

Prepared by/record and return to:  
John M. McGowan, Esquire  
Walt Disney World Co..  
P. O. Box 10,000  
Lake Buena Vista, Florida 32830

LARRY WHALEY 11P  
OSCEOLA COUNTY, FLORIDA  
CLERK OF CIRCUIT COURT

CL 2005112407 OR 2778/1474  
LMC Date 05/13/2005 Time 11:15:25

Attention: Osceola County Recording Office  
Cross Reference to Declaration recorded in Book 2338, Page 2780

**SUPPLEMENT TO COMMUNITY CHARTER  
FOR CELEBRATION RESIDENTIAL PROPERTIES**

**THIS SUPPLEMENT TO COMMUNITY CHARTER FOR CELEBRATION RESIDENTIAL PROPERTIES** (this "Supplement") is made this 5<sup>th</sup> day of APRIL 2005, by The Celebration Company, a Florida corporation ("Declarant"), and **NORTH VILLAGE TARRAGON LLC**, a Florida limited liability company ("Owner").

**WITNESSETH**

**WHEREAS**, on December 19, 1995, Declarant executed and recorded that certain Declaration of Covenants, Conditions, and Restrictions for Celebration Residential Properties in **Official Records Book 1298, Page 1889, et seq.**, of the Public Records of Osceola County, Florida (the "Original Declaration"); and

**WHEREAS**, on September 15, 2003, Declarant executed and recorded that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Celebration Residential Properties in **Official Records Book 2338, Page 2780, et seq.**, of the Public Records of Osceola County, Florida, as subsequently supplemented and amended by additional instruments recorded in the Public Records of Osceola County, Florida (the "Charter"), which Charter amended and restated the Original Declaration; and

**WHEREAS**, Owner is the owner of the real property described in **Exhibit "A"** attached hereto and made a part hereof (the "Conversion Property"); and

**WHEREAS**, the Conversion Property is currently subject to the terms, covenants, conditions and restrictions of that certain Declaration of Covenants, Conditions and Restrictions for Celebration Nonresidential Properties, recorded in **Official Records Book 1248, Page 28, et seq.**, in the Public Records of Osceola County, Florida, as subsequently supplemented and amended by additional instruments recorded in the Public Records of Osceola County, Florida (the "Nonresidential Declaration");

**WHEREAS**, Owner desires to convert the Conversion Property from its current use as multi-family for lease property to individually-owned, single-family residential condominiums (the "Use Conversion"); and

**WHEREAS**, as a result of the Use Conversion, the Conversion Property is being simultaneously removed from the Nonresidential Declaration and Declarant and Owner desire to submit the Conversion Property to the terms of the Charter, consistent with the overall, uniform plan of development for Celebration; and

**WHEREAS**, pursuant to Section 17.1 and Section 17.5 of the Charter, Declarant and Owner may submit the Conversion Property to the terms of the Charter.

**NOW, THEREFORE**, pursuant to Section 17.1 and Section 17.5 of the Charter, Declarant, with the consent of Owner, hereby subjects the Conversion Property to the provisions of this Supplement and the Charter. The Conversion Property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Supplement and the Charter, both of which shall run with the title to the Conversion Property and shall be binding upon all persons having any right, title, or any interest in the Conversion Property, their respective heirs, legal representatives, successors, successors-in-title, and assigns. The provisions of this Supplement shall be binding upon the Celebration Residential Owners Association, Inc. (the "Association") in accordance with the terms of the Charter.

## **ARTICLE I**

### **Definitions**

The definitions set forth in the Charter are incorporated herein by reference. Pursuant to the definition of "Unit" set forth in Section 3.1 of the Charter, the Conversion Property contains 315 Units.

## **ARTICLE II**

### **Neighborhood and Service Area Designation**

2.1 Neighborhood Assignment. Pursuant to Section 3.2 of the Charter, the Additional Property shall be assigned to the Neighborhood known as North Village Condominium Neighborhood. Initially, the Additional Property shall not be assigned to a Service Area as defined in Section 3.4 of the Charter. Any future Service Area designation shall be subject to the terms of the Charter.

2.2 District. Pursuant to Section 3.3 of the Charter, the Conversion Property shall be assigned to the District known as Celebration North Village.

## **ARTICLE III**

### **Lease Restrictions**

3.1 Lease Restrictions. Pursuant to Section 7.1 and Section 7.2 of the Charter and Section 5 of Exhibit C to the Charter, all leases of Units within the Additional Property shall be for a term of no less than six (6) months.

## **ARTICLE IV**

### **Celebration Foundation, Inc. Contribution**

4.1 Required Contribution. Coincident with each transfer of title to each Unit included in the Conversion Property, the seller of the Unit shall, on the closing of such sale, be required to make a non-refundable contribution in the amount set forth below, to Celebration Foundation, Inc., a Florida non-profit corporation (the "Foundation") established for the purpose of sponsoring, coordinating and/or assisting the development of community activities and organizations within and benefiting the Residential Properties, and such other purposes as the directors and officers of such corporation shall determine from time to time. The Charter, by virtue of this Supplement, shall be deemed to impose a lien on each Unit to secure such obligation to make the aforementioned contribution, which lien may be foreclosed by Declarant or the Foundation, if such contribution is not paid to the Foundation coincident with the recordation of a deed transferring title to the Unit as aforesaid.

4.2 Contribution Amount. The amount of the contribution required to be made by each owner as described above, shall be equal to Two Hundred Ninety Dollars (\$290.00) for the first transfer of each Unit with respect to which a contribution is required to be made pursuant to Section 4.2 above.

For each subsequent transfer, the required contribution shall be equal to the amount originally required to be paid on the first transfer of the Unit as set forth above, multiplied by a fraction, the numerator of which shall be the "CPI" announced for the month immediately preceding the month in which such transfer occurs and the denominator of which shall be the "CPI" in effect as of June 1, 2001. For purposes of this Agreement, "CPI" shall mean the Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items (1982-84 = 100) unadjusted, published from time to time by The Bureau of Labor Statistics U.S. Department of Labor, or such successor index as most reasonably approximates such Consumer Price Index.

#### **ARTICLE V** **Amendments**

5.1 By Declarant. Declarant shall have the right to unilaterally amend this Supplement to the extent that Declarant has the right to extend the Charter pursuant to Section 21.2 of the Charter.

5.2 By Owner. Except as provided above and otherwise specifically provided herein, this Supplement may be amended only by the affirmative vote or written consent, or any combination thereof, of 75% percent of the owners of the Units contained within the Conversion Property (the "**Unit Owners**"), the written consent of the Association acting upon resolution of its Board of Directors, and, so long as Declarant has an option to subject additional property to the Charter pursuant to Section 17.1 of the Charter, the consent of Declarant.

Notwithstanding the above, no amendment adopted pursuant to this Section shall be effective to withdraw the real property described herein from the provisions of the Charter unless also approved by the Voting Members representing 75% percent of the Owner Membership and by Declarant if The Celebration Company Membership exists. The percentage of votes necessary to amend a specific clause shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause. To be effective, any amendment must be recorded in the public records of Osceola County, Florida.

If the owner of the Conversion Property or a Unit Owner consents to any amendment to this Supplement, it will be conclusively presumed that such owner has the authority so to consent, and no contrary provision in any mortgage or contract between the owner and a third party will affect the validity of such amendment.

No amendment may remove, revoke or modify any right or privilege of Declarant without its written consent or the written consent of the assignee of such right or privilege.

[signatures appear on the following page]

IN WITNESS WHEREOF, Declarant and Owner have executed this Supplement this 5<sup>th</sup> day of April, 2005, and the Association joins herein solely to acknowledge, pursuant to Section 17.5 of the Charter, that the Conversion Property is being submitted to the terms of the Charter and the jurisdiction of the Association.

Signed, sealed and delivered in the presence of:

Bruce  
BROOKE A. MYERS (Printed Name)  
John McGowan  
John McGowan (Printed Name)

**THE CELEBRATION COMPANY,**  
a Florida corporation

By: Matthew Kelly  
Name: Matthew Kelly  
Title: President

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Printed Name)  
(Printed Name)

**NORTH VILLAGE TARRAGON, LLC,**  
a Florida limited liability company

By: **TARRAGON SOUTH DEVELOPMENT CORP.**, its sole member  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Printed Name)  
(Printed Name)  
(Printed Name)

**CELEBRATION RESIDENTIAL OWNERS ASSOCIATION, INC.**, a Florida not-for profit corporation  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[notary acknowledgements appear on the following page]

IN WITNESS WHEREOF, Declarant and Owner have executed this Supplement this \_\_\_\_ day of \_\_\_\_\_, 2005, and the Association joins herein solely to acknowledge, pursuant to Section 17.5 of the Charter, that the Conversion Property is being submitted to the terms of the Charter and the jurisdiction of the Association.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
(Printed Name)  
\_\_\_\_\_  
(Printed Name)

THE CELEBRATION COMPANY,  
a Florida corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signed, sealed and delivered in the presence of:

*Kathleen S. Platero*  
*Kathleen S. Markell*  
(Printed Name)

*Patricia A King*  
*PATRICIA A KING*  
(Printed Name)

NORTH VILLAGE TARRAGON, LLC,  
a Florida limited liability company

By: TARRAGON SOUTH DEVELOPMENT CORP., its sole member  
*Marcy H. Kammerman*  
Name: **MARCY H. KAMMERMAN**  
Title: *Executive Vice President*

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
(Printed Name)  
\_\_\_\_\_  
(Printed Name)

CELEBRATION RESIDENTIAL OWNERS ASSOCIATION, INC., a Florida not-for profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[notary acknowledgements appear on the following page]

IN WITNESS WHEREOF, Declarant and Owner have executed this Supplement this \_\_\_\_ day of \_\_\_\_\_, 2005, and the Association joins herein solely to acknowledge, pursuant to Section 17.5 of the Charter, that the Conversion Property is being submitted to the terms of the Charter and the jurisdiction of the Association.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Printed Name)  
(Printed Name)

THE CELEBRATION COMPANY,  
a Florida corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_


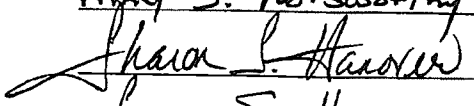
Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Printed Name)  
(Printed Name)

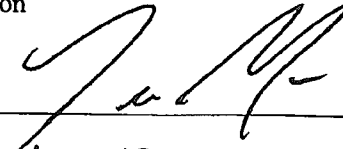
NORTH VILLAGE TARRAGON, LLC,  
a Florida limited liability company

By: TARRAGON SOUTH DEVELOPMENT  
CORP., its sole member  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Amy S. Norsworthy (Printed Name)  
  
\_\_\_\_\_  
SHARON S. HANOVER (Printed Name)

CELEBRATION RESIDENTIAL OWNERS  
ASSOCIATION, INC., a Florida not-for profit  
corporation

By:   
\_\_\_\_\_  
Name: Lee Moore  
Title: President

[notary acknowledgements appear on the following page]

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of April, 2005, by Matthew Kelly, as President of **THE CELEBRATION COMPANY**, a Florida corporation, on behalf of the corporation. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]



John McGowan  
My Commission DD242356  
Expires August 17 2007

*[Signature]*

NOTARY PUBLIC

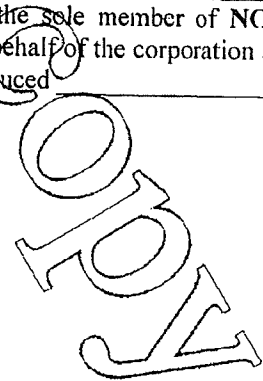
Print Name: John McGowan

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as \_\_\_\_\_ of **TARRAGON SOUTH DEVELOPMENT CORP.**, the sole member of **NORTH VILLAGE TARRAGON, LLC**, a Florida limited liability company, on behalf of the corporation and limited liability company. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]



NOTARY PUBLIC

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

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as \_\_\_\_\_ of **CELEBRATION RESIDENTIAL OWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]

NOTARY PUBLIC

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

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as \_\_\_\_\_ of **THE CELEBRATION COMPANY**, a Florida corporation, on behalf of the corporation. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]

NOTARY PUBLIC

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

STATE OF Florida

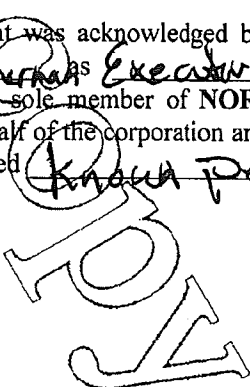
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of April, 2005, by Marcy H. Hammer as Executive Vice President of **TARRAGON SOUTH DEVELOPMENT CORP.**, the sole member of **NORTH VILLAGE TARRAGON, LLC**, a Florida limited liability company, on behalf of the corporation and limited liability company. He  is personally known to me or  has produced known personally as identification.

[Affix Notary Stamp/Seal]

NOTARY PUBLIC

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



Kathleen S Martell  
My Commission DD176076  
Expires March 09, 2007

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as \_\_\_\_\_ of **CELEBRATION RESIDENTIAL OWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]

NOTARY PUBLIC

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



STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14 day of April, 2005, by Lee Moore, as President of THE CELEBRATION COMPANY, a Florida corporation, on behalf of the corporation. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]

NOTARY PUBLIC  
Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_ as \_\_\_\_\_ of TARRAGON SOUTH DEVELOPMENT CORP., the sole member of NORTH VILLAGE TARRAGON, LLC, a Florida limited liability company, on behalf of the corporation and limited liability company. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Affix Notary Stamp/Seal]

NOTARY PUBLIC  
Print Name: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14 day of April, 2005, by Lee Moore, as President of CELEBRATION RESIDENTIAL OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. He  is personally known to me or  has produced FLDL M600520670190 as identification.

[Affix Notary Stamp/Seal]

Charlene E Gladden  
NOTARY PUBLIC  
Print Name: Charlene Gladden



Charlene E Gladden  
My Commission DD213860  
Expires May 20, 2007

EXHIBIT "A"**CONVERSION PROPERTY**

Tracts 42, 85, and 86 and Lot 331, CELEBRATION NORTH VILLAGE UNIT 6, according to the Plat thereof, as recorded in Plat Book 9, Page 195 through 200, of the Public Records of Osceola County, Florida.

Together with:

A part of Lot 332, CELEBRATION NORTH VILLAGE UNIT 6, Plat Book 9, Pages 195 through 200, Public Records of Osceola County, Florida, being more particularly described as follows:

Begin at the Southeast corner of Lot 332, CELEBRATION NORTH VILLAGE UNIT 6, Plat Book 9, Pages 195 through 200, Public Records Osceola County, Florida, being a point on a curve concave Southeasterly; thence Southwesterly along the Southerly Boundary of Lot 332, along the arc of said curve, having a radius of 2,070.00 feet and a chord bearing of S 39°52'06" W, through a central angle of 10°48'05", for 390.25 feet to the point of tangency; thence S 34°28'04" W, along said Southerly Boundary for 3.29 feet to the point of curvature of a curve concave Northwesterly; thence Southwesterly along said Southerly Boundary, along the arc of said curve, having a radius of 445.79 feet, through a central angle of 36°35'07", for 284.65 feet; thence N 00°17'03" E, for 168.99 feet; thence N 49°01'14" W, for 61.75 feet; thence N 47°37'59" W, for 118.95 feet to a point on the Northerly Boundary of Lot 332; thence along the Northerly Boundary of Lot 332 the following twenty-one (21) courses; run N 64°12'55" E, for 10.94 feet; thence N 40°44'39" E, for 52.02 feet; thence N 45°55'20" E, for 24.51 feet; thence N 07°38'40" E, for 29.25 feet; thence N 44°31'14" E, for 27.97 feet; thence N 16°17'06" E, for 35.56 feet; thence N 10°39'16" W, for 54.52 feet; thence N 32°40'06" W, for 7.58 feet; thence N 76°34'19" E, for 26.48 feet; thence N 88°14'49" E, for 76.19 feet; to a non-tangent curve concave Northeasterly; thence Southeasterly along the arc of said curve, having a radius of 25.00 feet and a chord bearing of S 25°52'53" E, through a central angle of 51°45'46", for 22.59 feet to the point of tangency; thence S 51°45'46" E, for 87.36 feet to the point of curvature of a concave Northeasterly; thence Southeasterly along the arc of said curve, having a radius of 25.00 feet, through a central angle of 22°25'10", for 9.78 feet to the point of tangency; thence S 74°10'56" E, for 59.98 feet to the point of curvature of a curve concave Northerly; thence Easterly along the arc of said curve, having a radius of 25.00 feet, through a central angle of 55°56'44", for 24.41 feet to the point of tangency; thence N 49°52'21" E, for 27.88 feet to the point of a curvature of a curve concave Northwesterly; thence Northeasterly along the arc of said curve, having a radius of 25.00 feet, through a central angle of 37°56'35", for 16.56 feet to the point of tangency; thence N 11°55'46" E, for 72.72 feet to the point of curvature of a curve concave Westerly; thence Northerly along the arc of said curve, having a radius of 25.00 feet, through a central angle of 43°49'51", for 19.12 feet to the point of tangency; thence N 31°54'06" W, for 60.25 feet; thence N 54°01'37" E, for 104.78 feet to the Easterly Boundary of Lot 332; thence S 42°56'10" E, along said Easterly Boundary for 240.18 feet to the POINT OF BEGINNING.

MORTGAGEE CONSENT

CL 2005112407

OR 2778/1484

GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation ("Mortgagee"), the owner and holder of that certain Mortgage, Assignment of Rents and Leases, Security Agreement and Fixture Filing recorded in Official Records Book 2688, at Page 959; Assignment of Rents and Leases recorded in Official Records Book 2688, at Page 982; and UCC-1 Financing Statement recorded in Official Records Book 2687, at Page 2310, all of the Public Records of Osceola County, Florida (collectively, the "Mortgage"), which encumbers the "Conversion Property," as defined in the foregoing Supplement, does hereby consent to the recording of, and subordinates its interest under the aforesaid Mortgage to, the foregoing Supplement.

Mortgagee makes no warranty or any representation of any kind or nature concerning the Supplement, any of its terms or provisions, or the legal sufficiency thereof, and disavows any such warranty or representation. Mortgagee does not assume and shall not be responsible for any of the obligations or liabilities contained in the Supplement. None of the representations contained in the Supplement shall be deemed to have been made by Mortgagee, nor shall they be construed to create any obligations on Mortgagee to any person relying thereon. Nothing contained herein shall affect or impair the rights and remedies of Mortgagee as set forth the Mortgage or other security instruments encumbering the Conversion Property.

IN WITNESS WHEREOF, Mortgagee has caused this Mortgagee Consent to be executed this 25<sup>th</sup> day of April, 2005.

Signed, sealed and delivered in the presence of:

GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation

Print Name: Jaqueline Henry By: [Signature]  
Print Name: Peter J Guitt Print Name: Steve Nordyke  
Print Name: [Signature] Title: Sr Asset Mgr

STATE OF Florida  
COUNTY OF Palm Beach } ss:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Steve Nordyke, the Sr. Asset Mgr. of GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation, freely and voluntarily under authority duly vested in him/her by said entity. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 25<sup>th</sup> day of April, 2005.

Meridel A. Cosgrove  
Notary Public State of Florida  
Meridel A Cosgrove  
Typed, printed or stamped name of Notary Public

My Commission Expires:

