

This instrument was prepared by,
Record and return to:
Kevin Bond, Esq.
KB Home
10475 Fortune Parkway, Suite 100
Jacksonville, FL 32256

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS
FOR BARTRAM CREEK**

THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR BARTRAM CREEK, is executed this 22nd day of May, 2018, by **KB HOME JACKSONVILLE LLC**, a Delaware limited liability company, whose address is 10475 Fortune Parkway, Suite 100, Jacksonville, Florida 32256 (“Declarant”).

RECITALS:

WHEREAS, the Declaration of Covenants and Restrictions for Bartram Creek was recorded on December 10, 2014 in: i) Official Records Book 17001, Page 533, of the Public Records of Duval County, Florida; and ii) Official Records Book 3963, Page 1103, Public Records of St. Johns County, Florida, as has been or may have been amended or supplemented from time to time (collectively the “Declaration”), and;

WHEREAS, KB is the Declarant under the Declaration, and is also the owner of the lands more particularly described on **Exhibit “A”** attached hereto, and made a part hereof (the “Phase 3 Property”); and

WHEREAS, pursuant to Article 2, Section 2.2 of the Declaration, the Declarant is granted authority in its sole discretion to expand the Community from time to time by adding additional land; and

WHEREAS, Declarant desires to subject the Phase 3 Property to all of the terms, conditions and provisions contained in the Declaration and any amendments thereto;

NOW, THEREFORE, the Declarant hereby declares that:

1. The Recitals set forth above are true and correct and are incorporated herein by reference.
2. All capitalized terms contained in this Amendment shall have the same meanings as such terms are defined by the Declaration.
3. All of the Property and any portion thereof shall be held, transferred, sold, conveyed and occupied subject to all covenants, restrictions, easements, charges and liens, and all other matters as set forth in the Declaration, as amended from time to time. In the event of conflict between the Declaration and this Amendment, this Amendment shall control.

- 4. Except as specifically amended hereby, the Declaration shall remain in full force and effect as originally executed and recorded.
- 5. This Amendment shall become effective upon its recordation in the Public Records of Duval County, Florida.
- 6. This Amendment may be executed in counterpart and photocopied signatures shall be treated as originals.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed and the day and year first above written.

Signed, sealed and delivered in the Presence of the following witnesses:

[Signature]
Signature of Witness 1

Michael E. Barron II
Print Name of Witness 1

[Signature]
Signature of Witness 2

Derek Citino
Print Name of Witness 2

DECLARANT:

KB HOME JACKSONVILLE LLC, a Delaware limited liability company

By: [Signature]
Name: WES HINTON
Its: PRM SUP OF LAND

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of May, 2018, by Wes Hinton as the SVP of Land of KB HOME JACKSONVILLE LLC, a Delaware corporation, a Delaware limited liability company, on behalf of the company. He is personally known to me or has produced as identification.

[Seal]

[Signature]
NOTARY PUBLIC

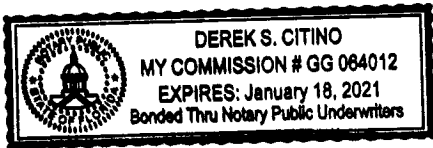


EXHIBIT "A"Bartram Creek Phase Three:

A tract of land being a replat of Tract "C", according to the plat of Bartram Creek Phase Two, as recorded in Plat Book 69, pages 137 through 145 of the Public Records of Duval County, Florida, together with a tract of land lying within Section 31, Township 4 South, Range 28 East, Duval County, Florida and being more particularly described as follows:

BEGIN at the Northwest corner of Lot 258, according to said plat; thence N09°20'53"E, for 5.39 feet; thence N36°31'59"W, for 18.04 feet; thence S68°11'31"E, for 15.61 feet; thence N40°05'30"E, for 58.04 feet to the point of curvature of a curve concave to the Northwest; thence northeasterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 68°04'59", an arc length of 29.71 feet and a chord bearing N06°03'00"E, for 27.99 feet to the point of tangency; thence N27°59'29"W, for 47.31 feet; thence N26°49'03"E, for 19.24 feet to the point of curvature of a curve concave to the West; thence northwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 60°01'50", an arc length of 26.19 feet and a chord bearing N03°11'53"W, for 25.01 feet to the point of tangency; thence N33°12'48"W, for 24.58 feet; thence N08°05'45"W, for 30.16 feet to the point of curvature of a curve concave to the Southwest; thence northwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 49°48'08", an arc length of 21.73 feet and a chord bearing N32°59'49"W, for 21.05 feet to the point of tangency; thence N57°53'54"W, for 22.60 feet; thence N45°08'14"W, for 52.13 feet; thence N67°17'08"W, for 31.72 feet; thence N04°47'06"E, for 15.12 feet to the point of curvature of a curve concave to the Southwest; thence northwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 112°01'35", an arc length of 48.88 feet and a chord bearing N51°13'41"W, for 41.46 feet to the point of tangency; thence S72°45'32"W, for 53.46 feet; thence N14°23'06"W, for 7.09 feet; thence S28°39'11"W, for 35.15 feet; thence N61°21'37"W, for 1.38 feet; thence N14°23'00"W, for 27.28 feet; thence N28°39'12"E, for 29.22 feet; thence N54°20'34"W, for 1.28 feet to the point of curvature of a curve concave to the South; thence northwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 47°34'17", an arc length of 20.76 feet and a chord bearing N78°07'42"W, for 20.17 feet to the point of tangency; thence S78°05'09"W, for 3.57 feet; thence N19°51'39"W, for 9.23 feet to the point of curvature of a curve concave to the Southwest; thence northwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 76°22'24", an arc length of 33.32 feet and a chord bearing N58°02'49"W, for 30.91 feet to the point of tangency; thence S83°46'01"W, for 21.65 feet; thence N71°41'57"W, for 20.02 feet; thence N47°56'36"W, for 14.42 feet to the point of curvature of a curve concave to the Southeast; thence southwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 99°48'38", an arc length of 43.55 feet and a chord bearing S82°09'07"W, for 38.25 feet; thence N63°38'56"W, for 13.30 feet; thence N86°17'16"W, for 18.70 feet; thence N07°40'59"E, for 167.94 feet; thence N00°30'29"W, for 60.00 feet to the point of radial intersection with a curve concave to the South; thence southeasterly along the arc of said curve, having a radius of 560.00 feet, a central angle of 02°47'48", an arc length of 27.33 feet and a chord bearing S89°06'35"E, for 27.33 feet to the point of reverse curvature of a curve concave to the Northwest; thence northeasterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 84°36'19", an arc length of 36.92 feet and a chord bearing N49°59'09"E, for 33.65 feet to the point of tangency; thence N07°40'59"E, for 520.54 feet to the point of curvature of a curve concave to the Southwest; thence northwesterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 81°10'37", an arc length of 35.42 feet and a chord bearing N32°54'19"W, for 32.53 feet to the point of tangency; thence N73°29'38"W, for 17.45 feet; thence N16°30'22"E, for 180.95 feet; thence S74°27'05"E, for 51.31 feet; thence S87°15'52"E, for 7.24 feet; thence N06°40'28"E, for 25.06 feet; thence S87°16'14"E, for 15.03 feet; thence S06°40'28"W, for 25.06 feet; thence S87°15'52"E, for 59.49 feet; thence S83°29'52"E, for 48.69 feet; thence S89°13'03"E, for 49.19 feet; thence S66°34'19"E, for 53.88 feet; thence S83°54'21"E, for 32.58 feet; thence S10°18'58"E, for 40.97 feet; thence S74°18'36"E, for 77.60 feet; thence N89°53'48"E, for 33.50 feet; thence S87°42'53"E, for 62.16 feet; thence S76°51'47"E, for 49.80 feet; thence N84°01'21"E, for 54.12 feet; thence S82°06'24"E, for 49.79 feet; thence S76°53'03"E, for 66.59 feet; thence N64°13'16"E, for 31.90 feet; thence S80°52'11"E, for 38.87 feet; thence S70°03'04"E, for 65.18 feet; thence S45°45'45"E, for 57.42

feet; thence S66°00'27"E, for 53.45 feet; thence S58°38'10"E, for 65.36 feet; thence S60°53'07"E, for 32.88 feet; thence S52°12'55"E, for 53.88 feet; thence S19°54'56"E, for 64.06 feet; thence S66°47'42"E, for 49.64 feet; thence S61°58'01"E, for 63.60 feet; thence N79°21'51"E, for 82.66 feet; thence S68°12'18"E, for 49.77 feet; thence S55°25'11"E, for 53.90 feet; thence S20°22'11"E, for 31.10 feet; thence S12°33'14"E, for 39.23 feet; thence S63°18'44"E, for 65.22 feet; thence S34°36'52"E, for 69.50 feet; thence S00°42'26"E, for 601.71 feet to the Northeast corner of aforesaid plat; thence along the North line of said plat, the following thirteen (13) courses; (1) thence S89°17'34"W, for 192.32 feet to the point of intersection with a curve concave to the Northwest; (2) thence southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 67°19'36", an arc length of 35.25 feet and a chord bearing S55°37'46"W, for 33.26 feet to the point of tangency; (3) thence S89°17'34"W, for 90.00 feet; (4) thence N00°42'26"W, for 110.00 feet; (5) thence N57°01'02"W, for 6.06 feet to the point of radial intersection with a curve concave to the Northwest; (6) thence southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 56°18'36", an arc length of 29.48 feet and a chord bearing S61°08'16"W, for 28.31 feet to the point of tangency; (7) thence S89°17'34"W, for 60.00 feet to the point of curvature of a curve concave to the Northeast; (8) thence northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 56°21'36", an arc length of 29.51 feet and a chord bearing N62°31'38"W, for 28.33 feet; (9) thence S55°39'10"W, radial to last said curve, for 6.03 feet; (10) thence S00°42'26"E, for 110.04 feet; (11) thence S89°17'34"W, for 218.47 feet to the point of curvature of a curve concave to the Southeast; (12) thence southwesterly along the arc of said curve, having a radius of 530.00 feet, a central angle of 08°50'55", an arc length of 81.85 feet and a chord bearing S84°52'06"W, for 81.77 feet; (13) thence N00°42'26"W, for 122.35 feet; thence N51°10'53"W, continuing along said North line and along the North line of Lot 238 of aforesaid plat, for 111.97 feet to the Northwest corner thereof; thence S79°56'52"W, along the North line of Lot 239 of said plat, for 67.82 feet; thence S20°53'39"W, along the North line of Lots 240 and 241 of said plat and its southerly extension, for 140.75 feet to the point of intersection with a curve concave to the Northeast, said point also being on aforesaid North line of said plat; thence along said North line, the following six (6) courses; (1) thence southeasterly along the arc of said curve, having a radius of 820.00 feet, a central angle of 07°39'24", an arc length of 109.58 feet and a chord bearing S14°54'14"E, for 109.50 feet; (2) thence S69°10'16"W, for 88.57 feet to the point of curvature of a curve concave to the Northeast; (3) thence northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 93°46'50", an arc length of 49.10 feet and a chord bearing N63°56'19"W, for 43.80 feet; (4) thence S72°57'06"W, radial to last said curve, for 60.00 feet to the point of radial intersection with a curve concave to the Northeast; (5) thence northwesterly along the arc of said curve, having a radius of 1000.00 feet, a central angle of 00°28'57", an arc length of 8.42 feet and a chord bearing N16°48'26"W, for 8.42 feet; (6) thence S73°26'03"W, radial to last said curve, for 198.23 feet to the POINT OF BEGINNING of the parcel herein described.

Containing 34.80 acres, more or less.

Said lands situated, lying and being in Duval County, Florida.