

PREPARED BY AND RETURN TO:

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

**FIRST AMENDMENT TO THE
COMMUNITY DECLARATION FOR CREEKWOOD TOWNHOMES**

THIS FIRST AMENDMENT TO THE COMMUNITY DECLARATION FOR CREEKWOOD TOWNHOMES (this “**First Amendment**”) is made by M/I HOMES OF SARASOTA, LLC, a Delaware limited liability company (the “**Declarant**”), joined by the CREEKWOOD TOWNHOME ASSOCIATION, INC., a Florida corporation not for profit (the “**Association**”).

RECITALS

- A. Declarant, by virtue of that certain “Assignment of Declarant’s Rights,” recorded in Official Records Book 2650, Page 787, Public Records of Manatee County, Florida, is the “Declarant” under that certain Community Declaration for Creekwood Townhomes, recorded in Official Records Book 2574, Page 185, Public Records of Manatee 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. The following defined term is hereby amended as follows:

"Declarant" shall mean ~~M/I HOMES OF TAMPA, LLC, a Florida limited liability company~~ M/I HOMES OF SARASOTA, LLC, a Delaware limited liability company, or any successor or assign who has or takes title to any portion of the property described in **Exhibit 1** for development and/or sale and who is designated as Declarant in a recorded instrument which the immediately preceding Declarant executes. Declarant shall have the right to assign all or a portion of any rights granted to the Declarant in this Declaration. Declarant shall also have the right to assign all or a portion of any obligations of the Declarant in this Declaration. In the event of a partial assignment of some, but not all, Declarant rights and/or obligations, the assignee shall not be deemed the Declarant, but may exercise those rights or shall be responsible for those obligations of Declarant assigned to it. Additionally any partial assignee that does not assume all of the obligations of Declarant shall not be deemed the Declarant.

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. Section 10.13 to the Declaration is hereby deleted in its entirety.

4. Exhibit 6 (List of Holdings/Common Areas) attached to the Declaration is hereby amended and replaced with Schedule A, attached hereto and incorporated herein by this reference

5. 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.

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

[Signatures on the Following Page]

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this First Amendment to be executed by its duly authorized representative as of this 20th day of April, 2017.

WITNESSES:

"DECLARANT"

M/I HOMES OF SARASOTA, LLC, a Delaware limited liability company

Michael E. Stephens

Print Name: Michael E. Stephens

By: *David C. Hunihan*
Name: David C. Hunihan
Title: Vice President

Kevin Archer

Print Name: Kevin Archer

[Company Seal]

STATE OF FLORIDA)

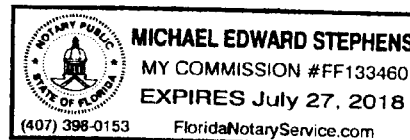
COUNTY OF MANATEE)

April The foregoing instrument was acknowledged before me this 20th day of April, 2017, by David C. Hunihan, as Vice President of M/I HOMES OF SARASOTA, LLC, a Delaware limited liability company. He [is personally known to me] [has produced _____ as identification].

Michael E. Stephens

Notary Public
Print Name: Michael E. Stephens

My Commission Expires:



JOINDER

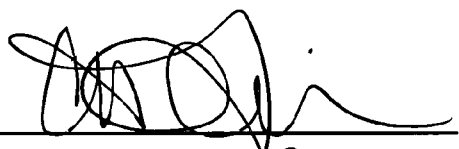
CREEKWOOD TOWNHOME ASSOCIATION, INC., a Florida not for profit corporation (the "**Association**") does hereby join in the First Amendment to Declaration for Creekwood Townhomes (the "**First Amendment**"), to which this Joinder is attached, and the terms thereof are and shall be binding upon the undersigned 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 28th day of April, 2017.

WITNESSES:

"ASSOCIATION"


CREEKWOOD TOWNHOME ASSOCIATION, INC., a Florida corporation not for profit



Print Name: Chloé Finck

By: Betty Valenti
Name: Betty Valenti
Title: President

[Corporate Seal]




Print Name: Judith Tejada

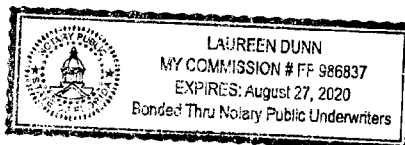
STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 28th day of April, 2017, by Betty Valenti, as President of CREEKWOOD TOWNHOME ASSOCIATION, INC., a Florida corporation not for profit. He [is personally known to me] [has produced _____ as identification].


Notary Public
Print Name: Laureen Dunn

My Commission Expires:



SCHEDULE A

EXHIBIT 6

**CREEKWOOD TOWNHOMES,
A SUBDIVISION**

LIST OF HOLDINGS/Common Areas

The following is a list of proposed holdings of the Creekwood Townhome Association, Inc., a Florida not-for-profit corporation (the "**Association**"), consisting of lands within Creekwood Townhomes, a subdivision and improvements thereon which are presently under construction and are to be completed by the developer, M/I HOMES OF SARASOTA, LLC, a Delaware limited liability company:

TRACT 1:

TRACT "1" OF CREEKWOOD TOWNHOMES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGE 70 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 75; THENCE N 25°23'45" E, A DISTANCE OF 2.00 FEET; THENCE S 64°36'15" E, A DISTANCE OF 29.00 FEET; THENCE N 25°23'45" W, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 75; THENCE N 64°36'15" W, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 76; THENCE N 25°23'45" E, A DISTANCE OF 2.00 FEET; THENCE S 64°36'15" E, A DISTANCE OF 20.00 FEET; THENCE S 25°23'45" W, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 76; THENCE N 64°36'15" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE NORTHWEST CORNER SAID LOT 77; THENCE N 25°23'45" E, A DISTANCE OF 2.00 FEET; THENCE S 64°36'15" E, A DISTANCE OF 16.00 FEET; THENCE S 25°23'45" W, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 77; THENCE N 64°36'15" A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 78; THENCE N 25°23'45" E, A DISTANCE OF 2.00 FEET; THENCE S 64°36'15" E, A DISTANCE OF 20.00 FEET; THENCE S 25°23'45" W, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 78; THENCE N 64°36'15" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 79; THENCE N 25°23'45" E, A DISTANCE OF 2.00 FEET; THENCE S 64°36'15" E, A DISTANCE OF 20.00 FEET; THENCE

S 25°23'45" W, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 79; THENCE N 64°36'15" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

And together with:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 80; THENCE N 25°23'45" E, A DISTANCE OF 2.00 FEET; THENCE S 64°36'15" E, A DISTANCE OF 32.00 FEET; THENCE S 25°23'45" W, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 80; THENCE N 64°36'15" W, A DISTANCE OF 32.00 FEET TO THE POINT OF BEGINNING.

TRACT 2:

TRACT "2" OF CREEKWOOD TOWNHOMES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGE 70 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 29.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S 33°09'28" W, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 20.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE S 33°09'28" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 16.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE S 33°09'28" W, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 20.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE S 33°09'28" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 20.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE S 33°09'28" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

And together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 28.99 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 32°33'17" W, AT A DISTANCE OF 190.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°36'11", A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE S 33°09'28" W, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING.

TRACTS 3 AND 4:

TRACTS "3" AND "4" OF CREEKWOOD TOWNHOMES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGE 70 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

TRACT 5

TRACT "5" OF CREEKWOOD TOWNHOMES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGE 70 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 7 AND A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 33°09'28" E, AT A DISTANCE OF 90.00 FEET THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°16'24" 1016'24", A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 28.98 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE S 33°09'28" W, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" A DISTANCE OF 16.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE S 33°09'28" W, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 20.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE S 33°09'28" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 10; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 34.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE S 33°09'28" W, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 11; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 34.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE S 33°09'28" W, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 16.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE S 33°09'28" W, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

Together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 13; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 20.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE S 33°09'28" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

And together with:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 14; THENCE N 56°50'32" W, A DISTANCE OF 2.00 FEET; THENCE N 33°09'28" E, A DISTANCE OF 29.00 FEET; THENCE S 56°50'32" E, A DISTANCE OF 2.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE S 33°09'28" W, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING.

- Tract 1: Amenity Center, Open Space, Drainage and Utility Easement
- Tract 2: Landscape Buffer, Drainage, Lake, Utility and Utility Easement
- Tract 3: Private Access and Drainage Easement and Manatee County Utility Easement
- Tract 4: Conservation Easement
- Tract 5: Landscape Buffer, Emergency Access, Drainage, Lake, Utility and Manatee County Public Utility Easement

It is contemplated the Association will take title to the above Tracts and the improvements thereon and use and maintain the same pursuant to the COMMUNITY DECLARATION FOR CREEKWOOD TOWNHOMES and the Land Development Code of Manatee County, Florida.