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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

Prepared By and Return To:
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Osprey, FL 34229



**AMENDMENTS TO THE RESTATED DECLARATION
OF RESTRICTIONS OF THE RANCHES AT BERN CREEK**

THIS CERTIFICATE OF AMENDMENT is executed this 03 day of March, 2020, by Bern Creek Improvement Association, Inc., a Florida not-for-profit corporation (hereinafter "Association").

RECITALS

WHEREAS, the Association has been established for the operation of Bern Creek Improvement Association, Inc., in accordance with The Declaration of Restrictions of The Ranches at Bern Creek ("Declaration") recorded in Book 1790, Pages 2736, et seq., as amended, of the Public Records of Sarasota County, Florida; and,

WHEREAS, amendments to the Restated Declaration of Restrictions of The Ranches at Bern Creek were submitted to the Members of the Association at the Annual Meeting of the Members held on December 3, 2019, which Meeting was duly noticed in accordance with the Florida Statutes; and,

WHEREAS, not less than a majority of the lots voted to approve the proposed amendments;

NOW THEREFORE, the Association does hereby state as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. All present and future Members of the Association shall be bound by the amendments to the Declaration.

New language is indicated by underlined type. Deleted language is indicated by ~~strikethrough~~ type.

The current Article 2 of the Declaration is amended in the following manner:

2. Construction of a residence is governed by the following:

(a) No lot shall be subdivided.

(b) No residence shall be constructed on a parcel of land containing less than five (5) acres. No construction of a building or structure shall be commenced until plans and specifications shall have been submitted to the Bern Creek Improvement Association, Inc., its successors or assigns, for approval and approval has been given in writing. In the event

proposed construction does not violate any of the restrictions ~~proved~~ provided for herein and there are no substantial reasons for withholding consent, approval shall be promptly granted.

The current Article 6 of the Declaration is amended in the following manner:

6. ~~No structures shall be moved onto any parcel of land. No temporary dwellings, including trailers, mobile homes, and storage facilities~~ buildings shall be brought upon any parcel of land except contractor's trailers, ~~with~~ and sanitary facilities to be used during the reasonable period of construction ~~of a dwelling~~.

Buildings, including sheds, that are brought onto a parcel of land must be made permanent. As with all permanent buildings, such buildings must be reviewed in advance by the Architectural Review Committee. Approval of that Committee will be contingent on all of the normal requirements of a building [as stated in Paragraph 5, above], including, but not limited to, being fastened to a concrete foundation, and will be counted as one (1) of the two (2) allowed additional buildings on a parcel.

The current Article 7 of the Declaration is amended in the following manner:

7. All fences facing a paved road shall be constructed of ~~CCA~~ pressure treated boards and wooden posts and be of uniform design and approved by the association. Such fence shall be constructed by the lot owner within sixty (60) days of receiving a certificate of occupancy. In the event the lot owner fails to comply with this provision, the fence shall be constructed by the Bern Creek Improvement Association, Inc. and the charge therefore assessed to the lot owner as provided herein. All such fences shall be constructed ten (10) feet back from the road Right-of-Way along the front lot line. All such fences shall not be painted or stained.

Fence dimensions and materials shall be as follows: Corner posts are to be at fence corners and ends. Corner posts will be round posts between 6.5" and 7.5" in diameter. Non-corner posts are to be 3.5" to 4.5" in diameter. Posts are to be 42" to 54" high. Posts will be spaced at 8' intervals to the centers of the posts. Boards will be full 1" by 6" rough cut. The fence will consist of three (3) boards. If necessary a fourth board will be allowed on the bottom where the fence height is too great for just three ~~boards~~ (an example of this can be seen along the Celestine Pass). ~~fences~~ shall be constructed on the property line between road Right of Way and the owner's property.

The current Article 11 of the Declaration is amended in the following manner:

11. Commercial and recreational vehicles, including but not limited to campers, tractors, motorhomes, recreational vehicles (RVs), mobile homes, trailers, off the road vehicles, inoperable vehicles, dump trucks, draglines, dunebuggies and boats, must either be placed in enclosed structures, walled areas, or must be so located on the lot so as to be screened from view from roadways and adjoining properties by shrubbery or natural vegetation. This screening must block from view eighty percent (80%) or more of said vehicle. RVs, mobile homes, campers, and any other such vehicles which include living areas, shall not be lived in or hooked up to utilities. There shall be no junk, trash, or debris on a lot, nor shall any ~~unsightly~~ objects of any

nature shall be stored on the lots, and all lots shall be in compliance with Sarasota County Code ~~unless said objects are completely screened from view from roadways and adjoining properties.~~

The current Article 18 of the Declaration is amended in the following manner:

18. ~~This Declaration~~Restrictions may be modified at any time by an instrument in writing signed and acknowledged by the ~~then~~ owners of a majority of the lots within the subdivision. ~~The owners of the lots hereby appoint the Bern Creek Improvement Association, Inc. as their agent until buildings are constructed on each and every lot in the subdivision for the purpose of making minor changes in these restrictions.~~

The current Article 20 of the Declaration is amended in the following manner:

20. No signs of any kind shall be displayed to the public view on any lot except the following:

(a) During the course of construction ~~of~~ or improvements, the general contractor may erect a construction sign no more than four (4) square feet in size containing the name of the builder, the job number and phone number, which sign shall be promptly removed when the ~~certificate of occupancy is issued~~project is completed.

(b) For sale signs of the owner or his agent for the sale of a parcel ~~on which a home has been completed which shall also contain vacant lots.~~ For sale signs shall be restricted to a single two (2) signs per lot. The size shall not exceed approximately four (4) square feet.

The current Article 23 of the Declaration is amended in the following manner:

23. ~~Loading or unloading of heavy equipment shall be done on owner's property and not on roadways.~~ Individual lot owners will be held responsible for damages to roadways caused by the owner's construction activities. Repairs shall be made by the Association and the individual lot owners assessed for the cost thereof.

All other sections remain unchanged.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 03 day of March, 2020.

Mackenzie Metzger
Witness Signature

BERN CREEK IMPROVEMENT
ASSOCIATION, INC

Mackenzie Metzger
Printed Name

By: Michael P Hutch
Michael Hutchinson, President

Maggie Aldeed
Witness Signature

MAGGIE Aldeed
Printed Name

Gary W. Stewart
Witness Signature

GARY W. STEWART
Printed Name

Robin Davis
Witness Signature

Robin Davis
Printed Name

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 3 day of March 2020, by Michael Hutchinson, as President of Bern Creek Improvement Association, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced Driver's license as identification.



Mackenzie Metzger
Notary Public, State of Florida

Mack Metzger
Witness Signature

BERN CREEK IMPROVEMENT
ASSOCIATION, INC

Mackenzie Metzger
Printed Name

Frank Rich
Attest: Frank Rich, Secretary

Maggie Aldred
Witness Signature

Maggie Aldred
Printed Name

Gary W. Haugworth
Witness Signature

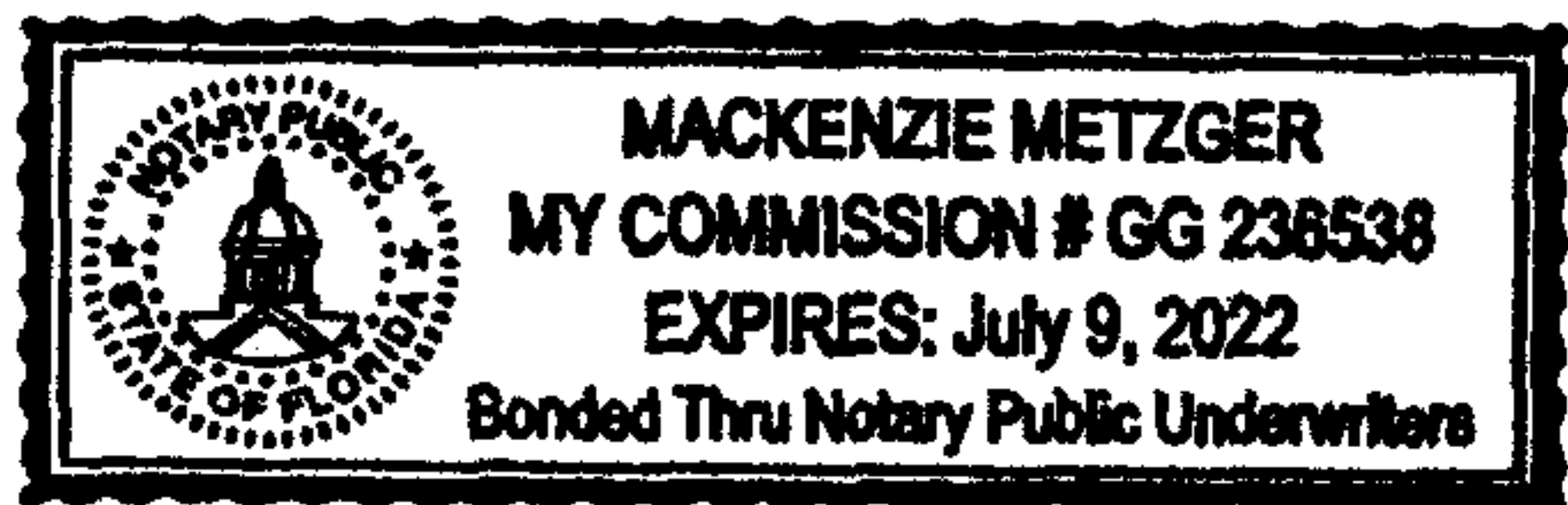
GARY W. HAUGWORTH
Printed Name

Robin Davis
Witness Signature

Robin Davis
Printed Name

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 3 day of March 2020, by Frank Rich as Secretary of Bern Creek Improvement Association, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced Driver's License as identification.



Mack Metzger
Notary Public, State of Florida