

**AMENDMENT TO DECLARATION OF COVENANTS
AND RESTRICTIONS FOR KENDALL CREEK**

THIS AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR KENDALL CREEK (“Amendment”) is made effective April 30th, 2015, by **GREENBRIAR HOLDINGS, LLC**, a Florida limited liability company (the “Developer”).

RECITALS:

A. The Declaration of Covenants and Restrictions for Kendall Creek dated February 6, 2015 is recorded in Official Records Book 3985, beginning at page 1897, of the public records of St. Johns County, Florida (the “Declaration”).

B. In accordance with the Developer’s unilateral right to amend the Declaration as set forth in Section 13.5 of the Declaration, and further to facilitate the continuation of the common scheme of development evidenced by the Declaration and the plats and other documents referenced therein, Declarant desires to amend the Declaration as more particularly described hereafter.

NOW THEREFORE, the Declarant hereby amends the Declaration as follows:

1. The Declarant hereby confirms the above-stated recitals are true and correct. To the extent not otherwise defined herein, all capitalized terms contained in this Amendment shall have the same meanings as such terms are defined by the Declaration.

2. The heading on Page 1 of the Declaration, Official Records Book Book 3985, Page 1902 is hereby deleted and replaced with the following:

**DECLARATION
OF
COVENANTS AND RESTRICTIONS
FOR
KENDALL CREEK**

3. The first sentence of Article II, Section 2.1, of the Declaration is hereby amended in its entirety as follows:

“Association” shall mean Kendall Creek Owners Association, Inc., a Florida corporation not-for profit.

4. The first sentence of Article II, Section 2.4, of the Declaration shall be deleted and replaced with the following:

Greebriar Holdings, LLC, a Florida limited liability company, and its successors and such of its assigns as to which the rights of the Developer hereunder are specifically assigned.

5. Article II, Section 2.9, of the Declaration is hereby deleted and replaced with the following:

Section 2.9 PUD. Planned Unit Development Ordinance Number 2013-02, as enacted by St. Johns County, Florida, as the same may be amended from time to time.

6. The following changes are made to Article VII, Section 7.2.1:

a. In the next to the last sentence of Article VII, Section 7.2.1, the Surface Water Permit number shall be 40-109-134997-2. Reference to 40-109-134437 is hereby deleted.

b. The last sentence of Article VII, Section 7.2.1, is hereby deleted and replaced with the following:

Assessments collected by the Association to fund reserves, if any, shall be collected for, and disbursed, as required by law, including without limitation, Section 720.303, Florida Statutes, as the same may be amended from time to time.

7. Article X, Section 10.2, of the Declaration is hereby amended in its entirety as follows:

Section 10.2 Living Area. Each detached single family residence constructed upon a Lot shall contain a minimum of two thousand (2,000) square feet of heated and air conditioned living area.

8. The first sentence of Article X, Section 10.22 of the Declaration is hereby amended in its entirety as follows:

Section 10.22 **Jurisdictional Areas and Permits.** THE PROPERTY HAS BEEN OR WILL BE DEVELOPED IN ACCORDANCE WITH ANY APPLICABLE PERMITS ISSUED BY THE ACOE AND PERMIT NUMBER 40-109-134997-2 ISSUED BY THE SJRWMD (THE "PERMITS").

8. Add the following new Section 10.24 to Article X of the Declaration:

10.24 Sidewalks. The Owner of a Lot building a residential dwelling unit on such Lot shall be responsible for constructing a sidewalk on or in front of such Lot, in accordance with the subdivision construction plans submitted to and approved by St. Johns County (the "Plans"). Such sidewalk shall be completed in accordance with the Plans prior to the issuance of a certificate of occupancy for a dwelling unit on a Lot.

9. Exhibit "B" of the Declaration is hereby replaced with the Exhibit "B" attached hereto.

IN WITNESS WHEREOF, the Declarant has executed this Amendment as of the date and year first above written.

Signed, sealed and delivered in the presence of:

GREENBRIAR HOLDINGS, LLC a Florida limited liability company

[Signature]
Witness
Print Name: Janeen L Rawlerson

By: [Signature]
Name: Andrew T. Norgart
Title: Vice President

[Signature]
Witness
Print Name: Danielle Foreman

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 30th day of April, 2015, by Andrew T. Norgart, Vice President of **GREENBRIAR HOLDINGS, LLC**, a Florida limited liability company, on behalf of the company.



[Signature]
Notary Public, State of Florida at Large
Print Name: Danielle Foreman
Commission # FF107845
My Commission Expires: Mar. 31, 2018
He/she is: [check one];
Personally known
OR Produced I.D. _____
Type of Identification Produced _____

**Electronic Articles of Incorporation
For**

N1500003673
FILED
April 10, 2015
Sec. Of State
mdickey

KENDALL CREEK OWNERS ASSOCIATION, INC.

The undersigned incorporator, for the purpose of forming a Florida not-for-profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

KENDALL CREEK OWNERS ASSOCIATION, INC.

Article II

The principal place of business address:

77 ALMERIA STREET
ST. AUGUSTINE, FL. 32084

The mailing address of the corporation is:

77 ALMERIA STREET
ST. AUGUSTINE, FL. 32084

Article III

The specific purpose for which this corporation is organized is:

TO PROVIDE FOR MAINTENANCE, PRESERVATION, AND ARCHITECTURAL CONTROL FOR THE PROPERTIES WITHIN THE RESIDENTIAL AREAS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR KENDALL CREEK SUBDIVISION

Article IV

The manner in which directors are elected or appointed is:

AS PROVIDED FOR IN THE BYLAWS.

Article V

The name and Florida street address of the registered agent is:

DAVID R REPASS
111 SOLANA ROAD
B
PONTE VEDRA BEACH, FL. 32082

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: DAVID R REPASS

N1500003673
FILED
April 10, 2015
Sec. Of State
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Article VI

The name and address of the incorporator is:

DAVID R. REPASS
111 SOLANA ROAD
B
PONTE VEDRA BEACH, FL 32082

Electronic Signature of Incorporator: D. R. REPASS

I am the incorporator submitting these Articles of Incorporation and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of this corporation and every year thereafter to maintain "active" status.

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P
NORGART T ANDREW
77 ALMERIA STREET
ST. AUGUSTINE, FL. 32084

Title: VP
JESSE P KILLEBREW
77 ALMERIA STREET
ST. AUGUSTINE, FL. 32084

Title: S
DANIELLE FOREMAN
77 ALMERIA STREET
ST. AUGUSTINE, FL. 32084