Inst. Number: 202145041739 Book: 2512 Page: 710 Page 1 of 3 Date: 11/9/2021 Time: 11:12 AM John A. Crawford Clerk of Courts, Nassau County, Florida Doc Mort: 0.00 Int Tax: 0.00 Doc Deed: 0.00

Prepared by and after recording return to:

FELDMAN & MAHONEY, P.A. Rachael L. Greenstein, Esq. 2240 Belleair Road, Suite 210 Clearwater, Florida 33764

Cross Reference: O.R. Book 2377, Page 107

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR TRIBUTARY

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR TRIBUTARY ("Amendment") is made on this _____ day of November_, 2021, by THREE RIVERS DEVELOPERS, LLC, a Delaware limited liability company, whose address is 7807 Baymeadows Road East, Suite 205, Jacksonville, Florida 32256 ("Developer").

WITNESSETH:

WHEREAS, Developer is the Developer under that certain Declaration of Covenants, Conditions, and Restrictions for Tributary recorded in Official Records Book 2377, Page 107, of the Public Records of Nassau County, Florida ("Declaration"); and

WHEREAS, pursuant to Article XIII, Section 1, of the Declaration, prior to Turnover, Developer has the right to unilaterally amend the Declaration for any purpose, except as prohibited by applicable law, without the joinder or consent of any Owner, the Association or the holder of any Mortgage;

WHEREAS, Turnover has not occurred as of the date of this Amendment;

WHEREAS, Developer intends for certain land currently owned by Developer and located adjacent to the Development to be developed as an age-targeted or age-restricted community, and Developer desires to prohibit property within the Development from being marketed or sold as age-restricted or age-targeted areas for a period of time as set forth in this Amendment; and

WHEREAS, Developer desires to amend the Declaration as set forth in this Amendment to accomplish the foregoing intent.

NOW, THEREFORE, pursuant to the powers retained by Developer under the Declaration, Developer hereby amends the Declaration as set forth below:

1. <u>Recitals</u>. The foregoing recitals are true and correct and are incorporated into this Amendment by this reference.

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- 2. <u>Additional Use Restriction</u>. Section 29 is hereby added to Articles XI of the Declaration as follows:
 - 29. Temporary Prohibition on Age-Restricted and Age-Targeted Use. For a period of five (5) years from the date this Amendment is recorded in the Public Records, no portion of the Property may be developed, marketed, sold, used or occupied as an age-restricted or age-targeted community (i.e., marketed in any manner that suggests a restriction on use or occupancy by persons under a certain age, or in any manner that suggests a community lifestyle or ownership that would be preferred by persons at or in excess of a certain age or maturity). Developer shall have the unilateral right to amend the Declaration to terminate the restriction set forth in this Section 29, whether prior to or after Turnover.
- 3. <u>Defined Terms</u>; <u>Effect of Amendment</u>. Any capitalized terms used in this Amendment, which are not defined herein, shall have the meanings ascribed to them in the Declaration. Except as expressly modified by this Amendment, the Declaration, as supplemented, shall remain unchanged, and Developer hereby ratifies and reaffirms the same.

[Signature on the following page.]

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IN WITNESS WHEREOF, Developer has executed this Amendment on the date first stated above.

Witnesses:

THREE RIVERS DEVELOPERS, LLC, a Delaware limited liability company

By:

Liam O'Reilly, Vice President

Print Name:

Print Name:

County Of Duval

The foregoing instrument was acknowledged before me by means of / physical presence or / online notarization this day of November, 2021, by Liam O'Reilly, as Vice President of THREE RIVERS DEVELOPERS, LLC, a Delaware limited liability company, on behalf of the company, / who is personally known to me or / who has produced a as identification.

Notary Public, State of Florida
My Commission Expires: 05/12/2025
Affix Notary Seal:

