

Prepared by and Return To:  
Michael J. Prohidney, Esq.  
Florida Bar No. 0905801  
Tilden, Prohidney & DiPasquale, P.L.  
431 12<sup>th</sup> Street West, Suite 204  
Bradenton, Florida 34205

**SIXTEENTH AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS FOR  
RIVER PLANTATION**

**WHEREAS**, this Sixteenth Amendment is made this 16<sup>th</sup> day of December, 2013, by CARGOR CM PROPERTY INVESTMENTS, INC., a Florida corporation ("Cargor").

**WHEREAS**, the Declaration of Covenants, Conditions, Restrictions and Easements of River Plantation (the "Original Declaration") recorded December 8, 2004 in Official Records Book 1977, Page 1541 of the Public Records of Manatee County, Florida;

**WHEREAS**, the Original Declaration was amended and restated in its entirety by that certain Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements of River Plantation (the "Amended Declaration") recorded December 17, 2004 in Official Records Book 1979, Page 2983 of the Public Records of Manatee County, Florida;

**WHEREAS**, the Amended Declaration was subsequently amended as follows: by that certain First Amendment to the Declaration recorded in Official Records Book 2000, Page 7715, by that First Amendment to the Declaration (sic) recorded in Official Records Book 2001, Page 7224, by that Second Amendment to the Declaration recorded in Official Records Book 02042, Page 7625, by that Third Amendment to the Declaration recorded in Official Records Book 2051, Page 5986, by that Fourth Amendment to the Declaration recorded in Official Records Book 2098, Page 5462, by that Fifth Amendment to the Declaration recorded in Official Records Book 2127, Page 1414, by that Sixth Amendment to the Declaration recorded in Official Records Book 2151, Page 1682, by that Seventh Amendment to the Declaration recorded in Official Records Book 2266, Page 546, by that Eighth Amendment to the Declaration recorded in Official Records Book 2266, Page 548, by that Ninth Amendment to the Declaration recorded in Official Records Book 2267, Page 7580, by that Tenth Amendment to the Declaration recorded in Official Records Book 2273, Page 673, by that Eleventh Amendment to the Declaration recorded in Official Records Book 2276, Page 2083, by that Twelfth Amendment to the Declaration recorded in Official Records Book 2328, Page 4580, by that Thirteenth Amendment to the Declaration recorded in Official Records Book 2328, Page 4583, by that Fourteenth Amendment to the Declaration recorded in Official Records Book 2427, Page 2023, and by that Fifteenth Amendment to the Declaration recorded in Official Records Book 2500, Page 2331, all of the Public Records of Manatee County, Florida (collectively, all amendments referenced in this paragraph shall be referred to as the "Amendments"); and

**WHEREAS**, the Amended Declaration and the Amendments shall be hereinafter referred to as the "Declaration";

**WHEREAS**, FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation ("Forestar"), was the original developer pursuant to the Declaration;



WHEREAS, on or about June 29, 2012 and subsequent to Cargor purchasing all of the remaining undeveloped lots within the River Plantation development that is the subject of the Declaration, Forestar assigned its developer's rights, privileges and authorities created under the Declaration to Cargor, subject to the terms and conditions set forth in that certain Assignment and Assumption of Declarant's Rights dated June 29, 2012 and recorded in Official Records Book 2427, Page 71, of the Public Records of Manatee County, Florida, as amended by that certain First Amendment to Assignment and Assumption of Declarant's Rights recorded in Official Records Book 2435, Page 2974 of the Public Records of Manatee County, Florida (collectively, the "Assignment");

WHEREAS, Cargor continues to own lots governed by the Declaration and has not turned over its right to Developer Membership in the Association;

WHEREAS, pursuant to Article VIII, Section 4 of the Declaration, Cargor may unilaterally amend the Declaration; and

WHEREAS, Cargor desires to amend the Declaration as described below.

NOW THEREFORE, in consideration of the foregoing recitals, Cargor hereby amends the Declaration as follows (underscore indicates additions to text, ~~double-strikethrough~~ indicates deleted text):

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Definitions. Unless otherwise defined herein, capitalized terms used throughout this Sixteenth Amendment shall have the same meaning as set forth in the Declaration.
3. Article II, Section 1. Article II, Section 1 of the Declaration is hereby amended as follows:

Section 1. Conveyance of Common Property/Declarant's Right to Add Additional Property to or Withdraw Property. The Declarant may from time to time (including any time during or after the Class B Control Period), designate and convey to the Association easements and/or fee simple title to real property to be the Common Area for the common use and enjoyment of the Owners, subject to this Declaration. The Association hereby covenants and agrees to accept from the Declarant title to all easements and all such conveyances of Common Area subject to the terms and conditions of this Declaration and the obligations set forth herein. Declarant shall also have the right to withdraw property not previously conveyed to an Owner from the scheme of this Declaration. The addition or withdrawal by Declarant shall not require the consent or joinder of the Association, or any Owner or mortgagee of any of the Property, but shall be at the sole option of the Declarant. Upon withdrawal, such property shall no longer be a part of the Property.

4. Except as modified herein, the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal on the \_\_\_ day of December, 2013.

Signed, sealed and delivered  
in the presence of:

Print: Peter R. Logan

Heather Von Uhlt  
Print: Heather von Uhlt

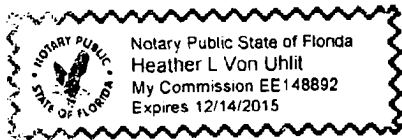
"Cargor"

CARGOR CM PROPERTY INVESTMENTS,  
INC., a Florida corporation

By: [Signature]  
Carlos M. Beruff, President

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of December, 2013, by Carlos M. Beruff, as President of Cargor CM Property Investments, Inc., a Florida corporation, who is ~~is~~ personally known to me or [ ] has produced \_\_\_\_\_ as identification.



Heather Von Uhlt  
Notary Public, State of Florida

Printed Name: Heather L. von Uhlt  
My Commission Expires: 12/14/15