

This Instrument Prepared By: ✓  
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BOONE, BOONE, BOONE, KODA & FROOK, P.A.  
P.O. Box 1596  
Venice, Florida 34284

RECORDED IN OFFICIAL RECORDS  
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KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
MTAYLOR Receipt#444207



2004041529

**FIFTH AMENDMENT TO  
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS  
OF MYAKKA RIVER TRAILS**

**WHEREAS**, certain property described in the Declaration defined below has been developed in Sarasota County and is subject to the terms, provisions, covenants, conditions, and restrictions of that certain Declaration of Easements, Covenants and Restrictions of Myakka River Trails (the "Declaration") recorded in Official Records Book 2923, Page 1110, et seq., and re-recorded in Official Records Book 2928, Page 1768, et seq., and amended by First Amendment recorded in Official Records Book 3009, Page 2718, Second Amendment recorded in Official Records Instrument #2001096414, Third Amendment recorded in Official Records Instrument #2002092839, and Fourth Amendment recorded in Official Records Instrument #2004026981, all of the public records of Sarasota County, Florida; and

**WHEREAS**, MYAKKA RIVER TRAILS IMPROVEMENT ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association"), is the entity with the authority to enforce the Declaration; and

**WHEREAS**, FOURTH QUARTER PROPERTIES XXXV, LLC, a Georgia limited liability company, as successor in interest to Taylor Ranch, Inc., is the Developer; and

**WHEREAS**, amendment of the Declaration by the Board of Directors of the Association is permitted pursuant to Paragraph 23 of the Declaration;

**WHEREAS**, this Fifth Amendment to the Declaration was submitted to the Board of Directors of the Association and adopted at a duly noticed meeting at which all of the Directors were present and voting throughout;

**NOW, THEREFORE**, the Association amends the Declaration, as follows:

As long as the Developer owns any Lot or tract, the Developer shall be entitled to grant exceptions and variances to the restrictions, setbacks and buffers contained in Paragraphs 9, 11 and 14 of the Declaration with respect to any Lot or Parcel the topography of which renders

compliance with these requirements unreasonable. After the Developer no longer owns any Lots or tracts in the Subdivision, the right to grant exceptions and variances shall pass to the Association.

The Association hereby ratifies and approves all variances previously granted.

IN WITNESS WHEREOF, the Association has set its hand and seal this 2nd day of March, 2004.

Witnesses:

Sign [Signature]  
Print G Lamar Maddox

Sign [Signature]  
Print Cheryl J. Edwards

MYAKKA RIVER TRAILS  
IMPROVEMENT ASSOCIATION, INC.,  
a Florida not-for-profit corporation

By [Signature]  
Stanley E. Thomas, as President

STATE OF GEORGIA  
COUNTY OF COWETA

I HEREBY CERTIFY that the foregoing Amendment was acknowledged before me this 2 day of MARCH, 2004, by Stanley E. Thomas, as President of **MYAKKA RIVER TRAILS IMPROVEMENT ASSOCIATION, INC.**, on behalf of said corporation. He is personally known to me.

NOTARY PUBLIC

Sign [Signature]  
Print LILA M. ECHOLS

(SEAL)

My Commission Expires: 4/11/05

