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\$19.50 RECORDING ARTICLE V: \$16.00 DEPUTY CLERK KBRACKETT DON W. HOWARD,  
CLERK OF COURTS, OKALOOSA COUNTY FL

Prepared By:  
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Cross - Reference to Declaration recorded in Official Records Book 1869 at Page 1878, amended at Book 2128 at Page 1074, Book 2143 at Page 1239, Book 2186 at Page 497, Book 2228 at Page 612, Book 2228 at Page 4189, Book 2273 at Page 2738, Book 2305 at Page 3722, Book 2329 at Page 630 and Book 2536 at Page 4018, all of the Public Records of Okaloosa County, Florida.

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**SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR KELLY PLANTATION**

THIS SUPPLEMENTAL DECLARATION is made this 15<sup>th</sup> day of September, 2014, by Kelly Plantation Owners Association, Inc., a Florida non-profit corporation (hereinafter, with its successors and assigns, referred to as "Declarant").

WITNESSETH:

WHEREAS, on October 10, 1994, the initial Declarant, Kelly Plantation Partners, filed that certain Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation (the "Declaration"), which was recorded in Official Records Book 1869 at Page 1878, et seq., of the Public Records of Okaloosa County; and

WHEREAS, on February 13, 1998, the initial Declarant amended the Declaration by filing that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2128 at Page 1074, of the Public Records of Okaloosa County, Florida (the "First Amendment"); and

WHEREAS, on April 17, 1998, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2143 at Page 1239, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on October 26, 1998, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2186 at Page 497, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on October 20, 1999, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2186 at Page 497, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on October 27, 1999, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2228 at Page 4189, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on December 7, 2000, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2273 at Page 2728, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on July 18, 2001, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2305 at Page 3722, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on November 30, 2001, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2329 at Page 630, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, on June 2, 2004, the initial Declarant further amended the Declaration by filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 2536 at Page 4018, et seq., of the Public Records of Okaloosa County, Florida; and

WHEREAS, On October 17, 2012, Kelly Plantation Partners effected the transfer of all Declarant rights and responsibilities to Declarant through filing that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Kelly Plantation, which was recorded in Official Records Book 3054 at Page 2451, et seq., of the Public Records of Okaloosa County, Florida ; and

WHEREAS, the Declarant, acting through its Board of Directors, determined that the best interests of the community would be served with the application of the existing provisions of the Declaration in Section 8.12 of the Declaration to all lot sales henceforth and approved the placement of the question before the Owners for an Owner vote; and

WHEREAS, the vote of the Owners was conducted pursuant to the provisions of Section 16.2(b) of the Declaration and the necessary percentage of Owners voted in favor of adoption of the implementing language into the Declaration.

NOW, THEREFORE, pursuant to the powers granted to the Owners to amend the Declaration subject to the approval of 75% of said Owners, the Declarant hereby amends the Declaration to expand the applicability of the capital contribution requirement as set out below. The provisions of this Supplemental Declaration shall be binding upon the Association and the Owners in accordance with the terms of the Declaration.

**ARTICLE I**  
**Definitions**

The definitions set forth in Article I of the Declaration and the First Amendment are incorporated herein by reference.

**ARTICLE II**  
**Amendment**

Section 8.12. of the Declaration is hereby amended as follows:

8.12. Capitalization of the Association. Upon acquisition of record title to a Unit by the first a new Owner thereof other than the Declarant or a Builder pursuant to a sale, exchange or other transfer of title for value, a contribution shall be made by or on behalf of the purchaser to the working capital of the Association in an amount equal to one-sixth of the annual Base Assessment and shall not be considered an advance payment of such assessment. This amount shall be deposited into the purchase and sales escrow and disbursed therefrom to the Association for use in covering operating expenses and other expenses incurred by the Association pursuant to this Declaration and the By-Laws.

IN WITNESS WHEREOF, the undersigned have executed this Supplemental Declaration this 15<sup>th</sup> day of September, 2014.

WITNESSES

Vicki Spray  
Printed Name: Vicki Spray

[Signature]  
Printed Name: Steve Hall

**KELLY PLANTATION OWNERS ASSOCIATION, a Florida non-profit corporation**

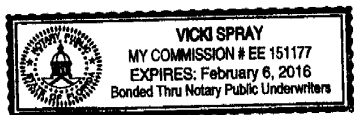
By: [Signature]  
Chairman

STATE OF FLORIDA  
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of September, 2014, by Michael Spigelmir as Chairman of the Board of Kelly Plantation Owners Association, Inc., on behalf of such corporation. Such person is personally known to me.

(Affix Seal)

Vicki Spray  
NOTARY PUBLIC  
Print Name: Vicki Spray  
My Commission Expires: Feb. 6, 2016  
Commission No: EE 151177



CERTIFICATION OF VOTING LOG

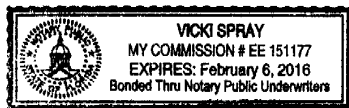
I, Debbie Neale, in my capacity as Secretary of the Association, have reviewed the final Voting Log related to the Kelly Plantation Owners' Association Capital Contribution Amendment presented here, and do hereby certify that there were sufficient Member votes in favor of the amended language to meet the requirements for passage by Members presented in Section 16.2 of the Declaration.

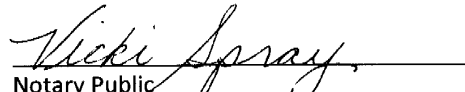
IN WITNESS WHEREOF, the undersigned has executed and delivered this Certification on this the 15<sup>th</sup> day of September, 2014.

  
Debbie Neale, as Secretary.

STATE OF FLORIDA  
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of September, 2014, by Debbie Neale, in her capacity as Secretary of the Kelly Plantation Owners Association, who is personally known to me.



  
Notary Public