

Prepared by and Return to:  
Thomas O. Ingram, Esq.  
Pappas Metcalf Jenks & Miller, P.A.  
245 Riverside Avenue, Suite 400  
Jacksonville, Florida 32202

## MODIFICATION OF DEED RESTRICTION

### (OAKLEAF PLANTATION, PHASE 1, PARCEL F, VILLAGE XII SUBDIVISION)

This Modification of Deed Restriction is executed as of APRIL 17, 2004 by OakLeaf Plantation, LLC, a Florida limited liability company ("OakLeaf"), OakLeaf Plantation Property Owners Association, Inc., Double Branch Community Development District, and Coppenbarger Homes, a Florida general partnership ("Coppenbarger").

#### Background Facts

A. OakLeaf is a master developer under the Development of Regional Impact Development Orders of the City of Jacksonville and Clay County, Florida for the Villages of Argyle Development of Regional Impact.

B. OakLeaf conveyed property to O.L.P. Development, Inc., by Special Warranty Deed dated September 17, 2002 and recorded in Book 2098, Page 489, Official Records of Clay County, Florida (the "Deed"), and the legal description for which is described in the Deed ("the Property").

C. The Deed contains in section 2.1 of such instrument a restriction limiting development of the Property to not more than Ninety Two (92) lots.

D. Coppenbarger is currently the owner of the Property.

E. OakLeaf, OakLeaf Plantation Property Owners Association, Inc. and Double Branch Community Development District are each entitled to enforce the restrictions set forth in Section 2.1 of the Deed pursuant to Section 4.2 of the Deed.

F. The parties wish to amend section 2.1 of the Deed.

WHEREFORE, for \$10.00 and other good and valuable consideration, having been received and the sufficiency of which is hereby acknowledged, the parties agree as follows:

#### Agreement

1. **Background Facts.** The background facts as set forth above are agreed to be true and correct and are incorporated herein by reference.

2. **Platting/Use Restrictions.** Section 2.1 of the Deed is hereby revised and restated in its entirety as follows:

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#### Agreement

1. **Background Facts.** The background facts as set forth above are agreed to be true and correct and are incorporated herein by reference.

2. **Platting/Use Restrictions.** Section 2.1 of the Deed is hereby revised and restated in its entirety as follows:

"2.1 **Platting/Use Restrictions.** Grantee agrees for itself, its successors and assigns that no more than **Ninety Four (94) Lots** shall ever be developed and or platted on the Property, and that each such Lot shall have a limit of one single family residential home permitted. No other use other than single family residential homes shall be permitted on the Property."

3. **Correction of Association Name Reference.** The Deed inadvertently included and used an incorrect name for the property owners association. The term "Association" as defined in Section 1.1 of the Deed is hereby revised and replaced with, and shall mean, the OakLeaf Plantation Property Owners Association, Inc. (the "Association"). All references in the Deed to the Association are hereby amended to refer to the OakLeaf Plantation Property Owners Association, Inc.

4. **Successors and Assigns.** This Modification of Deed Restriction shall run with the land and be binding upon and inure to the benefit of the parties and their successors and assigns.

5. **No Other Modifications.** There are no other modifications to the Deed.

6. **Governing Law.** This Modification of Deed Restriction shall be construed under and enforced in accordance with the laws of the State of Florida.

[Continued on the next page]

IN WITNESS WHEREOF, the parties have executed this Modification of Deed Restriction as of the date first above written.

Signed, sealed and delivered in the presence of:

**OAKLEAF PLANTATION, LLC**  
a Florida limited liability company

Deborah H. Dunbar  
Name: DEBORAH H. DUNBAR

By: Erik H. Wilson  
Erik H. Wilson  
Its Vice President

Adrienne T. Watson  
Name: ADRIENNE T. WATSON

(SEAL)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12 day of April, 2004, by Erik H. Wilson, as Vice President of **OAKLEAF PLANTATION, LLC**, a Florida limited liability company, on its behalf.

Deborah H. Dunbar  
(Print Name: DEBORAH H. DUNBAR)  
NOTARY PUBLIC  
State of Florida at Large  
Commission # \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Personally Known  \_\_\_\_\_  
or Produced I.D. \_\_\_\_\_  
[check one of the above]  
Type of Identification Produced \_\_\_\_\_

DEBORAH H. DUNBAR  
Notary Public, State of Florida  
My comm. exp. June 10, 2005  
Comm. No. DD 022831