

THIS DOCUMENT PREPARED  
BY AND RETURN TO:

STEVE GREENHUT, ESQ.  
BALCH & BINGHAM, L.P.  
841 PRUDENTIAL DRIVE  
SUITE 1400  
JACKSONVILLE, FL 32207

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR BENTON LAKES**

This Amendment to Declarations of Covenants, Conditions and Restrictions ("Amended Declaration") is made effective November <sup>th</sup> 2013 by **DECATUR PROPERTIES, INC.**, a Georgia corporation ("Successor Developer"), having an address of 3490 Piedmont Road NE, Ste. 1550, Atlanta, Georgia 30305.

**WITNESSETH:**

**WHEREAS**, pursuant to that certain Certificate of Title recorded at ORB 15976, Page 812 of the Public Records of Duval County Florida, the Successor Developer has all rights of Developer under the Declaration of Covenants, Conditions and Restrictions which were recorded on May 27, 2008 at ORB 14513, Page 400 of the Public Records of Duval County, Florida (the "Declaration"); and

**WHEREAS**, Sections 1.1 and 7.9 of the Declaration allows the Developer, without the consent of the Members, to annex the Future Development Property (as defined in the Declaration), to the property described in the Declaration (the "Property"), and upon such annexation, the property annexed will be subject to the terms and conditions of the Declaration; and

**WHEREAS**, the Successor Developer is the owner of the real property more particularly described on Exhibit A attached hereto and made a part hereof (the "Annexed Property"), which is part of the Future Development Property; and

**WHEREAS**, the Successor Developer desires to annex the Annexed Property to the Property and make the Annexed Property subject to the terms and conditions of the Declaration.

**NOW THEREFORE**, the Successor Developer hereby declares that:

1. All of the foregoing Recitals are true and correct and hereby incorporated herein.
2. All capitalized terms contained in this Amended Declaration and which are defined by the Declaration, shall have the same meanings as such terms are defined by the Declaration.
3. The Annexed Property is hereby annexed into the Property and made subject to the terms and conditions of the Declaration.

4. In the event of conflict between the terms and provisions of the Declaration and this Amended Declaration, this Amended Declaration shall control. This Amended Declaration shall become effective upon its recordation in the public records of Duval County, Florida. Except as specifically supplemented hereby, the Declaration shall remain in full force and effect as originally executed and recorded.

**IN WITNESS WHEREOF**, the Successor Developer has caused this Amended Declaration to be duly executed as of the date first above written.

Signed, sealed and delivered  
in the presence of:

(Name) Shari m. Barrett

**DECATUR PROPERTIES, INC.**, a Georgia corporation

(Name) G. Andrew Fowler

By:

Print:

Its:

STATE OF Georgia )  
 )SS  
COUNTY OF Twinn )

By: \_\_\_\_\_  
Print: Ted W. Skopinski  
Its: VP

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of November, 2013, by Ted Skopinski, the VP of **DECATUR PROPERTIES, INC.**, a Georgia corporation, on behalf of the company.

Nicole C. Flores  
(Print Name Nicole C. Flores)  
NOTARY PUBLIC, State of Georgia at Large  
Commission # \_\_\_\_\_  
My Commission Expires: November 30, 2015  
Personally Known ☒ \_\_\_\_\_  
or Produced I.D. \_\_\_\_\_  
[check one of the above]  
Type of Identification Produced \_\_\_\_\_

**NICOLE C FLORES**  
Notary Public  
Gwinnett County, Georgia  
My Commission Expires November 30, 2015

EXHIBIT A

Property

Lot 6 and Lot 7, Lourcey's Farms, according to map or plat thereof as recorded in Plat Book 24, Page 57 of the Public Records of Duval County, Florida, less and except that portion platted as Benton Lakes, recorded in Plat Book 64, Pages 115 through 120, of the Public Records of Duval County, Florida.

## Darlene Harris

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**From:** Denise Wallace  
**Sent:** Monday, December 2, 2013 10:11 AM  
**To:** Darlene Harris  
**Subject:** FW: Amendment to Declaration  
**Attachments:** ATT00001.htm; balch\_logofb8736; Recorded Amendment to Declaration.pdf; ATT00002.htm

Dar,  
Please put in the appropriate file.  
Thanks

L. Denise Wallace, President  
BCM Services, Inc.  
920 3rd Street, Ste B  
Neptune Beach FL 32266  
(904) 242-0666  
(904) 242-0670  
E-mail: [denisew@bcmervices.net](mailto:denisew@bcmervices.net)

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**From:** Ross.McWilliams@lionbank.com [mailto:[ross.mcwilliams@lionbank.com](mailto:ross.mcwilliams@lionbank.com)]  
**Sent:** Monday, November 25, 2013 5:01 PM  
**To:** Matovina; Sharon Hudson; Denise Wallace; Ted Skopinski  
**Cc:** Nicole Flores  
**Subject:** Fwd: Amendment to Declaration

See attached for your records.

Begin forwarded message:

**From:** "DeGennaro, Erin" <[edegennaro@balch.com](mailto:edegennaro@balch.com)>  
**Date:** November 25, 2013 at 4:38:46 PM EST  
**To:** "[ross.mcwilliams@lionbank.com](mailto:ross.mcwilliams@lionbank.com)" <[ross.mcwilliams@lionbank.com](mailto:ross.mcwilliams@lionbank.com)>  
**Cc:** "Greenhut, Steven" <[sgreenhut@balch.com](mailto:sgreenhut@balch.com)>  
**Subject:** Amendment to Declaration

Ross,  
Attached is a copy of the recorded Amendment to Declaration for Benton Lakes. I will send you the original.

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