

2003 MAY 14 01:17 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
TFERNAND Receipt#318661

This instrument prepared by:
John D. Dumbaugh, Esq.
Syprett, Meshad, Resnick & Lieb
1900 Ringling Blvd.
Sarasota, FL 34236
File No. 15453.001



2003093888

Barton Farms

**AMENDMENT TO THE DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BARTON FARMS**

THIS ADDENDUM is made by **BARTON FARMS, INC.**, a Florida corporation ("Declarant").

WHEREAS, Declarant is the owner of real property in Sarasota County, Florida, hereinafter described; and

WHEREAS, Declarant has previously executed and placed on record the Declaration of Protective Covenants, Conditions and Restrictions for Barton Farms, Inc., dated June 1, 1996, and recorded in Official Record Book 2959, Page 644, et seq., as modified by instrument filed May 7, 2002, as Official Records Inst. #2002074179, of the Public Records of Sarasota County, Florida (the "Declaration"); and

WHEREAS, pursuant to Article 2, Paragraph 2.03 of the Declaration, additional property may be added to the Declaration by filing an Addendum to the Declaration;

WHEREAS, Declarant desires, agrees and consents that the following described property is to be subject to the Declaration in accordance therewith, and subject to such additional restrictions as may be hereinafter provided as contemplated by the Declaration; and

WHEREAS, the Developer wishes to add a provision pertaining to stormwater management;

NOW, THEREFORE, the following provision shall be added and made a part of said Declaration, to-wit:

NOW, THEREFORE, Declarant declares:

1. STORMWATER MANAGEMENT SYSTEM. In the event the Master

Association, or any successor organization, shall fail to adequately maintain the Stormwater Management System in accordance with Sarasota County standards, Sarasota County shall have the right, but not the obligation, to enter the Subdivision, for the purpose of maintaining the Stormwater Management System. All expenses incurred by Sarasota County in maintaining the Stormwater Management System shall be assessed prorata against the Lots and shall be payable by the Owners of the Lots within 60 days after receipt of a statement therefor. If any Owner fails to pay such assessment within such 60 day period, the assessment shall become a lien on such Owner's lot, which may be foreclosed by Sarasota County. The rights of Sarasota County contained in this restriction shall be in addition to any other rights Sarasota County may have in regulating the operation and development of the Subdivision. Any provision in the aforesaid Declaration or any amendment thereto notwithstanding, any amendment to the Declaration of Protective Covenants, Conditions and Restrictions for Barton Farms which would affect the stormwater management system must have the prior written approval of the Sarasota County Engineer or his authorized designee. In addition, no portion of the stormwater management system may be altered without the prior written approval of the Sarasota County Engineer or his authorized designee.


2. The real property described on **EXHIBIT "A"** attached hereto (the "Property") is hereby made subject to the operation and effect of the Declaration pursuant to Article 2, Paragraph 2.03 thereof, and that the property is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, restrictions, conditions, easements, charges and liens set forth in said Declaration, as heretofore, hereby and hereafter amended.

IN WITNESS WHEREOF, Declarant has executed these presents this 2nd day of May, 2003.


WITNESSES:

DECLARANT:

**BARTON FARMS, INC.,
A FLORIDA CORPORATION**


Print name: Karen L. Thompson

By: 
REX S. HORTON, Its President


Print name: Holly McIntyre

ASSOCIATION:

BARTON FARMS ASSOCIATION, INC.
A NOT-FOR-PROFIT CORPORATION

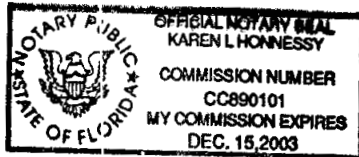
Karen L. Honnessy
Print name: Karen L. Honnessy

By: [Signature]
Rex S. Horton, its President

Holly McEntyre
Print name: Holly McEntyre

STATE OF FLORIDA
COUNTY OF SARASOTA

May THE FOREGOING INSTRUMENT was acknowledged before me this 2nd day of April, 2003, by Rex S. Horton, President of BARTON FARMS, INC., a Florida corporation, who is personally known to me and who did not take an oath.



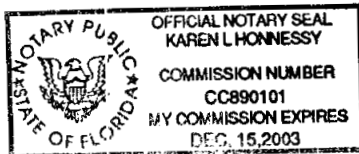
(Seal)

My Commission Expires:

Karen L. Honnessy
Notary Public
Name: _____

STATE OF FLORIDA
COUNTY OF SARASOTA

May THE FOREGOING INSTRUMENT was acknowledged before me this 2nd day of April, 2003, by Rex S. Horton, as President, of BARTON FARMS ASSOCIATION, INC., a not-for-profit corporation, who is personally known to me ~~or who provided~~ _____ ~~as identification~~, and who did not take an oath.



(Seal)

My Commission Expires:

Karen L. Honnessy
Notary Public
Name: _____

EXHIBIT "A"

Legal Description Barton Farms Unit 3
(Prepared by Sampey & Burchett, Inc.)

A PARCEL OF LAND BEING A PORTION OF TRACTS 1-6, 10-12, 15-18, BLOCK 7, PALMER FARMS, THIRD UNIT AS RECORDED IN PLAT BOOK 3, PAGE 58 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND A PORTION OF LANDS OF THE FORMER TAMPA SOUTHERN RAILROAD (A STRIP OF LAND 130.00 FEET IN WIDTH), AS FORMERLY LOCATED AND CONSTRUCTED, ALL LYING IN SECTIONS 33 & 34, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT C, BARTON FARMS, UNIT 1 AS RECORDED IN PLAT BOOK 38, PAGE 46 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, SAID POINT BEING ON THE CENTERLINE OF DELFT ROAD (50 FEET IN WIDTH) AS SHOWN ON THE PLAT OF SAID PALMER FARMS, THIRD UNIT (VACATED PER OFFICIAL RECORDS BOOK 2668, PAGE 1217, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA);
THENCE WEST ALONG SAID CENTERLINE OF DELFT ROAD, A DISTANCE 85.00 FEET;
THENCE NORTH, A DISTANCE OF 375.00 FEET;
THENCE WEST, A DISTANCE OF 85.00 FEET;
THENCE N.19°39'47"E., A DISTANCE OF 44.60 FEET;
THENCE N.11°41'22"W., A DISTANCE OF 161.35 FEET;
THENCE WEST, A DISTANCE OF 152.32 FEET;
THENCE NORTH, A DISTANCE OF 514.30 FEET;
THENCE N.32°00'00"E., A DISTANCE OF 1341.29 FEET;
THENCE N.63°20'22"W., A DISTANCE OF 43.35 FEET;
THENCE N.12°07'39"W., A DISTANCE OF 283.65 FEET;
THENCE N.32°52'21"E., A DISTANCE OF 420.00 FEET TO THE NORTH LINE OF TRACT 1, BLOCK 7, PALMER FARMS THIRD UNIT, AS RECORDED IN PLAT BOOK 3, PAGE 58 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;
THENCE S.57°07'39"E. ALONG SAID NORTH LINE OF TRACT 1, A DISTANCE OF 340.46 FEET;
THENCE N.32°52'21"E., A DISTANCE OF 65.00 FEET TO THE CENTERLINE OF THE AFOREMENTIONED ROADBED OF THE FORMER MAIN TRACK OF THE TAMPA SOUTHERN RAILROAD (130.00 FEET WIDE);
THENCE S.57°07'39"E., ALONG SAID CENTERLINE, A DISTANCE OF 559.53 FEET TO THE WESTERLY LINE OF BARTON FARMS, UNIT 1 AS RECORDED IN PLAT BOOK 38, PAGE 46 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA (THE FOLLOWING TWELVE (12) CALLS ARE ALONG SAID WESTERLY

LINE OF BARTON FARMS, UNIT 1;
THENCE S.33°01'30"W., A DISTANCE OF 21.16 FEET;
THENCE S.56°37'03"W., A DISTANCE OF 44.08 FEET;
THENCE N.69°57'33"W., A DISTANCE OF 51.76 FEET;
THENCE S.26°39'43"W., A DISTANCE OF 328.75 FEET;
THENCE N.65°40'53"W., A DISTANCE OF 73.84 FEET;
THENCE S.40°14'31"W., A DISTANCE OF 830.07 FEET;
THENCE S.15°11'00"W., A DISTANCE OF 985.55 FEET;
THENCE S.29°51'14"W., A DISTANCE OF 176.41 FEET;
THENCE S.31°01'04"W., A DISTANCE OF 24.50 FEET;
THENCE SOUTH, A DISTANCE OF 169.50 FEET;
THENCE WEST, A DISTANCE OF 85.00 FEET;
THENCE SOUTH, A DISTANCE OF 226.50 FEET TO THE POINT OF BEGINNING.;
CONTAINING 34.6734 ACRES, MORE OR LESS.

(177530)