

THIS INSTRUMENT PREPARED BY  
AND WHEN RECORDED RETURN TO:  
Philip Tatich, Esquire  
Post Office Drawer 7640  
Maitland, Florida 32794-7540

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**FIRST SUPPLEMENT TO THE DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR CALABAY PARC AT TOWER LAKE**

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THIS FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR CALABAY PARC AT TOWER LAKE, made and  
executed as of the 23rd day of May, 2005, by WESCOTT - TOWER LAKE, LLC, a  
Florida limited liability company (the "Declarant"),

**WITNESSETH:**

**WHEREAS**, certain real property situate in Polk County, Florida, being more  
particularly as follows:

**Parcel 1**

Commence at the Southeast corner of the Northwest 1/4 of the  
Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk  
County, Florida, and run S90°00'00"W along the South boundary  
thereof, 540.00 feet to the Point of Beginning; thence continue  
S90°00'00"W, 788.80 feet; thence S89°59'22"W, 994.85 feet; thence  
N00°10'47"E, 1321.74 feet; thence S89°53'04"E, 511.80 feet to a  
point on the Southerly right-of-way line of Bates Road, said point being  
a non-tangent intersection with a curve concaved Northeasterly, having  
a radius of 406.97 feet, a chord distance of 149.13 feet and a chord  
bearing of S79°32'28"E; thence Southeasterly along the arc of said  
curve and said right-of-way line, through a central angle of 21°06'53", an  
arc distance of 149.98 feet to the end of said curve; thence  
N89°54'05"E along said right-of-way, 310.52 feet; thence  
N37°31'25"E along said right-of-way, 232.80 feet; thence  
S89°43'55"E, 160.52 feet; thence S00°10'36"W, 277.97 feet; thence  
S89°56'06"E, 359.86 feet; thence S00°03'54"W, 125.00 feet; thence  
S10°11'03"E, 40.65 feet; thence S00°03'54"W, 120.00 feet; thence  
S89°56'06"E, 51.22 feet; thence S00°01'24"E, 739.86 feet to the  
Point of Beginning. Less and Except: Commence at the Southeast  
corner of the Northwest 1/4 of the Southeast 1/4 of Section 17,  
Township 27 South, Range 27 East, Polk County, Florida; thence  
S90°00'00"W along the South line of said Northwest 1/4 of the  
Southeast 1/4 a distance of 1199.43 feet; thence N00°00'00"E, 337.11  
feet to the Point of Beginning; thence continue N00°00'00"W, 141.00  
feet; thence S90°00'00"W, 336.92 feet to the point of curvature of a  
curve concaved Southeasterly, having a central angle of 75°44'10" and  
a radius of 30.00 feet; thence Southwesterly along said curve, 39.66

feet to the point of reverse curvature of a curve concaved Northwesterly having a central angle of  $09^{\circ}26'59''$ , a radius of 760.00 feet, a chord bearing of  $S18^{\circ}59'20''W$  and a chord distance of 125.20 feet; thence Southwesterly along said curve 125.35 feet; thence  $N90^{\circ}00'00''E$ , 406.73 feet to the Point of Beginning.

**Parcel 2-A**

Commence at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida and run  $S90^{\circ}00'00''W$  along the South boundary thereof, 540.00 feet; thence  $N00^{\circ}01'24''W$ , 739.86 feet to the Point of Beginning; thence continue  $N00^{\circ}01'24''W$ , 31.69 feet; thence  $N89^{\circ}58'36''E$ , 110.83 feet; thence  $N89^{\circ}35'46''E$ , 40.68 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 55.00 feet, a chord distance of 2.94 feet and a chord bearing of  $N14^{\circ}57'23''E$ ; thence Northeasterly along the arc of said curve through a central angle of  $03^{\circ}04'00''$ , an arc distance of 2.94 feet to the end of said curve; thence  $N16^{\circ}29'24''E$ , 30.22 feet; thence  $S73^{\circ}30'36''E$ , 111.42 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 200.00 feet, a chord distance of 55.04 feet and a chord bearing of  $N18^{\circ}45'28''E$ ; thence Northeasterly along the arc of said curve through a central angle of  $15^{\circ}49'08''$ , an arc distance of 55.22 feet to the end of said curve; thence  $N23^{\circ}27'03''E$ , 50.42 feet to a non-tangent intersection with a curve concave Westerly, having a radius of 220.00 feet, a chord distance of 51.24 feet and a chord bearing of  $N06^{\circ}51'49''E$ ; thence Northeasterly along the arc of said curve through a central angle of  $13^{\circ}22'27''$ , an arc distance of 51.35 feet to the end of said curve; thence  $N00^{\circ}10'36''E$ , 238.57 feet; thence  $N89^{\circ}43'55''W$ , 47.68 feet; thence  $N00^{\circ}16'05''E$ , 140.00 feet to a point on the South right-of-way line of Bates Road; thence  $N89^{\circ}43'55''W$  along said right-of-way line, 232.54 feet; thence  $S00^{\circ}10'36''W$ , 276.37 feet; thence  $N89^{\circ}56'06''W$ , 90.01 feet; thence  $S00^{\circ}03'54''W$ , 125.00 feet; thence  $S10^{\circ}11'03''E$ , 40.65 feet; thence  $S00^{\circ}03'54''W$ , 120.00 feet; thence  $S89^{\circ}56'06''E$ , 51.22 feet to the Point of Beginning.

is subject to that certain *Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake* dated January 14, 2005, filed February 7, 2005, and recorded in Official Records Book 6077, Pages 1201 through 1251, of the Public Records of Polk County, Florida (hereinafter referred to collectively as the "Declaration");

**WHEREAS**, pursuant to the Declaration, Declarant may annex Additional Property to the Declaration by supplement to the Declaration; and

**WHEREAS**, Declarant is the owner of real property situate in Polk County, Florida, being more particularly described as follows:

**Parcel 2-B**

Begin at the Southeast corner of the Northwest 1/4 of the Southeast 1/4

of Section 17, Township 27 South, Range 27 East, Polk County, Florida and run S90°00'00"W along the South boundary thereof, 540.00 feet; thence N00°01'24"W, 771.54 feet; thence N89°58'36"E, 110.83 feet; thence N89°35'46"E, 40.68 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 55.00 feet, a chord distance of 2.94 feet and a chord bearing of N14°57'23"E; thence Northeasterly along the arc of said curve through a central angle of 03°04'00", an arc distance of 2.94 feet to the end of said curve; thence N16°29'24"E, 30.22 feet; thence S73°30'36"E, 111.42 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 200.00 feet, a chord distance of 55.04 feet and a chord bearing of N18°45'28"E; thence Northeasterly along the arc of said curve through a central angle of 15°49'08", an arc distance of 55.22 feet to the end of said curve; thence N23°27'03"E, 50.42 feet to a non-tangent intersection with a curve concaved Westerly, having a radius of 220.00 feet, a chord distance of 51.24 feet and a chord bearing of N06°51'49"E; thence Northeasterly along the arc of said curve through a central angle of 13°22'27", an arc distance of 51.35 feet to the end of said curve; thence N00°16'05"E, 238.57 feet; thence N89°43'55"W, 48.07 feet; thence N00°16'05"E, 140.00 feet to a point on the South right of way line of Bates Road; thence S89°43'55"E, 936.62 feet; thence S00°07'25"E, 636.67 feet; thence N89°58'45"W, 663.22 feet; thence S00°01'24"E, 659.29 feet to the Point of Beginning.

**Parcel 3**

Tracts 11 and 12 in the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida, as shown on the Plat of the Florida Development Company Subdivision as recorded in Plat Book 3, Pages 60 through 63 of the Public Records of Polk County, Florida

**NOW, THEREFORE**, Declarant hereby declares that the real property described herein as the "Additional Property" shall be henceforth subject the terms and provisions of the Declaration and shall be held, sold, conveyed, leased, encumbered and otherwise dealt with subject to the easements, restrictions, covenants and conditions, reservations, charges and lien rights as set forth in the Declaration as if fully set forth therein. The Additional Property covered by this Supplement shall be subject to the terms and conditions of the Declaration and binding upon, and inure to the benefit of all parties having or acquiring any right, title or interest in the Additional Property or any part thereof, their heirs, successors and assigns.

1. **Additional Property** - That certain parcel of real property owned by the Declarant located in Polk County, Florida, being more particularly described as follows:

**Parcel 2-B**

Begin at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida and run S90°00'00"W along the South boundary thereof, 540.00 feet; thence N00°01'24"W, 771.54 feet; thence N89°58'36"E, 110.83 feet; thence N89°35'46"E, 40.68 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 55.00 feet, a chord

distance of 2.94 feet and a chord bearing of N14°57'23"E; thence Northeasterly along the arc of said curve through a central angle of 03°04'00", an arc distance of 2.94 feet to the end of said curve; thence N16°29'24"E, 30.22 feet; thence S73°30'36"E, 111.42 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 200.00 feet, a chord distance of 55.04 feet and a chord bearing of N18°45'28"E; thence Northeasterly along the arc of said curve through a central angle of 15°49'08", an arc distance of 55.22 feet to the end of said curve; thence N23°27'03"E, 50.42 feet to a non-tangent intersection with a curve concaved Westerly, having a radius of 220.00 feet, a chord distance of 51.24 feet and a chord bearing of N06°51'49"E; thence Northeasterly along the arc of said curve through a central angle of 13°22'27", an arc distance of 51.35 feet to the end of said curve; thence N00°16'05"E, 238.57 feet; thence N89°43'55"W, 48.07 feet; thence N00°16'05"E, 140.00 feet to a point on the South right of way line of Bates Road; thence S89°43'55"E, 936.62 feet; thence S00°07'25"E, 636.67 feet; thence N89°58'45"W, 663.22 feet; thence S00°01'24"E, 659.29 feet to the Point of Beginning;

**Parcel 3**

Tracts 11 and 12 in the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida, as shown on the Plat of the Florida Development Company Subdivision as recorded in Plat Book 3, Pages 60 through 63 of the Public Records of Polk County, Florida,

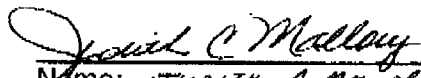
is hereby made subject to the *Declaration* as "Additional Property" (as such term is defined in the *Declaration* and shall be subject to each and every term and condition of the *Declaration* as fully as though originally designated there as Property.

2. **Declaration** - The Declarant does hereby declare by this Supplement that the Additional Property, as described herein, shall be subject to the terms and conditions of the *Declaration* when it is transferred, demised, sold, conveyed or occupied.

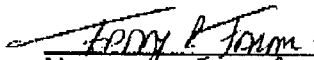
**IN WITNESS WHEREOF**, the Declarant has executed as this *First Supplement to the Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake* as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

**WESCOTT - TOWER LAKE, LLC**, a  
Florida limited liability company

  
Name: JUDITH C. MALLORY

By:   
Joseph Kautz, Managing Member

  
Name: FANNY P. FARMER