

Prepared by and Return to:
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Bk: 8573
Pg: 2312 - 2316
Doc# 97060133
Filed & Recorded
03/21/97
11:44:13 A.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 24.00

**FIRST AMENDMENT AND ANNEXATION TO DECLARATION OF
COVENANTS, CONDITIONS EASEMENTS AND RESTRICTIONS
FOR MONUMENT LANDING**

THIS FIRST AMENDMENT is made this 12 day of March, 1997, by ELLIS R. WARREN ("Developer").

W I T N E S S E T H:

WHEREAS, Monument Landing Partnership subjected the Property known as Monument Landing to that certain Declaration of Covenants, Conditions, Easements and Restrictions as recorded on November 15, 1991, Official Records Volume 7217, page 1489, of the current public records of Duval County, Florida (the "Declaration"); and

WHEREAS, Monument Landing Partnership assigned its interest as Developer to Ellis R. Warren pursuant to Section 9, Paragraph E, of the Declaration, and as evidenced by Assignment of Developer's Rights dated March 12, 1997, and recorded at Clerks No. 9760132 of the current public records of Duval County, Florida; and

WHEREAS, Developer wishes to amend the Declaration pursuant to Section 8A.(e) of the Declaration as it relates to the property more particularly described on Exhibit "A" owned by the Developer, attached hereto, and annex certain additional property owned by Developer as more particularly described on Exhibit "B", attached hereto, to be subject to the Covenants, Conditions, Easements and Restrictions of the Declaration as herein modified ("Additional Property").

NOW, THEREFORE, in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended as follows:

1. Section 2, Paragraph C is hereby deleted in its entirety and the following is substituted therefore:

C. Single Family Residences: Maximum Height; Minimum Square Footage: No residence or other permitted structure located on a Lot shall be in excess of two and one half stories in height, or shall contain less than 1,250 square feet of heated and air-conditioned enclosed living space. Provided, however, minimum square footage for the Exhibit "A" and Exhibit "B" property shall be no less than 1050 square feet of heated and air-conditioned enclosed living space.

2. Section 2, Paragraph D is hereby deleted in its entirety and the following is substituted therefore:

D. Setback Lines: Except where setback lines are otherwise shown on the Plat, the following setback lines are hereby established for buildings, structures, additions or accessories located on any Lot: (i) 20 feet from the front lot line (the Lot line adjacent or nearest to the Roadway furnishing access to such Lot) except that for corner Lots, one front setback may be 10 feet; (ii) 10 feet from the rear Lot line, and (iii) 7.5 feet from the interior side Lot line of such Lot. Provided,

24.00

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however, the front set back line for the Exhibit "A" and Exhibit "B" property shall be 15 feet.

3. The Additional Property is hereby annexed and subject to the Covenants, ~~Conditions~~ ^{as herein modified}, Easements and Restrictions of the Declaration/to the same extent as if the Additional Property was originally described and set forth in the Declaration. All references to the Property in the Declaration shall mean and refer to the land described as Monument Landing, together with the Additional Property described on Exhibit "B".

4. Except as specifically amended herein, all terms and conditions of the Covenants shall remain in full force and effect.

Signed, sealed and delivered in the presence of:

DEVELOPER:

Joyce C. Jones
John S. Ford

Ellis R. Warren
Ellis R. Warren

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12th day of March, 1997, by **Ellis R. Warren**, Developer. He is personally known to me or has produced as identification.

Sherry A. Nye
Notary Public,
State of Florida

My commission expires:



CONSENT AND JOINDER

TUCKER FEDERAL SAVINGS AND LOAN ASSOCIATION, D/B/A FAIRFIELD MORTGAGE, the owner and holder of that certain Mortgage dated November 7, 1996, and recorded in Official Records Volume 8489, page 251, of the current public records of Duval County, Florida, hereby consents and joins into the terms and conditions of this Amendment.

Signed, sealed and delivered in the presence of:

TUCKER FEDERAL SAVINGS AND LOAN ASSOCIATION, D/B/A FAIRFIELD MORTGAGE

Dianne C Studstill

By: Steven Meadows
Asst Vice President

Print Name: Dianne C. Studstill

Brenda Allen

(Corporate Seal)

Print Name: Brenda Allen

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12th day of March, 1997, by Steven Meadows, Vice President, of Tucker Federal Savings and Loan Association, d/b/a Fairfield Mortgage, who is personally known to me or has produced _____

_____ as identification.

Brenda Allen
Notary Public, State of Florida

Print Name: Brenda Allen

My Commission Expires:

OFFICIAL NOTARY SEAL
BRENDA ALLEN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC460276
MY COMMISSION EXP. MAY 7, 1999

EXHIBIT "A"

LOTS 3, 4, 5 AND 6, BLOCK 2, MONUMENT LANDING, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 47, PAGES 10, 10A AND 10B, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PARCEL A (PARCEL 6):

A PART OF SECTION 39, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 1, AS SHOWN ON THE PLAT OF MONUMENT LANDING, AS RECORDED IN PLAT BOOK 47, PAGES 10, 10A AND 10B, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH $83^{\circ} 16' 35''$ WEST, A DISTANCE OF 80.31 FEET; THENCE NORTH $11^{\circ} 43' 56''$ WEST, A DISTANCE OF 116.80 FEET TO THE POINT OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.0 FEET; THENCE NORTHWESTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 39.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $56^{\circ} 43' 56''$ WEST, 35.36 FEET, SAID POINT LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF MONUMENT LANDING BOULEVARD (A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH $78^{\circ} 16' 04''$ EAST, ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF MONUMENT LANDING BOULEVARD, A DISTANCE OF 130.01 FEET TO THE POINT OF A CURVE, SAID POINT BEING AT THE MOST NORTHWESTERLY CORNER OF SAID LOT 1, SAID CURVE BEING CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 25.0 FEET; THENCE SOUTHWESTERLY ALONG AND AROUND SAID CURVE AND ALONG AND AROUND THE WESTERLY LINE OF SAID LOT 1, AN ARC DISTANCE OF 39.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $33^{\circ} 16' 04''$ WEST, 35.36 FEET; THENCE SOUTH $11^{\circ} 43' 56''$ EAST, ALONG THE SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 123.81 FEET TO THE POINT OF BEGINNING.

PARCEL A (PARCEL 7):

A PORTION OF SECTION 39, TOWNSHIP 2 SOUTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 2, AS SHOWN ON THE MAP OF MONUMENT LANDING, AS RECORDED IN PLAT BOOK 47, PAGES 10 THROUGH 10B, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH $71^{\circ} 56' 37''$ WEST, A DISTANCE OF 178.45 FEET; THENCE SOUTH $64^{\circ} 01' 46''$ WEST, A DISTANCE OF 50.70 FEET TO THE SOUTHEASTERLY CORNER OF LOT 6, BLOCK 1, AS SHOWN ON SAID MAP OF MONUMENT LANDING; THENCE NORTH $11^{\circ} 43' 56''$ WEST, ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 132.47 FEET TO THE NORTHEASTERLY CORNER THEREOF, SAID POINT BEING SITUATE IN THE SOUTHERLY RIGHT OF WAY LINE OF MONUMENT LANDING BOULEVARD (A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH $78^{\circ} 16' 04''$ EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND DEPARTING SAID LOT 6, A DISTANCE OF 14.13 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1854.52 FEET AND A CHORD BEARING AND DISTANCE OF NORTH $75^{\circ} 21' 28''$ EAST, 188.29 FEET; THENCE ALONG AND AROUND SAID CURVED RIGHT OF WAY LINE, AN ARC DISTANCE OF 188.37 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 1, BLOCK 2; THENCE SOUTH $24^{\circ} 12' 35''$ EAST, ALONG THE WESTERLY LINE OF SAID LOT 1 AND DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE OF MONUMENT LANDING BOULEVARD, A DISTANCE OF 112.56 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING.

PARCEL A (PARCEL 8):

A PORTION OF SECTION 39, TOWNSHIP 2 SOUTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 2, AS SHOWN ON MAP OF MONUMENT LANDING, AS RECORDED IN PLAT BOOK 47, PAGES 10 THROUGH 10B, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH $69^{\circ} 16' 19''$ WEST, DEPARTING SAID LOT 1, A DISTANCE OF 244.10 FEET TO THE SOUTHEASTERLY CORNER OF LOT 14, BLOCK 2, AS SHOWN ON SAID MAP OF MONUMENT LANDING; THENCE NORTH $20^{\circ} 50' 03''$ EAST, ALONG THE EASTERLY LINE OF SAID LOT 14, A DISTANCE OF 119.37 FEET TO THE NORTHEASTERLY CORNER THEREOF, SAID POINT ALSO BEING SITUATE IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF MONUMENT LANDING BOULEVARD (A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH $69^{\circ} 09' 57''$ EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE AND DEPARTING SAID LOT 14, A DISTANCE OF 244.10 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE SOUTH $20^{\circ} 50' 03''$ WEST, ALONG THE WESTERLY LINE OF SAID LOT 1 AND DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 118.92 FEET TO SAID SOUTHWESTERLY CORNER OF LOT 1 AND THE POINT OF BEGINNING.