

INSTR # 2007151229  
BK 07363 PGS 0378-0382 PG(s) 5  
RECORDED 07/17/2007 02:33:38 PM  
RICHARD M WEISS, CLERK OF COURT  
POLK COUNTY  
RECORDING FEES 44.00  
RECORDED BY S Wilson

This Instrument Prepared By  
& Requested Be Returned To:  
Craig B. Hill, Esquire  
Clark, Campbell & Mawhinney, P.A.  
500 South Florida Avenue, Suite 800  
Lakeland, Florida 33801

**FIRST AMENDMENT TO MASTER DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR VIENNA SQUARE**

THIS FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VIENNA SQUARE ("First Amendment") is made effective this 16<sup>th</sup> day of July, 2007, by BAYTREE PARTNERS, LLC, a Florida limited liability company ("Declarant").

**RECITALS:**

WHEREAS, Declarant is the Developer of the Community, and in connection therewith has recorded a Master Declaration of Covenants, Conditions and Restrictions for Vienna Square, in Official Records Book 7080, Page 2010, Public Records of Polk County, Florida ("Declaration"); and

WHEREAS, Section 15.10 of the Declaration provides in pertinent part that the Declarant may, in its sole discretion, by an instrument filed of record in the County, unilaterally modify, enlarge, amend, waive or add to the covenants, conditions, restrictions and other provisions of the Declaration, and any recorded exhibit thereto; and

WHEREAS, Section 13.5 of the Declaration provides in pertinent part that the Declarant has the sole, exclusive and absolute right and power to record instruments bringing additional lands into the Community; and

WHEREAS, Declarant desires to amend the Declaration for the purpose of adding real property to the Lands.

NOW THEREFORE, Declarant amends the Declaration as follows:

1. Initially capitalized terms herein shall have the meanings ascribed thereto in the Declaration, unless otherwise defined herein.

2. The foregoing recitals are true and correct and by this reference incorporated into the body of this First Amendment.

3. Exhibit "A" to the Declaration is amended to add to the Lands the real property described on Exhibit "A" attached hereto and incorporated herein by reference.

4. Exhibit "B" to the Declaration is amended to add to the Villas Lands the real property described on Exhibit "B" attached hereto and incorporated herein by reference.

5. Except as expressly amended and modified herein, the Declaration shall remain in full force and effect.

[SIGNATURE TO FOLLOW ON SUBSEQUENT PAGE]

IN WITNESS WHEREOF, BAYTREE PARTNERS, LLC, a Florida limited liability company, hereby executes this First Amendment to Master Declaration of Covenants, Conditions and Restrictions for Vienna Square effective as of the day and year first set forth above.

Witnesses:

David Evans  
Name: DAVID EVANS  
Sharon L. Cribbs  
Name: SHARON L. CRIBBS

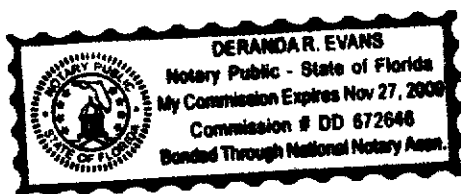
BAYTREE PARTNERS, LLC, a Florida limited liability company,

By: CRF Management Co., Inc., a Florida corporation, its managing member

By: [Signature]  
Print Name: Lawrence T. Maxwell  
Title: PRESIDENT

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was executed before me this 16 day of July, 2007, by Lawrence T. Maxwell as President of CRF Management Co., Inc., a Florida corporation, the managing member of Baytree Partners, LLC, a Florida limited liability company. He is personally known to me or did produce \_\_\_\_\_ as identification.



Deranda R. Evans  
Notary Public, State of Florida

Print Name

(SEAL)

### **EXHIBIT "A"**

That part of Lots 3, 4 and 9 of Florida Highland Company as recorded in Plat Book 3, page 27, Public Records of Polk County, Florida lying in the southeast quarter of the southeast quarter of Section 26, Township 28 South, Range 26 East, Polk County, Florida, described as follows:

Commence at the northeast corner of the southeast quarter of the southeast quarter of said Section 26; thence S 89°39'15" West along the north line of said southeast quarter of the southeast quarter a distance of 489.43 feet to the northwest corner of a parcel described in Official Records Book 5286, page 1095 of the public records of Polk County, Florida and the Point of Beginning; thence S 00°29'05" E along the west line of said parcel a distance of 200.07 feet; thence S 60°19'33" E along the southwest line of said parcel a distance of 249.85 feet; thence S 30°26'25" W a distance of 29.44 feet; thence S 60°44'03" E a distance of 30.11 feet to the westerly right of way line of County Road 550 (formerly State Road 542); thence along said right of way line the following (3) three courses: (1) thence S 28°57'20" W a distance of 354.36 feet; (2) thence S 59°49'00" E a distance of 10.14 feet; (3) thence S 29°01'56" W a distance of 192.62 feet; thence N 60°59'26" W a distance of 28.00 feet; thence S 29°00'34" W a distance of 316.03 feet to a point on a curve concave to the north and having a radius of 50.00 feet; thence along said curve to the right through a central angle of 34°28'12" an arc distance of 30.08 feet (chord = 29.63 feet, chord bearing = N 78°13'32" W); thence N 60°59'26" W a distance of 118.93 feet to the beginning of a curve concave to the southwest and having a radius of 90.00 feet; thence along said curve to the left through a central angle of 5°57'24" an arc distance of 9.36 feet (chord = 9.35 feet, chord bearing = N 63°58'08" W); thence N 38°58'46" W a distance of 38.50 feet; thence N 43°35'59" E a distance of 154.36 feet; thence N 29°31'26" E a distance of 167.07 feet; thence N 60°58'04" W a distance of 8.17 feet; thence N 21°35'14" E a distance of 14.79 feet; thence N 72°26'48" W a distance of 221.98 feet; thence N 25°36'48" W a distance of 6.06 feet; thence N 00°00'03" E a distance of 9.08 feet; thence S 90°00'00" W a distance of 365.71 feet; thence N 28°57'20" E a distance of 748.01 feet to the north line of the southeast quarter of the southeast quarter of said Section 26; thence N 89°46'14" E along said north line a distance of 400.30 feet to the Point of Beginning.

### **EXHIBIT "B"**

That part of Lots 3, 4 and 9 of Florida Highland Company as recorded in Plat Book 3, page 27, Public Records of Polk County, Florida lying in the southeast quarter of the southeast quarter of Section 26, Township 28 South, Range 26 East, Polk County, Florida, described as follows:

Commence at the northeast corner of the southeast quarter of the southeast quarter of said Section 26; thence S 89°39'15" West along the north line of said southeast quarter of the southeast quarter a distance of 489.43 feet to the northwest corner of a parcel described in Official Records Book 5286, page 1095 of the public records of Polk County, Florida and the Point of Beginning; thence S 00°29'05" E along the west line of said parcel a distance of 200.07 feet; thence S 60°19'33" E along the southwest line of said parcel a distance of 249.85 feet; thence S 30°26'25" W a distance of 29.44 feet; thence S 60°44'03" E a distance of 30.11 feet to the westerly right of way line of County Road 550 (formerly State Road 542); thence along said right of way line the following (3) three courses: (1) thence S 28°57'20" W a distance of 354.36 feet; (2) thence S 59°49'00" E a distance of 10.14 feet; (3) thence S 29°01'56" W a distance of 192.62 feet; thence N 60°59'26" W a distance of 28.00 feet; thence S 29°00'34" W a distance of 316.03 feet to a point on a curve concave to the north and having a radius of 50.00 feet; thence along said curve to the right through a central angle of 34°28'12" an arc distance of 30.08 feet (chord = 29.63 feet, chord bearing = N 78°13'32" W); thence N 60°59'26" W a distance of 118.93 feet to the beginning of a curve concave to the southwest and having a radius of 90.00 feet; thence along said curve to the left through a central angle of 5°57'24" an arc distance of 9.36 feet (chord = 9.35 feet, chord bearing = N 63°58'08" W); thence N 38°58'46" W a distance of 38.50 feet; thence N 43°35'59" E a distance of 154.36 feet; thence N 29°31'26" E a distance of 167.07 feet; thence N 60°58'04" W a distance of 8.17 feet; thence N 21°35'14" E a distance of 14.79 feet; thence N 72°26'48" W a distance of 221.98 feet; thence N 25°36'48" W a distance of 6.06 feet; thence N 00°00'03" E a distance of 9.08 feet; thence S 90°00'00" W a distance of 365.71 feet; thence N 28°57'20" E a distance of 748.01 feet to the north line of the southeast quarter of the southeast quarter of said Section 26; thence N 89°46'14" E along said north line a distance of 400.30 feet to the Point of Beginning.