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THIS INSTRUMENT PREPARED BY:

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For Clerk's Use only

**AMENDMENT NO. 1 TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, RESTRICTIONS
AND EASEMENTS FOR MAHOGANY RUN ASSOCIATION, INC.**

THIS AMENDMENT NUMBER 1 to the AMENDED AND RESTATED DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR MAHOGANY RUN ASSOCIATION, INC. (MAHOGANY RUN) is made this 21st day of April, 2005 by at least a majority of the owners of property ("OWNERS") encumbered by this Declaration.

Recitals

Whereas, that certain Declaration of Covenants, Easements and Restrictions for Mahogany Run on the real property described on Exhibit A-1 hereto (the "Properties" or the "Property") was recorded in Official Records Book 1266, Page 367 *et seq.*, of the Public Records of Collier County, Florida (hereinafter called "the Declaration"); and

WHEREAS the Declaration was amended and restated on March 17, 2000, and was recorded in Official Record Book 2652, Page 1597 *et. seq.* of the Public Records of Collier County, Florida; and

Whereas, OWNERS desire that all of the said real property described on Exhibit A-1 be subject to the terms and conditions of this Amendment No. 1 to the Amended and Restated Declaration of Covenants, Easements and Restrictions for Mahogany Run Association, Inc. (Mahogany Run); and

Whereas, OWNERS have approved this Amendment No. 1 to the Declaration at a duly organized meeting called therefore;

NOW, THEREFORE, OWNERS hereby declare that the Property, and all parcels now and hereafter existing thereon shall be held, sold, conveyed, encumbered, used and occupied subject to the terms and conditions of this Declaration and Amendment No. 1 thereto as covenants running with the land enforceable as aforesaid

Article IX –Use Restrictions is hereby amended to include a new section 9.17 which states as follows:

9.17 **Leases.** Parcels may not be leased for periods of less than thirty (30) days ; and parcels may not be leased more than two times (2) times in any calendar year. The first day of the lease term shall determine in which year the lease occurs. No subleasing or assignment of lease rights is allowed.

IN WITNESS WHEREOF the President of the Association has executed this Declaration on the date first written above.

Signed Sealed and Delivered
in the presence of :

MAHOGANY RUN ASSOCIATION, INC.

Flor Medrano
Witness
Print Name: Flor Medrano

Harvey B. Hoffman
By: Harvey B. Hoffman
Its: President

Jessica I. Negrón
Witness
Print Name: Jessica I. Negrón

[CORPORATE SEAL]

STATE OF FLORIDA
COLLIER COUNTY

The foregoing instrument was acknowledged before me this 21st day of ~~March~~ ^{April}, 2005, by Harvey B. Hoffman in his capacity as President of Mahogany Run Association, Inc., Inc. on behalf of the Corporation. Mr. Hoffman [] is personally know to me or [] has produced Florida Drivers License as identification and who [] did [] did not take an oath.



Jessica I. Negrón
NOTARY PUBLIC
Jessica I. Negrón
TYPE OR PRINT NAME OF NOTARY
My Commission Expires: 02/14/2009