

UPON RECORDING RETURN TO:

Jennifer M. Lawton, Esq.
Broad and Cassel
7777 Glades Road, Suite 300
Boca Raton, FL 33434

ABOVE THIS LINE FOR RECORDER'S USE _____

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA**

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA (the "**First Amendment**") is made this 15th day of April, 2015, by D.R. Horton, Inc., a Delaware corporation ("**Declarant**").

WITNESSETH

WHEREAS, Declarant executed that certain DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA, which was recorded in Official Records Book 2557, Page 5282 of the Public Records of Manatee County, Florida (as may be amended from time to time, the "**Declaration**"); and

WHEREAS, pursuant to Article XVI, Section 5, so long as there is a Class B Membership, Declarant reserves the right to amend this Declaration without the consent of the Lot Owners or the consent of the Institutional First Mortgage Lenders; and

WHEREAS, as of the date of this Amendment, the Declarant is the Class B Member; and

WHEREAS, Developer desires to amend the Declaration as more particularly set forth herein;

NOW, THEREFORE, the Declaration is hereby amended as set forth below. Except as provided herein, capitalized terms shall have the meaning ascribed to them in the Declaration.

1. The recitals set forth above are true and correct and are incorporated herein by reference. Capitalized terms used herein shall have the same meaning as set forth in the Declaration. In the event of any conflicts between the Declaration and this Amendment, this Amendment shall control.

2. Article V, Section 3(e) is hereby amended to add the following:

"Notwithstanding anything contained herein to the contrary, neither the Declarant nor the Association makes any representation whatsoever as to the commencement, completion or construction of any recreational facilities within or upon the Common Areas within any specific time period."

3. Article VI, Section (5) is hereby deleted and replaced with the following:

"Section 5. Rate of Assessment. Both Annual and Special Assessments shall be fixed at a proportional rate for each Lot, which shall be determined based upon the square footage of each Lot in relation to the total square footage of all Lots, and may be collected on a quarterly basis or as determined by the Board of Directors. Payments of all assessments will be made directly to the Association or its designated management company and in no instance shall any mortgagees have the obligation to collect assessments."

4. Except as specifically amended herein, the Declaration shall in all other respects remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant hereby executes this First Amendment by and through its representatives as of the date and year first above written.

Witnessed By:

R. B.
Print Name: Rebecca Burkholder
Kimberly Vogt
Print Name: Kimberly Vogt

DECLARANT:

D.R. HORTON, INC., a Delaware corporation

By: [Signature]
Name: DARREN SALTZBERG
Title: Vice President

STATE OF FLORIDA)
) ss
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 15th day of April, 2014, by Darren Saltzberg, as Vice President of D.R. Horton, Inc., a Florida corporation on behalf of the company. He is personally known to me and did not take an oath.

[NOTARIAL SEAL]

By: Gail M. Donahue
Name: GAIL M. DONAHUE

