

Prepared By and To Be Returned To:  
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**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR HERITAGE OAKS**

**THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR HERITAGE OAKS** ("First Amendment") is made by KB Home Jacksonville LLC, a Delaware limited liability company authorized to do business in Florida ("KB").

**WITNESSETH:**

**WHEREAS**, the Declaration of Covenants and Restrictions for Heritage Oaks was recorded on December 23, 2014, in Official Records Book 3968, Page 405, public records of Duval County, Florida, as has been or may have been amended and supplemented from time to time (collectively, "Declaration"); and

**WHEREAS**, KB is the Declarant under the Declaration; and

**WHEREAS**, Section 15.2.1 of the Declaration permits Declarant to amend the Declaration without the approval or joinder of any other party at any time prior to the date on which Declarant shall have conveyed 90% of the Lots of the Property; and

**WHEREAS**, KB, as Declarant, has not conveyed any Lots of the Property as of the effective date hereof; and

**WHEREAS**, KB desires to amend the Declaration in the manner more particularly provided hereinafter;

**NOW, THEREFORE**, KB hereby states as follows:

1. The foregoing recitals are true and correct and are deemed incorporated herein as if fully stated hereinafter.

2. Section 1.13 of the Declaration is hereby amended to read as follows:

1.13 "Common Property" or "Common Properties" mean any portion or portions of the Property now or hereafter owned by the Association or designated herein or on the plat of the Property as ~~has been or shall be~~ recorded in Plat Map Book 73, Page 54, the public records of the County, as from time to time may be amended ("Plat"), as either Common Property or property to be maintained by the Association (whether or not such property is part of a dedicated right-of-way or easement). "Common Property" shall also include, but shall not be limited to, (a) any landscaping in any median or cul-de-sac island located in any right-of-way as shown on the Plat (whether or not these areas are indicated as common areas), (b) any lake areas for which the Association has maintenance responsibility and for which the costs thereof shall be shared by the Homeowners and certain owners of adjacent real property pursuant to separate agreement, (c)

all portions of the "Surface Water Drainage and Management System" (as defined in Article 10 hereof) which serves the Community, (d) any property designated by Declarant as Common Property elsewhere in this Declaration or in any amendment or supplement to this Declaration, and (e) utility easements or tracts for corresponding sewer or potable water.

3. Section 8.3 of the Declaration is hereby deleted in its entirety and replaced with the following:

8.3 Initial General Assessment. The initial General Assessment shall be Seven Hundred Thirty and No/100 Dollars (\$730.00) per quarter and will remain in effect until a different General Assessment may be determined as provided in Section 8.4 hereof.

4. Exhibit "A" to the Declaration is hereby amended in the manner shown on Exhibit "A" to this First Amendment. Hereinafter, any and all reference to the Property shall mean and refer to the property described in such Exhibit "A."

5. For purposes of record notice, Declarant hereby advises that Article VI, Section 5 of the By-Laws has been amended to read as follows (such amendment having been approved by the unanimous vote of the Association's board of directors and 100% of the Members of the Association by written action in lieu of a meeting dated January 21, 2015):

Section 5. General Assessment. The Board has adopted the initial General Assessment as provided for in the Declaration, and such General Assessment shall remain in effect until a new General Assessment is approved by the Board.

6. Except as modified by this First Amendment, the Declaration remains valid and in full force and effect. In the event of a conflict between the provisions of this First Amendment and the provisions of the Declaration prior to the effective date hereof, the provisions of this First Amendment shall control.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, KB, as Declarant, has caused this First Amendment to be executed by its authorized representative and affixed its corporate seal as of this 26<sup>th</sup> day of January, 2015.

WITNESSES:

KB Home Jacksonville LLC, a Delaware limited liability company authorized to do business in Florida.

Signature: *Rachelle Hoyer*  
Printed Name: Rachelle Hoyer

By: *W. Hinton*  
Wes Hinton  
Director, Land Development

Signature: *Lisa Bianchi*  
Printed Name: Lisa Bianchi

SEAL

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of January, 2015, by Wes Hinton, as Director, Land Development of KB Home Orlando LLC, a Delaware limited liability company, on behalf of the corporation. He is personally known to me.

My Commission Expires:



Lisa Bianchi  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF178447  
Expires 12/14/2018

*Lisa Bianchi*  
(Signature)

Name: Lisa Bianchi  
(Legibly Printed)

Notary Public, State of Florida  
FF178447  
(Commission Number, if any)

Exhibit "A"

A PORTION OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF RUSSELL SAMPSON ROAD ( A VARIABLE WIDTH RIGHT OF WAY) WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE NORTH 56 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, 49.87 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 56 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, 415.89 FEET; THENCE SOUTH 34 DEGREES 55 MINUTES 13 SECONDS WEST, 500.22 FEET; THENCE SOUTH 56 DEGREES 46 MINUTES 09 SECONDS EAST, 388.94 FEET; THENCE NORTH 37 DEGREES 59 MINUTES 52 SECONDS EAST, 501.74 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH|

A PORTION OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF RUSSELL SAMPSON ROAD ( A VARIABLE WIDTH RIGHT OF WAY) WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE NORTH 56 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE 465.76 FEET; THENCE SOUTH 34 DEGREES 55 MINUTES 13 SECONDS WEST, 164.85 FEET TO A POINT LYING ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 10 MINUTES 37 SECONDS WEST, ALONG SAID LAST MENTIONED LINE, AND THE WESTERLY PROLONGATION THEREOF, A DISTANCE OF 789.94 FEET TO A POINT LYING ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE SOUTH 00 DEGREES 11 MINUTES 04 SECONDS WEST, ALONG LAST SAID LINE, 1356.46 FEET TO A POINT LYING ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 18 AND BEING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE NORTH 88 DEGREES 50 MINUTES 28 SECONDS EAST ALONG LAST SAID LINE, 1320.34 FEET TO AFORESAID EAST LINE; THENCE NORTH 01 DEGREES 58 MINUTES 09 SECONDS WEST, 677.66 FEET ALONG SAID EAST LINE; THENCE DEPARTING SAID EAST LINE, SOUTH 88 DEGREES 48 MINUTES 52 SECONDS WEST, 249.59 FEET; THENCE NORTH 02 DEGREES 03 MINUTES 00 SECONDS WEST, 319.74 FEET; THENCE SOUTH 37 DEGREES 59 MINUTES 52 SECONDS WEST, 175.96 FEET; THENCE NORTH 56 DEGREES 46 MINUTES 09 SECONDS WEST, 388.94 FEET; THENCE NORTH 34 DEGREES 55 MINUTES 13 SECONDS EAST, 335.37 FEET TO THE POINT OF BEGINNING.

ALSO KNOWN AS

Heritage Oaks at St. Johns, according to the map or plat thereof recorded in Plat Map Book 73, Page 54, public records of St. Johns County, Florida.