

This Instrument Prepared by
and After Recording Return to:
James G. Kattelmann, Esquire
Lowndes, Drosdick, Doster,
Kantor & Reed, P.A.
215 North Eola Drive
Post Office Box 2809
Orlando, Florida 32802-2809
407-843-4600

SUPPLEMENTAL DECLARATION
AND FIRST AMENDMENT TO
COMMUNITY DECLARATION FOR BRADLEY POND,
ADDING BRADLEY POND PHASE 2

THIS SUPPLEMENTAL DECLARATION AND FIRST AMENDMENT TO COMMUNITY DECLARATION (together the "Supplemental Declaration") is entered into as of the 25 day of March, 2022, by **PULTE HOME COMPANY, LLC**, a Michigan limited liability company authorized to transact business in the State of Florida, whose address is 124 Del Webb Parkway, Ponte Vedra, FL 32081 ("Declarant") and joined in by **BRADLEY POND HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation (the "Association"), whose address is 124 Del Webb Parkway, Ponte Vedra, FL 32081.

W I T N E S S E T H:

WHEREAS, Declarant is the fee simple owner of all of BRADLEY POND UNIT 2, according to the plat thereof as recorded in Plat Book 78, Pages 5 through 10, inclusive, of the Public Records of Duval County, Florida (such property being the "Phase 2 Property" and such plat being the "Phase 2 Plat"); and

WHEREAS, Declarant, with the joinder of the Association, entered into that certain Community Declaration for BRADLEY POND, recorded March 1, 2021 as Document No. 2021051878 and recorded in Official Records Book 19606, Page 792 of the Public Records of Duval County, Florida, and as may be amended or supplemented from time to time (collectively the "Declaration"), covering certain property located in Duval County, Florida; and

WHEREAS, unless otherwise defined herein capitalized terms used in this Supplemental Declaration shall have the meanings and definitions set forth in the Declaration; and

WHEREAS, pursuant to Section 5.1 of the Declaration, up to the date that is five (5) years after the Community Completion Date, the Declarant, subject to applicable governmental approvals (if any), but without the requirement of consent from any other party (including, but not limited to, the Association, Owners or any Lenders), may cause additional lands, including without limitation the Phase 2 Property, to be made a part of BRADLEY POND and to be brought within the provisions and applicability of the Declaration by the recording of a Supplemental Declaration to the Declaration in the Public Records; and

WHEREAS, the Community Completion Date has not yet occurred; and

WHEREAS, the Declarant has obtained all applicable governmental approvals required for the Phase 2 Property to be made a part of BRADLEY POND and brought within the provisions and applicability of the Declaration; and

WHEREAS, Declarant, as evidenced by its execution hereof, wishes and does hereby submit the Phase 2 Property as part of BRADLEY POND and brought within the provisions and applicability of the Declaration; and

WHEREAS, pursuant to Section 4.3 of the Declaration, prior to the "Turnover" (as defined in the Declaration) Declarant may amend the Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever, except as limited by applicable law as it existed on the original date of recording of the Declaration or as otherwise expressly set forth in the Declaration; and

WHEREAS, the Turnover has not yet occurred; and

WHEREAS, the proposed amendments to the Declaration as set forth herein are not limited or prohibited by applicable law as it existed on the original date of recording of the Declaration or as otherwise expressly set forth in the Declaration; and

WHEREAS, Declarant is also desirous of executing and recording this Supplemental Declaration for the purpose of (i) adding the definition of the Phase 2 Plat in Section 2 of the Declaration, (ii) amending Section 9 of the Declaration to set forth the Common Areas dedicated to the Association on the Phase 2 Plat, (iii) amending the Declaration to include a height restriction mandated by the City of Jacksonville, and (iv) amending the Declaration to add a drainage easement mandated by the City of Jacksonville; and

WHEREAS, the Association desires to join in the execution of this Supplemental Declaration to confirm and acknowledge its consent and agreement to be bound by same.

NOW, THEREFORE, the Declarant, hereby declares that:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Ratification of Declaration. The Declarant hereby ratifies and affirms the provisions and applicability of the Declaration.
3. Annexation of Phase 2 Property. Pursuant to Section 5.1 of the Declaration, the Phase 2 Property is hereby annexed into and made a part of BRADLEY POND and subjected to the covenants, conditions and restrictions of the Declaration. The Phase 2 Property shall be held, occupied, sold and conveyed subject to the Declaration, which is for the purpose of enhancing and protecting the value, desirability and attractiveness of BRADLEY POND (including the Phase 2 Property) and which shall run with BRADLEY POND (including the Phase 2 Property).

4. Definition of Phase 2 Plat. The following definition for the Phase 2 Plat is hereby added to Section 2 of the Declaration:

“Phase 2 Plat” shall mean the Plat of BRADLEY POND UNIT 2, as recorded in Plat Book 78, Page 5, Public Records of Duval County, Florida.”

5. Amendment and Restatement of Definition of “Phase 2 Property”. The definition of “Phase 2 Property” is amended and restated as follows (additions are double-underlined, and deletions, if any, are ~~stricken through~~):

“Phase 2 Property” shall mean the property owned by Declarant which is contiguous to the Phase 1 Property and which is described in the Phase 2 Plat on Exhibit 5 attached hereto. The Phase 2 Property is not subject to this Declaration, but may be annexed into this Declaration by a Supplemental Declaration pursuant to Section 5.1 below.

6. Common Areas in Phase 2 Plat. Section 9 of the Declaration is hereby amended by the additions of the following:

Common Areas shall also include the following Tracts in the Phase 2 Plat:

Tracts 26, 31, 35 and 38 Conservation Tracts

Tracts 34 and 37 Stormwater Management Facility Tracts

Tracts 28, 40, 41, 42, 43, 44 and 45 - Open Space and Recreation Tracts

Tracts 30 and 32 – Buffer Tracts

Tract 39 - Open Space and Future Right of Way Tract

Tracts 29, 46, 47 and 48 – Open Space and Utility Tracts

7. Amendment and Restatement of Sections 12.36.1 and 12.36.2 regarding Maximum Building Heights. Sections 12.36.1 and 12.36.2 of the Declaration are hereby amended and restated as follows (additions are double-underlined, and deletions, if any, are ~~stricken through~~):

“12.36 Specific Conditions of Approval. The following are specific conditions of approval (the **“Conditions of Approval”**) imposed by the City:

12.36.1 Maximum Building Height Lots 1-10, 25-29, 36, 37 and 40 of Phase 1 Plat and Lots 131 – 135 of Phase 2 Plat. 1 Story

12.36.2 Maximum Building Height all other Lots. 35 feet

8. New Subsection, Section 12.36.9 regarding Drainage. Section 12.36.9 of the Declaration is hereby added to the Declaration, to wit:

“12.36.9 Drainage. Tracts 29, 31, 33 and 48 of the Phase 2 Plat, which are owned by the Association, have been created between Lots 131 and 132 and Lots 112 and 113 of the Phase 2 Plat in order to allow the drainage to occur from the offsite parcel adjacent to the North of said Tract 31, south through such Tracts toward the wetlands adjacent to Clapboard Creek. All persons are prohibited from filling, grading, planting or constructing structures in such Tracts. Unobstructed Drainage Easements across Tracts 29 and 48 have been noted on the Phase 2 Plat. Lots 112, 113, 131 and 132 are hereby deed restricted to prohibit filling, grading, planting or constructing structures in such Tracts. This Section 12.36.9 shall constitute a Condition of Approval.”

9. Effect of Supplemental Declaration. Except as herein specifically supplemented and amended, the Declaration shall remain in full force and effect in accordance with its terms. The Declaration, as supplemented and amended by this Supplemented Declaration, shall be binding upon and inure to the benefit of all parties having any right, title or interest in BRADLEY POND (including the Phase 2 Property) or any portion thereof, and their respective heirs, personal representatives, successors and assigns.

[Signatures follow on next page.]

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration as of the date first set forth above.

Signed, sealed and delivered in the presence of:

PULTE HOME COMPANY, LLC, a Michigan limited liability company

David Crosby

Print Name: David Crosby

Nicole Pare

Print Name: Nicole Pare

By: *Justin Dudley*

Name: Justin Dudley

Title: VP of Land Acq

STATE OF FLORIDA
COUNTY OF ST JOHN

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 25th day of MARCH, 2022, by JUSTIN DUDLEY, as VICE PRESIDENT LAND of PULTE HOME COMPANY, LLC, a Michigan limited liability company, on behalf of the company. He is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

William M Roberts

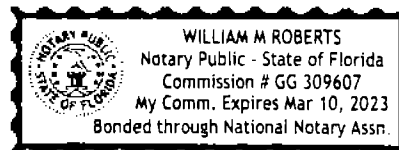
NOTARY SIGNATURE

PRINTED NOTARY NAME

NOTARY PUBLIC, STATE OF FLORIDA

Commission Number: _____

My Commission Expires: _____



JOINDER OF ASSOCIATION

BRADLEY POND HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association"), does hereby join in and consent to the Supplemental Declaration to which this Joinder is attached, and agrees and acknowledges that the terms thereof are and shall be binding upon the Association and its successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 25th day of MARCH, 2022.

WITNESSES:

BRADLEY POND HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit

[Signature]

Print Name: David Crosby

[Signature]

Print Name: Zachary Decker

By: [Signature] _____

Name: Nicole Pare

Title: President

[CORPORATE SEAL]

STATE OF FLORIDA
COUNTY OF ST JOHN'S

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 25 day of MARCH, 2022, by NICOLE PARE, as President of BRADLEY POND HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit, on behalf of the corporation, who is personally known to me or who has produced _____ as identification.

(NOTARY SEAL)

[Signature]

NOTARY SIGNATURE

PRINTED NOTARY NAME
NOTARY PUBLIC, STATE OF FLORIDA
Commission Number: _____
My Commission Expires: _____

