

This instrument prepared by  
and return to:  
Donald A. Mihokovich, Esq.  
Adams and Reese LLP  
101 E. Kennedy Blvd.  
Suite 4000  
Tampa, FL 33602

\_\_\_\_\_ [SPACE ABOVE THIS LINE FOR RECORDING INFORMATION] \_\_\_\_\_

**NINTH AMENDMENT TO MASTER DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF CHEVAL POLO AND GOLF CLUB**

**THIS NINTH AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CHEVAL POLO AND GOLF CLUB** (“the **Ninth Amendment**”) is made by the **CHEVAL PROPERTY OWNERS’ ASSOCIATION, INC.**, a Florida not for profit corporation, hereinafter referred to as the “**Association.**”

**RECITALS**

A. On November 16, 1984, Cheval Land Corporation (“**Cheval Land Corp.**”) made and placed of record that certain Master Declaration of Covenants, Conditions and Restrictions for Cheval Polo and Gold Club (the “**Initial Declaration**”) which Initial Declaration was recorded in Official Records Book 4450, beginning on Page 1789, of the Public Records of Hillsborough County, Florida (the “**Public Records**”). The Initial Declaration was supplemented by (i) that certain First Supplement to the Initial Declaration (“**First Supplement**”) recorded on May 11, 1988 in Official Records Book 5401, beginning on Page 1840, of the Public Records, (ii) that certain Second Supplement to the Initial Declaration (“**Second Supplement**”) recorded on March 7, 1989, in Official Records Book 5634, beginning on Page 1151, of the Public Records, (iii) that certain Third Supplement to the Initial Declaration (“**Third Declaration**”) recorded February 2, 1993 in Official Records Book 6892, beginning on Page 863 of the Public Records, (iv) that certain Fourth Supplement to the Initial Declaration (“**Fourth Supplement**”) recorded on February 23, 1993 in Official Record Book 6892, beginning on Page 863 of the Public Records, (v) that certain Fifth Supplement to the Initial Declaration (“**Fifth Supplement**”) recorded July 21, 1994 in Official Records Book 7464, beginning on Page 966, of the Public Records, and (vi) that certain Sixth Supplement to the Initial Declaration (“**Sixth Supplement**”) recorded on February 20, 1996 in Official Records Book 8051, beginning on Page 1773, of the Public Records. The Initial Declaration was amended by (i) that certain First Amendment to the

Initial Declaration (“**First Amendment**”) recorded on July 14, 1988 in Official Records Book 5453, beginning on Page 1508, of the Public Records, (ii) that certain Second Amendment to Initial Declaration (“**Second Amendment**”) recorded June 27, 1990 in Official Records Book 6014, beginning on Page 1260, of the Public Records, (iii) that certain Third Amendment to the Initial Declaration (“**Third Amendment**”) recorded February 25, 1993 in Official Records Book 6894, beginning on Page 29, of the Public Records, (iv) that certain Fourth Amendment to the Initial Declaration (“**Fourth Amendment**”) recorded July 16, 1993 in Official Records Book 7048, beginning on Page 862 of the Public Records, (v) that certain Fifth Amendment to the Initial Declaration (“**Fifth Amendment**”) recorded June 9, 1997, in Official Records Book 8593, beginning on Page 1646 of the Public Records, (vi) that certain Sixth Amendment to the Initial Declaration (“**Sixth Amendment**”) recorded June 12, 1998, in Official Records Book 09085, beginning at Page 1450 of the Public Records, (vii) that certain Seventh Amendment to the Initial Declaration (“**Seventh Amendment**”) recorded November 23, 2010, in Official Records Book 20216, beginning at Page 1321 of the Public Records, and (viii) that certain Eighth Amendment to the Initial Declaration (“**Eighth Amendment**”) recorded November 16, 2011, in Official Records Book 20827, beginning at Page 1747 of the Public Records. The Initial Declaration as supplemented by the First Supplement, Second Supplement, Third Supplement, Fourth Supplement, Fifth Supplement, and Sixth Supplement, and as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment and Eighth Amendment, is herein referred to as the “**Master Declaration.**”

B. On July 11, 1988, Cheval Land Corp. assigned the Declarant’s Rights under the Master Declaration to Cheval Property Holdings, Inc., through an Assignment of Declarant’s Rights recorded July 14, 1988, in Official Records Book 5453, beginning on Page 1459 of the Public Records.

C. On February 7, 2003, Profundo, Inc., as successor by merger to Cheval Property Holdings, Inc., assigned the Declarant’s Rights under the Master Declaration to the Association, through an Assignment of Declarant’s Rights recorded March 8, 2003, in Official Records Book 12424, beginning on Page 0995 of the Public Records.

D. On September 8, 2010, the Association purchased real property, including easements, from Fifth Third Bank, through a Special Warranty Deed recorded September 20, 2010, in Official Record Book 20089, beginning on Page 837 of the Public Records. This real property, including easements, is hereinafter referred to collectively as the “**Adjacent Parcel.**” The Adjacent Parcel is not part of the land described on Exhibit “C” to the Initial Declaration.

E. Through the Seventh Amendment, the Association amended certain terms of the Master Declaration in accordance with Article XI, Section 4, in order to make the Adjacent Parcel subject to the Master Declaration.

F. The Association is in the process of selling that part of the Adjacent Parcel described in the attached Exhibit "A" to a third party for purposes of real estate development, and thus wishes to amend certain terms of the Master Declaration as set forth below. These amendments were approved by at least 75% of the total votes cast in person or by proxy at a meeting duly called and held, of the membership of the Association.

Amendments

Accordingly, the Association hereby declares that the Master Declaration is amended as follows:

1. The provisions of the Seventh Amendment which amended Article 1, Section 5 of the Initial Declaration to make the Adjacent Parcel part of the "Common Area," are hereby amended such that, with the exception of private roadways, sidewalks or other real property and improvements, within the land described in the attached Exhibit "A," which are later deeded to the Association for the common use and enjoyment of the Owners, the land described in the attached Exhibit "A" shall no longer be considered part of the "Common Area."

2. The Adjacent Parcel, including the land described in the attached Exhibit "A" is, shall be, and remains part of the "Properties" governed by the Master Declaration.

3. Except as specifically provided herein, all terms and provisions of the Master Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Ninth Amendment to be executed this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Witnesses:

\_\_\_\_\_

CHEVAL PROPERTY OWNERS'  
ASSOCIATION, INC.

By: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of November, 2010, by \_\_\_\_\_, as \_\_\_\_\_ of Cheval Property Owners' Association, Inc., a Florida not for profit corporation. Such officer is

personally known to me or has produced \_\_\_\_\_ as identification and did not take an oath.

[Seal]

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

The West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 10, Township 27 South, Range 18 East, Less the South 94.43 Feet Thereof, Hillsborough County, Florida.