

Prepared by:
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SRM-13-7591

**NOTICE OF ANNEXATION AND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF
COTTONWOOD SUBDIVISION**

This Notice of Annexation and Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions of Cottonwood Subdivision (the "Fourth Notice of Annexation"), located in the County of Santa Rosa, State of Florida, is made this ____ day of _____, 2016, by Timberland Contractors, LLC, a Florida limited liability company, as declarant ("Developer").

WITNESSETH:

WHEREAS, Developer made and executed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Cottonwood Subdivision, located in Santa Rosa County, State of Florida which is recorded in Official Records Book¹ 2410, Page 83, et seq., as amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions for Cottonwood Subdivision, as recorded in Official Records Book 2633, at Page 1710, et seq., (as amended, the "Declaration"); the Declaration encumbers and restricts the real property located in Cottonwood Subdivision, a subdivision according to the plat thereof recorded in Plat Book 9, at Pages 92 and 93;

WHEREAS, Developer made and executed that certain "Notice of Annexation and Modification to Declaration of Covenants, Conditions, Easements and Restrictions of Cottonwood Subdivision, located in Santa Rosa County, State of Florida" recorded in Official Records Book 2650, Page 1021, et seq., (the "First Annexation"), annexing additional property known and described as Cottonwood Subdivision, First Addition, according to the plat thereof recorded in Plat Book 10, at Page 60 of the public records of Santa Rosa County, Florida; the First Annexation encumbers and restricts such annexed property by the Declaration, as modified and qualified by the First Annexation;

WHEREAS, Developer made and executed that certain "Notice of Annexation and Modification to Declaration of Rights, Covenants, Restrictions, Affirmative Obligations and Conditions Applicable to Cottonwood Subdivision" recorded in Official Records Book 3399, Page 493, et seq. (the "Second Annexation"), annexing additional property known and described as Cottonwood Subdivision, Second Addition, according to the plat thereof recorded in Plat Book 12, at Page 8; the Second Annexation encumbers and restricts such annexed property by the Declaration, as modified and qualified by the Second Annexation;

¹ All references are to the public records of Santa Rosa County, Florida

WHEREAS, Developer made and executed that certain "Notice of Annexation and Modification to Declaration of Rights, Covenants, Restrictions, Affirmative Obligations and Conditions Applicable to Cottonwood Subdivision" recorded in Official Records Book 3468, Page 1991, et seq. (the "Third Annexation"), annexing additional property known and described as Cottonwood Subdivision, Third Addition, according to the plat thereof recorded in Plat Book 12, at Page 22; the Third Annexation encumbers and restricts such annexed property by the Declaration, as modified and qualified by the Third Annexation;

WHEREAS, Developer has developed an additional phase known as Cottonwood Subdivision, Fourth Addition and, upon final approval by Santa Rosa County, Florida, shall record the plat of said addition;

WHEREAS, pursuant to Article II, Section 2.2 and Article XII, Section 12.6(d) of the Declaration, Developer desires to, and has the right to, annex the additional residential real property and common areas, if any, as described on the plat of Cottonwood Subdivision, Fourth Addition, encumber and restrict such property by the Declaration and amend the Declaration as it applies to such residential real property being annexed hereby;

WHEREAS, pursuant to Article XII, Section 12.6, the Declaration may be modified and amended with the consent of fifty percent (50%) of the owners of Lots within Cottonwood Subdivision, and the annexation of Cottonwood Subdivision, Fourth Addition, provides Developer with ownership of over fifty percent (50%) of the Lots in Cottonwood Subdivision.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer declares as follows:

1. Annexation of Cottonwood Fourth Addition. Effective as of the date of recording of this instrument in the public records of Santa Rosa County, Florida, that certain real property described in the attached Exhibit "A" ("Fourth Addition Property") shall be encumbered by and subject to each and all of the provisions of the aforesaid Declaration, the First Annexation, the Second Annexation and the Third Annexation, as if originally encumbered thereby; subject, however, to the amendments set forth in this Fourth Notice of Annexation:

2. Amendment to Declaration. The Declaration is hereby amended as follows:

A. Article IV, Section 4.7 is amended to read as follows²:

4.7 Parking of Wheeled Vehicles, Boats and Water Vessels. Cars, trucks, tractors, recreational vehicles and trailers (collectively called "Vehicles") must be kept at all times completely inside a garage and are not permitted to be parked elsewhere on a Lot or on a street within the Plat except as otherwise specifically permitted in this paragraph. Boats and water vessels and trailers must be kept at all times completely inside a garage and are not permitted to be parked elsewhere on a Lot or on a street within the Plat except as otherwise specifically permitted by the Architectural Review Committee. Private cars or private trucks (exclusive

² Underlined words are being added; stricken words are being deleted.

of all other Vehicles) owned by an Owner or an Owner's guest may be parked in the Owner's driveway, but only if they do not display commercial signs. Commercial Vehicles may be parked in a street or driveway when necessary for providing services to an Owner, or for pickup and delivery service, but only while undertaking this activity and never overnight. Recreational vehicles, travel trailers, trailers, and campers may be parked in the driveway of a Lot for up to a total of 48 hours per week for loading and unloading only, and never for dwelling purposes. Recreational vehicles, travel trailers and campers will be allowed to be stored on Lots 19 through 25, inclusive, Block "D" of the Third Addition Property, and on Lots 26 through 31, inclusive, Block "D" of the Fourth Addition Property, but only if stored behind a privacy fence. No Vehicles may be repaired or maintained on or adjacent to a Lot, except within a garage. Vehicles engaged in construction of subdivision improvements or dwellings on behalf of Declarant will be permitted within Cottonwood Subdivision for such purposes.

3. Ratification. Other than as modified, the Declaration remains in full force and effect and is hereby ratified.

(end of text – signature page to follow)

IN WITNESS WHEREOF, the Developer hereunto set his hand and seal this ____ day
of _____, 2016.

Signed, sealed and delivered
in the presence of:

TIMBERLAND CONTRACTORS, LLC,
a Florida limited liability company

Print Name: _____

By: Christopher Walters, its Manager

Print Name: _____

STATE OF FLORIDA
COUNTY OF SANTA ROSA

The foregoing instrument was acknowledged before me this ____ day of
_____, 2016, by Christopher Walters, as Manager of Timberland Contractors,
LLC, a Florida limited liability company.

NOTARY PUBLIC
Print Name: _____

____ Personally known
OR
____ Produced Identification
Type of Identification produced _____