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DS-70
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CC-13.00

Thomas D. Hames
945 SE. 162nd Pl
Summerfield, Fl.
34491

ATTACHMENT E

RECORD AND
RETURN TO

**PRIVACY ROAD EASEMENT AND
MAINTENANCE AGREEMENT AMENDMENT**

This FIRST AMENDMENT to PRIVACY ROAD EASEMENT AND MAINTENANCE AGREEMENT, file number 99056845, which was recorded in OR BOOK 2660, PAGES 1861- 1868, executed this 30th day of December, 1999, is between ANDREW L. DRIGGERS and SHIRLEY M. DRIGGERS, husband and wife (DRIGGERS); KATHERINE A. SMITH, an unremarried widow (SMITH); JASON GRAYBEAL, a single man (GRAYBEAL); NANCY M. ARSENAULT, a single woman (ARSENAULT); GREGORY M. SNODGRASS and KELLY B. SNODGRASS, husband and wife (SNODGRASS); MICHAEL G. HAMES and SUSAN HAMES, husband and wife (HAMES, M.).

The previously signed agreement is now amended to include the following parties and will heretofore include the parcels of land described in this amendment:

DUANE A. PHINNEY and SUSAN C. PHINNEY, husband and wife (PHINNEY); THOMAS M. HAMES and DONNA HAMES, husband and wife (HAMES, T.M.); THOMAS D. HAMES and ELIZABETH I. HAMES, husband and wife (HAMES, T.D.).

1. DRIGGERS owns Parcel I.D. #44811-000-00 described as the East $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 29, township 17 South, Range 22 East, Marion County, Florida.
2. SMITH owns Parcel I.D. #44812-000-00 described as the North 440 feet of the East 990 feet of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ except the East 208.71 feet of the North 208.71 feet and except road and except commence at the NE corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ West 787.03 feet to Point of Beginning then South 440.17 feet then West 202 feet then North 199 feet then East 182 feet then North 241.18 feet then East 20 feet to the Point of Beginning in Section 29, Township 17 South, Range 22 East, Marion County, Florida.
3. GRAYBEAL owns Parcel I.D. #44812-001-00 described as the North 208.71 feet of the East 208.71 feet of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ except road right of way in Section 29, Township 17 South, Range 22 East, Marion County, Florida.
4. ARSENAULT owns Parcel I.D. #44812-003-00 described as Commence at the NE corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ West 787.03 feet to Point of Beginning then South 440.17 feet then West 202 feet then North 199 feet then East 182 feet then North 241.18 feet then East 20 feet to the Point of Beginning in Section 29, Township 17 South, Range 22 East, Marion County, Florida.

DAVID R. ELLSPERMANN, CLERK OF CIRCUIT COURT
FILE: 2000-069315
DATE: 07/25/00 13:33
OR BOOK/PAGE: 2821 / 1558
MARION COUNTY

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07/25/00 MARION COUNTY -

J. Hames

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5. SNODGRASS owns Parcel I.D. #44813-000-00 described as the East 165 feet of the SE ¼ of the NW ¼ of the NE ¼ and the West ½ of the SW ¼ of the NE ¼ of the NE ¼ except commence 245 West of the SE corner of the West ½ of the SW ¼ of the NE ¼ of the NE ¼ of the North 180 feet then West 121 feet then South 180 feet then East 121 feet to the Point of Beginning in Section 29, Township 17 South, Range 22 East, Marion County, Florida
6. HAMES, M. owns Parcel I.D. #44816-000-01 described as the North 6 chains of the West 5 chains of the SE ¼ of the NE ¼ in Section 29, Township 17 South, Range 22 East, Marion County, Florida
7. PHINNEY owns Parcel I.D. #44813-001-00 described as beginning at a point on the South boundary of the West ½ of SW ¼ of NE ¼ of NE ¼ of Section 29, Township 17 South, Range 22 East, South 89 degrees 48' 53" West 245 feet from the SE corner of said West ½ of SW ¼ of NE ¼ of NE ¼ thence North 0 degrees 2' 25" West 121 feet, thence South 0 degrees 2' 25" West 180 feet, thence North 89 degrees 48 feet 53 inches East 121 feet to the Point of Beginning.
8. HAMES, T.M. owns Parcel #44816-000-00 described as the East ½ of NE ¼ of SW ¼ of NE ¼ except beginning at SE corner of East ½ of NE ¼ of SE ¼ of NE ¼ then North 287.35 feet West 329.44 feet South 286.95 feet to the Point of Beginning in Section 29, Township 17 South, Range 22 East, Marion County, Florida.
9. HAMES, T.D. owns Parcel # 44814-000-00 described as the West 7 ½ chains of SE ¼ of NW ¼ of NE ¼ in Section 29, Township 17 South, Range 22 East, Marion County, Florida
10. The parties to this amendment do hereby establish and grant one unto the other, their heirs, successors and assigns, a non-exclusive easement and right to go over and across the following described property for ingress and egress to and from County Road 475 to their respective parcels: a 15 foot wide strip of land which has a center line described as:

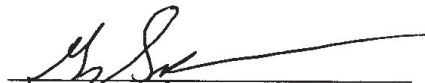
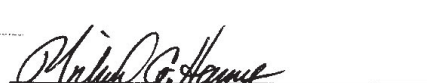


Commence at a point that is 25 feet West and 1320 feet South of the NE corner of Section 29, Township 17 South, Range 22 East said point also being on the West right of way of CR 475 then proceed to the western most boundary of the HAMES, T.M. parcel being 1,590 feet more or less (the Easement).
11. Each of the signatories hereto does grant to the others an easement for ingress and egress and access to and from County Road 475 over and across the easement for use by such signatories and their heirs, successors and assigns and all those claiming by, through, under, or against them for the purpose of access to and from the parcels of land owned by the parties hereto.

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12. The easement and rights of usage granted in the above paragraph shall apply to ingress and egress by both vehicles and pedestrians of the owners of the parcels that are parties hereto and their agents and invites but shall at all times be considered a private roadway.
 13. The restrictions provided herein may be modified, altered, amended, or repealed in whole or in part by a unanimous vote of all of the parties hereto.
 14. These restrictions shall remain in effect and shall constitute covenants running with the land for a period of twenty-five (25) years from the date of recording of this instrument and shall inure to the benefit of and be enforceable by the owner of any of the subject parcels. Thereafter these restrictions shall be automatically extended for an additional period of ten years unless otherwise agreed to in writing by the then owners of at least 2/3 of the owners of any parcels hereinabove described. Enforcement shall be by action against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages and the right of enforcement shall exist in each and every party hereto or their heirs, successors, and assigns. In any such action the prevailing party shall be entitled to recover all costs of the action including reasonable attorney fees. Invalidation of any one of the covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.
 15. In witness thereof, this first amendment to PRIVATE ROADWAY EASEMENT AND MAINTENANCE AGREEMENT, file number 99056845, which was recorded in OR BOOK 2660, PAGES 1861- 1868, has been made and executed by all parties on the date set forth below their respective signatures.
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Signed, sealed and delivered
In our presence as witnesses:

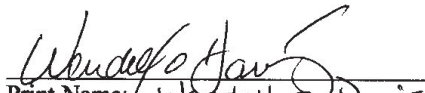
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 Print Name: <u>Greg Swodgrass</u>	 MICHAEL G. HAMES
 Print Name: <u>James T. Burgess</u>	 SUSAN HAMES

STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of December, 1999, MICHAEL G. HAMES and SUSAN HAMES, husband and wife, who:

- A) ☒ is/are personally known to me OR
____ who has/have produced ____ a driver's license OR
____ other identification: _____ as identification; AND
- B) ____ did OR
☒ did not take an oath.


Print Name: Wendell O. Davis

AFFIX SEAL/ EXPIRATION DATE



Wendell O. Davis
MY COMMISSION # CC818380 EXPIRES
March 17, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

5 of 12

Signed, sealed and delivered
In our presence as witnesses:

[Signature]
Print Name: GREG SWODGATIS

[Signature]
DUANE A. PHINNEY

[Signature]
Print Name: JAMES T. BURGESS

[Signature]
SUSAN C. PHINNEY

STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, DUANE A. PHINNEY and SUSAN C. PHINNEY, husband and
wife, who:

A) ☒ is/are personally known to me OR

____ who has/have produced ____ a driver's license OR

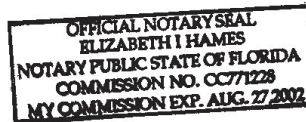
____ other identification: _____ as identification; AND

B) ____ did OR

☒ did not take an oath.

[Signature]
Print Name: ELIZABETH F. HAMES

AFFIX SEAL/ EXPIRATION DATE



Signed, sealed and delivered
In our presence as witnesses:

6 of 12

Dawn Dakan Jason Graybeal
Print Name: Dawn Dakan JASON GRAYBEAL
James T. Burgess
Print Name: James T. Burgess

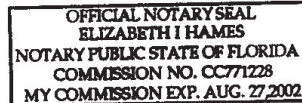
STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, by JASON GRAYBEAL, a single man, who:

- A) ☒ is/are personally known to me OR
____ who has/have produced ____ a driver's license OR
____ other identification: _____ as identification; AND
- B) ____ did OR
☒ did not take an oath.

Elizabeth I. Hames
Print Name: Elizabeth I. HAMES

AFFIX SEAL/ EXPIRATION DATE



Signed, sealed and delivered
In our presence as witnesses:

7 of 12

Greg Salodgrass
Print Name: Greg Salodgrass

Thomas M. Hames
THOMAS M. HAMES

James T. Burgess
Print Name: James T. Burgess

Donna Hames
DONNA HAMES

STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, THOMAS M. HAMES and DONNA HAMES, husband and
wife, who:

A) X is/are personally known to me OR

____ who has/have produced ____ a driver's license OR

____ other identification: _____ as identification; AND

B) ____ did OR

X did not take an oath.

Wendell O. Davis
Print Name: Wendell O. Davis

AFFIX SEAL/ EXPIRATION DATE



Wendell O. Davis
MY COMMISSION # CC818380 EXPIRES
March 17, 2003
BONDED THRU TROY FARM INSURANCE, INC.

Signed, sealed and delivered
In our presence as witnesses:

8 of 12

Greg Snodgrass
Print Name: Greg SnodgrassThomas D. Hames
THOMAS D. HAMESJames T. Burgess
Print Name: James T. BurgessElizabeth I. Hames
ELIZABETH I. HAMESSTATE OF ~~FLORIDA~~
COUNTY OF MARIONThe foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, THOMAS D. HAMES and ELIZABETH I. HAMES, husband
and wife, who:A) ☒ is/are personally known to me OR

____ who has/have produced ____ a driver's license OR

____ other identification: _____ as identification; AND

B) ____ did OR

☒ did not take an oath.Wendell O. Davis
Print Name: Wendell O. Davis

AFFIX SEAL/ EXPIRATION DATE

Wendell O. Davis
MY COMMISSION # CC818380 EXPIRES
March 17, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

Signed, sealed and delivered
In our presence as witnesses:

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Witness Katherine A. Smith Katherine A. Smith
Print Name: James T. Burgess KATHERINE A. SMITH
Kelly B. Hodggrass
Print Name: Kelly B. Hodggrass

STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, KATHERINE A. SMITH, an unmarried widow, who:

A) ☒ is/are personally known to me OR

_____ who has/have produced _____ a driver's license OR

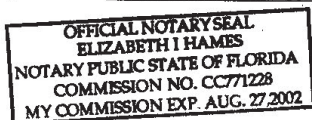
_____ other identification: _____ as identification; AND

B) _____ did OR

☒ did not take an oath.

Elizabeth I. Hames
Print Name: Elizabeth I. Hames

AFFIX SEAL/ EXPIRATION DATE



Signed, sealed and delivered
In our presence as witnesses:

10 of 12

Thomas Dean Hames
Print Name: THOMAS DEAN HAMES

Gregory M. Snodgrass
GREGORY M. SNODGRASS

James T. Burgess
Print Name: JAMES T. BURGESS

Kelly B. Snodgrass
KELLY B. SNODGRASS

STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this ____ day of _____, 1999, GREGORY M. SNODGRASS and KELLY B. SNODGRASS, husband and wife, who:

A) ☒ is/are personally known to me OR

____ who has/have produced ____ a driver's license OR

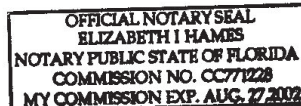
____ other identification: _____ as identification; AND

B) ____ did OR

☒ did not take an oath.

Elizabeth I. Hames
Print Name: ELIZABETH I. HAMES

AFFIX SEAL/ EXPIRATION DATE



Signed, sealed and delivered
In our presence as witnesses:

Kelly B. Brodgrass
Print Name: Kelly B. Brodgrass

Andrew L. Driggers
ANDREW L. DRIGGERS

James T. Burgess
Print Name: James T. Burgess

Shirley M. Driggers
SHIRLEY M. DRIGGERS

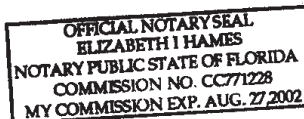
STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, by ANDREW L. DRIGGERS and SHIRLEY M. DRIGGERS,
husband and wife, who:

- A) X is/are personally known to me OR
____ who has/have produced ____ a driver's license OR
____ other identification: _____ as identification; AND
- B) ____ did OR
X did not take an oath.

Elizabeth I. Hames
Print Name: Elizabeth I. Hames

AFFIX SEAL/ EXPIRATION DATE



Signed, sealed and delivered
In our presence as witnesses:

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Kelly B. Spodgrass
Print Name: Kelly B. Spodgrass

Nancy M. Arsenault Bona
NANCY M. ARSENAULT

James T. Burgess
Print Name: James T. Burgess

STATE OF FLORIDA
COUNTY OF MARION

The foregoing was sworn to and acknowledged before me on this 30 day of
December, 1999, by NANCY M. ARSENAULT, a single woman, who:

A) X is/are personally known to me OR

____ who has/have produced ____ a driver's license OR

____ other identification: _____ as identification; AND

B) ____ did OR

X did not take an oath.

Elizabeth I. Hames
Print Name: Elizabeth I. Hames

AFFIX SEAL/ EXPIRATION DATE

OFFICIAL NOTARY SEAL ELIZABETH I. HAMES NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC771228 MY COMMISSION EXP. AUG. 27 2002
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