

This Instrument Prepared by and Return to:

Sandra E. Krumbein Sadov, Esq.  
Shutts & Bowen LLP  
200 East Broward Boulevard, Suite 2100  
Fort Lauderdale, Florida 33301

*Cross Reference to Declaration of Covenants, Conditions, Restrictions  
and Easements for The Arbors, recorded in Official Records Book  
20460, Page 276, et seq., of the Public Records of Duval County,  
Florida.*

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**SCRIVENER'S ERROR AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
EASEMENTS FOR THE ARBORS**

This Scrivener's Error Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Arbors ("Amendment") is made as of this 3<sup>RD</sup> day of November, 2022, by FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation ("Declarant").

WHEREAS, Declarant, has executed and recorded that certain Declaration of Covenants, Conditions, Restrictions and Easements for The Arbors, in Official Records Book 20460, Page 276, of the Public Records of Duval County ("County"), Florida ("Declaration"); and

WHEREAS, the Declaration provides in Section 13.8.1 that until the "Turnover Date," all amendments or modifications shall only be made by Declarant without the requirement of the Association's consent or the consent of the "Owners" so long as such amendments do not materially impair the common plan of development of "The Arbors" (all such terms as defined in the Declaration); and

WHEREAS, the Declaration further provides in Section 13.8.1 that no amendment shall be made by Declarant which impairs the rights and privileges of a "Participating Builder(s)" (as such term is defined in the Declaration) or adversely affects a Participating Builder(s) without the prior written consent of the Participating Builder(s); and

WHEREAS, the Declaration further provides in Section 13.8.3 that until the Turnover Date, all amendments for correction of scrivener's errors or other nonmaterial changes may be made by Declarant alone; and

WHEREAS, an incorrect "Joinder and Consent of Horton" was attached to the Declaration when the Declaration was originally recorded; and

WHEREAS, Declarant desires to amend the Declaration to attach the correct Joinder and Consent of Horton thereto, as more particularly set forth herein; and

WHEREAS, the Turnover Date has not occurred as of the date first above written; and

WHEREAS, this Amendment does not materially impair the common plan of development of The Arbors, does not impair the rights and privileges of a Participating Builder(s), nor does it adversely affect a Participating Builder(s), and therefore the prior written consent of the Participating Builder(s) is not required.

NOW, THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. The recitations set forth herein are true and correct and are incorporated herein by reference. Unless otherwise defined herein, each term defined in the Declaration and used herein shall have its meaning as defined in the Declaration.

2. The incorrect Joinder and Consent of Horton attached to the Declaration is hereby deleted in its entirety and replaced with the correct Joinder and Consent of Horton attached as Exhibit "A" hereto and incorporated herein by this reference.

3. This Amendment shall become effective upon recording amongst the Public Records of the County.

4. As modified hereby, Declaration, as amended and supplemented, shall remain in full force and effect in accordance with the terms thereof.

[Signatures on the following page]

IN WITNESS WHEREOF, this Amendment has been signed by Declarant on the date set forth above.

**DECLARANT:**

WITNESSES AS TO DECLARANT:

FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation

[Signature]  
Print Name Brenda Hughes

By: [Signature]  
Name: Sarah Wicker  
Title: Vice President

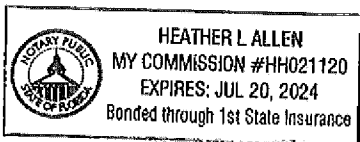
[Signature]  
Print Name Mikel Denton

STATE OF FLORIDA  
COUNTY OF Duval } SS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, the foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, by Sarah Wicker, the Vice President of FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation, who  is personally known to me or  has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of November, 2022.

(NOTARY SEAL)



[Signature]  
Notary Public, State of Florida  
Print Name: Heather L. Allen  
Commission No.: HH021120  
My Commission Expires: 7/20/2024

EXHIBIT "A"

JOINDER AND CONSENT OF HORTON

D.R. Horton, Inc. - Jacksonville, a Delaware corporation ("Horton"), as fee owner of the "Horton Lots" (as such term is defined below), hereby joins in and consents to the execution, filing and recordation of the foregoing Declaration of Covenants, Conditions, Restrictions and Easements for The Arbors ("Declaration") and acknowledges that the Declaration shall be binding upon the Horton Lots.

As used herein, the term "Horton Lots" means that certain real property located in Duval County, Florida, legally described as follows:

Lots 147 and 148 of ARBORS – PHASE 1A, according to the plat thereof, as recorded in Plat Book 79, Page 112 of the Public Records of Duval County, Florida.

IN WITNESS WHEREOF, Horton has caused this Joinder and Consent to be executed this 3<sup>rd</sup> day of November, 2022.

Signed, sealed and delivered in the presence of:

[Signature]  
Print Name: BETH A. GROSSMAN

[Signature]  
Print Name: mikel Denton

D.R. HORTON, INC - JACKSONVILLE, a Delaware corporation

By: [Signature]  
Print Name: John E. Zakoske  
Its: VICE PRESIDENT

STATE OF FLORIDA

COUNTY OF Duval ) SS:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, by John Zakoske, the Vice President of D.R. HORTON, INC. - JACKSONVILLE, a Delaware corporation, who is  personally known to me or  has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 3<sup>rd</sup> day of November, 2022.

[Signature]  
Notary Public State of Florida at Large  
Heather L. Allen  
Typed, printed or stamped name of Notary Public

My Commission Expires:

