

GAIL WADSWORTH, FLAGLER Co.

**THIRD AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS
AND EASEMENTS**

(All references to recording information herein are to the Public Records of Flagler County, Florida unless otherwise indicated)

This Third Amendment to the Declaration of Restrictive Covenants and Easements ("Amendment") is made on the date hereinafter set forth by Longview Village Development Company, a Kansas corporation ("Declarant")

WITNESSETH:

WHEREAS, the Declarant previously executed and recorded that certain Declaration of Restrictive Covenants and Easements on November 20, 2001 in Official Records Book 781, Pages 1905 through 1966, Public Records of Flagler County, Florida (the "Declaration"); and

WHEREAS, the Declaration was subsequently amended by that certain First Amendment to Declaration of Covenants and Restrictions for Village at Palm Coast, recorded on February 20, 2002, in Official Records Book 803, Page 1333, Public Records of Flagler County, Florida, and subsequently amended by that certain Second Amendment to Declaration of Covenants and Restrictions for Village at Palm Coast, recorded on July 3, 2002, in Official Records Book 832, Page 840, Public Records of Flagler County, Florida; and

WHEREAS, Article XI, Section 7 of the Declaration provides that the Declarant may amend the Declaration so long as it holds title to any Lot affected by the Declaration; and

WHEREAS, the Declarant still holds title to Lots affected by the terms of the Declaration; and

WHEREAS, the Declarant wishes to amend certain provisions of the Declaration as more particularly described herein;

WHEREAS, the Declarant desires to put all transferees, mortgagees and lienors on notice of such Amendment.

NOW THEREFORE, the following amendment to the Declaration is hereby adopted, and each transferee, mortgagee or lienor of any property within the VILLAGE AT PALM COAST SUBDIVISION (including any future phases thereof submitted to the Declaration) and their respective heirs, successors and assigns, shall be bound by and subject to such amendment, to wit:

Article IX, Section 2A is hereby further amended to read as follows:

Section 2. Building Type.

A. "Building Type". No building shall be erected, altered, placed or permitted to remain on any Lot other than one single family Dwelling Unit not to exceed

30 feet in height and of the type and style originally constructed by the Declarant. All Dwelling Units shall be constructed by an Approved Builder according to the Declarant's specifications. Construction shall not commence until the Owner has received written approval to proceed from the Architectural Review Committee. Construction of a Dwelling Unit must commence within twenty four (24) months of acquisition of a Lot by the Owner. The Declarant shall have an absolute right to repurchase any Lot which remains vacant for more than twenty four (24) months, unless such Lot is owned by an Approved Builder. The Declarant's repurchase of such Lot shall be at the then reasonably established fair market value, and the Owner shall bear all closing costs. All Dwelling Unit exteriors shall be completed within six (6) months from commencement of construction or issuance of a building permit, whichever comes first.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal this ____ day of March, 2004.

Witnesses:

(Name Printed or Typed)

JUSTIN CHALMER FRALEY

(Name Printed or Typed)

LONGVIEW VILLAGE DEVELOPMENT COMPANY, a Kansas corporation

William F. McCroy, Jr.
President

(Corporate seal)

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 4th day of March, 2004, by William F. McCroy, Jr., as President of Longview Village Development Company, a Kansas corporation, on behalf of the company. He is personally known to me or has produced Florida Drivers Lic. as identification.

NOTARY PUBLIC:

DONNA L. NORTH

State of Florida At Large

(Seal)

My Commission Expires:

