

PREPARED BY AND RETURN TO:

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-----SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA-----

**FIRST AMENDMENT TO COMMUNITY DECLARATION FOR
HERITAGE AT PLANT STREET**

THIS FIRST AMENDMENT TO COMMUNITY DECLARATION FOR HERITAGE AT PLANT STREET (this “**First Amendment**”) is made by M/I HOMES OF ORLANDO, LLC, a Florida limited liability company (the “**Declarant**”) and joined by the HERITAGE AT PLANT STREET COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation (the “**Association**”).

RECITALS

A. The Declarant recorded the COMMUNITY DECLARATION FOR HERITAGE AT PLANT STREET in Document Number 20180359264 of the Public Records of Orange County, Florida (the “**Declaration**”).

B. Pursuant to Section 4.3 of the Declaration, the Declarant may amend the Declaration prior to the Turnover Date without the joinder or consent of any person or entity.

C. The Turnover Date has not yet occurred.

NOW THEREFORE, the Declarant hereby desires to amend the Declaration as set forth herein.

Words in the text which are lined through (———) indicate deletions from the present text; words in the text which are double-underlined indicate additions to the present text. The text will not be double-underlined or stricken when whole sections or paragraphs are added or deleted in their entirety.

1. The foregoing recitals are true and correct and are incorporated into and form a part of this First Amendment. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration.

2. In the event there is a conflict between this First Amendment and the Declaration, this First Amendment shall control. Whenever possible, this First Amendment and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.

3. The last sentence of Section 9.14.1.1 of the Declaration is hereby deleted and replaced with the following sentence:

"All incontinent individuals are required to wear swim diapers while using the community pool."

4. Section 9.14 of the Declaration is hereby amended to add the following as new Section 9.14.7:

9.14.7 Non-ADA Compliant Pool Disclosure. The community pool within HERITAGE AT PLANT STREET is a private residential community pool that is limited to the exclusive use of residents and their guests and is not required to comply with ADA Requirements for accessible pools for persons with mobility disabilities. Accordingly, there is no ADA accessible means of entry to the community pool, including no pool lifts, no sloped entries, no transfer systems nor any other ADA compliant accessible means to the pool. By acceptance of a deed to a Lot, each Owner acknowledges and agrees that the Recreational Facilities, including the community pool, are not compliant with the ADA Standards for Accessible Design.

5. Section 12.15 of the Declaration is hereby amended as follows:

12.15 Fuel Storage. No fuel storage shall be permitted within HERITAGE AT PLANT STREET, except as may be necessary or reasonably used for ~~swimming pools,~~ spas, barbecues, fireplaces or similar devices.

6. Section 12.35 of the Declaration is hereby amended as follows:

12.35 Substances. No flammable, combustible or explosive fuel, fluid, chemical, hazardous waste, or substance shall be kept on any portion of HERITAGE AT PLANT STREET or within any Home or Lot, except those which are required for normal household use. All propane tanks and bottled gas for household ~~and/or pool purposes~~ (excluding barbecue grill tanks) must be installed underground or in a manner to be screened from view by landscaping or other materials approved by the ACC.

5. Section 12.37 of the Declaration is hereby deleted in its entirety and replaced with the following:

12.37 Swimming Pools. No pools or accessory structures are permitted. All hot tubs and spas shall require the prior written approval of the ACC as set forth in this Declaration. Spas and hot tubs shall be of the above ground types not exceeding three feet (3') in height above the existing grade level. Spas and hot tubs shall be located in the rear yard of the Lot and screened from street view and the view of adjacent Lots. All spas and hot tubs shall be adequately maintained and chlorinated (or cleaned with similar treatment). Under no circumstances may chlorinated water be discharged onto other Owners' lawns, the community streets, or into any stormwater detention/retention areas within HERITAGE AT PLANT STREET or adjoining properties.

6. The Declaration is hereby amended to add new Section 12.44 as follows:

12.44 Single-Story Home Lots. Homes located upon Lots 53 and 73, as depicted on the Plat for HERITAGE AT PLANT STREET, recorded in Plat Book 95, Page 149 of the Public Records (each, a "**Single-Story Lot**"), shall be single-story Homes. In no event shall a multi-story Home be located upon a Single-Story Lot.

7. Section 14 of the Declaration is hereby amended to add the following as new Subsection 14.1.7:

14.1.7 Additional Insurance for Right-of-Way. For as long as required by the City, the Association shall maintain general liability insurance coverage for the right-of-way area located at the entrance to HERITAGE AT PLANT STREET for the portion of such right-of-way which crosses over the West Orange Trail as depicted on the Plat for HERITAGE AT PLANT STREET, recorded in Plat Book 95, Page 149 of the Public Records. The costs of such insurance and any other fees or expenses incurred that may be necessary or incidental to carry out the foregoing as required by the City shall be deemed part of the Operating Expenses.

8. The Declaration, as amended, is hereby incorporated by reference as though fully set forth herein and, except as specially amended hereinabove, is hereby ratified and confirmed in its entirety.

9. This First Amendment shall be a covenant running with the land and shall be effective immediately upon its recording in Orange County, Florida.

[Signatures on the Following Page]

JOINDER

HERITAGE AT PLANT STREET COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**") does hereby join in the FIRST AMENDMENT TO COMMUNITY DECLARATION FOR HERITAGE AT PLANT STREET (the "**First Amendment**"), to which this Joinder is attached, and the terms thereof are and shall be binding upon the undersigned and its successors in title. The Association agrees this joinder is for the purpose of evidencing the Association's acceptance of the rights and obligations provided in the First Amendment and does not affect the validity of the First Amendment as the Association has no right to approve the First Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 1st day of OCTOBER, 2018.

WITNESSES:**"ASSOCIATION"**

HERITAGE AT PLANT STREET
COMMUNITY ASSOCIATION, INC., a
Florida not-for-profit corporation

[Signature]

Print Name: Ricardo Dine

By: [Signature]
Name: Diana Cabrera
Title: President

[Signature]

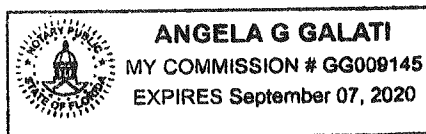
Print Name: Katherine Hanchi

[Corporate Seal]

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 1 day of October, 2018, by Diana Cabrera, as President of HERITAGE AT PLANT STREET COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation. She [is personally known to me] [has produced NA as identification].



[Signature]
Notary Public

Print Name: Angela G. Galati
My Commission Expires: Sept. 7, 2020

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this First Amendment to be executed by its duly authorized representative as of this 1 day of October, 2018.

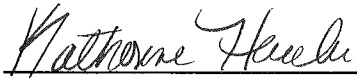
WITNESSES:

"DECLARANT"

M/I HOMES OF ORLANDO, LLC, a
Florida limited liability company



Print Name: Ricardo Diaz



Print Name: Katherine Hanchi

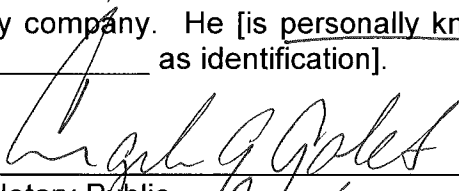
By: 
Name: Daniel Kaiser
Title: Vice President

[Company Seal]

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 1 day of October, 2018, by Daniel Kaiser, as Vice President of M/I HOMES OF ORLANDO, LLC, a Florida limited liability company. He [is personally known to me] [has produced NA as identification].


Notary Public

Print Name: Angela G. Galati

My Commission Expires: Sept. 7, 2020

