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 MARTHA O. HAYNIE, COMPTROLLER  
 ORANGE COUNTY, FL  
 05/19/2005 03:40:44 PM  
 REC FEE 27.00

Prepared by and return to:  
 Matthew S. Smith, Esquire  
 Akerman Senterfitt  
 255 South Orange Avenue  
 17th Floor  
 Orlando, Florida 32801

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

**THIS SECOND SUPPLEMENT TO DECLARATION OF COVENANTS,  
 CONDITIONS, EASEMENTS AND RESTRICTIONS FOR EAGLE CREEK**  
 ("Supplemental Declaration") is made as of this 12<sup>th</sup> day of May, 2005, by **EAGLE CREEK  
 DEVELOPMENT CORPORATION**, a Florida corporation, having an address of 370 Center  
 Point Circle, Suite 1136, Altamonte Springs, Florida 32701 (the "Declarant").

**RECITALS:**

**WHEREAS**, the Declaration of Covenants, Conditions, Easements and Restrictions for  
 Eagle Creek was recorded January 7, 2004, in Official Records Book 07254, Page 4027, and the  
 First Supplement to Declaration of Covenants, Conditions, Easements and Restrictions for Eagle  
 Creek was recorded November 17, 2004, in Official Records Book 07705, Page 1201, both in the  
 Public Records of Orange County, Florida (collectively, the "Declaration");

**WHEREAS**, the Declaration sets forth certain easements, restrictions, covenants and  
 conditions applicable to the property described therein and provides for certain membership  
 property rights and voting rights in an association, a covenant for assessments and other matters;  
 and

**WHEREAS**, Article XIX, Section 3 of the Declaration reserves to the Declarant the  
 absolute and unconditional right to alter, modify, change, revoke, rescind, or cancel any portion  
 of 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

**WHEREAS**, Article IX, Section 15 of the Declaration provides for an assessment for  
 working capital; and

**WHEREAS**, the Declarant desires to increase the minimum assessment described in  
 Article IX, Section 15, as provided in this Second Supplement.

{OR882522;2}

**NOW, THEREFORE**, in consideration of the premises hereof and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended, modified and supplemented as follows:

1. Recitals. The recitals stated above are incorporated herein by this reference. Capitalized terms used in this Supplemental Declaration shall have the same meanings as set forth in the Declaration, as supplemented by this Supplemental Declaration.

2. Working Capital. The text of Article IX, Section 15 of the Declaration is hereby deleted in its entirety and replaced with the following:


*Section 15. Working Capital. For Parcels sold after the date this Declaration is recorded in the Public Records of Orange County, Florida, upon acquisition of record title to a Parcel by the first purchaser thereof other than (i) the Declarant and (ii) an Owner who purchases solely for the purpose of constructing a building or dwelling thereon for resale, and in addition to any Assessment that may be due with respect to such Parcels for such year, a contribution shall be made by or on behalf of such first purchaser to the working capital of the Association in an amount equal to the greater of: (i) Five Hundred and No/100 Dollars (\$500.00) or (ii) two-twelfths (2/12) of the amount of the Annual Assessment per Parcel for the calendar year in which such acquisition occurs, which contribution is not refundable, shall be in addition to, and not in lieu of, the Annual Assessment levied on the Lot and shall not be considered an advance payment of any portion of the Annual Assessment. This amount shall be paid to the Association and shall be used for operating expenses and other expenses incurred by the Association pursuant to the terms of this Declaration and the Bylaws.*

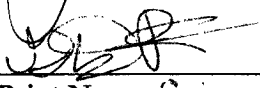
3. Reaffirmation. Except as expressly modified hereby, all terms and provisions of the Declaration are hereby ratified, confirmed and shall remain unchanged and in full force and effect.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Declarant has caused this Supplemental Declaration to be executed as of the day and year first above written.


WITNESSES:

  
Print Name: JAMES PETER NEWMAN

  
Print Name: George Parkinson

"DECLARANT"

EAGLE CREEK DEVELOPMENT CORPORATION, a Florida corporation

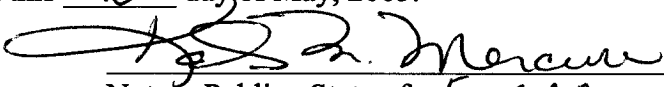
By:   
Joseph P. Pasqualetti, as its President

STATE OF FLORIDA

COUNTY OF Seminole

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

WITNESS my hand and official seal this 19<sup>th</sup> day of May, 2005.

  
Kathleen M. Mercure  
Notary Public, State of FLORIDA  
My commission expires: 12-02-05

(NOTARY SEAL)

