

*W/CC*

Instrument Prepared By  
and Record & Return To:  
Ronald L. Platt, Esq.  
% Independence Title  
170 NW Spanish River Blvd.  
Boca Raton, FL 33431

RP

AMENDMENT  
TO  
DECLARATION OF COVENANTS AND RESTRICTIONS  
OF  
ANTIGUA AT TOWN CENTER  
HOMEOWNERS ASSOCIATION, INC.

This Amendment is made as of the <sup>15<sup>th</sup></sup> day of May, 2003 by TOWN & COUNTRY BUILDERS, INC., a Florida corporation, hereinafter referred as ("DECLARANT").

WHEREAS, the Declaration of Covenants and Restrictions of Antigua at Town Center Homeowners Association, Inc. was recorded on April 21, 2003 in O.R. Book 15087, Page 1083, of the Public Records of Palm Beach County, Florida, and

WHEREAS, the following legally described real property is held, sold, conveyed, leased, mortgaged and otherwise dealt with subject to the terms and conditions, of the aforesaid Declaration of Covenants and Restrictions hereinafter referred to as ("Declaration"), and any and all Amendments thereto:

LEGAL DESCRIPTION

All of the Plat of ABACOA TOWN CENTER PLAT NO. 3 according to the Plat thereof, as recorded in Plat Book 97, Page 157 of the Public Records of Palm Beach County, Florida, LESS and EXCLUDING TRACTS TC3R and TC4R therefrom.

WHEREAS, Declarant desires to execute and record this Amendment to the Declaration as hereafter set forth.

NOW, THEREFORE, Declarant herein Amends the Declaration as follows:

1. The following shall be added as a new Section to the Declaration under the heading

Responsibility of Lot Owner:

10.2 (g) Maintenance of Common Exterior HVAC Pads, Compressors, and Supply Lines ("Common Exterior A/C Systems Location").

The Lot Owner shall have the responsibility of maintaining the Common Exterior HVAC Pad, Compressor and Supply Lines ("Common Exterior A/C Systems Location") that provide air conditioning to their respective Townhouse Unit. As is more fully set forth in Article 25 which appears below and is an Amendment to the Declaration, each and every two (2) adjoining Townhouse Unit Owners that share a Common Exterior A/C System Location that provides air conditioning to their respective Townhouse Units, shall be responsible for maintaining said Common Exterior A/C System Location.

1. The following shall be added as a new Article to the Declaration:

**ARTICLE 25**

**COMMON EXTERIOR A/C SYSTEMS LOCATION**

25.1 Each Owner of a Townhouse shall be deemed to have accepted the following obligations and responsibilities regarding the shared Common Exterior HVAC Pad, Compressor and Supply Lines ("Common Exterior A/C Systems Location") that provide air conditioning to their Townhouse.

25.2 A Common Exterior A/C System Location built as part of the original construction of the Townhouse shall be shared by the two (2) adjoining Owners that the system provides air conditioning to.

25.3 The parties owning the Townhouses that share the Common Exterior A/C System Location shall have the right to use it jointly. The term "use" shall and does include the normal functions that an A/C system was intended to operate as.

25.4 In the event repairs or replacement of the Common Exterior A/C System Location shall be necessary, the party(s) requiring said repairs or replacement shall pay for the cost of same. Each Townhouse Owner shall permit the adjoining Townhouse owner and/or its agents the right to come onto their Property to perform the repairs or replacement without it being deemed a trespass provided the repairs or replacement are done in a workmanlike manner. If the repairs or replacement are likely to cause the A/C system to be inoperative for an extended period of time then and in that event prior notice shall be given to the adjoining Property Owner that said repairs or replacement are going to be performed.

25.5 Each Owner, his, hers or their heirs, assigns or successors agree to be bound by terms of this Article.

IN WITNESS WHEREOF, Declarant has executed this Amendment on the date set forth above.

Town & Country Builders, Inc.

Signed and sealed  
in the presence of:

A Florida corporation.

*[Signature]*  
By  
Witness *STEPHEN B. LILLER*

*[Signature]*  
Timothy R. Kelly, President

*[Signature]*  
Witness  
*Sally Hamerman*



STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing Amendment was acknowledged before me, this 15<sup>th</sup> day of May, 2003, by Timothy R. Kelly, President of Town & Country Builders, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me and who did not take an oath.

Notary Public - State of Florida

My commission expires:

*Melanie McDonald*



**Melanie McDonald**  
Commission # CC860285  
Expires Sep. 24, 2003  
Bonded Thru  
Atlantic Bonding Co., Inc.