

Prepared by and Return to:

Robert L. Taylor, Esq.

Becker & Poliakoff

111 N. Orange Avenue, Suite 1400

Orlando, FL 32801

[Cross-Reference to
ORB 7254, Page 4027]

**SEVENTEENTH SUPPLEMENT TO DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS FOR EAGLE CREEK**

THIS SEVENTEENTH SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR EAGLE CREEK (this "**Supplement**") is made effective as of the 13th day of August, 2015 (the "**Effective Date**"), by **EAGLE CREEK DEVELOPMENT CORPORATION**, a Florida corporation, having an address of 370 CenterPointe Circle, Suite 1136, Altamonte Springs, Florida 32701 ("**Declarant**").

RECITALS:

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek on January 7, 2004 in Official Records Book ("**ORB**") 7254, Page 4027, as the same was supplemented and amended by the following: First Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded November 17, 2004 in ORB 7705, Page 1201, the Second Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded May 19, 2005 in ORB 7976, Page 4596, Second Supplement to Declaration of Covenants, Conditions, Easements and Restrictions recorded October 13, 2006 in ORB 8914, Page 2921, First Amendment to Second Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded October 11, 2007 in ORB 9467, Page 4164, Certificate of Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded July 17, 2009 in ORB 9903, Page 8161, Third Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded January 8, 2010 in ORB 9985, Page 4095, Fourth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded May 14, 2010 in ORB 10044, Page 4403, Fifth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded October 12, 2011 in ORB 10280, Page 841, Fifth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded April 2, 2012 in ORB 10355, Page 2814, Sixth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded on May 3, 2012 in ORB 10370, Page 6648, Sixth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded October 3, 2012 in ORB 10451, Page 3943, Seventh Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded November 16, 2012 in ORB 10475, Page 5310, Eighth Supplement to Declaration

of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded January 28, 2013 in ORB 10512, Page 2525, Ninth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded June 20, 2013 in ORB 10588, Page 8270, Tenth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded September 24, 2013 in ORB 10639, Page 788, Eleventh Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded December 11, 2013 in ORB 10675, Page 7459, Release from Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded December 20, 2013 in ORB 10679, Page 8737, Twelfth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded January 23, 2014 in ORB 10692, Page 8208 (the “**Twelfth Supplement**”), Corrective Release from Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded January 31, 2014 in ORB 10696, Page 6842, Thirteenth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded April 22, 2014 in ORB 10733, Page 5124, Fourteenth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded April 22, 2014 in ORB 10733, Page 5121, Fifteenth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded July 7, 2014 in ORB 10769, Page 2242, Amendment to Twelfth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded July 28, 2014 in ORB 10780, Page 5278 (the “**Amendment to Twelfth Supplement**”), and Sixteenth Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle Creek recorded December 2, 2014 in ORB 10842, Page 7222, all of the Public Records of Orange County, Florida (collectively referred to herein as the “**Declaration**”); and

WHEREAS, the Declaration sets forth certain covenants, conditions, easements and restrictions affecting the Property and provides for certain membership, property rights, obligations and other matters affecting the Property and its Owners; and

WHEREAS, Article XIX, Section 3, of the Declaration provides that until the Turnover meeting occurs, Declarant reserves for itself the absolute and unconditional right to alter, modify, change, revoke, rescind, or cancel any or all of the Declaration or the restrictive covenants contained in the Declaration, provided that such alteration, modification, change, revocation, rescission or cancellation does not materially and adversely interfere with an Owner’s then permitted use of its Parcel and does not violate Section 4 of such Article; and

WHEREAS, Turnover and the Turnover meeting have not occurred and the amendments contained in this Supplement do not violate the provisions of Section 4 of Article XIX of the Declaration; and

WHEREAS, Article II, Section 2.A., of the Declaration provides that Declarant shall have the right, but not the obligation, at any time and from time to time, in its sole and absolute discretion, and without notice to or the approval of any other party, to withdraw from the provisions of the Declaration any of the Property which continues to be

owned by Declarant and which has not been designated or dedicated as Common Property; and

WHEREAS, Declarant desires to amend Article II, Section 2.A., of the Declaration to further allow Declarant to withdraw from the provisions of the Declaration any portion of the Property which is not owned by Declarant with the consent of only the Owner of such portion of the Property; and

WHEREAS, Declarant desires to further amend the Declaration to withdraw the real property described in **Exhibit "A"** attached hereto and made a part hereof by this reference (the "**Withdrawn Property**") from the effect and coverage of the Declaration and the jurisdiction of the Association, with the consent of the Owner of the Withdrawn Property, all as hereinafter provided.

NOW THEREFORE, the Declaration is hereby amended, modified and supplemented as follows:

1. Recitals. The recitals stated above are true and correct and are incorporated herein by this reference.

2. Definitions.

2.1. The definitions set forth in the Declaration are incorporated herein and made a part hereof by this reference.

2.2. Capitalized terms used in this Supplement, unless otherwise defined in this Supplement, shall have the meanings ascribed to them in the Declaration.

2.3. From and after the Effective Date, the definition of "**Property**" in the Declaration is amended to exclude the Withdrawn Property.

3. Amendments. Article II, Section 2.A., of the Declaration is hereby deleted and replaced with the following:

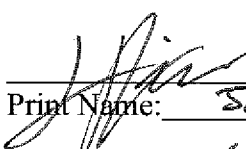

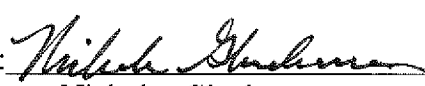
"A. Declarant hereby reserves to itself, and shall hereinafter have, the right, but not the obligation, at any time and from time to time, in its sole and absolute discretion, and without notice to or the approval of any other party or person whomsoever or whatsoever, including any Owner (except as provided in clause (iii) below): (i) to impose this Declaration upon any real property located or to be located within Eagle Creek, and (ii) to withdraw from the provisions of this Declaration any portion of the Property which is owned by the Declarant, and (iii) to withdraw from the provisions of this Declaration any other portion of the Property provided Declarant obtains the prior or concurrent written consent of the Owner of such portion of the Property and without notice to or the approval of any other party or person whomsoever or whatsoever. Annexations or

withdrawals under this Section 2.A. shall be accomplished by execution of a Supplement describing the real property to be annexed or withdrawn, as the case may be, and shall become effective when such Supplement is recorded among the Public Records of the County, unless another effective date for such Supplement is provided for therein.”

4. Withdrawal and Release of Withdrawn Property. From and after the Effective Date, the Withdrawn Property is hereby withdrawn and released from the encumbrance, effect and coverage of the Declaration, and the jurisdiction of the Association, and the Declaration shall hereafter no longer run with title to the Withdrawn Property or be binding upon any persons or entities having any rights, title or any interest therein including their respective heirs, legal representatives, successors, successors-in-title and assigns. The provisions of this Supplement shall be binding upon the Association in accordance with the terms of the Declaration.

5. Reaffirmation. Except as expressly modified by this Supplement, the Declaration remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Supplement to be executed effective as of the day and year first above written, with the joinder and consent of the Owner of the Withdrawn Property as provided below.

WITNESSES:	DECLARANT:
 Print Name: <u>Jose Rios</u>  Print Name: <u>M SCOTT STEARNS</u>	EAGLE CREEK DEVELOPMENT CORPORATION , a Florida corporation By:  Name: Nicholas Gluckman Title: Vice President


STATE OF FLORIDA
 COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day personally appeared before me, Nicholas Gluckman, as Vice President of Eagle Creek Development Corporation, a Florida corporation, to me well known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed the same on behalf of said corporation.

WITNESS my hand and the official seal this 7th day of August, 2015.



COLLEEN BOLENA
 MY COMMISSION # EE 844481
 EXPIRES: October 17, 2016
 Bonded Thru Budget Notary Services



Notary Public, State of Florida
 My commission expires: 10/17/2016

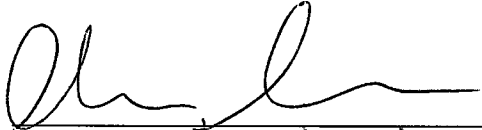
(NOTARY SEAL)

JOINDER AND CONSENT OF OWNER OF WITHDRAWN PROPERTY

The undersigned hereby joins in the execution of this Supplement to indicate its consent to all of the terms and provisions thereof.

WITNESSES:

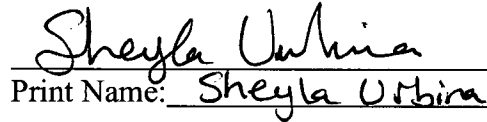
OWNER:




**CREEK WAY DEVELOPMENT,
LLC, a Florida limited liability company**

Print Name: Neosha Lawrence

By: Emerson International, Inc., a
Florida corporation, its Manager

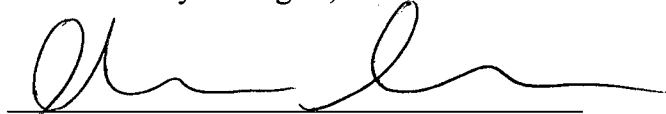

Print Name: Sheyla Urbina

By: 
Name: Jonathan Claber
Title: President

STATE OF FLORIDA
COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day personally appeared before me, Jonathan Claber, as President of Emerson International, Inc., as Manager of Creek Way Development, LLC, a Florida limited liability company, to me well known to be the person named herein and who executed the foregoing instrument and acknowledged before me that he executed the same on behalf of said limited liability company.

WITNESS my hand and the official seal this 7th day of August, 2015.



Notary Public, State of Florida
My commission expires: _____

(NOTARY SEAL)

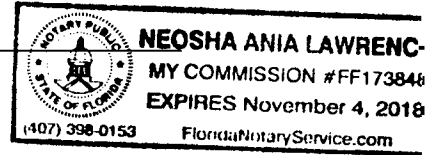


EXHIBIT "A"

LEGAL DESCRIPTION OF WITHDRAWN PROPERTY

(Sanctuary at Eagle Creek Apartments Phase 1)

That portion of the property described in Exhibit "A" of the Twelfth Supplement, and in Exhibit "A" of the Amendment to Twelfth Supplement, which is now legally described as follows:

Lot 1, **EAGLE CREEK REPLAT VILLAGE M PHASE 1**, according to the plat thereof as recorded in Plat Book 82, Pages 111 and 112, of the Public Records of Orange County, Florida.