

Prepared by and return to:
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**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR ELM CREEK**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ELM CREEK (this “**Amendment**”) is entered into as of this 17 day of August, 2022, by **RICHMOND AMERICAN HOMES OF FLORIDA, L.P.**, a Colorado limited partnership (the “**Declarant**”), as joined by the **ELM CREEK HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation (the “**Association**”).

RECITALS:

A. The Declaration of Covenants, Conditions, Restrictions and Easements for Elm Creek and Notice of Assessments for Elm Creek Homeowners Association, Inc. was recorded in Official Records Book 5485 Page 1093, Public Records of St. Johns County, Florida (the “**Declaration**”).

B. Pursuant to Declarant’s right to amend as set forth in Article 15, Section 15.6 of the Declaration, the Declarant, with the joinder of the Association, desires to further amend the Declaration as set forth in this Amendment.

NOW, THEREFORE, the parties hereby amend the Declaration as follows:

1. The above Recitals are true and correct and are incorporated herein by this reference.

2. Section 6.7 of Article 6 of the Declaration is hereby amended to provide subparagraph

6.7.1 as follows:

6.7.1 Sidewalks. Any Owner or Homebuilder developing or constructing a Unit as an initial improvement on a Lot shall construct any sidewalk on such Lot in accordance with the subdivision construction plans submitted to and approved by the County or any applicable government. Such sidewalk shall be completed prior to the issuance of a certificate of occupancy for the Unit.

3. As specifically amended hereby, all of the terms and provisions of the Declaration shall remain in full force and effect. In the event of any conflict between the provisions of the Declaration and the full provisions of this Amendment, the provisions of this Amendment shall supersede and prevail.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed by its duly authorized representative as of the day and year first above written.

Witnessed by:

**RICHMOND AMERICAN HOMES OF
FLORIDA, L.P., a Colorado limited partnership**

By: RAH of Florida, Inc., a Colorado corporation
Its: General Partner

Maura Kraft
Name: Maura Kraft

By: Matthew Stark
Name: Matthew Stark
Title: SVP Land Acquisition

Toni Ward
Name: Toni Ward

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization, this 18 day of AUGUST, 2022, by MATTHEW STARK, as
SVP LAND ACQUISITION of RAH of Florida, Inc., a Colorado corporation, General Partner of

RICHMOND AMERICAN HOMES OF FLORIDA, L.P., a Colorado limited partnership, on behalf of said partnership. He is personally known to me.



[Signature]
Name: AMANDA BRIAR
Notary Public, State of FL
Commission No. HH143929
My commission expires: 6/20/25

Witnesses:

ASSOCIATION:

ELM CREEK HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation

[Signature]
Name: maura kraft

By: [Signature]
Name: Alex Allison
Title: Director

[Signature]
Name: Toni Ward

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18 day of AUGUST, 2022, by ALEX ALLISON, as DIRECTOR of ELM CREEK HOMEOWNERS ASSOCIATION, INC., a Florida not-for-

profit corporation, on behalf of said corporation, who is personally known to me or produced
_____ as identification.



A Briar
Name: AMANDA BRIAR
Notary Public, State of FL
Commission No. HH143929
My commission expires: 6/20/25