OR BK 5456 PG 1178
Escambia County, Florida
INSTRUMENT 2004-263971

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SECOND
AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WHISPERS AT CORDOVA, A SUBDIVISION, TO ADD WHISPERS AT CORDOVA, PHASE II

THIS SECOND AMENDMENT made this 13 day of July, 2004, by CONNELL REALTY & DEVELOPMENT CO., INC., a Florida corporation, hereinafter collectively referred to as "Declarant,"

WITNESSETH:

WHEREAS, Declarant executed a Declaration of Covenants, Conditions and Restrictions for Whispers at Cordova ("Declaration") and recorded same in Official Records Book 4818 at page 1942 of the public records of Escambia County, Florida, and

WHEREAS, the Declaration contemplated the addition of multiple units, and

WHEREAS, Whitney National Bank "Bank" is joining in this instrument as mortgagee of the property, and

WHEREAS, Declarant now desires to amend the Declaration to add Whispers at Cordova, Phase II, which is owned by Declarant and the legal description for which is as set forth on Exhibit "A," attached hereto and incorporated herein by reference.

NOW THEREFORE, Declarant hereby declares that all of the Property described on Exhibit "A" shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration as amended by this Amendment, all of which are for the purpose of protecting the value and desirability of said Property and which shall run with the Property and be binding on all parties having any right, title or interest in the Property described on the attached Exhibit "A," or any part thereof, and upon all persons deraigning title through the Declarant, their respective heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

1. Terms contained in this Amendment shall have the same meaning as set forth in the Declaration unless specified otherwise in this Amendment.

2. "Amendment" shall include this instrument entitled Amendment to the Declaration of Covenants, Conditions and Restrictions for Whispers at Cordova, a Subdivision, to add Whispers at Cordova, Phase II.

3. "Properties" or "Property" shall now include the property described on the attached Exhibit "A."

4. The definition of "Common Areas" shall be expanded to include Parcels "H" and "I" as reflected on the Plat of Whispers at Cordova, Phase II.

5. The definition of "Common Elements" shall be expanded to include all improvements located on the Common Areas of Whispers at Cordova, Phase II.

6. The term "Plat" shall now include the plat of Whispers at Cordova, Phase II recorded in the public records of Escambia County, Florida.

ARTICLE II
PROPERTY RIGHTS

The provisions of Article II, Property Rights, contained in the Declaration shall apply to all Lots in Whispers at Cordova, Phase II

ARTICLE III
MEMBERSHIP AND VOTING RIGHTS

It is the intention of the Declarant by this Amendment to annex the property described on the attached Exhibit "A" as Whispers at Cordova, Phase II and bring same under the jurisdiction of the Association as contemplated by provisions of Article VIII, Section 6 of the Declaration.

ARTICLE IV
COVENANT FOR SUBDIVISION MAINTENANCE ASSESSMENTS

The provisions of Article IV, Covenant for Maintenance and Assessments contained in the Declaration, shall apply to all Lots in Whispers at Cordova, Phase II. The annual assessment shall be as established by the Board of Directors of the Association.

ARTICLE V
ARCHITECTURAL CONTROL

The provisions of Article V, Architectural Control contained in the Declaration, shall apply to all lots in Whispers at Cordova, Phase II.

ARTICLE VI
BUILDING SETBACK LINES, CONSTRUCTION RESTRICTIONS AND CONSTRUCTION REQUIREMENTS

All of the provisions of Article VI, Building Setback Lines, Construction Restrictions and Construction Requirements contained in the Declaration shall apply, as appropriate, to the Lots in Whispers at Cordova, Phase II, provided however, the set back requirements reflected on the plat of Whispers at Cordova, Phase II, if different from previous phases, shall govern all lots in Whispers at Cordova, Phase II and further provided that Section 4, Sidewalk Construction Requirements, shall not apply to any of the Lots in Whispers at Cordova, Phase II.

ARTICLE VII
GENERAL RESTRICTIONS

The provisions for Article VII, General Restrictions contained in the Declaration, shall apply, as appropriate, to all Lots in Whispers at Cordova, Phase II.

ARTICLE VIII
GENERAL PROVISIONS

The provisions for Article VIII, General Provisions contained in the Declaration, shall apply to all Lots in Whispers at Cordova, Phase II.

IN WITNESS WHEREOF, the Declarant has executed this Amendment to the Declaration of Covenants, Conditions and Restrictions for Whispers at Cordova, Phase II, this 13 day of July, 2004.

Signed, sealed and delivered in the presence of:

Print Name: Jo K. Green

Print Name: Linda A. Smaker

DECLARANT:
CONNELL REALTY & DEVELOPMENT CO., INC., a Florida corporation

By: _____(SEAL)
John B. Connell, Its: President

Signed, sealed and delivered in the presence of:

Ruth H. King
Print Name: Ruth H King.

Linda A. Smarr
Print Name: Linda A. Smarr

WHITNEY NATIONAL BANK

By: E. Harris Reynolds (SEAL)
Print Name: E. Harris Reynolds
Its: Sr Vice President

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 13th day of July, 2004, by John B. Connell, President of CONNELL REALTY & DEVELOPMENT CO., INC., a Florida corporation, who is personally known to me or produced _____ as identification.

Linda A. Smarr
NOTARY PUBLIC

OFFICIAL NOTARY SEAL
LINDA A SMARR
COMMISSION NUMBER
DD073733
MY COMMISSION EXPIRES
DEC. 9,2005

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 13 day of July, 2004, by E. Harris Reynolds, as Sr. Vice President of WHITNEY NATIONAL BANK, who is personally known to me or produced _____ as identification.

Linda A. Smarr
NOTARY PUBLIC

OFFICIAL NOTARY SEAL
LINDA A SMARR
COMMISSION NUMBER
DD073733
MY COMMISSION EXPIRES
DEC. 9,2005

This instrument prepared by:
Phillip A. Pugh, of
EMMANUEL, SHEPPARD & CONDON
30 South Spring Street
Post Office Drawer 1271
Pensacola, Florida 32596
File No. W

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OR BK 5456 PG1182
Escambia County, Florida
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LEGAL DESCRIPTION:

A portion of Section 33, Township 1 South, Range 30 West, Escambia County, Florida, more particularly described as follows: Commence at the northeast corner of Lot 4, Block B, Whispers at Cordova according to the plat recorded in Plat Book 17 at page 26 of the public records of said County; thence North 55 degrees 38'53" West along the easterly line of said Block B for a distance of 240.41 feet for the point of beginning.

Thence North 30 degrees 58'21" East for a distance of 700.45 feet to the west line of parcel described in Official Record Book 3514 at page 543; thence North 33 degrees 50'43" West along said west line for a distance of 538.49 feet to the most westerly corner of parcel described in Official Record Book 3514 at page 543; thence South 56 degrees 07'26" West for a distance of 285.45 feet to the northerly corner of Lot 32, Block A, of said Whispers at Cordova; thence South 33 degrees 52'02" East (this course and the next nine courses are along the northerly and easterly line of said Whispers at Cordova) for a distance of 253.38 feet; thence South 21 degrees 26'58" West for a distance of 162.92 feet; thence North 68 degrees 33'02" West for a distance of 49.31 feet; thence South 21 degrees 26'58" West for a distance of 213.24 feet; thence South 16 degrees 46'12" West for a distance of 56.12 feet; thence South 73 degrees 43'39" East for a distance of 137.66 feet; thence South 59 degrees 12'05" East for a distance of 68.79 feet; thence South 07 degrees 40'32" East for a distance of 209.92 feet; thence South 55 degrees 38'53" East for a distance of 18.91 feet to the point of beginning.

All lying and being in Section 33, Township 1 South, Range 30 West, Escambia County, Florida. Containing 7.00 acres, more or less.

RCD Jul 16, 2004 10:48 am
Escambia County, Florida

ERNIE LEE MAGAHA
Clerk of the Circuit Court
INSTRUMENT 2004-263971

EXHIBIT "A"