

Declaration Concerning the Heron's Forest Architectural Review Committee

WHEREAS, Heron's Forest Development Company, a Florida corporation (previously known as Gulf Beach Highway Properties, Inc.) ("Declarant"), was Declarant in that certain "Declaration of Covenants, Conditions and Restrictions for Heron's Forest" ("Declaration") recorded in Official Record Book 4203, Page 1199, of the public records of Escambia County, Florida;

WHEREAS, Article III, Section 5, of the "Declaration," provides:

Assignment to the Association. The Declarant shall have the power, through a duly recorded written instrument, to assign the duties and obligations of the Architectural Review Committee (and, if any, its Architectural Review Representative) to the Association, which shall thereafter determine the members of the Architectural Review Committee and which may then withdraw from, or grant to, the Architectural Review Committee such powers or duties as the Association deems appropriate.

WHEREAS, in April, 2004, Declarant believes it prepared, executed and delivered to The Heron's Forest Property Owners Association, Inc., a Florida corporation ("Association"), and the Association believes it accepted, that certain "Partial Assignment of Duties and Obligations of the Architectural Review Committee" ("Partial Assignment") (unexecuted copy of which is attached hereto), pursuant to Article III, Section 5, of the Declaration;

WHEREAS, subsequent to April, 2004, both the Association and the Architectural Review Committee originally named in the Declaration performed Architectural Review Committee duties and obligations pursuant to said Partial Assignment;

WHEREAS, neither the Declarant nor Association can now locate a dated and/or executed copy of the Partial Assignment, and a review of the public records of Escambia County, Florida, does not find an executed copy of same recorded therein; and

WHEREAS, at the January 11, 2007, Association's Board of Directors meeting, Declarant intended to, and believed it did, assign to the Association all remaining Architectural Review Committee duties and obligations not assigned to the Association in the Partial Assignment, and it was believed the Association at that time accepted those additional duties and obligations;

NOW, THEREFORE, Declarant and Association, desiring to confirm, ratify, and, if, there were any doubt, clarify, all the foregoing,

1. Do hereby set forth in this written instrument which is intended to be recorded in the public records of Escambia County, Florida, soon after execution, the correctness of the above; and

2. Do hereby confirm and ratify the assignment of the duties and obligations of the Architectural Review Committee by Declarant to the Association as set forth above.

Dated: February 2, 2009

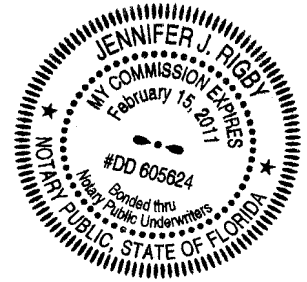
Heron's Forest Development Company,
a Florida corporation (previously
known as Gulf Beach Highway Properties, Inc.
(Declarant)

By: Garrett W. Walton
Its _____ President

State of Florida, County of Escambia

The foregoing instrument was acknowledged before me this 2 day of February, 2009, by Garrett W. Walton as _____ President of Heron's Forest Development Company, a Florida corporation (previously known as Gulf Beach Highway Properties, Inc.), on behalf of the said corporation. The said Garrett W. Walton personally appeared before me and is personally known to me.

Jennifer J. Rigby
Notary Public, State of Florida
Notary: Jennifer J. Rigby
My Commission No.: 2-15-11
My Commission Expires: DD 605624



NOTARY SEAL

Dated: February 9th, 2009

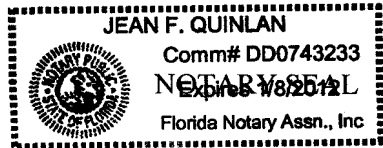
Heron's Forest Property Owners Association, Inc., a Florida corporation (Association)

By: [Signature]
Its President

State of Florida, County of Escambia

The foregoing instrument was acknowledged before me this 9th day of February, 2009 by, CHERYL M. Pyle, as President of Heron's Forest Property Owners Association, Inc. Who personally appeared before me and () who is personally known to me or (X) who produced P400-113-45-680-0 as identification and who () did (X) did not take an oath.

[Signature]
NOTARY PUBLIC - STATE OF FLORIDA
Notary Name: JEAN F. QUINLAN
My Commission Expires: 1/8/2012
Commission Number: DD0743233



We, Richard R. Baker, Jennifer Rigby (previously Jernigan) and Garrett W. Walton, being the original three members of the Architectural Review Committee named in the Declaration, and the members of the Architectural Review Committee throughout, and at all times relevant to, all the above, do hereby confirm and ratify the correctness of all of the above.

Dated: February 2, 2009

[Signature]
Richard R. Baker

Dated: February 2, 2009

[Signature]
Garret W. Walton

State of Florida, County of Escambia

The foregoing instrument was acknowledged before me this 2 day of February, 2009 by, Richard R. Baker and Garrett W. Walton, who both personally appeared before me and (X) who are personally known to me or () who produced _____ and _____ as identification and who () did (X) did not take an oath.

Jennifer J. Rigby
NOTARY PUBLIC - STATE OF FLORIDA
Notary Name: Jennifer J. Rigby
My Commission Expires: 2-15-11
Commission Number: DD 605624



NOTARY SEAL

Dated: February 2, 2009

[Signature]
Jennifer Rigby (formerly Jernigan)

State of Florida, County of Escambia

The foregoing instrument was acknowledged before me this 2 day of February, 2009 by, Jennifer Rigby (formerly Jernigan), who personally appeared before me and (X) who is personally known to me or () who produced _____ as identification and who () did (X) did not take an oath.

[Signature]
NOTARY PUBLIC - STATE OF FLORIDA
Notary Name: _____
My Commission Expires: _____
Commission Number: _____

NOTARY SEAL

RECORDED AS RECEIVED

**Attachment to "Declaration Concerning
Heron's Forest Architectural Review Committee"**

**PARTIAL ASSIGNMENT OF DUTIES AND OBLIGATIONS OF
THE ARCHITECTURAL REVIEW COMMITTEE**

The undersigned, HERON'S FOREST DEVELOPMENT COMPANY (formerly known as Gulf Beach Highway Properties, Inc. prior to a name change pursuant to Articles of Amendment filed July 22, 1998, with the Secretary of State, State of Florida, as recorded in O.R. Book 4296, at Page 169, of the public records of Escambia County, Florida), a Florida corporation, as developer of Heron's Forest, a subdivision in Escambia County, Florida (Subdivision), and the "Declarant" described in the December 15, 1997 Declaration of Covenants, Conditions and Restrictions for Heron's Forest, does hereby take the following action pursuant to the provisions of the above described Declaration:

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Heron's Forest was made and duly recorded by the undersigned on December 15, 1997 at O.R. Book 4203, Page 1199 of the public records of Escambia County, Florida;

WHEREAS, pursuant to Article I, Sec. 1 of said Declaration, "Association" is defined to mean and refer to The Heron's Forest Property Owners Association, Inc., a Florida not-for-profit corporation, its successors and assigns;

WHEREAS, Article III, of said Declaration defines that Architectural Review Committee Membership and its duties and obligations;

WHEREAS, pursuant to Article III, Sec. 5 of said Declaration, the undersigned has the power to assign the duties and obligations of the architectural Review Committee to the Association;

WHEREAS, it is the desire of the undersigned that certain duties and obligations of the Architectural Review Committee be delegated to the Association with regard to those lots within the subdivision that are complete and for which certificates of occupancy have been issued as of the date of execution of this Assignment;

WHEREAS, it is the desire of the undersigned that those certain duties and obligations of the Architectural Review Committee be retained by its current members with regard to those remaining lots within the subdivision that remain undeveloped as of the date of the execution of this Assignment.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That all duties and obligations of the Architectural Review Committee are delegated to the Association with regard to those lots within the subdivision that have a residential structure built thereon, and for which certificates of occupancy have been issued as of the date of the execution of this Assignment.
2. That all duties and obligations of the Architectural Review Committee be retained by its current members with regard to those lots within the subdivision that remain under development or vacant as of the date of the execution of this Assignment, for each such lot until after issuance of a certificate of occupancy for the completed residence.

IN WITNESS WHEREOF, the undersigned has signed this written Assignment.

HERON'S FOREST DEVELOPMENT COMPANY

DATED: _____

By: _____
Its _____ President