

Prepared by and return to:

Richard W. Hawthorne, Esq.  
Foley & Lardner LLP  
One Independent Drive, Suite 1300  
Jacksonville, Florida 32202  
025961/0109

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**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF THE COTTAGES AT WINDING CREEK, A CONDOMINIUM**

**THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE COTTAGES AT WINDING CREEK, A CONDOMINIUM** (the "Amendment"), is made as of November 14, 2007, by **COTTAGES AT WINDING CREEK, LTD.**, a Florida limited partnership (the "Developer").

**BACKGROUND FACTS**

A. The Developer is the owner and holder of the fee simple title to the real property described in Exhibit A to the Declaration of Condominium of The Cottages at Winding Creek, a Condominium, recorded in Official Records Book 3001, page 682, in the public records of St. Johns County, Florida (the "Declaration"). The Developer is the owner and holder of all the units in Buildings 6, 7, 8, and 9 as described in Exhibit B to the Declaration. All defined terms used in this Amendment shall have the same meaning as those ascribed to them in the Declaration.

B. The construction of Buildings 6, 7, 8, and 9 are now complete and have been completed subsequent to the recording of the Declaration.

C. The Developer desires to amend the certificate of the surveyor ("Surveyor's Certificate"), the as-built drawing ("As-Built Drawing") and survey, graphic description, plot plan and floor plans Exhibit B cover page notes ("Exhibit B Cover Page"), which were all attached as a part of Exhibit B to the Declaration, to indicate that Buildings 6, 7, 8, and 9 are complete.

**AMENDMENT**

In accordance with the terms of the Declaration and the requirements of the Condominium Act of the State of Florida, the Developer hereby amends the Declaration as follows:

1. **Background Facts.** The Background Facts as set forth above are agreed to be true and correct and are incorporated herein by this reference.

2. Amended Surveyor's Certificate, As-Built Drawing and Exhibit B Cover Page. Buildings 6, 7, 8, and 9 are now complete and the Surveyor's Certificate, As-Built Drawing and Exhibit B Cover Page recorded as part of the Declaration are amended and restated to be the Amended and Restated Surveyor's Certificate, As-Built Drawing and Exhibit B Cover Page attached hereto as Exhibit A-1 through Exhibit A-3 respectively.

3. Effect. Except as specifically amended herein, the Declaration shall remain in full force and effect.

*[The remainder of this page was left blank intentionally. Signature page to follow.]*

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IN WITNESS WHEREOF, the Developer has caused this Amendment to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

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COTTAGES AT WINDING CREEK, LTD.,  
a Florida limited partnership

By: Cottages at Winding Creek, LLC,  
a Florida limited liability company  
Its General Partner

By: Vestcor, Inc., a Florida Corporation  
Its Manager

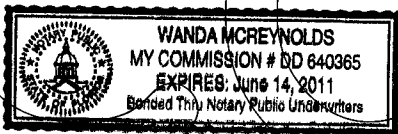
*Karen Duncan*  
Print Name: Karen Duncan  
*Wanda McReynolds*  
Print Name: WANDA MCREYNOLDS

By: *William L. Morgan*  
William L. Morgan  
Vice President  
Address: 3020 Hartley Road, Suite 300  
Jacksonville, FL 32257

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14 day of November, 2007, by William L. Morgan, as Vice President of Vestcor, Inc., a Florida corporation, Manager of Cottages at Winding Creek, LLC, a Florida limited liability company, general partner of Cottages at Winding Creek, Ltd., a Florida limited partnership, acting on behalf of the limited partnership. He is personally known to me or produced \_\_\_\_\_ as identification.

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NOTARY PUBLIC  
Print Name: *Wanda McReynolds*  
Serial Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
WANDA MCREYNOLDS

**THE COTTAGES AT WINDING CREEK, A CONDOMINIUM**

**ST. JOHNS COUNTY, FLORIDA**

CONDOMINIUM CERTIFICATE TO THE COTTAGES AT WINDING CREEK, A CONDOMINIUM:

I HEREBY CERTIFY THAT I AM A DULY REGISTERED PROFESSIONAL SURVEYOR AND MAPPER AUTHORIZED TO PRACTICE UNDER THE LAWS OF THE STATE OF FLORIDA, SURVEYOR NO. LS 5100, AND THAT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 718.104(4)(e), FLORIDA STATUTES, THE CONSTRUCTION OF THE IMPROVEMENTS CONSTITUTING BUILDINGS 1, 2, 4, 5, 6, 7, 8, AND 9 OF THE COTTAGES AT WINDING CREEK, INCLUDING WITHOUT LIMITATION, LANDSCAPING, UTILITY SERVICES, ACCESS TO BUILDINGS 1, 2, 4, 5, 6, 7, 8, AND 9 AND COMMON ELEMENT FACILITIES SERVING ALL SUCH IMPROVEMENTS, ARE SUBSTANTIALLY COMPLETE SO THAT THE MATERIAL, TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM OF THE COTTAGES AT WINDING CREEK, A CONDOMINIUM TO WHICH THIS CERTIFICATE IS ATTACHED, DESCRIBING THE CONDOMINIUM PROPERTY, IS AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF BUILDINGS 1, 2, 4, 5, 6, 7, 8, AND 9 IN THE COTTAGES AT WINDING CREEK, A CONDOMINIUM AND FURTHER THAT THE IDENTIFICATION, LOCATION AND DIMENSIONS OF THE COMMON ELEMENTS AND OF EACH UNIT IN BUILDINGS 1, 2, 4, 5, 6, 7, 8, AND 9 CAN BE DETERMINED FROM THESE MATERIALS.

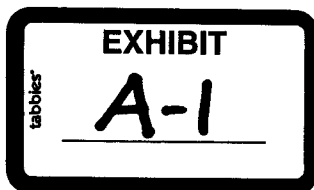
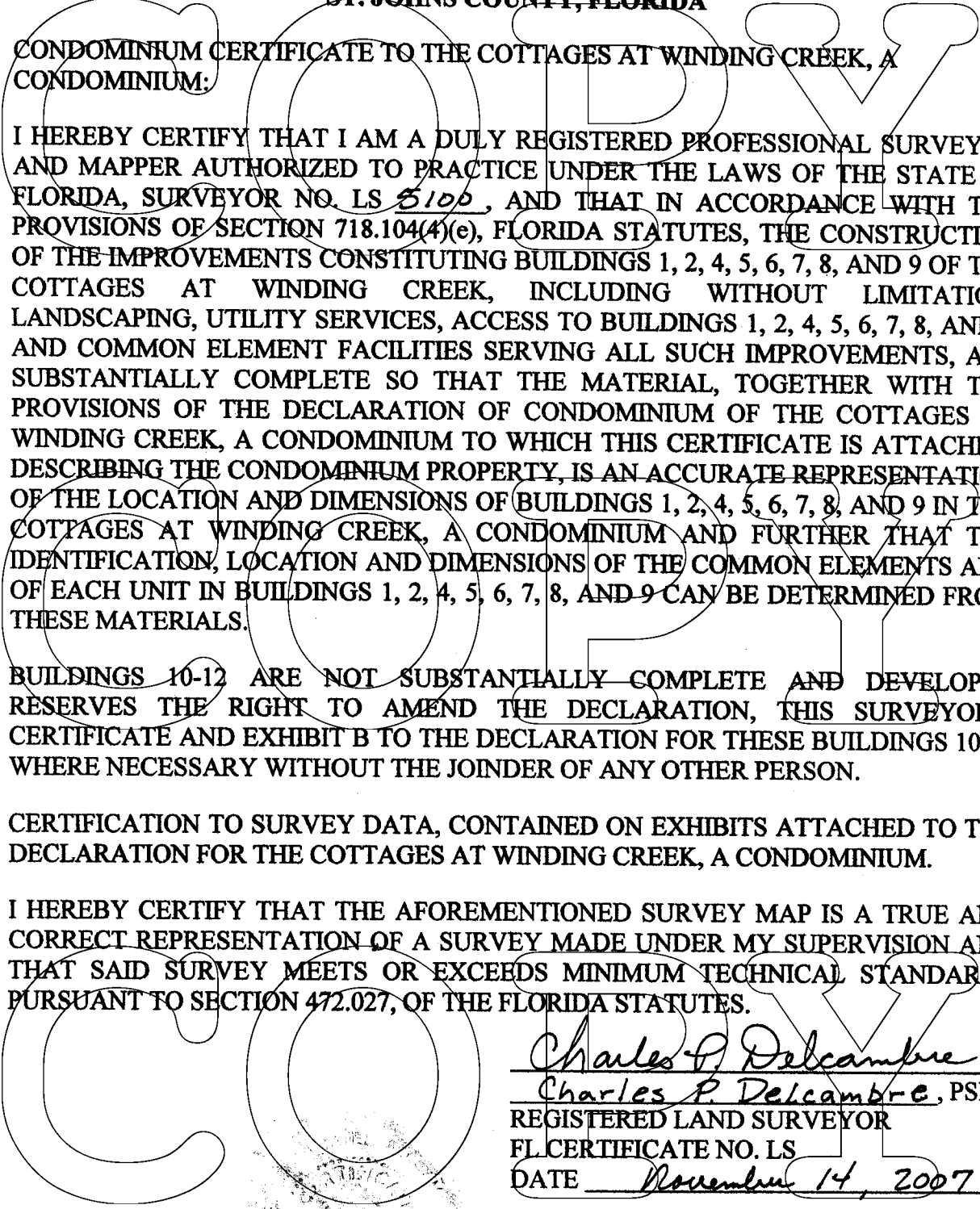
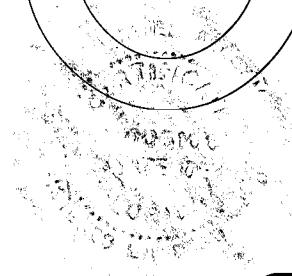
BUILDINGS 10-12 ARE NOT SUBSTANTIALLY COMPLETE AND DEVELOPER RESERVES THE RIGHT TO AMEND THE DECLARATION, THIS SURVEYOR'S CERTIFICATE AND EXHIBIT B TO THE DECLARATION FOR THESE BUILDINGS 10-12 WHERE NECESSARY WITHOUT THE JOINDER OF ANY OTHER PERSON.

CERTIFICATION TO SURVEY DATA, CONTAINED ON EXHIBITS ATTACHED TO THE DECLARATION FOR THE COTTAGES AT WINDING CREEK, A CONDOMINIUM.

I HEREBY CERTIFY THAT THE AFOREMENTIONED SURVEY MAP IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS MINIMUM TECHNICAL STANDARDS PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES.

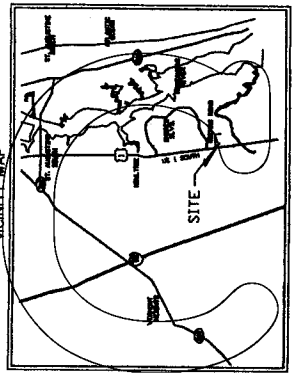
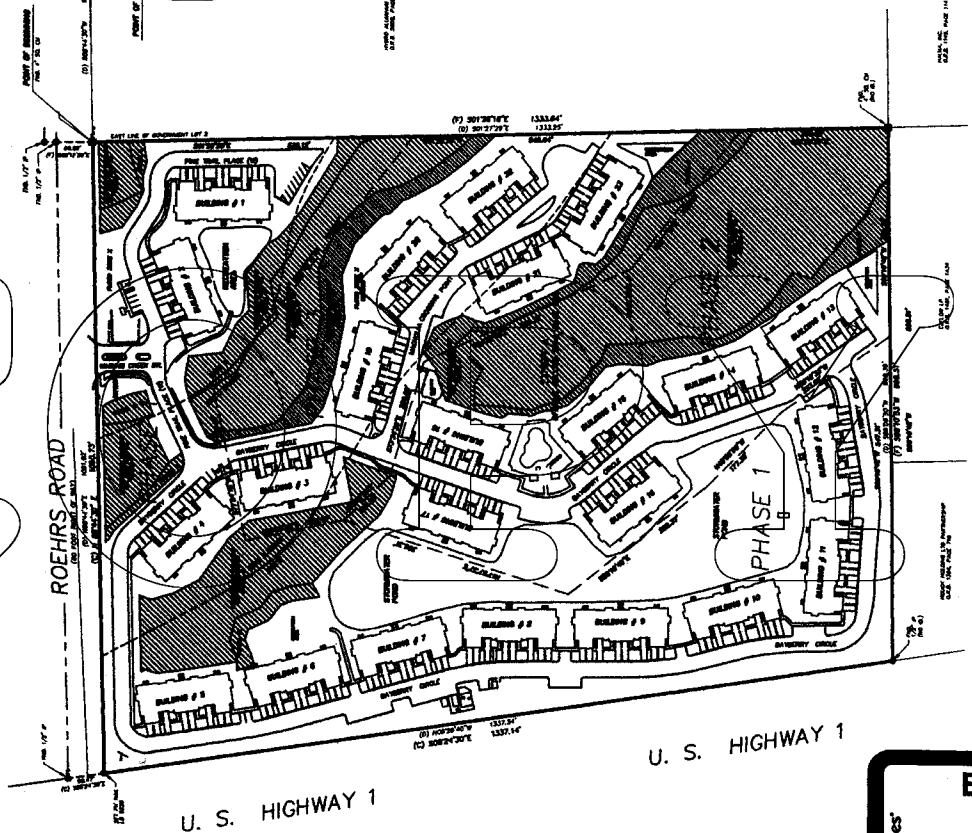
Charles P. Delcambre  
Charles P. Delcambre, PSM  
REGISTERED LAND SURVEYOR  
FL CERTIFICATE NO. LS  
DATE November 14, 2007

PREPARED BY:



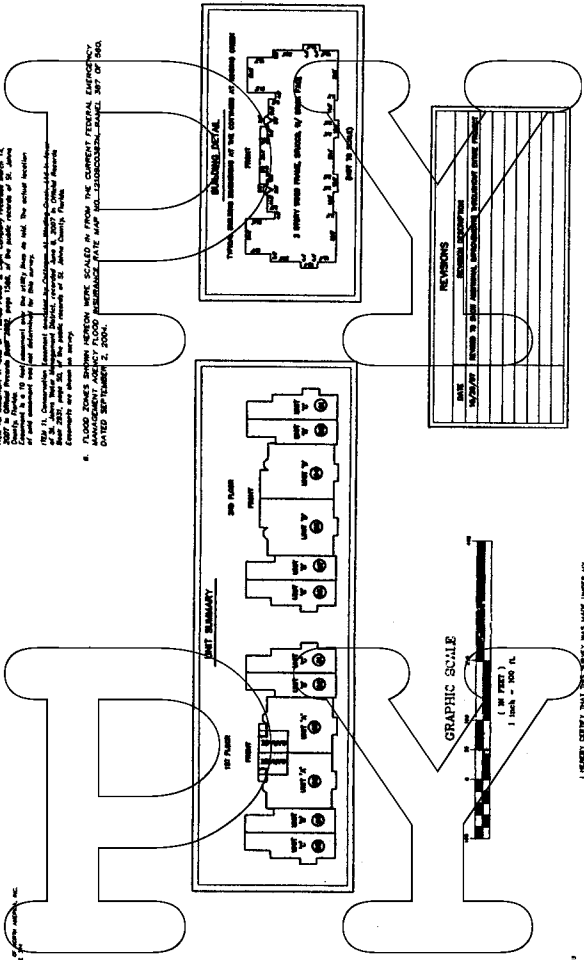
MAP SHOWING A BOUNDARY SURVEY OF:  
THE COTTAGES AT WINDING CREEK, A CONDOMINIUM

**COTTAGES AT WINDING CREEK PHASE 1**  
A portion of Lot 107, a portion of Condominium Unit 1, and a portion of the common areas of the Condominium Unit 1, as shown on the site plan, are being surveyed and shown as a portion of the common areas of the Condominium Unit 1. The survey shows the boundaries of the common areas and the boundaries of the individual units. The survey also shows the location of the easements for the utility lines and the easements for the access to the common areas. The survey was conducted on June 12, 2007, and the plat was recorded on June 15, 2007.



SOUTH ST. AUGUSTINE, FLORIDA NOT TO SCALE

- REMARKS:**
- THIS IS A BOUNDARY SURVEY. THE MAP SHOWS THE LOCATION OF THE BOUNDARIES AND THE CURRENT ENCUMBRANCES AT THE COTTAGES AT WINDING CREEK.
  - AT THE TIME OF THIS SURVEY (10-NOV-2007) BLOCKS 1, 2 AND 3 THROUGH 12 AND THE COMMON AREAS OF THE CONDOMINIUM UNIT 1 WERE UNDER CONSTRUCTION.
  - BOUNDARY AS SHOWN IS BASED ON LEGAL DESCRIPTION OF SUBJECT PROPERTY, AS SHOWN IN THE TITLE POLICY, PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, EFFECTIVE DATE OF JUNE 12, 2007.
  - THE SURVEY OF THE COMMON AREAS OF THE CONDOMINIUM UNIT 1 WAS CONDUCTED ON THE NORTHERLY ADJOINING LAND OF SUBJECT PROPERTY, AS SHOWN ON THE MAP, IN THE WINTER OF 2007.
  - AT THE ABOVE REFERENCED TITLE COMMITMENT, ONE AS EXHIBIT, THE PROPERTY IS SHOWN AS A PORTION OF THE COMMON AREAS OF THE CONDOMINIUM UNIT 1.



DATE	REVISION DESCRIPTION
10/11/07	INITIAL SURVEY
10/15/07	REVISION 1 - CORRECTED DIMENSIONS

CLIENT  
**THE COTTAGES AT WINDING CREEK LLC**

LAND AND ENGINEERING SURVEYERS  
**ATLANTIC-GULF SURVEYING CO., INC.**  
5405 POWERS AVENUE, JACKSONVILLE, FLORIDA 32217  
PHONE NO. (904) 751-1541 - FAX (904) 638-8828

SHEET 1 OF 3  
NOT VALID WITHOUT ACCOMPANYING SHEETS

11-13-07  
Charles F. Robinson  
CHARLES F. ROBINSON, P.E., LICENSE NO. 19957

tabbles  
**EXHIBIT**  
**A-2**  
1 of 3

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL FAIRED SEAL OF A FLORIDA LICENSED SURVEYOR AND HAPPE THIS DRAWING, SECTION, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

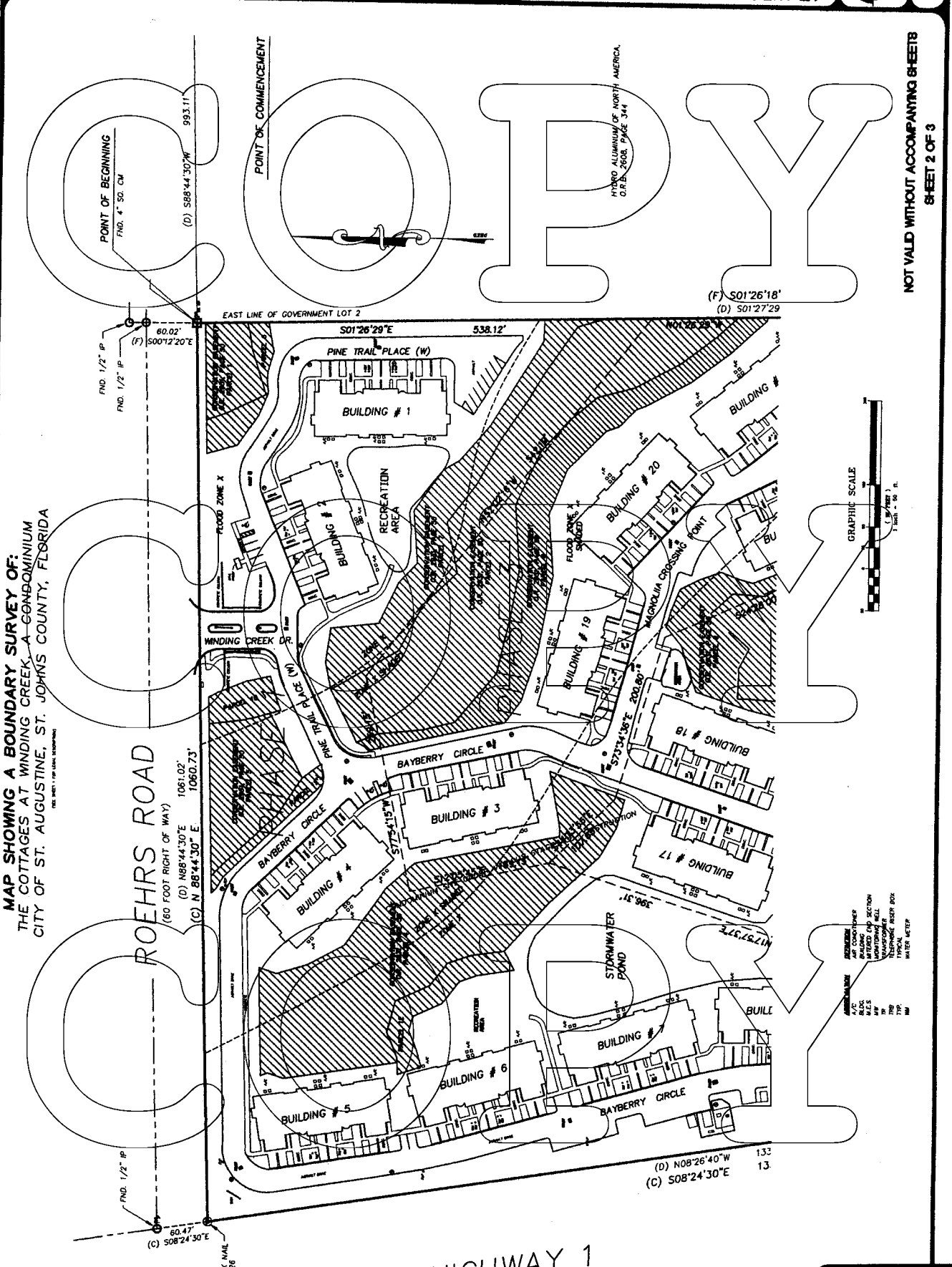
ATLANTIC-GULF SURVEYING CO., INC.  
 LAND AND ENGINEERING SURVEYS  
 LICENSED SURVEYORS NO. 8238  
 4435 POWER AVENUE, SUITE 300, FORT WORTH, TEXAS 76106  
 PHONE NO. (817) 731-3441 - FAX (817) 731-3442  
 LICENSE NO. 122726

CLIENT  
 THE COTTAGES AT WINDING CREEK LLC

DATE  
 12/27/20

REVISION DESCRIPTION

LEGEND



NOT VALID WITHOUT ACCOMPANYING SHEETS  
 SHEET 2 OF 3

EXHIBIT  
**A-2**  
 2 of 3

THIS DRAWING IS THE PROPERTY OF ATLANTIC-GULF SURVEYING CO., INC. ANY USE OR REPRODUCTION WITHOUT THE EXPRESS WRITTEN PERMISSION OF THIS CORPORATION IS PROHIBITED.



**EXHIBIT A-3**  
**(Exhibit B Cover Page)**  
**EXHIBIT B**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**Survey, Graphic Description, Plot Plan and Floor Plans**

1. All improvements except those improvements shown on the attached survey and specifically referenced in Item 8 below are proposed.
2. Other than Units and Limited Common Elements, all improvements are Common Elements.
3. Storage Closet, Patio and Balcony areas are Limited Common Elements.
4. Covered entryways are Limited Common Elements.
5. Driveways are Limited Common Elements.
6. Each Unit will be identified by a unique four digit number consisting of the Building Number as shown on the attached site plan and the unit number shown on the attached floor plans. For example, the right Unit Ashton type in Building 11 will be identified as Unit 1106 and the left Unit Darlington in Building 2 will be identified as Unit 204.
7. Each Building is one of the two types (A or B) depending on the location of the fire riser room. In Type A buildings, the fire riser room is located in the Camellia type Unit with the last two digits of the unit number ending in 01. In type B buildings, the fire riser room is located in the Camellia type Unit with the last two digits of the unit number ending in 08. The site plan indicates which buildings are Type A and which buildings are Type B. The fire riser room is a Common Element.
8. At the time of the initial recording of this Declaration of Condominium, as evidenced by the Surveyor's Certificate appended hereto, the survey, plot plan, and graphic description of improvements of The Cottages at Winding Creek, a Condominium, only Buildings "1, 2, 4, 5, 6, 7, 8, and 9" are completed and certified to be in accordance with the requirements of F.S. 718.104. Building(s) "10" through "12", are under construction at the time of the recording of this Declaration of Condominium but are not sufficiently complete to permit the Surveyor's Certificate to be given. On their completion (separately or together), this Declaration of Condominium, the Surveyor's Certificate, and this exhibit will be amended or supplemented from time to time by the recording of as-built drawings where necessary and by adding the Surveyor's Certificate with respect to the additional completed building(s) as they individually or in concert become



sufficiently complete. The Developer reserves the right to amend and supplement this Declaration of Condominium and this Exhibit B by issuing, executing, and causing to be recorded those amendments, modifications, and supplements, adding the additional drawings and Surveyors' Certificates as aforesaid from time to time, and without requiring the joinder of any other person.

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