

This instrument prepared by
and return to:

Patrick Krechowski
Balch & Bingham LLP
1 Independent Drive
Suite 1800
Jacksonville, Florida 32204

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CREEKSIDE AT TIMUQUANA is made on this the __ day of February 2022, by HOOSE HOMES AND INVESTMENTS, LLC, a Florida limited liability company (the "Developer").

WHEREAS, on September 18, 2020, Developer caused that certain Declaration of Covenants, Conditions and Restrictions for Creekside at Timuquana, to be recorded at Book 19376, Page 64 in the Public Records of Duval County, Florida, as amended by (i) that certain First Amendment to Declarations, Covenants, Conditions and Restrictions recorded in Official Record Book 19376, Page 64 in the Public Records of Duval County, Florida; (ii) that certain Corrected First Amendment to Declarations of Covenants, Conditions and Restrictions recorded in Official Record Book 19706, Page 840 in the Public Records of Duval County, Florida; and (iii) that certain Second Amendment to Declaration of Covenants, Conditions, and Restrictions recorded in Official Record Book 19787, Page 2440 in the Public Records of Duval County, Florida (as amended from time to time, "Declaration"); and

WHEREAS, as set forth below, Developer desires to (a) amend certain provisions of the Declaration in accordance with Section 15.5 of the Declaration and, (b) modify the boundaries of the real property subject to the Declaration.

AMENDMENT

NOW THEREFORE, pursuant to the authority stated in the Declaration, Developer does hereby amend the Declaration as follows:

1. Capitalized Terms. Capitalized terms used herein unless otherwise defined herein shall have the meaning ascribed to such terms in the Declaration.

2. Recitals. The foregoing recitals are true and correct in all material respects and form an integral part of this Supplement, the same as if said recitals were included in the numbered paragraphs hereof.

3. Title. The title of the Declaration is hereby modified to read "**DECLARATION OF COVENANTS, CONDITIONS OR RESTRICTIONS FOR CREEKSIDE AT TIMUQUANA**".

4. Exhibit A. Exhibit A to the Declaration is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

5. Amendment to Section 1.8. The Declaration is hereby amended by deleting Section 1.8 in its entirety and inserting in lieu thereof, the following:

“Common Areas” shall mean all real property to be owned or leased by the Association for the common use and enjoyment of the Owners, their agents, assigns, employees and invitees, as well as all real property which is dedicated to the Association per Declaration (as amended from time to time) or a recorded plat. Notwithstanding the foregoing, the Common Areas include all land that is subject to this Declaration, less and except (a) the platted Lots which have been reserved by Declarant for sale to Owners, (b) Tract A, (c) property owned by Declarant on which future Lots will be developed and platted (d) all Storm Water Management Systems, and (e) Parcel D.

6. Amendment to Section 1.27. The Declaration is hereby amended by deleting Section 1.27 in its entirety and inserting in lieu thereof, the following:

1.27 “Supplemental Declaration” an amendment or supplement to this Declaration filed pursuant to Article XV which subjects additional property to this Declaration and/or imposes, expressly or by reference, additional restrictions and obligations on the land described therein.

7. Amendment to Sections 1.28 and 1.29. The Declaration is hereby amended by adding the following as Section 1.28:

1.28 “Tract A” means that portion of the Property designated as “Tract A” in the Creekside Townhomes Plat (as hereinafter defined). Tract A is hereby reserved for a future use to be determined by Declarant. Notwithstanding anything in the Declaration or the Creekside Townhomes Plat, Tract A is not reserved for “recreation” use.

1.29 “Creekside Townhomes Plat” shall mean that certain Plat of Creekside Townhomes recorded in the Official Records of Duval County, Florida in Plat Book 76, Pages 37-40.

1.30 “Parcel D” shall mean Parcel D set forth on Exhibit “A” attached hereto.

8. Amendment to Section 7.11. The Declaration is hereby amended by deleting Section 7.11 in its entirety and inserting in lieu thereof, the following:

7.11 Garbage. All Lot Owner's waste shall be disposed of in dumpster receptacles provided by the Association by either the local sanitation department, or others, for the Lot Owner's benefit. The receptacles are for the Lot Owner's trash and garbage and are not to be used by Lot Owner's guests, contractors or other non-Lot Owners. No rubbish, trash cans, trash, garbage or other waste materials shall be kept or permitted in any area of a Lot which is visible from any street or Common Area.

9. Continued Effectiveness. Except as specifically amended hereby, all of the terms and conditions of the Declaration shall remain in full force and effect. In the event of a conflict between the provisions of this Amendment and the provisions of the Declaration, the provisions of this Amendment shall control.

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IN WITNESS WHEREOF, Hoose Homes and Investment, LLC, has caused this Amendment to the Declaration of Covenants, Conditions and Restrictions for Creekside at Timuquana to be duly executed and authorized as of the day and year above written.

DECLARANT:

Hoose Homes and Investment, LLC,
a Florida limited liability company

By: *Adam Rigel*
Name: Adam Rigel
Its: Manager

STATE OF FL
COUNTY OF Duval

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 1 day of June, 2022, by Adam Rigel, as Manager officer of Hoose Homes and Investment, LLC, a Florida limited liability company. S/He is ☒ personally known to me or ☐ has produced n/a as identification.

Brittany Caroon
Notary Public

Printed Name: Brittany Caroon

My Commission Expires: July 14, 2025

[NOTARY SEAL]



Brittany Caroon
Comm.: HH 153890
My Commission Expires:
July 14, 2025

EXHIBIT A**LEGAL DESCRIPTION****PARCEL A**

PART OF GOVERNMENT LOT FIVE (5), SECTION SEVEN (7) TOWNSHIP THREE (3) SOUTH, RANGE TWENTY-SIX (26) EAST, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF WESCONNETT BOULEVARD (FORMERLY OLD ORANGE PARK ROAD) WITH THE SOUTH LINE OF SAID SECTION SEVEN (7), AND RUNNING THENCE NORTH TEN (10) DEGREES FORTY (40) MINUTES TEN (10) SECONDS WEST ALONG THE SAID EAST RIGHT OF WAY LINE OF WESCONNETT BOULEVARD, TWO HUNDRED SIXTEEN AND TWO TENTHS (216.2) FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF LANDS CONVEYED TO GILLIS RICHARDS BY DEED RECORDED IN DEED BOOK 1403, PAGE 343, THENCE NORTH EIGHTY (80) DEGREES TWENTY-FIVE (25) MINUTES FIFTY (50) SECONDS EAST ALONG THE SAID SOUTHERLY LINE OF LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343, FIVE HUNDRED TWENTY-FIVE (525) FEET TO THE POINT OF BEGINNING, THENCE NORTH TEN (10) DEGREES FORTY (40) MINUTES TEN (10) SECONDS WEST, ONE HUNDRED FIFTY (150) FEET TO THE NORTHERLY LINE OF SAID LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343; THENCE NORTH EIGHTY (80) DEGREES TWENTY-FIVE (25) MINUTES FIFTY (50) SECONDS EAST ALONG THE SAID NORTHERLY LINE OF LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343, SIX HUNDRED SIXTY-FOUR (664) FEET, MORE OR LESS, TO THE CENTER OF FISHING CREEK; THENCE SOUTHERLY ALONG THE SAID CENTER OF FISHING CREEK, ONE HUNDRED FIFTY (150) FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE SAID SOUTHERLY LINE OF LAND DESCRIBED IN DEED BOOK 1403, PAGE 343; THENCE SOUTH EIGHTY (80) DEGREES, TWENTY-FIVE (25) MINUTES FIFTY (50) SECONDS WEST ALONG THE SAID SOUTHERLY LINE OF LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343, SIX HUNDRED EIGHTY-SEVEN (687) FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

TOGETHER WITH A PERPETUAL EASEMENT FOR INGRESS AND EGRESS TO AND FROM WESCONNETT BOULEVARD TO LANDS HEREIN CONVEYED OVER THE SOUTHERLY THIRTY (30) FEET OF THE WESTERLY FIVE HUNDRED TWENTY-FIVE (525) FEET OF THE LANDS DESCRIBED IN DEED TO GILLIS RICHARDS RECORDED IN DEED 1300K 1403, PAGE 343, BEING THE SAME LAND DESCRIBED IN THAT CERTAIN DEED FROM GILLIS RICHARDS, UNMARRIED, ALSO KNOWN AS GILLIS RICHARD, TO JAMES H. MILLEN AND NELLIE G. MILLEN, HIS WIFE, AS TENANTS BY THE ENTIRETIES, DATED February 10, 1953, RECORDED IN DEED BOOK 1600, PAGE 401, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PARCEL B

PART OF GOVERNMENT LOT FIVE (5), SECTION SEVEN (7), TOWNSHIP THREE (3) SOUTH, RANGE TWENTY-SIX (26) EAST, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF WESCONNETT BOULEVARD (FORMERLY OLD ORANGE PARK ROAD) WITH THE SOUTH LINE OF SAID SECTION SEVEN (7), AND RUNNING THENCE NORTH TEN (10) DEGREES FORTY (40) MINUTES TEN (10) SECONDS WEST ALONG THE SAID EAST RIGHT OF WAY LINE OF WESCONNETT BOULEVARD, TWO HUNDRED SIXTEEN AND TWO TENTHS (216.2) FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF LANDS CONVEYED TO GILLIS RICHARDS BY DEED RECORDED IN DEED BOOK 1403, PAGE 343, THENCE NORTH EIGHTY (80) DEGREES TWENTY-FIVE (25) MINUTES FIFTY (50) SECONDS EAST ALONG THE SAID SOUTHERLY LINE OF LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343, FIVE HUNDRED TWENTY-FIVE (525) FEET TO THE POINT OF BEGINNING; THENCE SOUTH TEN (10) DEGREES FORTY (40) MINUTES TEN (10) SECONDS EAST, ONE HUNDRED FIFTY (150) FEET; THENCE NORTH EIGHTY (80) DEGREES TWENTY-FIVE (25) MINUTES FIFTY (50) SECONDS EAST, SIX HUNDRED FIVE (605) FEET, MORE OR LESS, TO THE CENTER OF FISHING CREEK; THENCE NORTHERLY ALONG SAID CENTER OF FISHING CREEK TO ITS INTERSECTION WITH THE SAID SOUTHERLY LINE OF LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343, THENCE SOUTH EIGHTY (80) DEGREES TWENTY-FIVE (25) MINUTES FIFTY (50) SECONDS WEST ALONG THE SAID SOUTHERLY LINE OF LANDS DESCRIBED IN DEED BOOK 1403, PAGE 343, SIX HUNDRED EIGHTY-SEVEN (687) FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AND INCLUDING THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS RECORDED IN OFFICIAL RECORDS BOOK 1600, PAGE 401, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND ALSO THE UTILITY EASEMENTS RECORDED IN OR BOOKS 13297 PAGE 989, AND 13332, PAGE 217, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PARCEL C

A PART OF GOVERNMENT LOT 5, SECTION 7, TOWNSHIP 3 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA; BEING A PART THE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 5604, PAGE 1801 OF THE PUBLIC RECORDS OF DUVAL COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST LINE OF WESCONNETT BOULEVARD, AS NOW ESTABLISHED, WITH THE SOUTH LINE OF AFORESAID GOVERNMENT LOT 5; THENCE RUN NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, ALONG THE SOUTH TINE OF AFORESAID GOVERNMENT LOT 5, A DISTANCE OF 336.52 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 5604, PAGE 1801; THENCE NORTH 10 DEGREES 40 MINUTES 10 SECONDS WEST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 32.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 10 DEGREES 40 MINUTES 10 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 238.72 FEET TO THE NORTHWEST CORNER OF SAID LANDS, THENCE NORTH 80 DEGREES 25 MINUTES 5 SECONDS EAST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 24.28 FEET; THENCE SOUTH 10 DEGREES 40 MINUTES 10 SECONDS EAST DEPARTING SAID NORTH LINE, A DISTANCE OF 37.72 FEET;

THENCE NORTH 80 DEGREES 25 MINUTES 30 SECONDS EAST, A DISTANCE OF 63.62 FEET; THENCE NORTH 10 DEGREES 40 MINUTES 10 SECONDS WEST, A DISTANCE OF 37.72 FEET TO THE NORTH LINE OF AFORESAID LANDS; THENCE NORTH 80 DEGREES 25 MINUTES 30 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 106.10 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 10 DEGREES 40 MINUTES 10 SECONDS EAST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 291.85 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF TIMUQUANA ROAD, A 104 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE WESTERLY 202.26 FEET ALONG SAID NORTH RIGHT OF WAY LINE, ALONG THE ARC OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1689.00 FEET, THROUGH A CENTRAL ANGLE OF 06 DEGREES 51 MINUTES 41 SECONDS A CHORD BEARING NORTH 84 DEGREES 20 MINUTES 27 SECONDS WEST AND A CHORD DISTANCE OF 202.15 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING.

PARCEL D

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WESCONNETT BOULEVARD (AN 80-FOOT RIGHT OF WAY AS NOW ESTABLISHED), WITH THE NORTHERLY RIGHT OF WAY LINE OF TIMUQUANA ROAD (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED), SAID LINE BEING THE NORTHERLY LINE OF A RIGHT OF WAY TAKING DESCRIBED IN OFFICIAL RECORD BOOK 10925 PAGE 1169 OF THE OFFICIAL RECORDS OF DUVAL COUNTY, FLORIDA; THENCE S38°08'58"E, A DISTANCE OF 10.68 FEET; THENCE S61°54'03"E, A DISTANCE OF 23.95 FEET; THENCE S89°01'56"E, A DISTANCE OF 136.24 FEET; THENCE S75°32'02"E, A DISTANCE OF 25.00 FEET TO THE WESTERLY LINE OF A RIGHT OF WAY TAKING DESCRIBED IN OFFICIAL RECORDS BOOK 11114 PAGE 1450 OF SAID OFFICIAL RECORDS OF DUVAL COUNTY; THENCE ALONG SAID WESTERLY LINE OF RIGHT OF WAY TAKING, N10°24'40"W A DISTANCE OF 3.31 FEET TO THE POINT OF BEGINNING; THENCE N10°24'40"W, A DISTANCE OF 104.29 FEET; THENCE N80°43'21"E, A DISTANCE OF 151.04 FEET; THENCE S10°24'10"E, A DISTANCE OF 139.13 FEET; THENCE N89°00'40"W, A DISTANCE OF 138.27 FEET; THENCE N00°49'02"E, A DISTANCE OF 3.09 FEET; THENCE N75°30'42"W, A DISTANCE OF 17.67 FEET TO THE POINT OF BEGINNING.