall be increased, if necessary, for the installation of drainage and utility structures.

** Sideyard setback applies to end Lots only.

*** Sideyard setback applies to end units only.

**** Street sideyard setbacks may be reduced to 15' for those Lots that do not have a driveway on the side.

Accessory structures, to include playhouses, outdoor storage enclosures, and swimming pools shall maintain a 10 foot rear setback and a side setback the same as the main structure.

The ARB shall determine, as to corner Lots, which portion of the Lot is to be regarded as the street sideyard and which portion is to be regarded as the frontyard.

6. Irrigation. The requirements of the final sentence of Article IX, Section 5(d)(7) and the third sentence of Article XI, Section 2 of the Declaration that all sodded, bedded, landscaped or grassed areas in all Lots to be full served by automatic underground irrigation/sprinkler systems shall not be applicable to the Tract 301 Property.

7. Limitations. Except as expressly provided herein, all of the terms, covenants, conditions and restrictions of the Declaration shall be fully applicable to the Tract 301 Property.

0595 0933
OFFICE OF THE COUNTY CLERK
PAGE

IN WITNESS WHEREOF, Firstdev has caused this Fourth Amendment and Supplemental Declaration to Carillon Master Declaration of Covenants, Conditions and Restrictions to be executed as of the date first stated above.

Signed, sealed and delivered
the presence of:

[Signature]
Name: AG Ziegler

[Signature]
Name: Gloria Szablinski

FIRSTDEV THREE, a Florida
joint venture

By: Firstdev Three Properties
Limited Partnership, an
Illinois limited
partnership, as Managing
Venturer

By: Firstdev Three
Properties, G.P., Inc.,
an Illinois corporation,
as general partner

By: [Signature]
Name: WILLIAM T. WHITE III
Title: VICE PRESIDENT
(SEAL)

BOOK PAGE
0595 0934
SEMMOLE CO. FL.

STATE OF FLORIDA)
) ss:
COUNTY OF ORANGE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared WILLIAM T. WHITE III as VICE PRESIDENT of Firstdev Three Properties, G.P., Inc., an Illinois corporation, as General Partner of Firstdev Three Properties Limited Partnership, as Managing Venturer of Firstdev Three, a Florida joint venture, to me known to be the person described in and who acknowledged before me that the foregoing instrument was executed for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 22ND day of April, 1993.

[Signature]
NOTARY PUBLIC
My Commission Expires:

This instrument was prepared by
and return to:

JEFFREY P. WIELAND, ESQUIRE
MAGUIRE, VOORHIS & WELLS, P.A.
P.O. Box 633
Orlando, Florida 32802
r:\real\831\ym2006.wpf



EXHIBIT "A"

TRACT 301 AT CARILLON

A tract of land being a portion of the Southeast 1/4 of Section 35, Township 21 South, Range 31 East, Seminole County, Florida; being more particularly described as follows:

Commence at the Southwest corner of the Southeast 1/4 of Section 35, Township 21 South, Range 31 East, Seminole County, Florida; thence run North 89 degrees 57 minutes 29 seconds East along the South line of the Southeast 1/4 of said Section 35 and the centerline of McCulloch Road for 212.51 feet; thence leaving said line and run due North for a distance of 40.00 feet to the Point of Beginning; thence run along the Easterly line of Westhampton at Carillon Phase 1 as recorded in Plat Book 42, Pages 98-103 of the public records of Seminole County, Florida for the following bearings and distances: North 00 degrees 00 minutes 00 seconds East (N 00°00'00" E), a distance of 609.99 feet; thence North 27 degrees 05 minutes 29 seconds East (N 27°05'29" E), a distance of 411.73 feet; thence departing said plat and run North 51 degrees 05 minutes 42 seconds East (N 51°05'42" E), a distance of 689.82 feet; thence North 78 degrees 15 minutes 21 seconds East (N 78°15'21" E), a distance of 388.64 feet; thence South 00 degrees 19 minutes 24 seconds East (S 00°19'24" E), along the East line of the West 1/2 of the Southeast 1/4 of said Section 35 for a distance of 204.40 feet; thence North 89 degrees 48 minutes 34 seconds East (N 89°48'34" E), along the South line of the North 1/2 of the Southeast 1/4 of said Section 35 for a distance of 400.00 feet; thence South 00 degrees 19 minutes 24 seconds East (S 00°19'24" E), along the East line of the West 400 feet of the Southeast 1/4 of the Southeast 1/4 for a distance of 1284.73 feet; thence run South 89 degrees 57 minutes 29 seconds West along the North right of way line of McCulloch Road being 40 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 1513.22 feet to the Point of Beginning. Containing 42.704 Acres.

0696
0935
PAGE

MORTGAGEE'S JOINDER

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, SUN BANK, NATIONAL ASSOCIATION, holder of that certain Mortgage Deed and Security Agreement dated April 6, 1989, recorded April 10, 1989 in Official Records Book 2058, Page 571, of the Public Records of Seminole County, Florida, as modified (the "Mortgage"), does enter into the attached Fourth Amendment and Supplemental Declaration to Carillon Master Declaration of Covenants, Conditions and Restrictions for the purpose of subordinating its interest in the Mortgage to said Fourth Amendment and Supplemental Declaration, and to the Declaration, as defined therein.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be executed by its corporate officer hereunto duly authorized as of the 19th day of February, 1993.

Signed, sealed and delivered
in the presence of:

SUN BANK, NATIONAL
ASSOCIATION

Marci S. Radford
Name: Marci S. Radford

By: [Signature]
Name: WILLIAM H. REENER
Title: FIRST VICE PRESIDENT

Myra V. Gore
Name: MYRA V. GORE

(SEAL)

SEMINOLE CO. FL.
0596 0936
OFFICIAL RECORDS
BOOK PAGE

STATE OF FLORIDA)
) ss:
COUNTY OF ORANGE)

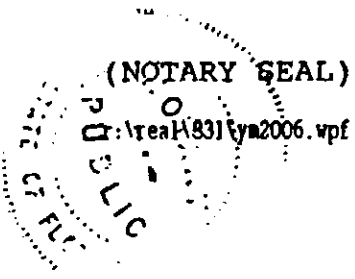
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared William H. Roemer, well known to me to be the Vice President of SUN BANK, NATIONAL ASSOCIATION, the national banking association named in the foregoing instrument, and that severally acknowledged executing the same on behalf of the association in the presence of two subscribing witnesses, freely and voluntarily under authority duly vested in by said Association and that the seal affixed thereto is the true corporate seal of said association.

WITNESS my hand and official seal in the County and State last aforesaid this 19 day of February, 1993.

Smith E. Edwards
NOTARY PUBLIC SMITH E. EDWARDS

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAY 16, 1994
BONDED THRU GENERAL INS. FUND.



BOOK RECORDS
PAGE
2596 0937
SEMINOLE CO. FL.