

LARRY WHALEY  
OSCEOLA COUNTY, FLORIDA  
CLERK OF CIRCUIT COURT

PREPARED BY:

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CL 2005096477 OR 2763/865  
LMC Date 04/22/2005 Time 14:31:28

**THIRD SUPPLEMENTAL DECLARATION OF  
HARMONY RESIDENTIAL PROPERTIES  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

THIS THIRD SUPPLEMENTAL DECLARATION OF HARMONY RESIDENTIAL PROPERTIES DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("Supplemental Declaration") is made this 11<sup>th</sup> day of April, 2005, by Birchwood Acres Limited Partnership, LLLP, a Florida limited liability limited partnership ("Birchwood").

WHEREAS, Birchwood is the Developer under that certain Harmony Residential Properties Declaration of Covenants, Conditions, and Restrictions recorded in the Public Records of Osceola County, Florida at Book 2125, Page 2093, as amended by that certain First Amendment of Harmony Residential Properties Declaration of Covenants, Conditions, and Restrictions, and as further amended from time to time (the "Declaration"); and

WHEREAS, pursuant to Section 9.1 of the Declaration, Expansion by Developer, Developer has the right to annex all or portions of the real property that is described in Exhibit "B" of the Declaration and subject such property to the Declaration; and

WHEREAS, the Declaration further provides that such annexation shall be accomplished by filing a Supplemental Declaration in the Official Records of Osceola County, Florida, describing the property to be annexed and specifically subjecting it to the terms of this Declaration; that such Supplemental Declaration shall not require the consent of Owners, but shall require the consent of the owner of such property, if other than Developer; and that any such annexation shall be effective upon the filing for record of such Supplemental Declaration unless otherwise provided therein.

NOW, THEREFORE, Developer, for itself and its successors and assigns, declares that the description of the Properties are and shall be amended as hereinafter set forth.

1. The above recitals are true and correct and incorporated herein by this reference.
2. Developer is the owner of the following property ("Neighborhood D-1"):

Neighborhood D-1 according to the Plat of Birchwood Neighborhood D-1 recorded in Plat Book 17, at Pages 80 through 81, of the Public Records of Osceola County, Florida.

3. Neighborhood D-1 is hereby included in the Properties and shall be treated for all purposes under the Declaration as included in Exhibit "A" of the Declaration, and is hereby expressly subjected to the terms of the Declaration.

4. The terms and conditions of this Supplemental Declaration shall run with the land and the benefits and burdens hereof and of the Declaration shall bind and inure to the benefit of the owners of the Properties, and any owner or occupant of other lands governed by the Declaration, and their successors, tenants and assigns.

5. To the extent that any provisions of the Declaration are different from or in contravention of matters set forth in this Supplemental Declaration, this Supplemental Declaration shall control as indicating the intent of the Developer. All other terms of the Declaration shall remain in full force and effect. All capitalized terms that are not defined herein shall be given the meaning ascribed thereto in the Declaration.

[Remainder of Page Intentionally Left Blank.]

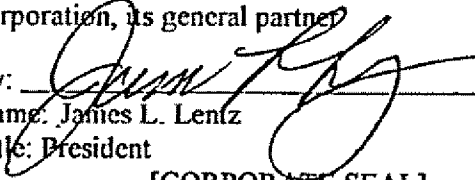
IN WITNESS WHEREOF, Developer has caused these presents to be executed on the day and year indicated below.

DEVELOPER:

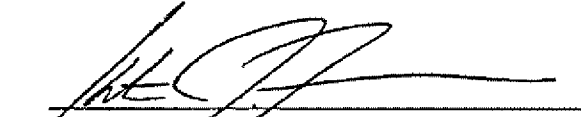
Birchwood Acres Limited Partnership, LLLP, a Florida limited liability limited partnership

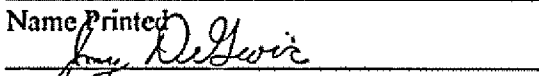
ADDRESS: 3500 Harmony Square Drive West Harmony, Florida 34733

By: Three E Corporation, a Florida corporation, its general partner

By:   
Name: James L. Lentz  
Title: President

[CORPORATE SEAL]

  
Witness  
KENTON J. FOREMAN

Name Printed  


Witness  
JAY DEGOJA

Name Printed

STATE OF FLORIDA

COUNTY OF Osceola

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of April, 2005, by James L. Lentz, as President, of Three E Corporation, a Florida corporation, general partner of Birchwood Acres Limited Partnership, LLLP, a Florida limited liability limited partnership, on behalf of the partnership. He is personally known to me or has produced \_\_\_\_\_ as identification and did (did not) take an oath.



By:  
Name:

Rhonda Hill  
Rhonda Hill  
Notary Public  
DD 254332  
October 7, 2007

Serial Number, if any  
My commission expires:

SOLICITORS, 26135, 00034, 100868778.1, D-1 HARMONY RESIDENTIAL THIRD SUPPLEMENTAL DECLARATION