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OR BK 4736 PG1336
Escambia County, Florida
INSTRUMENT 2001-861342

THIS INSTRUMENT WAS PREPARED BY:
JAMES M. WEBER of BEGGS & LANE, A
REGISTERED LIMITED LIABILITY PARTNERSHIP,
ATTORNEYS AT LAW
700 BLOUNT BUILDING
PENSACOLA, FLORIDA 32501

AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
RUSSELL BAYOU AT INNERARITY ISLAND, PHASE 1

STATE OF FLORIDA

COUNTY OF ESCAMBIA

THIS AMENDMENT, is made effective as of the 5th day of July, 2001, by Russell Bayou Corporation, a Florida Corporation, for itself, its successors, grantees and assigns, hereinafter referred to as "Declarant", WITNESSETH:

WHEREAS, Declarant is the owner of all of the real property in Escambia County, Florida, described in that certain Declaration of Covenants, Conditions and Restrictions for Russell Bayou at Innerarity Island, Phase 1, which is dated May 31, 2001, and recorded in Official Records Book 4719, at page 0480 and re-recorded in Official Records Book 4727, at page 0265, of the public records of Escambia County, Florida (herein the "Phase 1 Declaration"); and

WHEREAS, the undersigned now wishes to amend, modify, clarify and enlarge certain of the terms, conditions and provisions of said Declaration;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for valuable consideration, the undersigned hereby covenants and agrees that the said Phase 1 Declaration is amended, modified, enlarged and clarified as follows:

(1) With respect to Section 9 of Article I of the Declaration, the "Common Area" ownership by the Association is subject to the reservation by Declarant, for itself and for its successors and assigns, of a non exclusive but perpetual ingress, egress and access easement and right on, over and along the streets, drives, boulevards and road right of ways as shown and reflected on the face of the plat of Russell Bayou at Innerarity Island, Phase 1, as recorded in Plat Book 17, at pages 21 and 21A of the public records of Escambia County, Florida.

(2) Parcel "L" as reflected on the face of the plat of Russell Bayou at Innerarity Island, Phase 2, as recorded in Plat Book 17, Pages 22 and 22A of the public records of Escambia County, Florida, is not in any way subject to, covered by, or controlled by the Phase 2 Declaration and is excluded from said Phase 2 Declaration. (The Phase 2 Declaration is dated May 31, 2001 and recorded in Official Records Book 4719, page 0501 and re-recorded in Official Records Book 4727, page 0281 of the public records of Escambia County, Florida.)

(3) Russell Bayou Corporation, the present owner of "Parcel L" as reflected on face of the plat of Russell Bayou at Innerarity Island, Phase 2, and its successors and assigns, are vested in perpetuity with all necessary and reasonable ingress, egress and access easements and rights on, over and across all of the private drives, streets, boulevards, road rights of ways, and cul-de-sacs reflected on the face of the plats of both Russell Bayou at Innerarity Island, Phase 1, as recorded in Plat Book 17,

at pages 21 and 21A of the public records of Escambia County, Florida, and Russell Bayou at Innerarity Island, Phase 2 as recorded in Plat Book 17, pages 22 and 22A of the public records of Escambia County, Florida, and with all necessary and reasonable rights of use and enjoyment with respect to the Common Area owned by or to be owned by Russell Bayou Homeowner's Association, Inc., including, but not limited to, the pool and tennis courts, to and for the same extent, intent and purposes as it would have had pursuant to the terms of the Phase 2 Declaration.

(4) In all other respects, the said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment has been executed effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Sign: _____
Print: James S Campbell

Sign: _____
Print: James M Weber

RUSSELL BAYOU CORPORATION,
a Florida Corporation

By: _____
Marshall O. Colley
Its President

CORPORATE SEAL

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 5th day of July, 2001, by Marshall O. Colley, President of Russell Bayou Corporation, a Florida corporation, on behalf of the corporation. He is personally known to me or produced a Florida drivers license as identification and did not take an oath.

_____
Notary Public, State of FL at Large
Print Name: James M Weber
My Commission Expires: July 1, 2003

OFFICIAL NOTARY SEAL
JAMES M. WEBER
COMMISSION NUMBER
CC 837257
MY COMMISSION EXP:
JULY 1, 2003

RCD Jul 11, 2001 10:06 am
Escambia County, Florida

Ernie Lee Magaha
Clerk of the Circuit Court
INSTRUMENT 2001-861342

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