

First Amendment to Protective Covenants,
Conditions And Restrictions of Barrier Dunes

THIS FIRST AMENDMENT TO PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF BARRIER DUNES is made and executed this 10th day of January, 1986, by BARRIER DUNES DEVELOPMENT CORPORATION, a Florida corporation, hereinafter referred to as the "Declarant."

W I T N E S S E T H :

THAT WHEREAS, the Declarant subjected certain property located In Gulf County, Florida, to certain easements, restrictions, covenants and conditions pursuant to those Protective Covenants, Conditions and Restrictions of Barrier Dunes dated August 6, 1985, and recorded in Official Records Book 107, Page 227 of the Public Records of Gulf County, Florida, hereinafter referred to as the 'Declarations" and

WHEREAS, the Declaration provides for annexation by the Declarant of additional property included within Exhibit "B" to the Declaration without the consent of members and further provides for annexation of additional property with the consent of two-thirds (2/3) of each class of members; and

WHEREAS, the Declaration provides that it may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners; and

WHEREAS, the Declarant and those Lot Owners/members who have executed the Joinders attached hereto desire to amend the Declaration to provide for annexation by the Declarant, without the consent of members, of certain additional property adjoining the property described In Exhibit "B" to the Declaration and to annex a portion of the additional property.

NOW, THEREFORE, in consideration of the hereinabove set forth terms and conditions and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Declarant hereby amends in Declaration, declares and provides as follows:

1. The Declarant and each Lot Owner who has executed a Joinder attached hereto hereby amends the Declaration by adding that property described in Exhibit "B" attached hereto to the property described in Exhibit "B" to the Declaration and agrees that the Declarant may annex additional property included within Exhibit "A" attached hereto and exhibit "B" to the Declaration without the consent of members at any time within five (5) years from the data of recording the Declaration.
2. The Declarant hereby annexes the property described in Exhibit "B" attached hereto as a portion of the proportions defined in the Declaration and declares that the property shall be held, sold and conveyed subject to the easements, restrictions, covenants and

conditions set forth in the Declaration. The property described in Exhibit "B" attached hereto shall be deemed to be added to the property described in Exhibit "A" to the Declaration.

3. The Declarant hereby amends Section 4, Article I of the Declaration by adding as common areas that property described in Exhibit "B" attached hereto, less and except each of the Lots, is hereafter defined, depicted on Exhibit "B".
4. The Declarant hereby amends Section 6, Article I of the Declaration by adding as Lots each numbered plot of land depicted on the plat attached hereto as Exhibit "B".
5. It is understood and agreed that this amendment shall be effective as if (i) the Declaration originally provided for annexation by the Declarant, without the consent of members, of additional property within the property described in Exhibit "A" attached hereto and the property described in Exhibit "B" to the Declaration; (ii) the Declaration originally encumbered the property described in Exhibit "B" attached hereto; and (iii) the Declaration originally included within the definition of Lots and Common Areas, those Lots and Common Areas within Exhibit "B" attached hereto. It is further understood and agreed that the definition of Common Area included within the original Declaration shall be amended to exclude from the definition of Common Area, any portion of any Lot depicted on Exhibit "B" attached hereto that extends or encroaches onto the property described in Exhibit "A" to the Declaration.