

Prepared by and Record and  
Return to:

Mark C. Dearing, Esq.  
4220 Race Track Road  
St. Johns, FL 32259

**AMENDMENT TO DECLARATION OF COVENANTS,  
AND RESTRICTIONS FOR  
COPE'S LANDING**

This instrument ("**Amendment**") is made as of this 27 day of Sept., 2022 by D.R. HORTON, INC. – JACKSONVILLE, a Delaware corporation ("**Declarant**"), whose principal office is located at 4220 Race Track Road, St. Johns, Florida 32259.

WHEREAS, Declarant holds all rights as "Declarant" under that certain Declaration of Covenants and Restrictions for Cope's Landing, recorded in Official Records Book 20424, Page 2297 of the Public Records of Duval County, Florida (the "**Declaration**"); and

WHEREAS, the Declaration provides in Article XIV, Section 10, that Declarant may amend the Declaration so long as Declarant holds title to any of the Property affected by the Declaration; and

WHEREAS, an ambiguity exists with respect to certain ownership and maintenance rights with respect to certain Property subject to the Declaration; and

WHEREAS, Declarant desires to amend the Declaration to clarify the provisions of the Declaration with regard to certain matters contained therein;

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

1. The recitations set forth herein are true and correct and are incorporated herein by reference.
2. Unless otherwise defined herein, each term defined in the Declaration and used herein shall have its meaning as defined in the Declaration.
3. Article II, Section 32 of the Declaration is hereby amended and restated in its entirety to add the following underlined language:

Section 32. **Surface Water or Stormwater Management System.** A system which is designed and constructed or implemented within the Property to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system, as permitted pursuant to SJRWMD permit number 103892-6 (as amended, modified or extended, the "District Permit"), and pursuant to Chapter 62-330, F.A.C. or regulations of similar import. For purposes of this Declaration, the Surface Water or Stormwater Management System shall be deemed to be a part of the Common Area unless otherwise conveyed to the CDD.

4. The Declaration is hereby further amended to clarify that any rights, benefits or obligations granted to the Association, including but not limited to easement rights for access, maintenance and repair, are similarly granted for the right, benefit or obligation of the CDD as to any Property that is, will be or has been conveyed to the CDD; any references to the Association for any such rights shall be deemed to mean and refer to the CDD.

5. This Amendment shall become effective upon recording in the Public Records of Duval County, Florida.

6. The invalidity of any part of this Amendment shall not impair or affect in any manner the validity, enforceability, or effect of the balance of the Amendment which shall remain in full force and effect.

7. In the event of any conflict between the terms of this Amendment and the terms of the Declaration, the terms of this Amendment shall control. Except as expressly modified hereby, the Declaration shall remain in full force and effect in accordance with the terms thereof.

**[SIGNATURES ON NEXT PAGE]**

IN WITNESS WHEREOF, this Amendment has been signed by Declarant and joined in by the Association on the respective dates set forth below.

WITNESSES AS TO DECLARANT:

*Deborah McClure*  
Print Name: Deborah McClure

*Jennifer Grose*  
Print Name: Jennifer Grose

DECLARANT:

D.R. HORTON, INC. - JACKSONVILLE, a Delaware corporation

By: *John E. Zakoske*  
John E. Zakoske, Vice President

STATE OF FLORIDA        )  
                                          ) SS  
COUNTY OF ST. JOHNS    )

The foregoing instrument was acknowledged before me, by physical presence, this 27 day of Sept., 2022, by John E. Zakoske, the Vice President of D.R. HORTON, INC.-JACKSONVILLE, a Delaware corporation, on behalf of the corporation, who is personally known to me, who affixed thereto the seal of the corporation.



**DEBORAH E. MCCLURE**  
Commission # GG 967814  
Expires July 10, 2024  
Bonded Thru Budget Notary Services

*Deborah E. McClure*  
Notary Public, State and County Aforesaid  
Print Name: Deborah E. McClure  
Commission Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_