

This Instrument Prepared by and Return to:
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**CERTIFICATE OF AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS
FOR
NINE MILE CREEK**

THIS CERTIFICATE OF AMENDMENT is made by Breeze Homes, LLC, a Florida limited liability company (the "Declarant"), who certifies the following:

1. Declarant previously recorded that certain Declaration of Covenants, Conditions and Restrictions for Nine Mile Creek, dated May 5, 2020, as recorded on July 23, 2020, in Book 19294, Page 1320, et seq., of the public records of Duval County, Florida (the "Previous Declaration"); and

2. The Previous Declaration was amended and restated by the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Nine Mile Creek, dated September 25, 2020, as recorded on September 30, 2020, in Official Records Book 19390, Page 1029, et seq., of the public records of Duval County, Florida (the "Declaration"); and

3. That pursuant to Article XI of the Declaration, Declaration, for so long as it is a Class B Member, reserves the right, upon payment of its loan obligation to Lender, to amend the Declaration to release any Lot from any part of the covenants and restrictions without Lender's approval; and

4. That Declarant has satisfied its loan obligation to Lender, as evidenced by that Satisfaction of Mortgage dated November 6, 2020, recorded in Official Records Book 19457, Page 1426, of the public records of Duval County; and

5. That Declarant is a Class B Member and desires to amend the Declaration to eliminate the Affordability Restrictions set forth in the Declaration and release the Lots described in Exhibit D to the Declaration from such Affordability Restrictions.

NOW, THEREFORE, the Declaration is hereby amended as set forth herein.

(Additions are indicated by underline, deletions are indicated by ~~strikethrough~~)

1. Recital D is hereby deleted in its entirety:

~~C. Declarant has agreed that, upon completion of construction of the Property, Declarant shall sell those certain Lots described on Exhibit "D" attached hereto in the Property to households with income not in excess of one hundred twenty percent (120%) of Area Median Income (as defined below) (the "Eligible Dwellings"). Declarant further agrees that all Eligible Dwellings shall (i) remain continuously Affordable (as defined below) and (ii) be exclusively sold to an owned by Eligible Income households, during the Affordability Period (as defined below).~~

2. Article I, Sections (b), (c), (d), (s), and (t) are hereby deleted:

~~(b) "Affordability Period" shall mean the period beginning on the date of this Declaration and ending on the date that is ten (10) consecutive years thereafter, during which the Project must be Affordable to Eligible Income households.~~

~~(c) "Affordable" shall mean a home sale price not to exceed ninety five percent (95%) of the median purchase price for the Duval County area.~~

~~(d) "Area Median Income" shall mean the area median income for a household in the County of Duval, State of Florida, as set forth in the periodic calculation provided by HUD, adjusted for family size, as determined by HUD.~~

...

~~(s) "Eligible Income" shall mean income not in excess of one hundred twenty percent (120%) of the Area Median Income.~~

~~(t) "Eligible Dwelling" has the meaning given to that term in the Recitals.~~

3. Article I, section (aa) is hereby amended as follows:

~~(aa) "Project" shall mean the development and renovation of the Property, and the sale of the Dwellings, including, specifically, the sale of the Eligible Dwellings to Eligible Income households at Affordable prices during the Affordability Period.~~

4. Article XIX is hereby deleted in its entirety.

ARTICLE XIX

AFFORDABILITY RESTRICTIONS

~~Section 1. Restrictions. The following restrictions are intended to apply to Eligible Dwellings conveyed by Declarant or Builder to an Owner during the Affordability Period:~~

~~(a) All Eligible Dwellings shall be sold exclusively to Eligible Income households.~~

~~(b) All Eligible Dwellings shall be single family homes.~~

~~(c) All Eligible Dwellings shall be sold at Affordable sale prices.~~

~~(d) Prior to selling and conveying an Eligible Dwelling to an Eligible Income household, Declarant shall verify household income level to the satisfaction of Lender, including, without limitation, by requiring each such household to: (i) submit certified copies of the prior year's federal and local tax returns; (ii) submit recent pay stubs, current to within forty five (45) days of the application for rental, showing the current total household income; and (iii) submit any other documentation to support either an increase or decrease in the total household income at the time of application.~~

~~(e) The Eligible Dwellings shall be affordable for the entire Affordability Period.~~

5. The Table of Contents is hereby amended to delete Article XIX:

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6. The Lots listed in Exhibit D of the Declaration shall hereby be released from and shall no longer be subject to the Affordability Restrictions.

7. Except as modified herein, the Declaration shall remain in full force and effect.

