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 Palm Beach County, Florida  
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17865

**SECOND AMENDMENT TO  
 DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
 FOR INDEPENDENCE**

This Amendment is made as of March 4, 2005, by Home Dynamics PBC, LLC, a Florida limited liability company (the "Declarant") joined by Independence Homeowners Association, Inc., a Florida corporation not for profit (the "Association").

WHEREAS, Declarant and Association are parties to that certain Declaration of Covenants, Conditions and Restrictions for Independence recorded December 9, 2004 in Official Records Book 17865, Page 661 of the Public Records of Palm Beach County, Florida, as previously amended (the "Declaration"); and

WHEREAS, pursuant to Paragraph 17.13.4 of the Declaration, Declarant has the right to make any amendment to the Declaration without joinder of any other person, entity or agency within ninety (90) days of the Declaration's being recorded in the Public Records of Palm Beach County, Florida; and

WHEREAS, Declarant wishes to make certain amendments to the Declaration as more particularly set forth below.

NOW, THEREFORE, in consideration of the premises and covenants herein contained, Declarant hereby amends the Declaration by this Amendment, which shall become a part of the Declaration and be binding upon all parties having any right, title or interest in the property described in the Declaration.

Paragraph 7.3.1 of the Declaration entitled "Utility Easements" is hereby amended to read in its entirety as follows:

7.3.1 Utility Easements. There is reserved unto Declarant and the Association the right to grant non-exclusive or exclusive easements over, under, in and upon any portion of the Property, including, but not limited to, any portion of any Lot, whether or not said Lot has been conveyed, as may be necessary to provide utility services and for ingress and egress for persons and vehicles to provide and maintain such utility services, including,

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but not limited to, power, electric, sewer, water, drainage, telephone, gas, lighting facilities, street lights, irrigation, television transmission and cable television facilities, telecommunications, limited access service and facilities in connection therewith. The Association shall indemnify and hold the County harmless from and against any and all liabilities, damages, penalties, claims, costs and expenses whatsoever, including attorneys' fees at all levels, which may be imposed upon or asserted against the County as a result of or in any way connected to the utilization of any and all public supply water wellsite easements heretofore or hereafter granted to the County, including but not limited to impacts of such utilization on on-site irrigation wells, aesthetic lakes and surface water management systems. Without limiting the foregoing indemnification, the Association, and not the County, shall be responsible for the replacement of any paver bricks that have to be removed to afford the County access to and use of any easements granted to it.

IN WITNESS WHEREOF, this Amendment has been signed by the Declarant and the Association on the day and year first above written.

Witnessed:

**DECLARANT:**

HOME DYNAMICS PBC, LLC,  
a Florida limited liability company,

Sandra Gaubert  
Name:

By: [Signature]  
David Schack, Member and Manager

None  
Name:

**ASSOCIATION:**

INDEPENDENCE HOMEOWNERS  
ASSOCIATION, INC., a Florida not for  
Profit Corporation

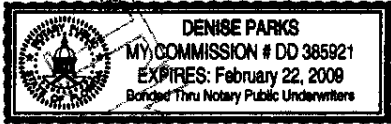
Sandra Gaubert  
Name:

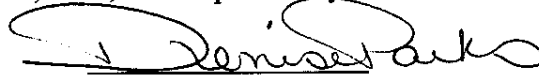
By: [Signature]  
Michael Schack, President

None  
Name:

STATE OF FLORIDA  
COUNTY OF

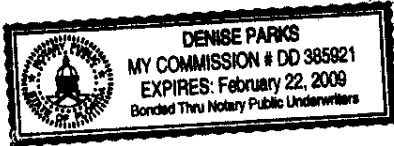
Acknowledged before me on March 8, 2005, by David Schack, as member and manager of HOME DYNAMICS PALM BEACH, LLC, who is personally known to me.



  
NOTARY PUBLIC

STATE OF FLORIDA  
COUNTY OF

Acknowledged before me on March 9, 2005, by Michael Schack, as President of INDEPENDENCE HOMEOWNER'S ASSOCIATION, INC., a Florida not for Profit Corporation, who is personally known to me



  
NOTARY PUBLIC