

APR 19, 2005 11:10 Ansbacher & McKeel

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PREPARED BY & RETURN TO:
Barry B. Ansbacher, Esquire
Ansbacher & McKeel, P.A.
2450 Riverplace Tower
1301 Riverplace Boulevard
Jacksonville, Florida 32207

**FIFTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND EASEMENTS
FOR
GLENHAVEN**

THIS Fifth Amendment is made as of the 20th day of April, 2005 by Larmac Development Corp., Inc., a Florida Corporation (the "Developer").

STATEMENT OF FACTS:

- A. The Developer established GLENHAVEN, a subdivision, according to plat thereof recorded in Plat Book 35, pages 16 through 21, inclusive of the public records of Clay County, Florida; and established the *Declaration of Covenants, Conditions, Restrictions, and Easements for GLENHAVEN* (the "Declaration") recorded in Official Records Volume 1854, page 2059 of the public records of Clay County, Florida on April 6, 2000.
- B. The Declaration was amended by that certain First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements for Glenhaven dated April 27, 2001 recorded in Official Records Book 1938, Page 0130 of the public records of Clay County, Florida.
- C. The Declaration was amended by that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements for Glenhaven dated June 24, 2002 recorded in Official Records Book 2069, Page 1123 of the public records of Clay County, Florida on July 1, 2002.
- D. The Declaration was amended by that certain Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements for Glenhaven dated February 19, 2003 recorded in Official Records Book 2164, Page 1372 of the public records of Clay County, Florida on March 5, 2003.
- E. The Declaration was amended by that certain Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements for Glenhaven dated

November 19, 2003 recorded in Official Records Book 2300, Page 0123 of the public records of Clay County, Florida on December 3, 2003.

- F. The Developer created *Glenhaven Homeowners Association, Inc.*, a not for profit Florida corporation (the "Association").
- G. Developer is the sole "Class B Member" of the "Association," as such terms are defined in the Declaration.
- H. The Developer desires, pursuant to Section 8.8(d) of the Declaration to bring within the scheme of the Declaration, certain additional property, and to make certain clarifications to the Declaration all as hereinafter set forth and provided.

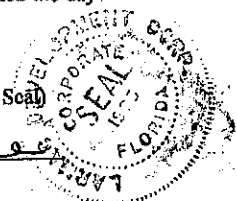
NOW THEREFORE, for and in consideration of the above premises and for other good and valuable consideration, the Developer, for itself and its successors and assigns, hereby amends the Declaration as follows:

- 1. The Background is incorporated. Terms defined in the Declaration will have the same meaning when used in this instrument, except where this instrument specifies a new definition.
- 2. Developer, brings within the scheme of the Declaration the property shown on **EAST GLENHAVEN UNIT FIVE**, a subdivision, according to plat thereof recorded in **Plat Book 47, pages 49 through 54**, of the public records of **Clay County, Florida** and hereby imposes the covenants, conditions, restrictions and easements set forth in the Declaration upon said property and declares that said property shall be held, sold, and conveyed subject to the same which will run with the title and that the grantee of any deed conveying any lot within said property will be deemed by acceptance of such deed to have agreed to all such covenants, conditions, restrictions and easements and to have covenanted to observe the same. Lots within **EAST GLENHAVEN UNIT FIVE** will now be considered as "Lots" under the Declaration for all purposes.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be executed the day and year first above written.

Larmac Development Corp., Inc.,
a Florida corporation (Corporate Seal)

By: L. D. Nichols
L. D. Nichols, President



"DEVELOPER"

Address 692 Camp Johnson Road
Orange Park, Florida 32065

WITNESSES: (2 REQUIRED, NOTARY CAN ALSO SIGN AS A WITNESS)

1 [Signature]
First Witness Signature

1 E. Virginia White
First Witness Printed Name

2 [Signature]
Second Witness Signature

2 Beth Ann Works
Second Witness Printed Name

NOTARY ACKNOWLEDGEMENT:

State of Florida
County of Clay

The foregoing instrument was acknowledged before me this 20th day of April, 2005 by L. D. Nichols, as President, for Larnac Development Corp., Inc., a Florida Corporation.

[Signature]
Notary Public, State of Florida
Print Name: E. Virginia White
Notary No.:



Personally Known
 Produced _____ as identification