

This instrument prepared by
and after recording return to:

Brian M. Jones, Esq.
SHUTTS & BOWEN, LLP
300 S. Orange Ave., Suite 1600
Orlando, Florida 32801

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02/13/2020 03:34:53 PM Page 1 of 5
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Phil Diamond, Comptroller
Orange County, FL
IO - Ret To: ORANGE COUNTY PUBLIC WORK



**FIRST AMENDMENT TO TOWNHOME DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR HAMILTON GARDENS TOWNHOMES**

THIS FIRST AMENDMENT TO TOWNHOME DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HAMILTON GARDENS TOWNHOMES (this “**First Amendment**”) is made this 29 day of January, 2020 by **INDEPENDENCE PARKWAY DEVELOPMENT, LLC**, a Delaware limited liability company (the “**Declarant**”) (as defined in the Townhome Declaration as that term is defined in Recital A below) whose post office address is 1323 Brookhaven Drive, Orlando, Florida 32803, and is joined in by **NEW INDEPENDENCE TOWNHOME OWNERS ASSOCIATION, INC.**, a Florida corporation not for profit (“**Association**”) whose post office address is 1323 Brookhaven Drive, Orlando, Florida 32803.

RECITALS:

A. That certain Townhome Declaration of Covenants, Conditions and Restrictions for Hamilton Gardens Townhomes was recorded on March 27, 2019, as Document # 20190184633, of the Public Records of Orange County, Florida (“**Townhome Declaration**”).

B. Pursuant to Section 11.01(C) of the Townhome Declaration, Declarant desires to amend and restate certain terms and conditions of the Townhome Declaration as more particularly set forth herein.

C. Pursuant to Section 2.04 of the Townhome Declaration, Declarant desires to amend and Additional Townhome Property within the scope of the Townhome Declaration.

D. The defined terms utilized herein shall have the meanings ascribed to them in the Townhome Declaration except as expressly modified herein.

NOW, THEREFORE, in consideration of the premises and covenants herein contained, Declarant hereby declares that this Townhome Declaration encumber the Property and such Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, easements, reservations, regulations, burdens and liens hereinafter set forth, all of which shall run with the Property and any part thereof and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. **Recitals.** The above recitals are true and correct and are expressly incorporated herein.

2. **Exhibit A to Townhome Declaration.** Exhibit A to the Townhome Declaration as recorded on March 27, 2019 is hereby deleted and replaced with the description of the real property described in the amended and restated Article II Section 2.03 below.

3. **Article I, Section 1.01 (X).** Article I Section 1.01 (X) is hereby amended to include within the definition of "Plat" the Additional Plat: Hamilton Gardens Phase 2A and 2B Plat record at Plat Book 102, Pages 15 through 20 inclusive of the Orange County Public Records ("**Phase 2A and 2B Plat**").

4. **Article II Section 2.03.** Article II Section 2.03 is hereby amended and restated to provide as follows:

Section 2.03 Initial Townhome Property. The Initial Townhome Property is and shall be owned, improved, held, controlled, transferred and occupied subject to this Townhome Declaration and is more particularly described in **Exhibit A** attached hereto and incorporated herein ("**Initial Townhome Property**").

5. **Article II, Section 2.04.** Lots 223 through 276, of the Phase 2A and 2B Plat is hereby annexed into the Community, shall be encumbered by this Townhome Declaration as amended, is subject to the terms and provisions of the Townhome Declaration as amended and shall be a part of the Townhome Property as defined in Article I Section 1.01 (PP).

6. **Miscellaneous.** Except as expressly modified herein, all other terms, provisions, conditions and restrictions set forth in the Townhome Declaration remain valid and in full force and effect.


[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, this First Amendment has been signed by Declarant and Joined in by the Association as of the date first written above.

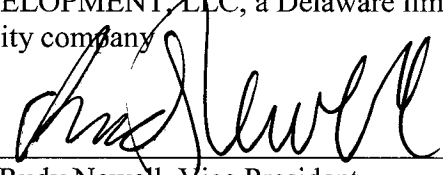
DECLARANT:

WITNESSES AS TO DECLARANT:


INDEPENDENCE PARKWAY
DEVELOPMENT, LLC, a Delaware limited
liability company



Signature
Print Name: Justin Krobben

By: 

Rudy Newell, Vice President

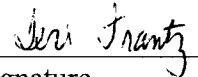


Signature
Print Name: Matthew Carlson

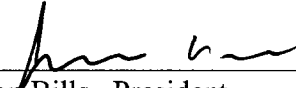
ASSOCIATION:

WITNESSES AS TO ASSOCIATION:


NEW INDEPENDENCE TOWNHOME
OWNERS ASSOCIATION, INC., a Florida
corporation not for profit



Signature
Print Name: Teri Frantz

By: 

Jon Bills, President



Signature
Print Name: Trelyn Wiedmaier

(SEAL)

STATE OF MINNESOTA)
) SS
 COUNTY OF HENNEPIN)

I HEREBY CERTIFY that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State aforesaid and in the County aforesaid to make acknowledgments, the foregoing instrument was acknowledged before me by Rudy Newell, the Vice President of INDEPENDENCE PARKWAY DEVELOPMENT, LLC, a Delaware limited liability company, freely and voluntarily under authority duly vested in him. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29 day of January, 2020.

Maria Brennan
 Notary Public, State of Minnesota
Maria Brennan
 Typed, Printed or Stamped Name of Notary Public

My Commission Expires: 1/31/2024



STATE OF OHIO)
) SS
 COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Jon Bills, the President of NEW INDEPENDENCE TOWNHOME OWNERS ASSOCIATION, INC., a Florida corporation not for profit, freely and voluntarily under authority duly vested in him. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29 day of January, 2020.

Mandy LeBeau
 Notary Public, State of Ohio

My Commission Expires: _____ Typed, Printed or Stamped Name of Notary Public



MANDY LeBEAU, Notary Public
In and for the State of Ohio
My Commission Expires August 29, 2020

EXHIBIT "A"

The land referred to herein below is situated in the County of Orange, State of Florida, and described as follows:

Lots 1 through 56, of HAMILTON GARDENS, according to plat thereof, recorded in Plat Book 98, Pages 79 through 84, inclusive, of the Public Records of Orange County, Florida.