

(Mallory Park, Phase I, Subphase D and Phase II, Subphase A)
This instrument was prepared by and after recording return to
Steven M. Falk, Esq., Falk Law Firm, P.A.
7400 Tamiami Trail North, Suite 103
Naples, Florida 34108
(239) 596-8400

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR MALLORY PARK**

THIS AMENDMENT is executed by **DIVOSTA HOMES, L.P.**, a Delaware limited partnership ("Developer"), having an address of 24311 Walden Center Drive, Suite 300, Bonita Springs, FL 34134.

RECITALS

WHEREAS, on July 28, 2016, the Developer recorded a Declaration of Covenants, Conditions and Restrictions for Mallory Park in O.R. Book 2631, Page 4076, Public Records of Manatee County, Florida ("Declaration") and subjected the real property legally described in Exhibit "A" to the Declaration. The Developer reserved the right to amend the Declaration, including in order to subject additional real property to the Declaration and to otherwise amend the Declaration, and

NOW THEREFORE, the Developer hereby agrees and amends the Declaration as follows:

1. The foregoing recitals are hereby incorporated into and made a part hereof.
2. Exhibit "A" to the Declaration is hereby amended by the addition of the real property legally described in Exhibit "A" attached hereto, which shall be subject to the Declaration.
3. Exhibit "G" to the Declaration is hereby amended by the addition of the List of Holdings attached hereto as Exhibit "G".
4. Section 7.7 of the Declaration is amended as set forth in Exhibit "I" attached hereto.

IN WITNESS WHEREOF, Developer has executed this amendment effective as of the day and year written below.

Witnesses

DIVOSTA HOMES, L.P., a Delaware limited partnership

By: DiVosta Homes Holdings, LLC, a Delaware limited liability company, its general partner


Witness Name: Felipe Gonzalez

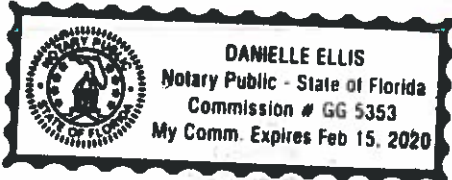
By: 
Michael Woolery
Its: Vice President-Land Acquisition
Southwest Florida Division


Witness Name: STEVE PLATZE

STATE OF FLORIDA)
COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me this 25th day of January, 2018, by Michael Woolery, as Vice President-Land Acquisition, Southwest Florida Division, of DiVosta Homes Holdings, LLC, general partner of DiVosta Homes, L.P., on behalf of said limited liability company and limited partnership. He is personally known to me or has produced _____ as identification and did take an oath.

(SEAL)





Notary Public
Name: Danielle Ellis
(Type or Print)
My Commission Expires: _____

EXHIBIT "A"

MALLORY PARK, PHASE I, SUBPHASE D, AND PHASE II, SUBPHASE A

DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 5, Township 35 South, Range 19 East, Manatee County, Florida, being more particularly described as follows:

BEGIN at the southeast corner of Mallory Park, Phase I, Subphase B as recorded in Plat Book 62, Page 6, in the Public Records of Manatee County, Florida; thence along the east line of said Mallory Park, Phase I, Subphase B, for the following two (2): (1) thence N.12°22'12"W., a distance of 83.21 feet; (2) thence N.14°13'26"W., a distance of 180.00 feet to the point of curvature of a radial curve to the right, having a radius of 803.00 feet and a central angle of 10°28'24"; thence westerly along the arc of said curve and along a line 5.00 feet southerly of and parallel with the northerly line of Tract 303 of said Mallory Park, Phase I, Subphase B, a distance of 146.79 feet, said curve having a chord bearing and distance of S.81°00'47"W., 146.58 feet, to the point of curvature of a non-tangent curve to the right, having a radius of 25.00 feet and a central angle of 37°27'05"; thence along said east line of Mallory Park, Phase I, Subphase B and the southerly continuation thereof for the following two (2) calls: (1) thence northerly along the arc of said curve, a distance of 16.34 feet, said curve having a chord bearing and distance of N.19°49'21"W., 16.05 feet, to the point of tangency of said curve; (2) thence N.01°05'49"W., a distance of 156.16 feet; thence S.88°54'11"W., a distance of 24.00 feet to the point of curvature of a radial curve to the right, having a radius of 25.00 feet and a central angle of 91°20'52", also being a point on the northerly boundary of Tract 304 of said Mallory Park, Phase I, Subphase B; thence along said northerly tract boundary for the following three (3) calls: (1) thence southwesterly along the arc of said curve, a distance of 39.86 feet, said curve having a chord bearing and distance of S.44°34'37"W., 35.77 feet, to the point of tangency of said curve; (2) thence N.89°44'57"W., a distance of 316.97 feet to the point of curvature of a curve to the right having a radius of 25.00 feet and a central angle of 17°36'20"; (3) thence westerly along the arc of said curve, a distance of 7.68 feet to the point of curvature of a non-tangent curve to the left, having a radius of 830.00 feet and a central angle of 06°40'27", also being a point on the southerly line of Mallory Park, Phase I, Subphases A, C and E, as recorded in Plat Book 60, Page 49, said Public Records; thence along said southerly line for the following four (4) calls; (1) thence northerly along the arc of said curve, a distance of 96.68 feet, said curve having a chord bearing and distance of N.04°32'53"W., 96.63 feet, to the point of reverse curvature of a curve to the right having a radius of 25.00 feet and a central angle of 98°08'10"; (2) thence northeasterly along the arc of said curve, a distance of 42.82 feet to the point of tangency of said curve; (3) thence S.89°44'57"E., a distance of 310.00 feet to the point of curvature of a curve to the left having a radius of 530.00 feet and a central angle of 04°54'16"; (4) thence easterly along the arc of said curve, a distance of 45.37 feet to the point of curvature of a non-tangent curve to the right, having a radius of 25.00 feet and a central angle of 12°40'39"; thence northerly along the arc of said curve, a distance of 5.53 feet, said curve having a chord bearing and distance of N.20°17'47"E., 5.52 feet, to the point of curvature of a non-tangent curve to the left, having a radius of 525.00 feet and a central angle of 07°52'55"; thence easterly along the arc of said curve, a distance of 72.22 feet, said curve having a chord bearing and distance of N.81°09'05"E., 72.16 feet, to the end of said curve, also being a point on the easterly line of said Mallory Park, Phase I, Subphases A, C and E; thence along said easterly line for the following six (6) calls: (1) thence N.12°47'22"W., a distance of 180.00 feet to the point of curvature of a radial curve to the left, having a radius of 345.00 feet and a central angle of 46°00'15"; (2) thence northeasterly along the arc of said curve, a distance of 277.01 feet, said curve having a chord bearing and distance of N.54°12'30"E., 269.63 feet, to the point of reverse curvature of a curve to the right having a radius of 655.00 feet and a central angle of 11°03'38"; (3) thence northeasterly along the arc of said curve, a distance of 126.44 feet to the point of curvature of a non-tangent curve to the left, having a radius of 2,092.00 feet and a central angle of 02°33'17"; (4) thence northerly along the arc of said curve, a distance of 93.28 feet, said curve having a chord bearing and distance of N.21°57'21"W., 93.28 feet, to the point of reverse curvature of a curve to the right having a radius of 3,638.00 feet and a central angle of 02°38'48"; (5) thence northerly along the arc of said curve, a distance of 168.05 feet to the end of said curve; (6) thence S.72°24'25"W., along said easterly line and the westerly extension thereof, a distance of 305.68 feet; thence N.17°35'35"W., a distance of 168.99 feet; thence N.57°04'43"E. along said easterly line of Mallory Park, Phase I, Subphases A, C and E and its westerly extension, a distance of 19.48 feet to the point of

curvature of a non-tangent curve to the right, having a radius of 60.00 feet and a central angle of $95^{\circ}19'06''$; thence along said easterly plat line and its northerly extension for the following two (2) calls: (1) thence northerly along the arc of said curve, a distance of 99.82 feet, said curve having a chord bearing and distance of $N.14^{\circ}44'16''E.$, 88.70 feet, to the end of said curve; (2) thence $N.17^{\circ}35'35''W.$, along a line non-tangent to said curve, a distance of 153.42 feet; thence $N.72^{\circ}24'25''E.$, a distance of 80.70 feet to the point of curvature of a curve to the right having a radius of 92.00 feet and a central angle of $47^{\circ}22'22''$; thence easterly along the arc of said curve, a distance of 76.07 feet to the point of reverse curvature of a curve to the left having a radius of 18.00 feet and a central angle of $47^{\circ}22'22''$; thence easterly along the arc of said curve, a distance of 14.88 feet to the point of tangency of said curve; thence $N.72^{\circ}24'25''E.$, a distance of 405.45 feet to the point of curvature of a non-tangent curve to the right, having a radius of 3,310.14 feet and a central angle of $03^{\circ}03'16''$; thence northerly along the arc of said curve, a distance of 176.47 feet, said curve having a chord bearing and distance of $N.13^{\circ}00'02''W.$, 176.44 feet to the end of said curve; thence $N.78^{\circ}31'36''E.$, radial to the last and next stated curves, a distance of 130.14 feet to the point of curvature of a radial curve to the right, having a radius of 3,180.00 feet and a central angle of $00^{\circ}17'59''$; thence northerly along the arc of said curve, a distance of 16.64 feet, said curve having a chord bearing and distance of $N.11^{\circ}19'24''W.$, 16.64 feet, to the end of said curve; thence $N.78^{\circ}49'35''E.$, radial to said curve, a distance of 250.00 feet to the point of curvature of a radial curve to the left, having a radius of 2,930.00 feet and a central angle of $12^{\circ}03'35''$, also being a point on the westerly right-of-way line of White Eagle Boulevard (130.00 foot wide public right-of-way) as recorded in Official Records Book 2576, Page 2256 of said Public Records; thence along said westerly right-of-way line for the following three (3) calls: (1) thence southerly along the arc of said curve, a distance of 616.72 feet, said curve having a chord bearing and distance of $S.17^{\circ}12'12''E.$, 615.58 feet, to the point of reverse curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of $23^{\circ}29'04''$; (2) thence southerly along the arc of said curve, a distance of 1,147.67 feet to the point of tangency of said curve; (3) thence $S.00^{\circ}15'04''W.$, a distance of 209.73 feet; thence $N.89^{\circ}44'57''W.$, a distance of 953.07 feet to the POINT OF BEGINNING.

EXHIBIT "G"

LIST OF HOLDINGS

The following is a complete listing of all common open space and improvements of the Mallory Park Homeowners Association, Inc. a non-profit Florida corporation, as of the date of recording of the Second Amendment to Declaration to which this Exhibit is attached. This organization has been established for the ownership and maintenance of all land, buildings, equipment, facilities, and other holdings as described and depicted on the Plat as Tracts, and as further described below.

Plat: Mallory Park, Phase I, Subphase D and Phase II, Subphase A

TRACT	DESCRIPTION
Tracts 305-307	Private Roadway, Drainage and Utility Easement and Public Utility Easement
Tracts 425-436	Common Area, Landscape, Drainage, Utility, Wall/Sign Easement

EXHIBIT "J"

Section 7.7 of the Declaration is amended to add the following language:

The plat contains wetlands and wetland buffers which are regulated in accordance with Section 706 of the Manatee Land Development Code. Unless permitted by the Land Development Code, the following acts are expressly prohibited within wetlands and wetland buffer areas without prior written consent of Manatee County:

1. "Development", as defined by the Land Development Code.
2. Construction or placing of buildings, roads, signs, billboards or other advertising, or other structure on or above the ground.
3. Construction or placing of utilities on, below or above the ground without appropriate local, state and federal permits or authorizations.
4. Dumping or placing of soil or other substances or material as landfill or dumping or placing trash, waste, unsightly or offensive materials.
5. Removal, mowing or trimming of trees, shrubs or other vegetation.
6. Application of herbicides, pesticides, or fertilizers.
7. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface.
8. Surface use except for purposes that permit the land or water areas to remain in its natural condition.
9. Planting of vegetative material that is not native to the Southwest region of Florida.

**CONSENT TO SUBDIVISION PLAT AND
ALL DEDICATIONS AND RESERVATIONS THEREON**

LAKWOOD RANCH STEWARDSHIP DISTRICT, an independent special district created by Local Bill No. 1429, codified at Chapter 2005-338, Laws of Florida, as amended ("District") is the Owner and holder of that certain lien upon the property by virtue of Benefit Special Assessments in favor of Owner, covering all or some portion of the real property located in Manatee County, Florida, constituting the subdivision plat of **Mallory Park, Phase I, Subphase D and Phase II, Subphase A** and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

For good and valuable consideration in hand paid by the record owner of said real property, receipt whereof is hereby acknowledged, hereby specifically consents to said subdivision plat and all dedications and reservations thereon, and releases from the lien any streets, thoroughfares, required utilities, and drainage or other easements dedicated to the general public on said subdivision plat.

IN WITNESS WHEREOF, Owner has caused these presents to be executed by its duly authorized officer this 25th day of SEPTEMBER, 2017.

ATTEST:

By: 
J. Scott Almand, Assistant Secretary

LAKWOOD RANCH STEWARDSHIP
DISTRICT

By: 
Anthony J. Chiofalo, Vice Chairman

Address: 14400 Covenant Way
Lakewood Ranch, Florida 34202

(SEAL)

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 25th day of SEPTEMBER, 2017, by Anthony J. Chiofalo, as Vice Chairman and J. Scott Almand, as Assistant Secretary, of Lakewood Ranch Stewardship District, an independent special district created by Local Bill No. 1429, codified at Chapter 2005-338, Laws of Florida, as amended, who are personally known to me or have produced _____ as identification and did (did not) take an oath.


NOTARY PUBLIC, STATE OF FLORIDA
Print Name: **Kathleen J. Horn**
My Commission Expires: 3/1/19
Commission Number: FF177517

APPROVED AND ACCEPTED FOR AND ON BEHALF OF THE COUNTY OF MANATEE,
FLORIDA, THIS _____ DAY OF _____, 2017.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: _____
Chairman

ATTEST: Angelina Colonnese
Clerk Ad Interim of the Circuit Court

EXHIBIT "A"

MALLORY PARK, PHASE I, SUBPHASE D AND PHASE II, SUBPHASE A

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Mallory Park, Phase I, Subphases A, C and E; thence along said easterly line for the following six (6) calls: (1) thence N.12°47'22"W., a distance of 180.00 feet to the point of curvature of a radial curve to the left, having a radius of 345.00 feet and a central angle of 46°00'15"; (2) thence northeasterly along the arc of said curve, a distance of 277.01 feet, said curve having a chord bearing and distance of N.54°12'30"E., 269.63 feet, to the point of reverse curvature of a curve to the right having a radius of 655.00 feet and a central angle of 11°03'38"; (3) thence northeasterly along the arc of said curve, a distance of 126.44 feet to the point of curvature of a non-tangent curve to the left, having a radius of 2,092.00 feet and a central angle of 02°33'17"; (4) thence northerly along the arc of said curve, a distance of 93.28 feet, said curve having a chord bearing and distance of N.21°57'21"W., 93.28 feet, to the point of reverse curvature of a curve to the right having a radius of 3,638.00 feet and a central angle of 02°38'48"; (5) thence northerly along the arc of said curve, a distance of 168.05 feet to the end of said curve; (6) thence S.72°24'25"W., along said easterly line and the westerly extension thereof, a distance of 305.68 feet; thence N.17°35'35"W., a distance of 168.99 feet; thence N.57°04'43"E. along said easterly line of Mallory Park, Phase I, Subphases A, C and E and its westerly extension, a distance of 19.48 feet to the point of curvature of a non-tangent curve to the right, having a radius of 60.00 feet and a central angle of 95°19'06"; thence along said easterly plat line and its northerly extension for the following two (2) calls; (1) thence northerly along the arc of said curve, a distance of 99.82 feet, said curve having a chord bearing and distance of N.14°44'16"E., 88.70 feet, to the end of said curve; (2) thence N.17°35'35"W., along a line non-tangent to said curve, a distance of 153.42 feet; thence N.72°24'25"E., a distance of 80.70 feet to the point of curvature of a curve to the right having a radius of 92.00 feet and a central angle of 47°22'22"; thence easterly along the arc of said curve, a distance of 76.07 feet to the point of reverse curvature of a curve to the left having a radius of 18.00 feet and a central angle of 47°22'22"; thence easterly along the arc of said curve, a distance of 14.88 feet to the point of tangency of said curve; thence N.72°24'25"E., a distance of 405.45 feet to the point of curvature of a non-tangent curve to the right, having a radius of 3,310.14 feet and a central angle of 03°03'16"; thence northerly along the arc of said curve, a distance of 176.47 feet, said curve having a chord bearing and distance of N.13°00'02"W., 176.44 feet to the end of said curve; thence N.78°31'36"E., radial to the last and next stated curves, a distance of 130.14 feet to the point of curvature of a radial curve to the right, having a radius of 3,180.00 feet and a central angle of 00°17'59"; thence northerly along the arc of said curve, a distance of 16.64 feet, said curve having a chord bearing and distance of N.11°19'24"W., 16.64 feet, to the end of said curve; thence N.78°49'35"E., radial to said curve, a distance of 250.00 feet to the point of curvature of a radial curve to the left, having a radius of 2,930.00 feet and a central angle of 12°03'35", also being a point on the westerly right-of-way line of White Eagle Boulevard (130.00 foot wide public right-of-way) as recorded in Official Records Book 2576, Page 2256 of said Public Records; thence along said westerly right-of-way line for the following three (3) calls: (1) thence southerly along the arc of said curve, a distance of 616.72 feet, said curve having a chord bearing and distance of S.17°12'12"E., 615.58 feet, to the point of reverse curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 23°29'04"; (2) thence southerly along the arc of said curve, a distance of 1,147.67 feet to the point of tangency of said curve; (3) thence S.00°15'04"W., a distance of 209.73 feet; thence N.89°44'57"W., a distance of 953.07 feet to the POINT OF BEGINNING.