

Rec'd \$62.50

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2007018906 8 PGS
2007 FEB 02 04:12 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MTAYLOR Receipt#880717

This Instrument Prepared By:
Stephen K. Boone, Esquire
BOONE, BOONE, BOONE, KODA & FROOK, P.A.
P.O. Box 1596
Venice, Florida 34284



**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS**

WHEREAS, a Subdivision known as Gran Paradiso is being developed in Sarasota County, Florida, and is subject to the terms, provisions, covenants, conditions, and restrictions of that certain Declaration of Covenants, Conditions, Easements and Restrictions (the "Declaration") recorded in Official Records Instrument #2004216589, of the public records of Sarasota County, Florida; and

WHEREAS, **FOURTH QUARTER PROPERTIES XXXII, LLC**, a Georgia limited liability company is the Declarant in the Declaration; and

WHEREAS, **GRAN PARADISO I, LLC** and **GRAN PARADISO II, LLC**, both Florida limited liability companies are the developer of the property subject to the Declaration; and

WHEREAS, Article VIII of the Declaration permits Declarant to make amendments to the Declaration with the written consent of the Developer; and

WHEREAS, Developer, as evidenced by its written consent attached hereto hereby consents to this Amendment.

NOW, THEREFORE, Declarant amends the Declaration, as follows:

A new Article XI shall be added to read as follows:

ARTICLE XI
WEST VILLAGES IMPROVEMENT DISTRICT AND PUBLIC IMPROVEMENTS.

11.1 West Villages Improvement District. West Villages Improvement District ("WVID") is an independent special district of the State of Florida and is or will be implementing, constructing and/or maintaining certain public infrastructure improvements for the benefit of those parcels of assessable real properties located within Gran Paradiso, which lie within WVID's Units of Development Nos. 1, 2 and 3 (together the "Units").

11.2 WVID Non-Ad Valorem Assessments. In order for WVID to carry out the funding, provision, implementation, construction and/or maintenance of its Units public infrastructure improvements and services, WVID will be assessing and levying both debt repayment and maintenance non-ad valorem assessments on an annual basis and all individuals or entities that own assessable tracts of land, lots or units within those areas of Gran Paradiso that lie within WVID's Units will be obligated and responsible for paying such Units non-ad valorem assessments as are annually assessed and levied by WVID upon the owner's real property. WVID's non-ad valorem assessments will appear as a separate line item on each real property owner's annual Unified Real Property Tax Bill which is issued and collected by the Tax Collector of Sarasota County, Florida.

11.3 General Description of WVID Facilities. The public infrastructure improvements that have or will be funded, constructed, implemented and/or maintained by WVID are more specifically identified and described in the Units' respective Plan of Improvements, Reports of Engineer, Plans and Specifications, or Assessment Resolutions, as may be amended from time to time, copies of which are maintained at WVID administrative offices. The documents are available for inspection and, upon payment of certain statutory photocopy charges, copying by any interested person or entity.

A general description of the nature and extent of the WVID public infrastructure improvements for the Units is as follows: Surface water management system, parks and environmental preserves; utilities (including water, sewer irrigation system); roadways (including, but not limited to, signals, sidewalks, medians, landscaping); entry features; and recreational facilities.

11.4 Maintenance of WVID Improvements. The WVID Unit No. 3 public infrastructure improvements and/or facilities located within Gran Paradiso for which WVID retains ownership will be maintained by WVID unless the Association contracts with WVID to maintain all or part of such improvements or facilities.

11.5 Usage of WVID Property or Facility Interests. No connections to, licenses for usage of or easements upon, over, under or across any facility, water body, drainage system or tract of land dedicated to, owned by, or subject to an easement in favor of WVID shall be granted by WVID, until the party desiring such uses or rights has applied for and obtained a permit from WVID.

11.6 WVID Land not subject to POA Assessments or Enforcement. Notwithstanding anything to the contrary contained in this Declaration, WVID and all of WVID's interest in real property or facilities within Gran Paradiso shall be exempt from: (a) Association or sub-Association enforcement action and (b) any and all annual assessments, special assessments, extraordinary special assessments and fines that may or could be levied by the Association or any sub-Association. The Association and sub-Associations are specifically prohibited from filing or attempting to execute upon any claim of lien as to a property (whether real or tangible) or facility interests owned by WVID within Gran Paradiso and any such lien or the recording of same in the public records shall be null and void ab initio.

11.7 WVID Lakes, Ponds, Canals, Retention Areas and Water Bodies. No swimming, operation of any boats or other recreational uses shall be permitted in or on any of the lakes, ponds, retention areas, canals or other water bodies which are dedicated or deeded to WVID or over which WVID has an easement, unless a permit has first been obtained from WVID. No removal of water, discharge of any materials, removal or interference with aquatic vegetation or alteration of banks or shoreline of any lake, pond, canal or retention area dedicated or deeded to WVID or to which WVID has an easement is allowed, unless a permit authorizing same has first been obtained from WVID. Further, all residents and owners of real property need to be aware that lake and canal water levels within Gran Paradiso are subject to fluctuation based on, among other things, the amount of rainfall occurring over time and water withdrawals.

11.8 WVID Approval Rights to Amendments. No amendment of or to this Declaration which would affect WVID's obligations, property interests, facilities or improvements located within Gran Paradiso shall be effective unless agreed to in writing by WVID.

11.9 WVID Phone Number and Address. As of the date of the recording of this Declaration the phone number and address for WVID is: (561) 630-4922; 11000 Prosperity Farms Rd, Suite 104, Palm Beach Gardens, FL 33410.

IN WITNESS WHEREOF, Declarant has set its hand and seal this 12 day of JANUARY, 2007.

Witnesses:

**FOURTH QUARTER PROPERTIES
XXXII, LLC, a Georgia limited liability
company**

Sign Catherine M. Williams
Print CATHERINE M. WILLIAMS

Sign Gary Furrow
Print GARY FURROW

By Bruce Williams
Bruce Williams, Authorized Agent

STATE OF GEORGIA

COUNTY OF Forsyth

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 12 day of January, 2007, by Bruce Williams, as Authorized Agent on behalf of FOURTH QUARTER PROPERTIES XXXII, LLC, a Georgia limited liability company. He is personally known to me or produced _____ as identification.

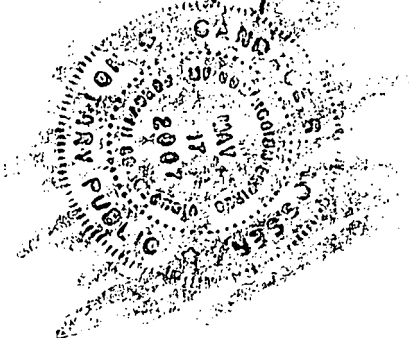
NOTARY PUBLIC

Sign Kandie Rosser
Print KANDIE ROSSER

(SEAL)

My Commission Expires:

May 17, 2007



**CONSENT TO FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS**

The undersigned, being the holder of one or more mortgages which encumber the property described in the First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions, to which this Consent is attached, hereby consents to the First Amendment, and agrees that any mortgage held by the undersigned encumbering the property is subject and subordinate to the terms and provisions of the Declaration, as amended.

Witnesses:

COLONIAL BANK

Sign [Signature]
Print Karen Daniman

By [Signature]
Print Name Brian Bracey
Title SVP

Sign [Signature]
Print Judith A. Lee

**STATE OF FLORIDA
COUNTY OF POLK**

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 16th day of January, 2007, by Brian Bracey, as Sr. Vice Pres. of COLONIAL BANK, on behalf of said bank. He is personally known to me or produced _____ as identification.

NOTARY PUBLIC

Sign [Signature]
Print Judith A. Lee

(SEAL)

My Commission Expires:



Judith A. Lee
MY COMMISSION # DD169373 EXPIRES
February 19, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

**CONSENT TO FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS**

The undersigned, being the holder of one or more mortgages which encumber the property described in the First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions, to which this Consent is attached, hereby consents to the First Amendment, and agrees that any mortgage held by the undersigned encumbering the property is subject and subordinate to the terms and provisions of the Declaration, as amended.

Witnesses:

SUNTRUST BANK

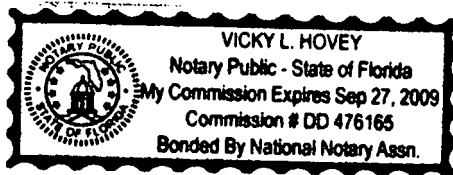
Sign Wany M. Price
Print WANY M. PRICE

By K. Terry Jackson
Print Name K. TERRY JACKSON
Title Senior Vice President

Sign Staci Smith
Print STACI SMITH

**STATE OF FLORIDA
COUNTY OF SARASOTA**

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 16th day of January, 2007, by K. Terry Jackson, as Senior Vice President of SUNTRUST BANK, on behalf of said bank. He is personally known to me or produced _____ as identification.



(SEAL)

NOTARY PUBLIC

Sign Vicky L. Hovey
Print Vicky L. Hovey

My Commission Expires:

**CONSENT TO FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS**

The undersigned, being a land owner within Gran Paradiso, hereby consents to the foregoing First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions.

Witnesses:

Sign
Print

[Signature]
William B. HAZEN

Sign
Print

[Signature]
Sandra Brandt

LEE WETHERINGTON DEVELOPMENT,
INC.

By

[Signature]
Leland C. Wetherington, President

**STATE OF FLORIDA
COUNTY OF SARASOTA**

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 17 day of JANUARY, 2007, by Leland C. Wetherington, as President, on behalf of LEE WETHERINGTON DEVELOPMENT, INC. He is personally known to me or produced _____ as identification.



JANE A. WHITE
MY COMMISSION # DD 588573
EXPIRES: August 5, 2010
Bonded Thru Budget Notary Services

NOTARY PUBLIC

Sign
Print

[Signature]
JANE A WHITE

(SEAL)

My Commission Expires:

**CONSENT TO FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS**

The undersigned, being a land owner within Gran Paradiso, hereby consents to the foregoing First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions.

Witnesses:

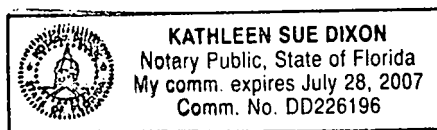
Sign Kathleen Sue Dixon
Print Kathleen Sue Dixon
Sign Catherine Meyer
Print Catherine Meyer

GRAN PARADISO I, LLC,
GRAN PARADISO II, LLC,
both Florida limited liability companies
By: GRAN PARADISO
MANAGEMENT, INC., a Florida
limited liability company, its
Manager

By: [Signature]
Richard D. Rodgers, Manager

**STATE OF FLORIDA
COUNTY OF SARASOTA**

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 1 day of February, 2007, by Richard D. Rodgers, as Manager of GRAN PARADISO MANAGEMENT, INC., on behalf of GRAN PARADISO I, LLC and GRAN PARADISO II, LLC. He is personally known to me or produced _____ as identification.



(SEAL)

My Commission Expires:

NOTARY PUBLIC

Sign Kathleen Sue Dixon
Print Kathleen Sue Dixon