

Prepared by:

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Grimes Goebel Grimes Hawkins  
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**CERTIFICATE OF AMENDMENT  
TO THE  
DECLARATION OF RESTRICTIVE COVENANTS  
KINGS GATE SUBDIVISION**

**THIS AMENDMENT** is made this 31<sup>st</sup> day of December, 2018, to the Declaration of Restrictive Covenants, Kings Gate Subdivision ("Declaration") by VICTORIA ESTATES, LTD., a New York limited partnership (the "Declarant) and KINGS GATE HOMES, LLC, a Florida limited liability company (the "Co-Declarant"), with the joinder of NB/85 ASSOCIATES, a New York general partnership ("NB/85"), KINGSGATE ASSOCIATES II, LTD., a Florida limited partnership ("Kingsgate II"), and WR-I ASSOCIATES LTD., a Florida limited partnership ("WR-I").

**WHEREAS**, On January 20, 1998, Declarant recorded the Declaration of Restrictive Covenants, Kings Gate Subdivision in Official Records Book 1584, Page 1067 (the "Original Declaration"), and as amended in that Amendment to Declaration of Restrictive Covenants in Official Records Book 1838, Page 0134, in that First Amendment to Declaration of Restrictive Covenants Kings Gate Subdivision, in Official Records Book 2926, Page 2108, in that Second Amendment to Declaration of Restrictive Covenants Kings Gate Subdivision Official Records Book 3090, Page 637, in that Certificate of Amendment to the Declaration of Restrictive Covenants Kings Gate Subdivision in Official Records Book 3331, Page 233, in that Certificate of Amendment to the Declaration of Restrictive Covenants Kings Gate Subdivision in Official Records Book 3385, Page 324 and in that Certificate of Amendment to the Declaration of Restrictive Covenants Kings Gate Subdivision in Official Records Book 3406, Page 287, all of the Public Records of Charlotte County, Florida, and as otherwise amended or supplemented from time to time (collectively, "Declaration"); and

**WHEREAS**, pursuant to Article 2, Section 2 of the Declaration, the Declarant may amend the Declaration in its sole discretion until such time as the "Community Completion Date," as that term is defined in the Declaration, has been reached; and

**WHEREAS**, The Community Completion Date has not been reached as of the date of this Amendment; and

**WHEREAS**, pursuant to that certain Partial Assignment and Assumption of Declarant's Rights recorded on 1/4/2009, 2018 in Official Records Book 4394, Page 1203, of the Public Records of Charlotte County, Florida, Declarant assigned to Co-Declarant and Co-Declarant assumed all of Declarant's rights set forth in the Declaration other than those rights relating to the Club; and

**WHEREAS**, The Declarant and Co-Declarant now desire to further amend Article 6 of the Declaration in certain respects and to evidence such amendments by this writing; and

**WHEREAS**, terms herein have the same meaning as in the Declaration unless otherwise defined.

**NOW, THEREFORE**, the Declaration is amended as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. **Article 6, Section 7(b)** of the Declaration is amended to reflect that the community being served by the Club will contain Nine Hundred Seventy Four ("974") Homesites instead of Nine Hundred Twenty Three ("923"). Such change has been reflected in the Budget for several years and this amendment constitutes the "Certificate" per **Article 6, Section 7(b)** evidencing same.
3. **Article 11, Section 3(b)** of the Declaration is amended to reflect that the community contains Nine Hundred Seventy Four ("974") Homesites instead of Nine Hundred Twenty Three ("923"). Consequently, **Article 11, Section 3(b)** is amended as follows:

"(b) Commencing on the first day of the period covered by an annual budget, and until the adoption of the next annual Association Budget, the Operating Costs shall be allocated so that each Owner shall pay its pro-rata portion based upon a fraction, the numerator of which is one (1) and the denominator is ~~nine hundred twenty-three (923)~~ **nine hundred seventy-four (974)** ..."

4. **Article 6** of the Declaration is amended to add the following new **Section 28**:

**Section 28. This Article 6 shall not be amended without the written consent and joinder of the Declarant. Notwithstanding anything to the contrary in this Declaration, Declarant's rights under this Article 6 are perpetual and survive any termination of Declarant's rights under this Declaration.**

(words ~~struck through~~ are deleted; words **bolded and double-underlined** are added)

This Amendment shall become effective upon recording amongst the Public Records of Charlotte County, Florida.

Except as modified hereby, the Declaration shall remain in full force and effect in accordance with the terms thereof.

IN WITNESS WHEREOF, we have hereunto affixed out hands and seal of the said corporation, this 31<sup>st</sup> day of December, 2018.

Witnesses:

Declarant:

Kevin M. Kinney  
Print Name: Kevin M. Kinney

Gina Holzer  
Print Name: Gina Holzer

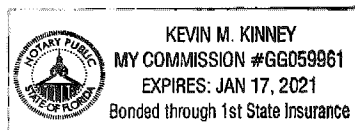
Victoria Estates, Ltd., a Florida limited partnership

By: Benderson-Victoria, L.C.,  
a Florida limited liability company, its  
general partner

By: Stephen C. Scalione, its Manager SCS

STATE OF Florida  
COUNTY OF Manatee

BEFORE ME, the undersigned authority appeared on this 31<sup>st</sup> day of December, 2018, Stephen C. Scalione, as Manager of Benderson-Victoria, L.C., a Florida limited liability company and the general partner of Victoria Estates, Ltd., a Florida limited partnership, who is personally known to me or who has produced for me \_\_\_\_\_ as identification.



Notary Public: Kevin M. Kinney  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, we have hereunto affixed our hands and seal of the said corporation, this 31 day of December, 2018.

Witnesses:

Co-Declarant:

Kevin M. Kinney  
Print Name: Kevin M. Kinney

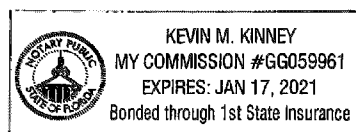
KINGS GATE HOMES, LLC  
a Florida limited liability company

Gina Holzer  
Print Name: Gina Holzer

By: Stephen C. Scalione, its Manager SCS

STATE OF Florida  
COUNTY OF Manatee

BEFORE ME, the undersigned authority appeared on this 31 day of December, 2018, Stephen C. Scalione, as Manager of KINGS GATE HOMES, LLC, a Florida limited liability company. He is personally known to me or who has produced for me \_\_\_\_\_ as identification.



Notary Public: Kevin M. Kinney  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# **JOINDER AND CONSENT**

The undersigned owner of an interest in the Properties described in the Declaration, hereby ratifies, consents to and joins in this Amendment to Declaration and further agrees that the undersigned will be bound by this Amendment to Declaration as a covenant encumbering and running with the Properties described therein.

Dated as of the 31st, day December, 2018.

Witnesses:

[Signature]

Print Name: Kevin M. Kinney

[Signature]

Print Name: Katherine J. Taylor

NB/85 ASSOCIATES

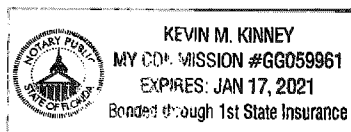
a New York general partnership

By: [Signature]

David H. Baldauf, Trustee umk  
Benderson 85-1 Trust, as partner

STATE OF Florida  
COUNTY OF Manatee

BEFORE ME, the undersigned authority appeared on this 31 day of December, 2018, David H. Baldauf, as Trustee of Benderson 85-1 Trust, as partner of NB/85 Associates, a New York general partnership. He is personally known to me or who has produced for me \_\_\_\_\_ as identification.



Notary Public: [Signature]  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**JOINDER AND CONSENT**

The undersigned owner of an interest in the Properties described in the Declaration, hereby ratifies, consents to and joins in this Amendment to Declaration and further agrees that the undersigned will be bound by this Amendment to Declaration as a covenant encumbering and running with the Properties described therein.

Dated as of the 31<sup>st</sup>, day December, 2018.

Witnesses:

KINGSGATE ASSOCIATES II, LTD  
a Florida limited partnership

By: Post Falls Management Associates, LLC.  
a Florida limited liability company, its  
general partner

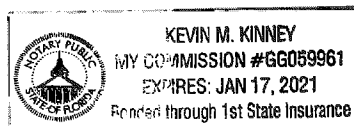
[Signature]  
Print Name: Kevin M. Kinney

By: [Signature]  
Stephen C. Scalione, its Manager SCS

[Signature]  
Print Name: Gina Holzer

STATE OF Florida  
COUNTY OF Manatee

BEFORE ME, the undersigned authority appeared on this 31<sup>st</sup> day of December, 2018, Stephen C. Scalione, as Manager of Post Falls Management Associates, LLC, a Florida limited liability company and the general partner of Kingsgate Associates II, LTD, a Florida limited partnership. He is personally known to me or who has produced for me \_\_\_\_\_ as identification.



Notary Public: [Signature]  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**JOINDER AND CONSENT**

The undersigned owner of an interest in the Properties described in the Declaration, hereby ratifies, consents to and joins in this Amendment to Declaration and further agrees that the undersigned will be bound by this Amendment to Declaration as a covenant encumbering and running with the Properties described therein.

Dated as of the 31<sup>st</sup> day of December, 2018.

Witnesses:

WR-I Associates, Ltd.  
a Florida limited partnership

By: BG The Village, LLC., a Florida  
limited liability company,  
its general partner

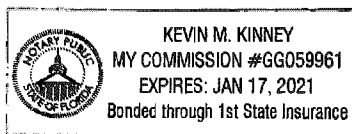
Kevin M. Kinney  
Print Name: Kevin M. Kinney

By: [Signature]  
Stephen C. Scalione, its Manager KMC

Gina Holzer  
Print Name: Gina Holzer

STATE OF Florida  
COUNTY OF Maricopa

BEFORE ME, the undersigned authority appeared on this 31<sup>st</sup> day of December, 2018, Stephen C. Scalione, as Manager of BG The Village, LLC, a Florida limited liability company and the general partner of WR-I Associates, Ltd., a Florida limited partnership. He is personally known to me or who has produced for me as identification.



Notary Public: [Signature]  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_