

Prepared by and return to:

Emerson M. Lotzia, Esq.
Foley & Lardner
200 Laura Street
Jacksonville, Florida 32202
66916/168

BOOK: 1314
Page: 2051
Rec: 05/05/98
02:54 P.M.
File# 9818615
Talmadge L Bennett
Clerk Of Courts
Clay County, FL
FEE: \$24.00



**THIRD AMENDMENT TO DECLARATION OF
EASEMENTS, COVENANTS,
CONDITIONS, RESTRICTIONS AND LIMITATIONS
FOR
THE CROSSINGS AT FLEMING ISLAND
(Withdrawing Parcel 24)**

(Reserved for Clerk)

This Third Amendment is made this 30th day of April, 1998, by **CHAMPION REALTY CORPORATION**, a Delaware corporation, qualified to do business in Florida ("Champion") and by **EAGLE HARBOR AT FLEMING ISLAND JOINT VENTURE**, a Florida joint venture (the "Joint Venture").

W I T N E S S E T H:

WHEREAS, on March 20, 1990, Champion executed a Declaration of Easements, Covenants, Conditions, Restrictions and Limitations for The Crossings at Fleming Island ("Declaration"), which Declaration was recorded in Official Records Book 1314, page 605, Clay County, Florida; and

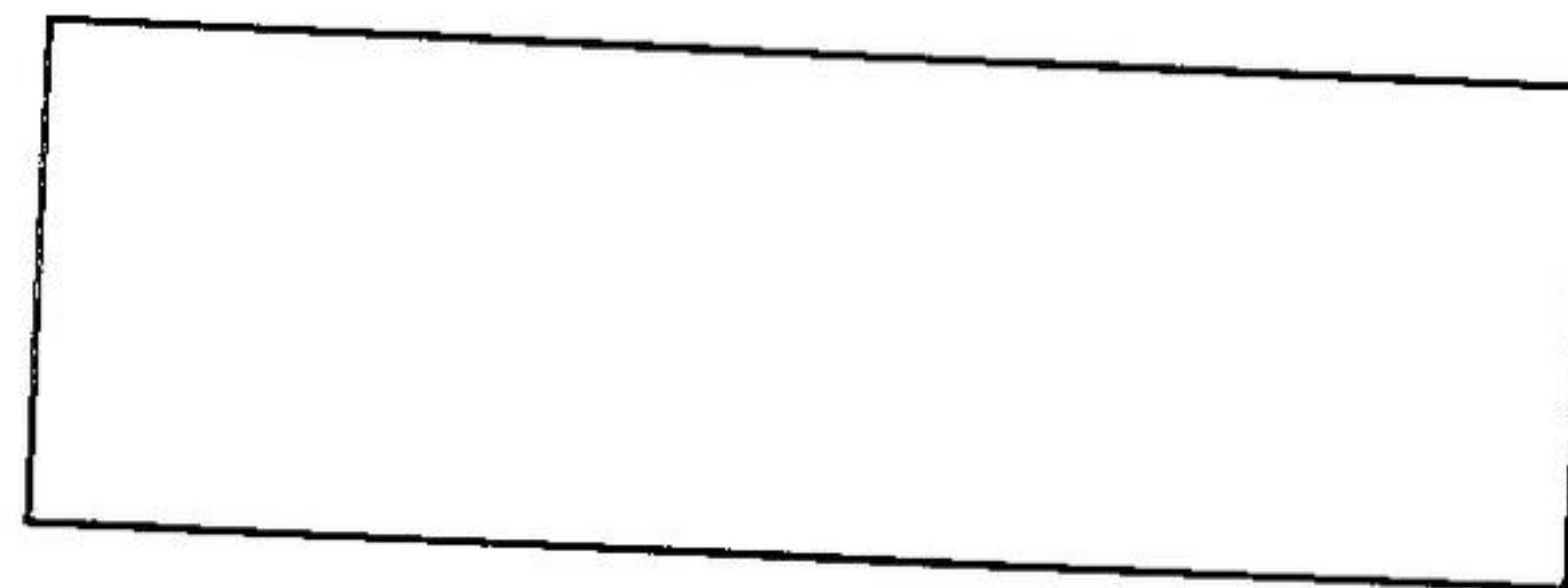
WHEREAS, the Declaration established Covenants and Restrictions applicable to approximately 2,575 acres of land owned by Champion in Clay County, Florida, intended for development as a mixed use project and known as "The Crossings"; and

WHEREAS, by deed recorded in Official Records Book 1690, page 325, public records of Clay County, Florida (the "Deed"), Champion conveyed the property described in the Deed (a portion of which is known as Parcel 24) to the Joint Venture for the purpose of allowing the Joint Venture to develop such property; and

WHEREAS, the Joint Venture has prepared and executed the Towncenter and East of 17 at Eagle Harbor Declaration of Covenants, Conditions, Restrictions, Limitations, and Easements, recorded in Official Records Book 1690, Page 346, public records of Clay County, Florida (the Towncenter and East of 17 Covenants") and which Towncenter and East of 17 Covenants are intended by the parties to supersede and replace the Declaration.

NOW, THEREFORE, the parties do hereby agree that the Declaration shall be amended as follows:

1. Pursuant to Article II, Section 3 of the Declaration, the parties do hereby withdraw the property, more particularly described on Exhibit "A" attached hereto (the



"Property"), from the terms and provisions of the Declaration and do declare that the Property shall be free of all terms, conditions and obligations of the Declaration.

2. Except for the withdrawal of the Property provided in Section 1, the Declaration shall remain in full force and effect in all respect with regard to the remainder of the property subjected thereto.

This Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which taken together shall constitute the same instrument.

IN WITNESS WHEREOF, the parties have executed this Third Amendment the day and year first above written.

Signed, sealed and delivered
in the presence of:

"Champion"

CHAMPION REALTY CORPORATION
a Delaware corporation

By:

Printed Name:

Its: President

Printed Name:

Printed Name:

STATE OF TEXAS
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me this 29th day of April, 1998, by Roband P Diaz, the President of Champion Realty Corporation, a Delaware corporation, on behalf of the corporation. Such person did not take an oath and is personally known to me.

{Notary Seal must be affixed}

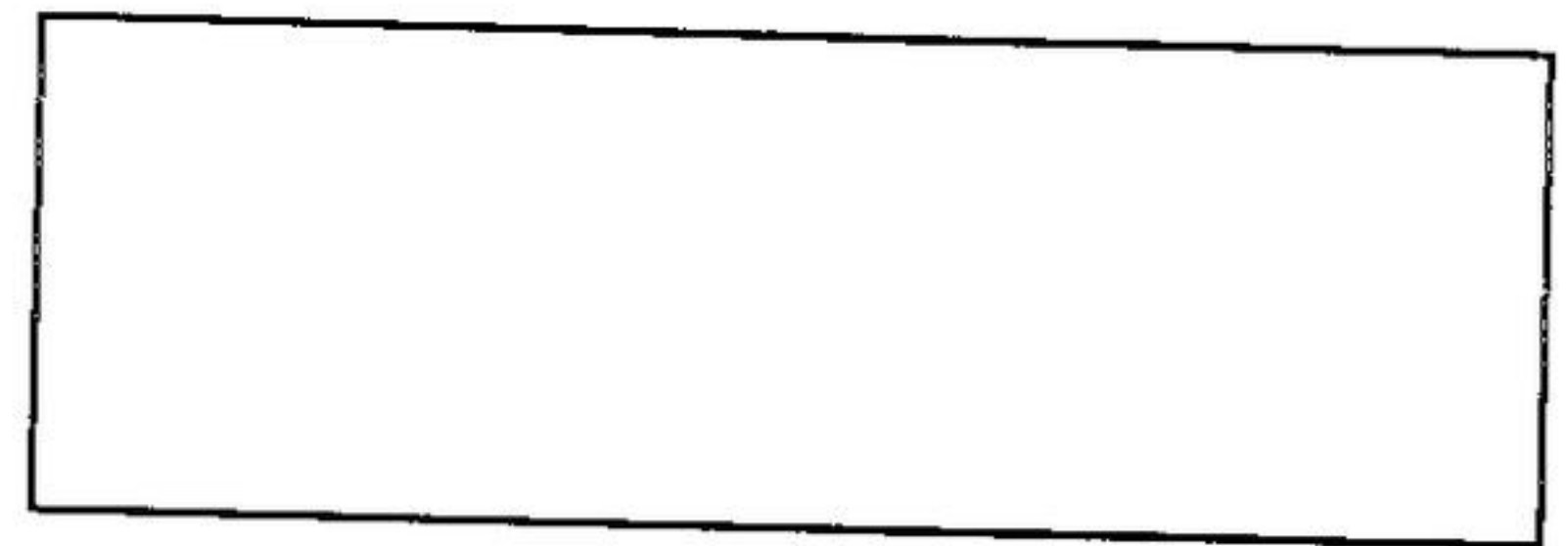


Signature of Notary

Name of Notary (Typed, Printed or Stamped)

Commission Number:

My Commission Expires:



"Joint Venture"
**EAGLE HARBOR AT FLEMING
ISLAND JOINT VENTURE**, a Florida
joint venture

By: Northwest Crossings Corporation, a
Delaware corporation

By: [Signature]
Printed Name: Robert P. Diaz
Its: — President

[Signature]
Printed Name: ELIZABETH S.

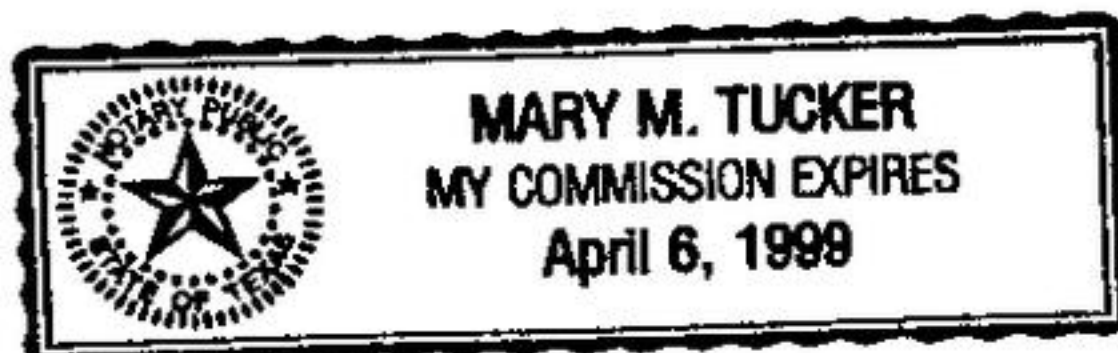
Kyle Naladyna
Printed Name: Kyle Naladyna

STATE OF TEXAS
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me this 29th day of April, 1998, by Robert P. Diaz, the — President of Northwest Crossings Corporation, a Delaware corporation, as General Partner of Eagle Harbor at Fleming Island Joint Venture, a Florida joint venture, on behalf of the corporation which is acting on behalf of said joint venture. Such person did not take an oath and: *(notary must check applicable box)*

- ☒ is/are personally known to me.
☐ produced a current Florida driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}

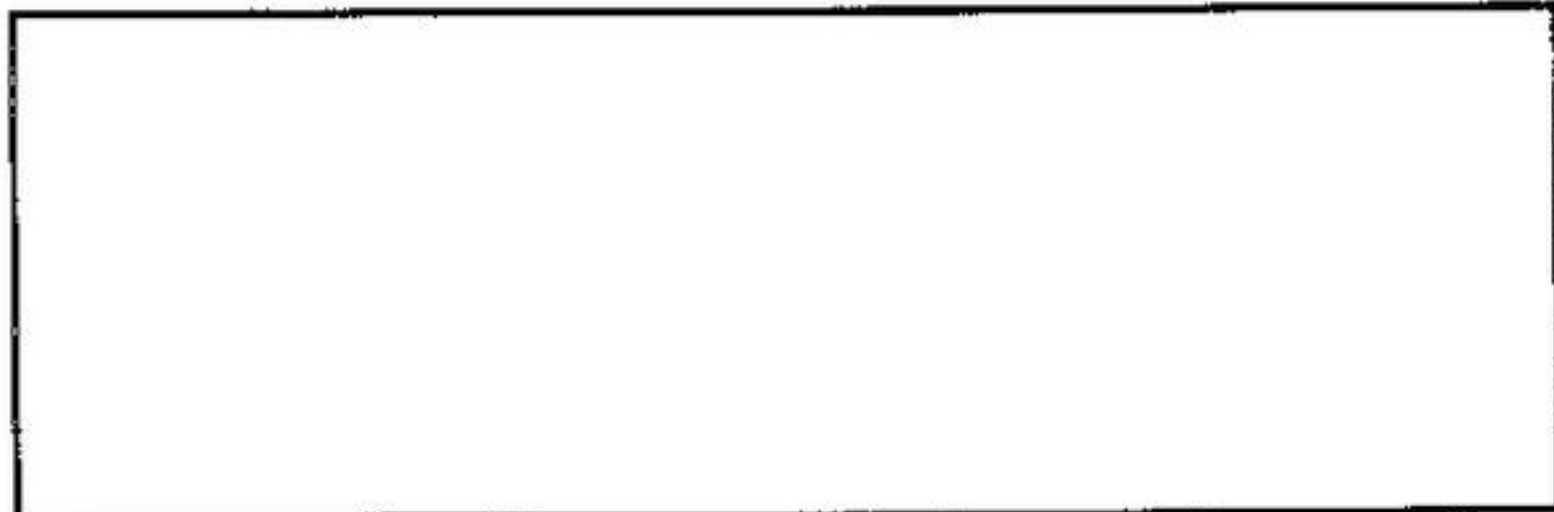


Mary M. Tucker
Signature of Notary

Name of Notary (Typed, Printed or Stamped)

Commission Number: _____

My Commission Expires: _____



By: East West Partners of Jacksonville,
Limited Partnership, a Virginia
limited partnership

By: East West Partners of Jacksonville,
Inc., its general partner

April Johnson
Printed Name: APRIL JOHNSON

By: R. S. Arrowsmith
Roger S. Arrowsmith
Its: President

Benjie F. Bowman
Printed Name: BENJIE F. BOWMAN

STATE OF FLORIDA
COUNTY OF Clay

The foregoing instrument was acknowledged before me this 29 day of April, 1998, by Roger S. Arrowsmith, President of East West Partners of Jacksonville, Inc., a Virginia corporation, as General Partner of East West Partners of Jacksonville, Limited Partnership, a Virginia limited partnership, as General Partner of Eagle Harbor at Fleming Island Joint Venture, a Florida joint venture on behalf of said corporation which is acting on behalf of said limited partnership which is acting on behalf of said joint venture. Such person did not take an oath and: *(notary must check applicable box)*

- ☒ is/are personally known to me.
☐ produced a current Florida driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}

Marilyn D. Ayers
Signature of Notary



Name of Notary (Typed, Printed or Stamped)
Commission Number: _____
My Commission Expires: _____

EXHIBIT A

A PART OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE NORTH 89 DEGREES 52 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 5, 1331.10 FEET; THENCE SOUTH 04 DEGREES 23 MINUTES 00 SECONDS WEST 52.04 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. C-220 AND THE POINT OF BEGINNING; THENCE ON LAST SAID LINE NORTH 89 DEGREES 55 MINUTES 39 SECONDS EAST 1153.19 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 20 SECONDS EAST 784.80 FEET; THENCE SOUTH 44 DEGREES 46 MINUTES 03 SECONDS WEST 196.26 FEET; THENCE SOUTH 12 DEGREES 40 MINUTES 05 SECONDS WEST 117.86 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 08 SECONDS EAST 110.32 FEET; THENCE SOUTH 48 DEGREES 58 MINUTES 18 SECONDS EAST 102.15 FEET; THENCE SOUTH 78 DEGREES 12 MINUTES 11 SECONDS EAST 91.17 FEET; THENCE SOUTH 80 DEGREES 14 MINUTES 20 SECONDS EAST 45.88 FEET; THENCE SOUTH 04 DEGREES 27 MINUTES 28 SECONDS WEST 185.57 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5; THENCE ON LAST SAID LINE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS WEST 1335.01 FEET TO THE EAST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5; THENCE ON LAST SAID LINE NORTH 04 DEGREES 23 MINUTES 00 SECONDS EAST 1404.50 FEET TO THE POINT OF BEGINNING.