

THIS DOCUMENT PREPARED BY:  
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RICHARD M WEISS, CLERK OF COURT  
POLK COUNTY  
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**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR  
THE PRESERVE AT SUNDANCE**

THIS IS AN AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for The Preserve at Sundance ("Amendment") made as of the 13th day of June, 2003, by **THE FOREST GROUP, LLC**, a Florida limited liability company (hereinafter referred to as "**Declarant**").

Background Information

A. On February 26, 2002 the Declarant placed of record that certain Declaration of Covenants, Conditions and Restrictions for The Preserve at Sundance dated January 29, 2002 and recorded in Official Records Book 4935, beginning at Page 1194, Public Records of Polk County, Florida (the "Declaration").

B. The Declarant desires to amend certain terms and provisions of the Declaration in accordance with Article VI, Section 3 of the Declaration.

Operative Provisions

Declarant hereby declares that the Declaration is amended as follows:

1. **Article V, Paragraph 10** is hereby deleted in its entirety and the following is hereby substituted therefor:

10. (a) All proposed fence installations to be placed upon residential lots within the Subdivision shall be submitted to and approved by the ARC prior to installation.

(b) Fencing shall be 72" privacy fence where adjoining another rear home site. The maximum height of side and rear yard fences shall be 72". If a fence is adjoining conservation area the maximum allowed height shall be 48".

(c) The following general guidelines shall apply to all fences placed upon residential lots within the Subdivision:

1. The ARC shall determine whether the proposed fencing complies with the design and architectural style and materials used in the neighborhood.
2. PVC fencing shall be 72" or 48" tall Lakeland or Spirit Lake Style. PVC fencing shall be solid-wall 100% virgin PVC fence that is constructed from High Quality Materials, stabilizers and modifiers throughout the entire extruded profile. No PVC co-extrusions or vinyl-clad wood products will be permitted.
3. Wood fencing shall be Board on Board style 72" or 48" tall fence. Painting or staining is optional. The color of the fence shall match the home color. Wood fence shall be installed finished side out.
4. Fence locations shall be submitted along with the Site Plans and fence specifications for review. The Site Plan shall not be approved without the fence locations noted.
5. All fencing shall commence at the rear corners of the dwelling. Screened lanai may be enclosed in rear yard.
6. Forty-eight (48) inch high fencing only shall be permitted at rear property line when fencing along lakes or conservation areas. Materials shall be black vinyl coated chain link.
7. When forty-eight (48) inch fence is required along a rear lot line, the last 8' section on side yard fence shall not exceed forty-eight (48) inches high. The preceding section shall slope from 72" to 48" or may not exceed (60) inches high.
8. NO fencing in the front yard set back shall be permitted.
9. NO fencing shall exceed seventy-two (72) inches in height.
10. All lots that back up to a neighboring lot are only allowed seventy-two (72) inch approved wood or PVC fence only. No other fence style shall be approved for these lots.
11. Fences may extend into utility easements at the Lot Owner's risk. If such fences are required to be moved, the cost of removal shall be at the Lot Owner's expense.
12. Fence locations on corner lots may be further restricted due to side yard visibility constraints, side yard setback

restrictions, and the location of homes on adjoining property. Corner lots shall be handled on a case-by-case basis. The Owner may request specific information pertaining to corner lot setbacks prior to submittal of a plan. The required side yard set back from the street shall be 10' from the property line.

13. Chain link fence shall only be permitted along rear property line when property rear adjoins a conservation area or lakes at its rear line.
14. When lot property runs parallel to a conservation area, the only approved fence style shall be 48" black vinyl coated chain link.
15. Forty-eight (48) inch approved fence styles shall be as follows:

**Approved wood and chain link fence styles:**

- 48" Wood Dog Ear Board on Board
- 48" Black Vinyl Coated Chain Link-back property line only when adjoining conservation area

PAINTING OR STAINING IS OPTIONAL. COLOR SHALL MATCH HOME COLOR. WOOD FENCE SHALL BE INSTALLED FINISHED SIDE OUT.

16. Seventy-two (72) inch approved fence styles shall be as follows:

**WOOD APPROVED FENCE STYLES**

- 72" Wood Dog Ear Board on Board

PAINTING OR STAINING IS OPTIONAL. COLOR SHALL MATCH HOME COLOR. WOOD FENCE SHALL BE INSTALLED FINISHED SIDE OUT.

**PVC APPROVED FENCE STYLES**

- 72" Lakeland or Spirit Lake

17. Double fencing shall be prohibited.

2. Except as specifically provided herein, all other terms and provisions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant has caused this Declaration to be executed as of the date stated above.

Signed, sealed and delivered  
in the presence of:

Michelle B. Eliason

WITNESS

PRINT NAME: Michelle B. Eliason

Dawn M. Ewers

WITNESS

PRINT NAME: Dawn M. Ewers

THE FOREST GROUP, LLC

By: Gene Engle  
Gene Engle, Managing Member

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 13th day of June, 2003, by **GENE ENGLE, as Managing Member of THE FOREST GROUP, LLC**, and he acknowledged that he signed the foregoing instrument freely and voluntarily and for the purposes therein expressed. Affiant personally appeared before me, is personally known to me and did/did not take an oath.

(SEAL)



Michelle B. Eliason

NOTARY PUBLIC, STATE OF FL  
Michelle B. Eliason

Print Name of Notary

Commission Number:

Commission Expires:

Commission Number:

Commission Expires:

## CONSENT AND JOINDER

The undersigned, hereby consents to and joins in the attached Amendment to Declaration of Covenants, Conditions and Restrictions for The Preserve at Sundance, as recorded in Plat Book 116, Pages 44 and 45, of the Public Records of Polk County, Florida.

KB HOME TAMPA LLC, a Delaware limited liability company

Rich [Signature]  
WITNESS

[Signature]  
WITNESS

By: [Signature]  
PRINT NAME: Rob Ahrens  
As its: SVP

STATE OF FLORIDA  
COUNTY OF Hillsborough

The foregoing AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS was acknowledged before me this 13<sup>th</sup> day of June, 2003, by

Rob Ahrens as SVP  
of KB HOME TAMPA LLC, a Delaware limited liability company, who is ~~are~~ personally known to me or ~~who has~~ have produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public-State of Florida  
LYNN M. HENAUT  
Printed Name of Notary Public