

Prepared by and Return to:

Timothy S. Franklin, Esq.
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60 Ocean Boulevard, Suite 10
Atlantic Beach, Florida 32233
(904) 465-2208

Cross-reference with Instrument
Recorded in Book 11928, Page 1704, et. seq.
& Book 17085, Page 2251, et. seq. & Book
17301, Pages 1476-1493 inclusive,
O.R. Duval County, Florida.

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NOTICE OF
CLERICAL CORRECTION
TO

SECOND
AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
SOUTH BEACH VILLAGE

**RE: ADDITION/ANNEXATION
OF 234 ST. AUGUSTINE LOT**

UNDERSIGNED COUNSEL hereby notifies all parties that this instrument is intended as a clerical correction to that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for South Beach Village which was recorded at Book 17301, Pages 1476-1493, O.R. Duval County, as follows:

WITNESSETH

WHEREAS, the SOUTH BEACH VILLAGE HOMEOWNER'S ASSOCIATION, INC., a Florida not-for-profit corporation and homeowners association with a registered address of: c/o Leland Management, 6972 Lake Gloria Blvd., Orlando, Florida 32809 (the "Association"), and the former owner of 234 St. Augustine, the ANNE BIONDO LIVING TRUST OF JUNE 19, 2001, were in very fluid discussions/negotiations to adopt and approve certain covenant amendments to allow for the property addressed as 234 St. Augustine Blvd., Jacksonville Beach, Florida 32250, to be annexed into the Association;

WHEREAS, several permutations of the draft amendment and development plan and drawings were created and circulated in pursuance of a plan which would garner sufficient approval of the existing members;

Annexation Amendment to Declaration

WHEREAS, following the approval of the Board and owner members, undersigned counsel executed a 2nd Amendment on behalf of the Association and had same recorded with exhibits, but wrongly printed and executed an earlier draft which proposed *inter alia* to allow for vehicular access off of St. Augustine, failed to contain the negotiated provisions regarding the timing of initial assessments for the annexed property and wrongly attached a rejected verbal description of the development plan; and,

WHEREAS, following the matter being brought to undersigned counsel's attention, counsel prepared this instant Notice of Clerical Correction, intending same to be recorded and to substitute the relevant corrected pages included within this Notice for those removed hereby, all as follows:

NOW, THEREFORE, in consideration of the foregoing premises, this Notice of Clerical Correction is recorded to effect that:

1. Annexation Instrument Substitution. The 3 pages attached hereto entitled "Second Amendment to Declaration....for South Beach Village" are to be substituted for those certain similar 3 pages recorded at Book 17301, Pages 1476, 1477 and 1478.

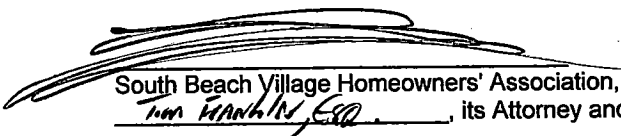
2. Development Plan. The 1 page verbal description of the development plan attached hereto entitled "Annexation Proposal" is to be substituted for that certain similar 1 page recorded at Book 17301, Page 1491.

3. Page 1493. This page/drawing was recorded in error and is deemed terminated by this instrument and of no further legal effect.

4. All other provisions. All other provisions of the instrument hereby corrected are deemed in full force and legal effect and are not modified by this Notice. Further, all approvals necessary for the owner members were obtained relative to the corrected plan of development now being recorded such that it was deemed unnecessary to obtain additional approval for this correction which is clerical in nature.

CONFIRMED by the ASSOCIATION this 13 day of June, 2017.

ASSOCIATION:

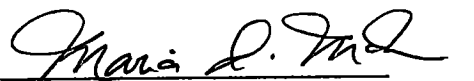

South Beach Village Homeowners' Association, Inc., by
Tim Franklin, Esq., its Attorney and Agent in Fact

STATE OF FLORIDA
COUNTY OF DUVAL

SWORN TO AND SUBSCRIBED before me this 13 day of June, 2017, by Timothy S. Franklin, Esq., and being identified as follows:

Personally Known:
Produced I.D.
Type of I.D.

FL DL


Notary Signature
Maria D. McMin
Notary Printed Name

My Commission Expires:

[SEAL]



Annexation Amendment to Declaration

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Cross-reference with Instruments
Recorded in Book 11928, Page 1704, et. seq.
& Book 17085, Page 2251, et seq.
O.R. Duval County, Florida.

Newly Annexed Parcel TIN: 180669-0000

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SECOND
AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
SOUTH BEACH VILLAGE

**RE: ADDITION/ANNEXATION
OF 234 ST. AUGUSTINE LOT**

THIS AMENDMENT TO THE DECLARATION OF COVENANT, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR SOUTH BEACH VILLAGE (this "Amendment") is made and entered into as of this ____ day of _____, 2015 (the "Effective Date"), by and between the SOUTH BEACH VILLAGE HOMEOWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation and homeowners association with a registered address of: c/o Leland Management, 6972 Lake Gloria Blvd., Orlando, Florida 32809 (the "Association"), and the following property annexed into the Association and made subject to the governance of the Declaration by this Amendment, being, ANNE BIONDO LIVING TRUST OF JUNE 19, 2001, with a property address of 234 St. Augustine Blvd., Jacksonville Beach, Florida 32250, and pursuant to proper notice, meeting and vote in accordance with the Declaration and related governing documents, a sufficient number of existing Member Owners of the Association, with their approval being signified also by consents attached hereinafter and recorded herewith, all the foregoing being the parties to this Amendment.

WITNESSETH

WHEREAS, the Declaration of Covenants, Conditions, Restrictions and Easements for South Beach Village as originally recorded at Book 11928, Page 1704, et. seq., O.R. Duval (the "Declaration"), as
Annexation Amendment to Declaration

Handwritten signature/initials

amended by that certain first Annexation Amendment recorded at Book 17085, Page 2251, et. seq., controls and governs the development, use and maintenance of certain lands set forth in the legal description contained therein and incorporated thereto as attendant Exhibit "A" thereof;

WHEREAS, the owner of the lot commonly addressed as 234 St. Augustine Blvd., Jacksonville Beach, Florida 32250, which lot adjoins the current property governed by the Declaration, desires to join the Association; and, whereas the Association desires the lot to be joined into the Association to be hereafter governed by the Declaration being administered by the Association;

WHEREAS, the Declaration at section 9(d) permits the amendment of same at a duly called meeting of the Association where a quorum is present if adopted by a majority of the Members;

WHEREAS, the Association conducted a member's meeting on _____ 2015, and a majority of the existing fifteen (15) Member Owners voted in person or by proxy in favor of the annexation of the additional 234 St. Augustine lot according to the terms set forth in this Second Annexation Amendment, and those existing Member Owners voting in favor of same have executed proper consents which are being attached hereto and made a part hereof;

WHEREAS, the owner of the lot located at 234 St. Augustine, desiring to become a Member Owner, of the Association governed by the Declaration, according to the terms set forth in this Second Annexation Amendment, has executed a proper joinder and consent which is attached hereto and made a part hereof;

NOW, THEREFORE, in consideration of the foregoing premises, the agreements herein made, Ten and No/100 Dollars (\$ 10.00) paid in hand, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Board of Directors of the Association and the other undersigned members/parties hereto, intending to be legally bound, do hereby agree as follows:

1. Defined Terms; Binding Effect. All capitalized terms not otherwise defined in this Amendment shall have the meaning given such terms in the Declaration. This Amendment shall be binding upon the Property, all Owners and Occupants and everyone else having an interest in or dealing with the Property.

2. Addition/Annexation of Real Property into Association & Owner Duties. That certain lot and parcel, described hereinafter shall, after the effective date hereof, be a "Lot" as defined at section (r) of article I of the Declaration, to be governed by and subject to all terms of the Declaration, and the Owner thereof such Lot a full Member of the Association:

I.	Legal:	Lot 13, Block 22, Replat of Atlantic Shores Unit No. 1, as recorded at Plat Book 14, Pages 39-40, O.R. Duval Co.
	a/k/a/	234 St. Augustine Blvd. Jacksonville Beach, Florida 32250 Tax I.D. No. 180669-0000
	Owners:	Anne Biondo Living Trust of June 19, 2001, c/o Anne Biondo, as Trustee.

Further, the Owner of the 234 St. Augustine Blvd. lot promises and agrees it shall faithfully follow the approved plan of single-family development attached hereto and incorporated herein by reference, with the exception that the driveway access shall be limited to Abaco Lane and no driveway access to St. Augustine Blvd. shall be permitted, and new Owner shall, within thirty (30) days following the issuance of a Certificate of Occupancy therefor, dedicate by deed the area of real property in which a sidewalk and pavers are to be installed to the Association as called for in the development plan, for the Association to maintain thereafter and to hold the Owner harmless from liability related to use and maintenance of the dedicated

portion and with the Association to pay documentary stamp taxes, if any, due on the deed, and for the preparation and recording thereof; and, provided Owner's obligation to pay future Assessments and/a prorated portion of current Assessments shall coincide with and run from the issuance of the Certificate of Occupancy to the Lot added hereby.

3. Revision to Exhibit "A" Legal Description. That certain legal description at Exhibit "A" to the original Declaration first recorded at Book 11928, Page 1728, and later deleted and amended in its entirety at the first Annexation Amendment recorded at Book 17085, Page 2251, O.R. Duval, is hereby deleted in its entirety, and the following new legal description 2nd Revised Exhibit "A" attached hereto and incorporated herein by reference shall henceforth define the legal description of the "Property" and the "Lot" hereafter comprising a part thereof subject to and governed by the Declaration.

4. Ratification. Except as modified by this Amendment to annex the additional, all terms of the Declaration remain in full force and effect, and the Declaration as herein amended is hereby ratified and confirmed.

5. Counterparts. The parties hereto acknowledge that this Amendment may be executed in several counterparts, each of which shall be effective as and shall constitute an original instrument binding on the party or parties signing same. It shall not be necessary for each party to execute all copies of this Amendment, provided that each party has executed at least one copy.

6. Successors and Assigns. The Declaration, as hereby amended, shall be binding upon and shall inure to the benefit of each Owner and occupant of the Property, and their respective successors, assigns, heirs, administrators, executors and legal representatives.

7. Entire Agreement. This Amendment constitutes the entire agreement among the parties hereto. The parties do not rely upon any statement, promise or representation not herein expressed, and this Amendment once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by the Declaration. This Amendment shall be governed by and construed in accordance with the laws of the State of Florida.

ADOPTED AND DECLARED by the ASSOCIATION through vote and consent of its Members and the new Owner in accordance with the foregoing, and as the member vote is certified and confirmed hereafter

Member/Owner Signatures to Follow



ANNEXATION PROPOSAL 234 ST. AUGUSTINE BLVD. / SOUTH BEACH VILLAGE

The owner of 234 St. Augustine Blvd. requests the Board of Directors of the South Beach Village HOA Inc. and a majority of the owners to consider and approve the annexation of the property into the subdivision, which would allow the owner access to Abaco Lane, on the following conditions of benefit to the subdivision,

- 1) Owner would dedicate to the Association an area of approximately 20' x 11' located at the northern terminus of present Abaco Lane, to be an addition to the private Abaco Lane usable by all the owners, to be maintained thereafter by the Association. This area is shown on the attached drawings.**

This dedication will eliminate the odd cut out in the pavers and allow Abaco Lane to maintain the same width to its end and remove the six foot tall wood fence. The sidewalk will also continue for 19' along the edge of the new paver section creating a much wider and visually appealing end to Abaco Lane.

- 2) HOA will be responsible for removing 30' of the 6' wood fence. The lot owner will be responsible for the installation of pavers for the roadway and installing the new 4' x 19' sidewalk. The lot owner will install a white picket fence with a driveway and arbor entrance into the lot, to match the style in the rest of SBV.**

- 3) Owner would install a wall along the boundary of the property line abutting St. Augustine Blvd. to connect same into the existing perimeter wall along 3rd Street. The new wall will turn 90 degrees back south along the east property line for approximately 3'.**

The wall would be designed, styled, finished, and painted to match the existing wall. It will be dedicated to the Association for maintenance thereafter as with the other portions of the subdivisions perimeter wall.