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**PREPARED BY AND RETURN TO:**

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-----SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA-----

**RESTATED THIRD AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TOWNE ESTATES AT SUMMERFIELD**

THIS RESTATED THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TOWNE ESTATES AT SUMMERFIELD (the “**Restated Third Amendment**”) is made by U.S. Home Corporation, a Delaware corporation (“**US Home**”).

RECITALS:

A. US Home recorded that certain Declaration of Covenants, Conditions and Restrictions for Towne Estates at Summerfield in Official Records Book 8841, at Page 0495 of the Public Records of Hillsborough County, Florida (the “**Original Declaration**”), the First Amendment to Declaration of Covenants, Conditions and Restrictions for Towne Estates at Summerfield in Official Records Book 8909, at Page 0573 of the Public Records of Hillsborough County, Florida (the “**First Amendment**”), the Second Amendment to Declaration of Covenants, Conditions and Restrictions for Towne Estates at Summerfield in Official Records Book 9814, at Page 1595 of the Public Records of Hillsborough County, Florida (the “**Second Amendment**”), and the Third Amendment to Declaration of Covenants, Conditions and Restrictions for Towne Estates at Summerfield in Official Records Book 14121, at Page 0372 of the Public Records of Hillsborough County, Florida (the “**Third Amendment**”), all respecting the residential community located in Hillsborough County, Florida, known as Towne Estates at Summerfield. This Restated Third Amendment, together with the First Amendment Second Amendment, Third Amendment and Original Declaration shall hereinafter be collectively referred to as the “**Declaration**.”

B. Article IX, Section 6 of the Declaration provides that, so long as US Home owns a Lot (as defined in the Declaration) within the Properties (as defined in the Declaration), US Home, as Declarant, shall have the right to amend the Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever. US Home owns at least one (1) Lot within the Properties.

C. Section 10 and 11 of the Third Amendment referenced amendments to the Articles of Incorporation and the Bylaws of the TOWNE ESTATES AT SUMMERFIELD HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the “**Association**”); however, the amendments to the foregoing documents were not effectuated.

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D. US Home desires to remove from the Public Record the references made in the Third Amendment to amendments of the Association's Articles of Incorporation and Bylaws that were not effectuated.

NOW THEREFORE, US Home hereby declares that every portion of Towne Estates at Summerfield is to be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

Words in the text which are lined through (-----) indicate deletions from the present text; words in the text which are double-underlined indicate additions to the present text.

1. Section 10 of the Third Amendment is hereby deleted in its entirety as follows:

~~The Articles of Incorporation of the TOWNE ESTATES AT SUMMERFIELD HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association") which are Exhibit "B" of the Declaration are hereby amended as shown on Schedule "1" attached hereto and incorporated herein by this reference.~~

2. Section 11 of the Third Amendment is hereby deleted in its entirety as follows:

~~The Bylaws of the Association which are Exhibit "C" of the Declaration are hereby amended as shown on Schedule "2" attached hereto and incorporated herein by this reference.~~

3. The remaining provisions of the Third Amendment shall be valid and enforceable from and after the date of its recording without being impaired or invalidated in any way.

4. The Declaration is hereby incorporated by reference as though fully set forth herein and, except as specifically amended hereinabove, is hereby ratified and confirmed in its entirety.

5. This Restated Third Amendment shall be effective immediately upon its recording in Hillsborough County, Florida.

IN WITNESS WHEREOF, the undersigned hereunto set its hand and seal as of this 30<sup>th</sup> day of SEPTEMBER, 2004.

[SIGNATURES AND ACKNOWLEDGEMENT APPEAR ON THE FOLLOWING PAGE]

THIS IS NOT A

WITNESSES:

U.S. HOME CORPORATION, a Delaware corporation

*Joanna Berman*  
Print Name: JOANNA BERMAN

By: *Doyle D. Dudley*  
Name: Doyle D. Dudley  
Title: Vice President

*Dawn Bailey*  
Print Name: Dawn Bailey

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{SEAL}

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

The foregoing was acknowledged before me this 30<sup>th</sup> day of September, 2004 by Doyle D. Dudley as Vice President of U.S. HOME CORPORATION, a Delaware corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification on behalf of the corporation.

My commission expires: 11-1-2004  
NOTARY PUBLIC, State of Florida at Large  
Print name: Dawn Bailey



Dawn Bailey  
MY COMMISSION # CC978976 EXPIRES  
November 1, 2004  
BONDED THRU TROY FAIN INSURANCE, INC.

*Dawn Bailey*

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