

Return To:
ALL FLORIDA TITLE AGENCY, INC.

1001 S. MacDill Avenue

Suite B

Tampa, FL 33629

**SIXTH AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR GATEWAY CENTRE**

THIS SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR GATEWAY CENTRE (this "**Sixth Amendment**") is made and executed effective as of this 27th day of January, 2011, by HARDY HUNTLEY – GATEWAY, LLC, a Florida limited liability company (together with its successors and assigns, "**Declarant**").

A. By virtue of that certain Declaration of Covenants, Conditions, and Restrictions for Gateway Centre (the "**Original Declaration**") dated December 24, 1986, recorded in O.R. Book 6391, Page 411, of the Public Records of Pinellas County, Florida, Gateway Centre Joint Venture, a Florida general partnership, ("**Previous Declarant**") as predecessor in interest to Declarant with respect to Gateway Centre, placed upon that certain real property located in Pinellas County, Florida ("**Gateway Centre**") described in the Original Declaration, certain covenants, conditions and restrictions as described in the Original Declaration.

B. The Original Declaration was amended by that certain (i) Amendment to Declaration of Covenants, Conditions and Restrictions for Gateway Centre (the "**First Amendment**") dated May 18, 1989, recorded in O.R. Book 7005, Page 355 of the Public Records of Pinellas County, Florida, by Previous Declarant, and (ii) Second Amendment to Declaration of Covenants, Conditions and Restrictions for Gateway Centre (the "**Second Amendment**") dated March 13, 2002, recorded in O.R. Book 11887, Page 1132 of the Public Records of Pinellas County, Florida, by Declarant, and (iii) Third Amendment to Declaration of Covenants, Conditions and Restrictions for Gateway Centre (the "**Third Amendment**") dated March 18, 2002, recorded in O.R. Book 11896, Page 1994 of the Public Records of Pinellas County, Florida, by Declarant (iv) Second Amendment to Declaration of Covenants, Conditions and Restrictions for Gateway Centre (the "**Fourth Amendment**") dated July 15, 2003, recorded in O.R. Book 12899, Page 1 of the Public Records of Pinellas County, Florida, by Declarant and (v) Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Gateway Centre (the "**Fifth Amendment**") dated March 17, 2009, recorded in O.R. Book 16524, Page 2355 of the Public Records of Pinellas County, Florida, by Declarant (the Original Declaration, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment, being hereinafter referred to as the "**Declaration**").

C. Declarant who is entitled to cast at least seventy-five (75%) of the outstanding voting rights of the Gateway Centre Property Owners Association ("**Association**"), desires to amend the Declaration as provided herein.

D. The Board of Directors of Gateway Centre Property Owners Association desires to consent to and approve the terms and provisions of this Sixth Amendment.

AGREEMENT

NOW, THEREFORE, for and in consideration of \$10.00 in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declaration is hereby amended and modified as follows:

1. **Additional Uses Permitted.** Subject to the terms and conditions set forth herein, the Declaration is hereby modified to permit the construction and operation of a fuel station and/or convenience store/food market upon the land in Gateway Centre described on **Exhibit "A"** attached hereto and made a part hereof for all purposes (the "**Subject Tract**"). Without limitation of the foregoing, the following activities will be permitted on the Subject Tract: sale of items typically sold in a food market, including without limitation, sale of food items for in-store or take home consumption, and the dispensing of fuel for vehicular use. The terms of this Sixth Amendment will supersede any specific prohibitions against the foregoing uses that may be contained the Declaration or in the exhibits attached thereto (including, without limitation, the prohibitions against *Gasoline Service Stations* contained in Exhibit "G" attached to the Declaration). However, the use of the Subject Tract and the improvements constructed thereon must otherwise comply with all other requirements, limitations, restrictions and provisions of the Declaration (such as, without limitation, the requirements of Article V of the Declaration regarding the review and approval of the plans, specifications and architectural drawings for the construction on and development and improvement of the Subject Tract). Additionally, this Sixth Amendment shall in no way relieve any owner of the Subject Tract from obtaining all necessary governmental permits and approvals and complying with all governmental regulations and requirements including, but not limited to those of the City of Pinellas Park.

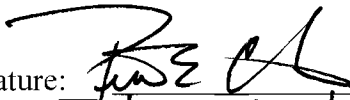
2. **Capitalized Terms.** All capitalized terms used but not specifically defined in this Sixth Amendment will have the meanings set forth in the Declaration for such term.

EXECUTED to be effective as of the date set forth above.

Signed, sealed and delivered in the presence of:


Witness Signature:

Printed Name:


Peter E. Crighton

Witness Signature:

Printed Name:


Cynthia A. Gilbert

STATE OF FLORIDA
COUNTY OF PINELLAS

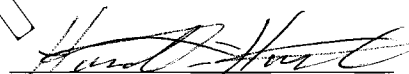
DECLARANT:

HARDY HUNTLEY – GATEWAY, LLC, a
Florida limited liability company

By:

Name:

Title:


Hardy H. Huntley
Manager

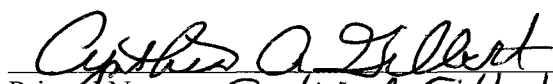
The foregoing instrument was acknowledged before me this 27th day of January, 2011, by Hardy H. Huntley, Manager of HARDY HUNTLEY – GATEWAY, LLC, a Florida limited liability company, on behalf of said company. Said manager is personally known to me or produced a valid driver's license as identification.

NOTARY PUBLIC – STATE OF FLORIDA

Printed Name:

Commission No.

Expiration Date:


Cynthia A. Gilbert



CYNTHIA A. GILBERT
Commission DD 641232
Expires March 11, 2011
Bonded Thru Troy Fain Insurance 800-388-7019

CONSENT OF BOARD OF DIRECTORS

The Board of Directors of Gateway Centre Property Owners Association hereby consents to and approves the terms and provisions of this Sixth Amendment, such consent and approval being granted in satisfaction of any applicable requirements of the Declaration.

BOARD OF DIRECTORS OF GATEWAY
CENTER PROPERTY OWNERS ASSOCIATION

Executing solely in their representative capacities
and not in their individual capacities:

By: _____

Hardy H. Huntley

By: _____

Peter E. Creighton

By: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 27th day of January, 2011 by Hardy H. Huntley and Peter E. Creighton, collectively as members of the Board of Directors of the GATEWAY CENTRE PROPERTY OWNERS ASSOCIATION, on behalf of said association. Said board members are personally known to me or each produced a valid driver's license as identification.

NOTARY PUBIC - STATE OF FLORIDA

Cynthia A. Gilbert
Printed Name: Cynthia A. Gilbert
Commission No. _____
Expiration Date: _____



CYNTHIA A. GILBERT
Commission DD 641232
Expires March 11, 2011
Bonded Thru Troy Pain Insurance 800-885-7019

Exhibit "A"

LEGAL DESCRIPTION:

Tract 3, 4, 5 and 6, COVENTRY PLAZA, as recorded in Plat Book 76, Pages 60 through 62, of the public records of Pinellas County, Florida

Together with:

Parcels 1 through 12, GATEWAY CENTRE BUSINESS PARK, as recorded in Plat Book 97, Pages 1 through 13, of the public records of Pinellas County, Florida