

INSTR # 2005253129

BK 06446 PGS 1962-1964 PG(s) 3
RECORDED 10/17/2005 03:45:21 PM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
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R- This Instrument Prepared By
& Requested Be Returned to:
William T. Link, Esquire
Clark, Campbell & Mawhinney, P.A.
Post Office Box 24627
Lakeland, Florida 33802-4627

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DEER CREEK GOLF & TENNIS RV RESORT PHASE II**

This First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Deer Creek Golf & Tennis RV Resort Phase II ("First Amendment") is made effective this 1st day of ~~September~~^{OCTOBER}, 2005 by DEER CREEK, LTD., a Florida limited partnership ("Declarant").

RECITALS:

WHEREAS, Declarant has recorded the Amended and Restated Declaration of Restrictions and Covenants of Deer Creek Golf & Tennis RV Resort Phase II in Official Records Book 3721, Page 2100 of the public records of Polk County, Florida, ("Declaration"); and

WHEREAS, the Declaration provides that the Declarant has the unilateral right, privilege and option from time to time to reduce the PRD Property (as defined in the Declaration), as Declarant in its sole and absolute discretion chooses, by filing in the public records of Polk County, Florida, an amendment to the Declaration describing the new description of the PRD Property.

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

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

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

3. Except as expressly modified herein, all other terms and conditions of the Declaration shall continue to be in full force and effect.

**BK06446 2005253129
EG1952 10/17/2005**

4. Exhibit "B" of the Declaration is amended and restated in its entirety by Exhibit "B" attached hereto and incorporated herein by reference, which shall be the description of the PRD Property. The Owners shall continue to have the rights as provided in the Declaration to use the PRD Property.

IN WITNESS WHEREOF, Declarant has executed this First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Deer Creek Golf & Tennis RV Resort Phase II effective the day and year set forth above.

"DECLARANT"

DEER CREEK, LTD.,
a Florida limited partnership

By: Deer Creek, Inc., a Florida corporation,
its general partner

By: Lawrence T. Maxwell
Print Name: Lawrence T. Maxwell
Title: President

WITNESSES:

Deranda Stevens
Print Name: DERANDA STEVENS
Sharon L. Crabbs
Print Name: SHARON L. CRABBS

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on the 10 day of October, 2005, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Lawrence T. Maxwell, the President of Deer Creek, Inc., a Florida corporation, the general partner of Deer Creek, Ltd., a Florida limited partnership, freely and voluntarily under authority duly vested in him by said limited liability company. He is personally known to me or did produce _____ as identification.

(SEAL)

Deranda Stevens
Notary Public, State of Florida

Print Name _____

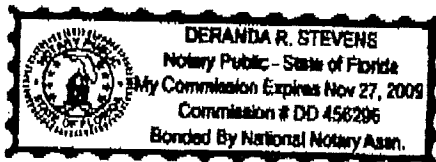


EXHIBIT "B"

LEGAL DESCRIPTION OF THE PRD PROPERTY

A parcel of land being in Section 17, Township 26 South, Range 27 East, Polk County, Florida, being described as follows:

Begin at the southeast corner of DEER CREEK GOLF AND TENNIS RV RESORT (PHASE THREE-B), as recorded in Plat Book 96, Pages 29 - 30, Public Records of Polk County, Florida; thence North $29^{\circ}46'34''$ West along the easterly line of said DEER CREEK GOLF AND TENNIS RV RESORT (PHASE THREE-B), 166.75 feet; thence North $26^{\circ}55'50''$ West along said easterly line 193.89 feet; thence North $33^{\circ}03'51''$ West along said easterly line, 171.55 feet to the point of intersection of said easterly line and the southerly line of said DEER CREEK GOLF AND TENNIS RV RESORT (PHASE THREE-B); thence North $52^{\circ}17'10''$ East along said southerly line, 276.02 feet; thence South $37^{\circ}42'50''$ East and perpendicular to said southerly line, 161.64 feet to a point on a curve to the left having a radius of 218.12 feet; a central angle of $44^{\circ}43'54''$, a chord distance of 166.00 feet, and a chord bearing of South $07^{\circ}26'56''$ West; thence Southwesterly along the arc of said curve 170.29 feet to a point on a curve to the left having a radius of 155.00 feet, a central angle of $69^{\circ}39'27''$, a chord distance of 177.05 feet, and a chord bearing of South $50^{\circ}46'43''$ East; thence Southeasterly along the arc of said curve 188.44 feet thence South $28^{\circ}22'14''$ East, 87.32 feet to a point on the north right-of-way line of DEER CREEK BOULEVARD, as recorded in Plat Book 86, Pages 50 - 51, Public Records of Polk County, Florida, said north right-of-way line being a curve to the left having a radius of 999.27 feet, a central angle of $11^{\circ}11'20''$, a chord distance of 194.83 feet, and a chord bearing of South $56^{\circ}02'06''$ West; thence along the arc of said curve 195.14 feet to the point of tangency; thence South $50^{\circ}26'26''$ West, 62.98 feet to the Point of Beginning. Said parcel containing 2.93 acres, more or less.