CFN # 2016010949, OR BK: 3836 PG: 385, Pages1 / 13, Recorded 3/7/2016 11:43 AM, Doc: RE TARA S. GREEN Clerk Circuit Court, Clay County, FL Rec: \$112.00 Deputy Clerk THACKERD

> Prepared by and Return to: D. Randall Briley, Esq. 2215 South Third Street, Ste. 101 Jacksonville Beach, FL 32250

SUPPLEMENTAL DECLARATION TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR MAGNOLIA POINT GOLF AND COUNTRY CLUB PHASE IV

(Magnolia Point Golf and Country Club Phase VIII-B)

THIS SUPPLEMENTAL DECLARATION is made this _____ day of ______ day of ______, 2016, by DREAM FINDERS HOMES, LLC, a Florida limited liability company ("Developer"), as consented to and joined in by DFH MAGNOLIA, LLC, a Florida limited liability company ("Land Owner").

RECITALS

Developer, by virtue of that certain Assignment and Assumption of Developer's A. Rights under Declaration of Covenants, Conditions, Easements, and Restrictions for Magnolia Point Golf and Country Club Phase IV dated November 8, 2012 and recorded on November 12, 2012 in Official Records Book 3469, page 1901, of the public records of Clay County, Florida, is the Developer under that certain Declaration of Covenants, Conditions, Easements, and Restrictions for Magnolia Point Golf and Country Club Phase IV dated and recorded on January 13, 2003 in Official Records Book 2144, page 358 (the "Initial Declaration"), as supplemented and/or amended by: (a) that certain Supplementary Declaration of Covenants and Restrictions for Magnolia Point (Magnolia Point Phase V), recorded in Official Records Book 2421, page 1850 (the "First Supplemental Declaration:); (b) that certain Supplementary Declaration of Covenants and Restrictions for Magnolia Point (Magnolia Point Phase VI), recorded in Official Records Book 2453, page 570 (the "Second Supplemental Declaration"); (c) that certain Supplementary Declaration of Covenants and Restrictions for Magnolia Point (Magnolia Point Phase VII), recorded in Official Records Book 2660, page 1949 (the "Third Supplemental Declaration"); (d) that certain First Amendment to Declaration of Covenants, Conditions, Easements, and Restrictions for Magnolia Point Golf and Country Club Phase IV, recorded in Official Records Book 2793, page 1276 (the "First Amendment"); and (e) that certain Assignment and Assumption of Developer's Rights Under Declaration of Covenants, Conditions, Easements, and Restrictions for Magnolia Point Golf and Country Club Phase IV, recorded in Official Records Book 3430, page 1764 (the "Prior Assignment"), all recorded in the public records of Clay County, Florida. The Initial Declaration, as supplemented and/or amended by the First Supplemental Declaration, the Second Supplemental Declaration, the Third Supplemental Declaration, the First Amendment, and the Prior Assignment, all as may further be amended and supplemented from time to time, are collectively referred to herein as the "Declaration."

B. Pursuant to Section 8.1(e) of the Declaration, the Developer may from time to time subject other land to the provisions of the Declaration.

C. Any addition of land authorized in Section 8.1.(e) of the Declaration must be made by filing a statement among the public records of Clay County incorporating the terms applicable to such additional land.

D. Land Owner is the record title holder of the real property described in <u>Exhibit "A"</u> attached ("Magnolia Point Phase VIII-B) and desires, and hereby consents to, the annexation of the Magnolia Point Phase VIII-B land by the Developer to the provisions of the Declaration.

E. Developer has agreed to subject the real property described in <u>Exhibit "A"</u> attached ("Magnolia Point Phase VIII-B") to the provisions of the Declaration.

NOW, THEREFORE, Developer hereby declares as follows:

1) The Magnolia Point Phase VIII-B land shall be held, sold, occupied, and conveyed subject to the plats and covenants, restrictions, limitations, conditions, easements, changes, and liens contained within the Declaration, which are for the purpose of protecting the value and desirability of and shall run with the Magnolia Point Phase VIII-B land and be binding upon all parties having any right, title, or interest in the Magnolia Point Phase VIII-B land or any part thereof, their heirs, successors, and assigns and shall inure to the benefit of each Owner thereof and the Developer.

 Except as modified and supplemented herein, the terms and conditions of the Declaration remain in full force and effect.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

IN WITNESS WHEREOF, this Supplemental Declaration has been executed as of the day and year first above written.

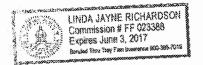
DREAM FINDERS HOMES, LLC

a Florida limited liability company By: Patrick Ø. Zalupski, Manager

STATE OF FLORIDA COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12^{+4} day of ..., 2016, by Patrick O. Zalupski, as Manager of DREAM FINDERS HOMES, LLC, a Florida limited liability company. He is personally known to me.

[Notary Seal must be affixed]



(Signature of Notary) (Print Name of Notary Public)

Notary Public, State of Florida My Commission Expires: $\sqrt{uxc} \ 3, 2i/7$ Commission No.: $FF \ \sigma 23385$

EXHIBIT "A"

LEGAL DESCRIPTION

Magnolia Point Golf and Country Club Phase VIII-B, according to the Plat thereof as recorded in Plat Book 57, Pages 67 through 70, inclusive, in the Public Records of Clay County, Florida.

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BK: 3836 PG: 389

3/7/2016

Landmark Web Official Records Search

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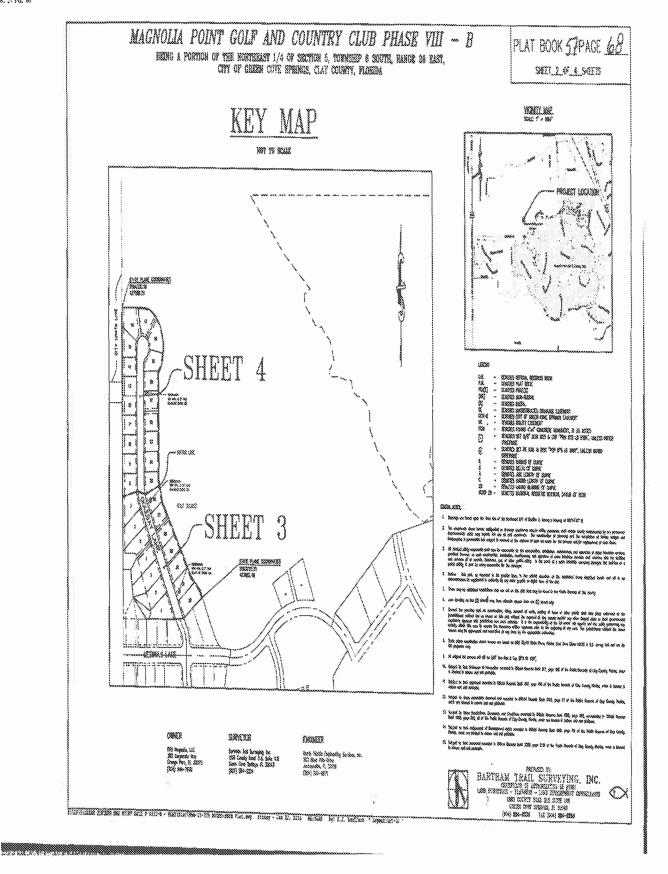
MAGNOLIA POINT GOLF AND COUNTRY CLUB PHASE VIII - B PLAT BOOK 57 PAGE 67 REING & PORTION OF THE MORTHELST 1/4 OF SECTION 5, TOTANSHIP & SOUTH, RUNCE 25 ELST, CITY OF GEEDS COST SPRENCS, CLAY COUNTY, FLOREDA SAGET _____OF____SHEETS SEE SHEET Z FOR GENERAL MOTES CHINE (05-05-15-01523)-412-03) KTEPTER AND TERMINE A host of bod king to strate to bod potch propositions or Proof 5 (Poulos of Lateral New Ke, 1, Art. $T^{(1)}_{1}$, a random 5 2000 boords bot 2000, pop 1000 of bot function if how Ke, 1, Art. $T^{(2)}_{1}$, a random 5 2000 boords bot 2000, pop 2000 of bot function if how Ke, and the probability and the bottles is boords if how Kertan. See Boords 1000 to the boords is bottle and population population population population of bottle and population popula No is to only theil (NS beyonds, 112, a forbit holds: backing suscept gluonoscie, be "Boost" is to other and r if the look backing is to applie house, some at depekting house backing the Shore Shore and the second second second second second second shore is to accelerate the second second second second second second second and a back shore and which, legislar shift is a substated at the second In these the source of the tot of a Stephen both and the spectrum both the source of the tot of a Stephen both the source of the tot of a Stephen both the source of the Be leasteder, bi success sel stalps, stel the ter right of sprace col-sessments segands as this dat he layous of sectuality of yes school org-ationsy failbas, parts, distant of standards anapping sectorizing system. arrays faculty, but a block of shortwork, and a fight for the form for the state where d deal to be form in the state with the last the state where d is the state with the last the state with the last the state with The Society SE successors and testyre, becay merces the view of privacy is great produced of values, successors in the holdscale and endowerses (budgets payses on a grand) of well with the produced budget endowerse in branch to the total survey of the **Societ** description were, as to the series of the space land. terminy bit are now or bac Bose assessants designated as "ACS-C", an loading dealected its the CBy at Chose Sports, by accreases and mathem, its its ann-accepts and its addition. an and stands and and a de to be stand and the stand state is albeen ferred, dawn ine associ idae praestr is is septed in is soccer. n 22 me Inst 292 -10: . Wala <u>te das feise p</u> CONTRACT OF APPROXE AND ACCOUNTS Kebecca & America and a south set of set and an and an advance and an and a set of the set of and and and and and and a set of an ADDERED READER 255 o' North Sooty of Lifel * il - itali a dostable soboour Patrice & boood Namoda 135, 1 398 Lush have LER'S CREWNE Same and a set 31.5 is an 1% first the period set and set of a set of the se A X X Dates KONTAL THANK Ma ty accession apres \$1253 Sur? 57 143.5 ON ARRESTS GREEATE SERVER'S CERENCE OF MINEY andte new body priče jed i z 20 to z ier native i jed čijel čeve Se la nativ Be jed i z 2000cm svit in nativesta of čevi Ratile za la odkatka bet od jed odkate vri in vezimate Se la Nabi Berna Be postojek z nati segan ina poz Se la Se jednost Be postojek nati segan ina poz Se jednost jednost jednosta e Q SHEWES STRAFT WRITENESS exhibitions and the set of the set and the defendation of the left structure of the set Box and for the ste NUMBER SE BARTRAM TRAL SURVEYING, INC. MADINE 9 AUTOMOTION SE SURVES - AUTOMOTION SE INCOMING SECONDARY CONSTRUCTS INCOMING SECONDARY IN SURVEY INCOMING SECONDARY IN SURVEY INCOMING SECONDARY IN SURVEYING Jacob J Jafad marine ar hange ware be using A SALE OF 151 92 han Ann 33887 Weinelanden (3 1927) New? t

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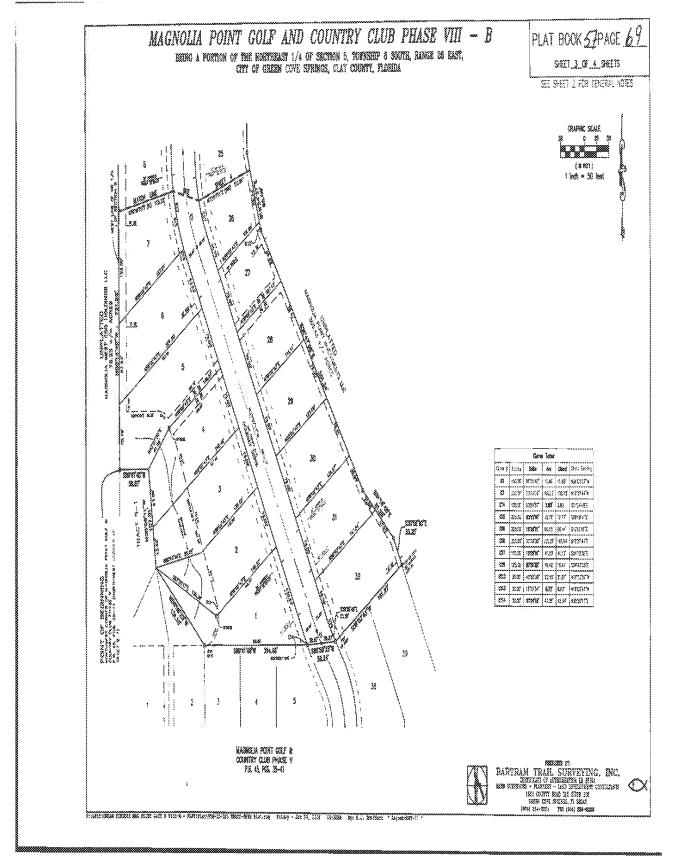
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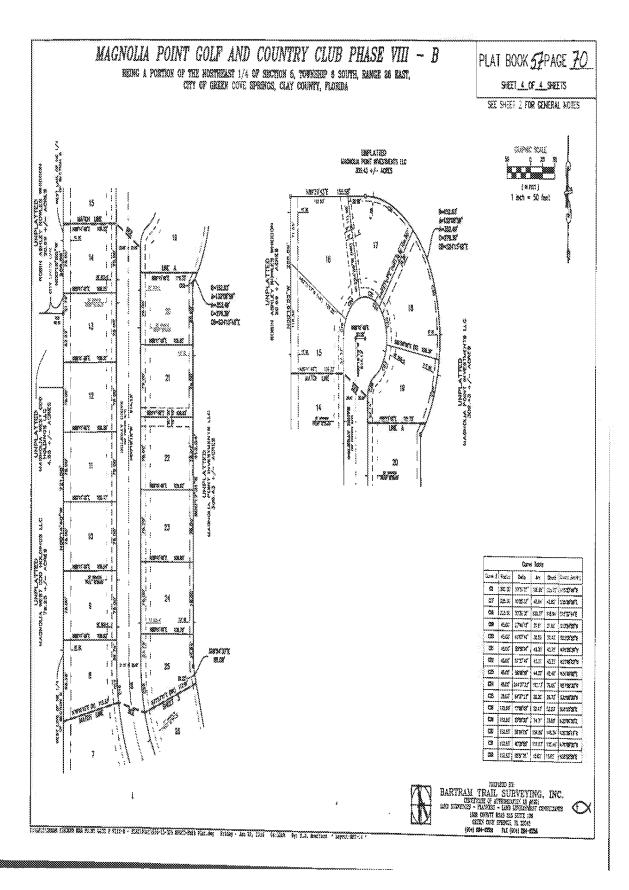
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CONSENT AND JOINDER OF PROPERTY OWNER

THE UNDERSIGNED, as owner of the Magnolia Point Phase VIII-B land more particularly described in Exhibit "A" attached hereto, consent to and joins in the execution of this Supplemental Declaration on the day and year first above written.

DFH MAGNOLIA, LLC

a Florida limited liability company

By: alupski. Manager

STATE OF FLORIDA COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this $\underline{/a^{\mathcal{H}}}$ day of $\underline{/a_{\mathcal{H}}}$, 2016, by Patrick O. Zalupski, as Manager of DFH MAGNOLIA, LLC, a Florida limited liability company. He is personally known to me

[Notary Seal must be affixed]

LINDA JAYNE RICHARDSON

Commission # FF 023388

Expires June 3, 2017

Bonded These Trace Feen Insue

(Signature of Notary) Linda Jayne Richardson (Print Name of Notary Public)

(Print Name of Notary Public) Notary Public, State of Florida My Commission Expires: Jude 3, 2017 Commission No.: FF 0 233 88

JOINDER AND CONSENT TO THE SUPPLEMENTAL DECLARATION TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR MAGNOLIA POINT GOLF AND COUNTRY CLUB PHASE IV (ADDING PHASE VIII-B)

KNOW ALL MEN BY THESE PRESENTS, that Medley Capital Corporation, a Delaware corporation, ("the Lender"), the owner and holder of the following described mortgage ("the Mortgage").

Mortgage, Security Agreement, Assignment of Rents & Fixtures Filing from DFH LAND, LLC, DFH GREYHAWK LLC, DFH WILDWOOD, LLC, DFH CORONA, LLC, DFH JOHNS LANDING, LLC, DFH MAGNOLIA, LLC and DFH MANDARIN, LLC, each a Florida limited liability company, to Lender, dated September 13, 2013, and recorded September, 19, 2013 in O.R. Book 3578, Page 758; Assignment of Leases and Rents and Security Deposits, dated September 13, 2013, recorded September 19, 2013 in O.R. Book 3578, Page 793; Assignment of Leases and Rents and Security Deposits to Medley Capital Corporation dated September 13, 2013, recorded September 19, 2013 in O.R. Book 3578, Page 1585; Assignment of Leases and Rents and Security Deposits dated June 30, 2014 and recorded July 8, 2014 in O. R. Book 3658, Page 1541; Agreement of Spreader and Modification of Mortgage Security Agreement, Assignment of Rents and Fixture Filing recorded July 8, 2014 in O.R. Book 3658, Page 1608; Modification Agreement dated June 30, 2014, and recorded July 8, 2014 in O.R. Book 3658, Page 1626; Modification Agreement recorded July 8, 2014 in O. R. Book 3658, Page 1650; Spreader Agreement and Modification of Mortgage, Security Agreement, Assignment of Rents and Fixture Filing dated July 29, 2014, recorded July 31, 2014 in O.R. Book 3665, Page 1253; Mortgage Security Agreement, Assignment of Rents and Fixture Filing dated May 29, 2015. recorded June 3, 2015 in O.R. Book 3753. Page 1562; Assignment of Leases and Rents and Security Deposits recorded June 3, 2015 in O. R. Book 3753. Page 1606; Modification Agreement recorded June 3, 2015 in O. R. Book 3753, Page 1639; UCC-1 Financing Statement recorded September 19, 2013 in O.R. Book 3578, Page 1599; Amended UCC-1 Financing Statement recorded July 8, 2014 in O.R. Book 3658, Page 1585, all of the Public Records of Clay County, Florida, hereby joins in and consents to the Supplemental Declaration To Declaration of Covenants, Conditions, Easements, and Restrictions for Magnolia Point Golf and Country Club Phase IV adding Phase VIII-B ("the "Declaration") by DREAM FINDERS HOMES, LLC, a Florida limited liability company and DFH MAGNOLIA, LLC, a Florida limited liability company, to which Declaration this joinder is attached for the purpose of acknowledging its consent to the covenants, conditions, restrictions, and easements of the Declaration and the imposition of the same upon the property subject to the Mortgage.

IN WITNESS WHEREOF, the Lender has caused this presents to be executed as of the 17 day of February, 2016.

Signature page follows

Witnesses:

itness Tennell LINDSU Print Name Vitness Print Name

Medley Capital Corporation, a Delaware corporation

By: Name: Richard Allorto

Its: Chief Financial Officer

STATE OF NEW YORK COUNTY OF Jan York

The foregoing instrument was acknowledged before me on this \square day of February, 2016, before me personally appeared Richard Allorto, as Chief Financial Officer of Medley Capital Corporation, on behalf of said corporation.

WITNESS my signature and official seal at <u>280</u> 9 w/c Ave , in the County and State aforesaid, the day and year last aforementioned.

NOTARY PUBLIC - State of New York

My Commission Expires: 6/17/2017

Cross Kaches Print Name

Personally known & OR Produced identification Type of Identification Produced

> Rachel Crum Notary Public, State of New York No. 91 CR6284283 Qualified In New York County My Campission Expires Jum 17, <u>2017</u>

> > Par

JOINDER AND CONSENT TO THE SUPPLEMENTAL DECLARATION TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR MAGNOLIA POINT GOLF AND COUNTRY CLUB PHASE IV (ADDING PHASE VIII-B)

KNOW ALL MEN BY THESE PRESENTS, that Texas Capital Bank, National Association, a national banking association, ("the Lender"), the owner and holder of the following described loan documents ("the Loan Documents").

Amended and Restated Mortgage, Security Agreement, Assignment of Rents, Fixture Filing and Spreader Agreement from DFH LAND, LLC, DFH GREYHAWK LLC, DFH WILDWOOD, LLC, DFH CORONA, LLC, DFH JOHNS LANDING, LLC, DFH MAGNOLIA, LLC and DFH MANDARIN, LLC, each a Florida limited liability company, to Lender., dated June 30, 2014, recorded on July 8, 2014, recorded in O.R. Book 3658, page 1546; Mortgage Modification Agreement and Notice of Future Advances dated January 28, 2015 recorded February 2, 2015 O.R. Book 3716, Page 53; Mortgage, Security Agreement, Assignment of Rents, Fixture Filing dated June 22, 2015, recorded on June 25, 2015, recorded in O.R. Book 3760, Page 1312; Mortgage Modification Agreement and Notice of Future Advances dated. October 15, 2015 recorded October 20, 2015 O.R. Book 3797, Page 1415; Mortgage Modification Agreement and Notice of Future Advances dated November 12, 2015 recorded November 17, 2015 O.R. Book 3806, Page 304; all of the Public Records of Clay County, Florida, hereby joins in and consents to the Supplemental Declaration To Declaration of Covenants, Conditions. Easements, and Restrictions for Magnolia Point Golf and Country Club Phase IV adding Phase VIII-B by DREAM FINDERS HOMES, LLC, a Florida limited liability company and DFH MAGNOLIA, LLC, a Florida limited liability company, to which Declaration this joinder is attached for the purpose of acknowledging its consent to the covenants, conditions, restrictions, and casements of the Declaration and the imposition of the same upon the property subject to the Mortgage.

(Signature page follows)

1 The IN WITNESS WHEREOF, the Lender has day of February, 2016.	s caused this presents to be executed as of the
Witnesses:	TEXAS CAPITAL BANK, NATIONAL ASSOCIATION,
<u>First Witness</u> <u>CAMPA MILLER</u> Print Name	as Administrative Agent By: Name: Its: Sa. P.
Duttomy Martinez Brittany Martinez	
STATE OF TEXAS COUNTY OF HUYVIG	-ith
The foregoing instrument was acknowledged before me on this day of $February$. 2016, before me personally appeared $Biroutted Diroutted Diroutted$	
WITNESS my signature and official seal at $Houston$, in the County and State aforesaid, the day and year last aforementioned.	
MARGARET NOLES My Notary ID # 124420527 Expires December 16, 2018	Marganet Nolls NOTARY RUBLIC - State of Texas
My Commission Expires: 12-16-18	Margaret NORS

Print Name)

Personally known XOR Produced identification
Type of Identification Produced _____