

Prepared by and return to: Joseph J. Van Rooy, Esq. Pappas Metcalf Jenks & Miller, P.A. 245 Riverside Avenue, Suite 400 Jacksonville, FL 32202

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR KENSINGTON

RECITALS:

A. The Declaration of Covenants, Conditions, Restrictions and Easements for Kensington has previously been recorded in Official Records Book 2353, page 554, of the public records of St. Johns County, Florida, as the same has been further supplemented and amended (the "Original Declaration").

Owners holding more than two-thirds (2/3) of the total votes of the Association voted to amend the Original Declaration as more particularly described hereafter.

NOW, THEREFORE, the Association hereby amends the Declaration as follows:

The Association confirms that the above-stated recitals are true and correct. All capitalized terms contained in this First Amendment that are not otherwise defined herein, shall have the same meanings as such terms are defined by the Declaration.

2. Article X, Section 10.5.1 of the Declaration is inserted and included within the Declaration as follows:

Section 10.5.1 Additional Remedies for Violations. In addition to all other remedies, and to the maximum extent allowed by law, the Association may suspend, for a reasonable period of time, the rights of an Owner or an Owner's family, guests, lessees, invitees, or employees to use the Common Area and facilities and may impose a fine or fines against an Owner for failure of an Owner or an Owner's family, guests, lessees, invitees, or employees to comply with any

covenant, restriction, rule, or regulation enforceable by the Association, provided the following procedures are adhered to:

- (a) For a first violation, the Association shall warn the Owner of the alleged infraction in writing.
- the Owner with a notice of its intent to impose a suspension or a fine for such violation. Included in the notice shall be the date and time of a meeting of a committee appointed by the Board of Directors (the "Rules Enforcement Committee") at which time the Owner shall present argument as to why a suspension or a fine should not be imposed. At least fourteen (14) days prior notice of such meeting shall be given.
- (c) At the meeting, the alleged infractions shall be presented to the Rules Enforcement Committee, after which the Committee shall receive evidence and hear argument as to why a suspension or a fine should not be imposed. A written decision of the Rules Enforcement Committee shall be submitted to the Owner not later than thirty (30) days after the Board of Directors meeting. At the meeting, the Owner shall have the right to be represented by counsel and to cross-examine witnesses.
- (d) The Rules Enforcement Committee, by majority vote, may impose a suspension or a fine, which fine shall not to exceed the maximum amount allowed by law from time to time.
- of the imposition or assessment thereof. Fines shall be paid not later than five (5) days after notice
- (f) All monies received from fines shall be allocated as directed by the Board of Directors.
- (g) The imposition of suspensions or fines shall not be construed to be an exclusive remedy, and shall exist in addition to all other rights and remedies to which the Association or any Owner may be otherwise legally entitled; provided, however, any fine paid by an offending Owner shall be deducted from or offset against any damages which may be otherwise recoverable from such Owner.
- (h) The Rules Enforcement Committee shall be comprised of not less than three (3) members who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee. No member of the Rules Enforcement Committee shall participate in the review of any infraction in which such member is alleged to have participated.

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3. Except as specifically amended hereby, all of the terms and provisions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed and delivered this First Amendment as of the date and year first above written.

KENSINGTON OWNERS ASSOCIATION,
INC., a Florida corporation not-for-profit
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Name: Raymond Yancy Its: President
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owledged before me this 6 day of 6 of Kensington of Kensington ation not-for-profit, on behalf of the company.
(Rrint Name Teresa Wimania NOTARY PUBLIC, State of Florida at Large Commission # D0583225 My Commission Expires: 879/2010 Personally Known or Produced I.D. [check one of the above] Type of Identification Produced

