

This document was prepared by
and should be returned to:

Mattamy Homes Legal Department
Attn: Amalia Papadimitriou, Esq.
4901 Vineland Road, Suite 450
Orlando, Florida 32811

FIFTH SUPPLEMENTAL DECLARATION TO COMMUNITY DECLARATION FOR WELLS CREEK EAST

THIS FIFTH SUPPLEMENTAL DECLARATION TO COMMUNITY DECLARATION FOR WELLS CREEK EAST (this "**Fifth Supplement**") is made as of August 17, 2022 ("**Effective Date**"), by Mattamy Jacksonville LLC, a Delaware limited liability company (the "**Declarant**"), joined by WELLS CREEK EAST HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**").

A. The Declarant has recorded the COMMUNITY DECLARATION FOR WELLS CREEK EAST as Document Number 2019094435, in Official Records Book 18768, Page 68 (the "**Original Declaration**"), as amended by the FIRST AMENDMENT TO COMMUNITY DECLARATION FOR WELLS CREEK EAST recorded as Document Number 2019120837, in Official Records Book 18802, Page 2217 (the "**First Amendment**"), by the SECOND AMENDMENT TO COMMUNITY DECLARATION FOR WELLS CREEK EAST recorded as Document Number 2020074236, in Official Records Book 19161, Page 1573 (the "**Second Amendment**"), by the FIRST SUPPLEMENTAL TO COMMUNITY DECLARATION FOR WELLS CREEK EAST recorded as Document Number 2020157616, in Official Records Book 19297, Page 158 (the "**First Supplement**"), by the SECOND SUPPLEMENTAL DECLARATION TO COMMUNITY DECLARATION FOR WELLS CREEK EAST recorded as Document Number 2021060704, in Official Records Book 19621, Page 8 (the "**Second Supplement**"), by the THIRD SUPPLEMENTAL DECLARATION FOR WELLS CREEK EAST recorded as Document Number 2021099843, in Official Records Book 19685, Page 2051 (the "**Third Supplement**"), and by the FOURTH SUPPLEMENTAL DECLARATION FOR WELLS CREEK EAST recorded as Document Number 2021303118, in Official Records Book 20014, Page 333, all of the Public Records of Duval County, Florida. The Original Declaration, the First Amendment, the Second Amendment, the First Supplement, the Second Supplement, the Third Supplement, and the Fourth Supplement shall hereinafter be referred to collectively as the "**Declaration**."

B. The Declaration provides in Section 5.1 that the Declarant may annex additional land by recording a Supplemental Declaration.

C. The Declarant wishes, in accordance with Section 5.1 of the Declaration, to file of record this Fifth Supplement for the purposes of annexing the Additional Property (as defined below) to WELLS CREEK EAST.

NOW THEREFORE, the Declarant hereby amends and supplements the Declaration as set forth herein:

1. Recitals and Defined Terms. The foregoing recitals are true and correct and are incorporated into and form a part of this Fifth Supplement. All initially capitalized terms not defined herein shall have the same meanings set forth in the Declaration.

2. Conflicts. In the event there is a conflict between this Fifth Supplement and the Declaration, this Fifth Supplement shall control. Whenever possible, this Fifth Supplement and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.

3. Annexation. The Declaration is hereby amended by the addition of the real property legally described in **Schedule A**, attached hereto and incorporated herein by this reference (the "**Additional Property**"). The Additional Property shall be subject to each and every term, condition, covenant, easement, and restriction of the Declaration as it exists and as it may be amended from time to time.

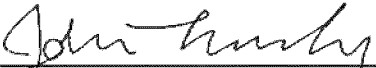
4. Ratification. The Declaration, as amended, is hereby incorporated by reference as though fully set forth herein and, except as specifically amended hereinabove, is hereby ratified and confirmed in its entirety.

5. Covenant. This Fifth Supplement shall be a covenant running with the land and shall be effective as of the Effective Date shown above.

[Signatures on the Following Page]

EXECUTED and effective as of the Effective Date first above written.

Signed, sealed and delivered in the presence of the following witnesses:


 Print Name: JOHN TURANSKY
 10375 Centurion Pkwy N, Ste 410
 Jacksonville FL 32256


 Print Name: JARRETT O'LEARY
 10375 Centurion Pkwy N, Ste 410
 Jacksonville FL 32256

"DECLARANT"

Mattamy Jacksonville LLC, a Delaware limited liability company, successor by conversion to Mattamy Rivertown LLC, a Delaware limited liability company

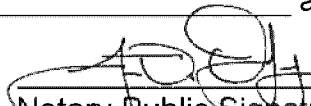
By: 
 Print Name: Clifford L. Nelson
 Title: Vice President
 10375 Centurion Pkwy N, Ste 410
 Jacksonville FL 32256

STATE OF FLORIDA
 COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6TH day of AUGUST, 2024, by Clifford L. Nelson, as the Vice President of Mattamy Jacksonville LLC, a Delaware limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced _____ as identification.



JARRETT O'LEARY
 Notary Public
 State of Florida
 Comm# HH423526
 Expires 7/19/2027


 Notary Public Signature
 Printed Name: JARRETT O'LEARY
 Commission no.: HH423526
 My Commission Expires: 7/19/2027

JOINDER

WELLS CREEK EAST HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**") does hereby join in the FIFTH SUPPLEMENTAL DECLARATION TO COMMUNITY DECLARATION FOR WELLS CREEK EAST (the "**Fifth Supplement**"), to which this Joiner is attached, and the terms hereof are and shall be binding upon the undersigned and its successors in title. The Association agrees this Joinder is for the purposes of evidencing the Association's acceptance of the Fifth Supplement and does not affect the validity of the Third Supplement as the Association has no right to approve the Fifth Supplement.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 6TH day of August, 2024.

WITNESSES:

John Turansky
 Print Name: John Turansky
 10375 Centurion Pkwy N, Ste 410
 Jacksonville FL 32256

Jarrett O'Leary
 Print Name: Jarrett O'Leary
 10375 Centurion Pkwy N, Ste 410
 Jacksonville FL 32256

"ASSOCIATION"

**WELLS CREEK EAST
 HOMEOWNERS ASSOCIATION, INC.,**
 a Florida not-for-profit corporation

By: D.J. Smith
 Print Name: D.J. Smith
 Title: President

STATE OF FLORIDA)
 COUNTY OF DUVAL)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6TH day of August, 2024, by D.J. Smith, as the President of Wells Creek East Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He ☒ is personally known to me or ☐ has produced _____ as identification.



JARRETT O'LEARY
 Notary Public
 State of Florida
 Comm# HH423526
 Expires 7/19/2027

Jarrett O'Leary
 Notary Public Signature
 Printed Name: JARRETT O'LEARY
 Commission no.: HH423526
 My Commission Expires: 7/19/2027

SCHEDULE A
ADDITIONAL PROPERTY

A portion of Section 21, Township 4 South, Range 28 East, of the City of Jacksonville, Duval County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Northerly most corner of Wells Creek Phase 2A, as recorded in Plat Book 76, pages 80 through 87, of the current Public Records of said county, said corner lying on the Easterly line of said Section 21; thence North 25°18'58" West, along said Easterly line, 2470.39 feet to the Point of Beginning.

From said Point of Beginning, thence North 71°34'36" West, departing said Easterly line of Section 21, a distance of 105.85 feet to a point lying on a non-tangent curve concave Southeasterly having a radius of 445.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of 34°14'56", an arc length of 266.00 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 35°32'55" East, 262.06 feet; thence North 03°33'06" West, 32.36 feet; thence North 02°44'07" West, 69.65 feet; thence North 01°03'49" East, 50.78 feet; thence North 27°26'01" East, 42.58 feet; thence South 89°40'23" East, 65.53 feet; thence North 13°00'11" East, 51.11 feet; thence North 08°03'56" East, 91.93 feet; thence North 55°28'08" East, 63.40 feet; thence North 66°54'12" East, 50.47 feet; thence North 49°10'54" East, 56.11 feet; thence North 18°03'56" East, 78.88 feet; thence North 15°23'58" East, 85.87 feet; thence North 12°04'11" West, 68.04 feet; thence North 31°50'50" East, 54.07 feet; thence North 71°03'29" East, 10.49 feet; thence North 89°36'51" East, 40.14 feet; thence North 79°35'00" East, 67.57 feet; thence North 45°24'38" East, 60.04 feet; thence North 50°13'40" East, 76.25 feet; thence North 03°27'18" West, 63.80 feet; thence North 12°45'42" West, 71.68 feet; thence North 19°09'36" West, 24.33 feet; thence North 00°14'38" West, 12.72 feet to a point lying on the Northerly line of said Section 21; thence North 89°14'34" East, along said Northerly line, 426.50 feet to a point lying on the boundary line of Conservation Easement 2, as described and recorded in said Official Records Book 18350, page 464; thence along said boundary line the following 21 courses: Course 1, thence South 72°14'37" West, departing said Northerly line, 52.10 feet; Course 2, thence South 83°34'17" West, 67.99 feet; Course 3, thence South 48°16'30" West, 35.72 feet; Course 4, thence South 25°28'18" West, 36.82 feet; Course 5, thence South 78°45'22" West, 34.64 feet; Course 6, thence North 12°59'45" West, 44.41 feet; Course 7, thence South 77°55'33" West, 69.96 feet; Course 8, thence South 89°39'15" West, 23.38 feet; Course 9, thence South 22°27'28" West, 45.69 feet; Course 10, thence South 13°38'15" West, 83.30 feet; Course 11, thence North 76°26'52" East, 95.39 feet; Course 12, thence South 04°11'12" West, 61.79 feet; Course 13, thence South 29°32'22" West, 52.63 feet; Course 14, thence South 46°53'31" East, 47.89 feet; Course 15, thence North 66°23'57" East, 39.46 feet; Course 16, thence North 30°44'59" East, 61.68 feet; Course 17, thence North 47°15'03" East, 60.86 feet; Course 18, thence North 52°05'31" East, 57.81 feet; Course 19, thence North 39°57'02" East, 57.89 feet; Course 20, thence North 35°50'56" East, 67.00 feet; Course 21, thence North 18°42'15" East, 58.76 feet to a point lying on said Northerly line of Section 21; thence North 89°14'34"

East, departing said boundary line and along said Northerly line, 740.46 feet to the Northeast corner of said Section 21; thence South 00°26'43" East, along the Easterly line of said Section 21, a distance of 399.70 feet; thence South 64°24'35" West, continuing along said Easterly line, 1926.90 feet to the Point of Beginning.

Less and Except from the above described lands the following:

A portion of Section 21, Township 4 South, Range 28 East, of the City of Duval County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Northerly most corner of Wells Creek Phase 2A, as recorded in Plat Book 76, pages 80 through 87, of the current Public Records of said county, said corner lying on the Easterly line of said Section 21; thence North 25°18'58" West, along said Easterly line, 2470.39 feet, thence North 64°24'35" East, continuing along said Easterly line, 705.01 feet; thence North 25°35'25" West, departing said Easterly line, 310.65 feet to the Point of Beginning.

From said Point of Beginning, thence North 56°02'29" West, 53.47 feet; thence North 21°10'01" West, 65.86 feet; thence North 03°01'50" West, 44.35 feet; thence North 06°45'38" West, 70.01 feet; thence North 06°41'28" West, 47.95 feet; thence South 72°22'09" East, 34.76 feet; thence North 79°00'50" East, 35.58 feet; thence South 28°10'07" East, 50.16 feet; thence North 17°52'28" East, 65.85 feet; thence North 36°29'13" East, 46.17 feet; thence North 38°02'38" East, 51.62 feet; thence South 81°11'47" East, 33.90 feet; thence South 01°56'46" East, 16.17 feet; thence South 33°05'50" East, 21.93 feet; thence South 40°41'18" East, 40.65 feet; thence South 07°34'40" East, 53.35 feet; thence South 44°06'43" East, 35.27 feet; thence South 45°58'26" West, 39.53 feet; thence South 24°16'32" West, 41.90 feet; thence South 30°06'45" West, 65.33 feet; thence South 48°09'13" West, 105.23 feet; thence South 83°13'13" West, 34.44 feet to the Point of Beginning.

Containing 23.32 acres, more or less.