

THIS DOCUMENT PREPARED
BY AND RETURN TO:

G. TODD COFFRILL, ESQUIRE
PAPPAS, METCALF, JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE, SUITE 400
JACKSONVILLE, FLORIDA 32202

COPY

**SIXTH AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
THE COTTAGES AT WINDING CREEK, A CONDOMINIUM
(Phase III)**

This **SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR THE COTTAGES AT WINDING CREEK, A CONDOMINIUM** (the "Amendment") is made this 27th day of September, 2010, by **COTTAGES AT WINDING, LTD.**, a Florida limited partnership (the "Developer").

RECITALS:

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A. Developer has subjected certain property to the condominium form of ownership, as more fully described in the Declaration of Condominium of The Cottages at Winding Creek, a Condominium, recorded in Official Records Book 3001, page 682, of the public records of St. Johns County, Florida, as amended (together, the "Declaration"). All capitalized terms in this Amendment that are not defined in this Amendment shall have the same meaning ascribed to them in the Declaration.

B. The Cottages at Winding Creek, a Condominium (the "Condominium") is a phased condominium created pursuant to Florida Statutes, Section 718.403.

C. Pursuant to the rights and obligations of Section 718.403, the rules and regulations issued in connection therewith, and the provisions of Sections 4(a) and 6 of the Declaration, Developer desires to amend the Declaration to submit the Phase III Lands as described in Section 4(a) of the Declaration and in the attached **Exhibit "A"** (the "Phase III Lands"), to the Declaration under the terms more fully set forth herein.

NOW THEREFORE, in consideration of the premises, Developer hereby amends the Declaration and makes the following statements with respect to the Declaration as follows:

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1. Developer, being the owner of fee simple title of record of the Phase III Lands, located in St. Johns County, Florida, submits the Phase III Lands and improvements thereon to the Condominium Form of Ownership as an addition to the Condominium, pursuant to Chapter 718 of the *Florida Statutes* (2009) (the "Act"), subject to the restrictions and reservations set forth in the Declaration. All references to the Condominium or to the Condominium Property herein or in the Declaration shall mean and refer to the lands contained in Phase I Lands, Phase II Lands, and Phase III Lands.

2. Article 11 of the Declaration is amended and restated in its entirety as follows:

~~11. PERCENTAGE OF OWNERSHIP OF COMMON EXPENSES AND COMMON SURPLUS.~~ The undivided share of the Common Expenses and ownership of the Common Elements and Common Surplus attributable to each Condominium Unit shall be computed upon the following basis: the Developer has not considered the size of the Unit in apportioning the Common Expenses and in determining the ownership of Common Elements and Common Surplus. Each Unit in the Condominium has an undivided one hundred thirty-sixth (1/184th) share in the ownership of the Common Elements and the Common Surplus, and in apportioning the Common Expenses.

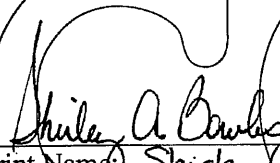
3. The survey attached to the Declaration as a portion of Exhibit B, is amended and restated in its entirety with the Survey of the Phase I Lands, Phase II Lands, and Phase III Lands attached as **Exhibit B-1**. A certificate of a surveyor or statement in conformance with Section 718.104(4)(e) of the Act for the Phase III lands is attached to this Amendment as **Exhibit B-2**. Such certificate supplements the surveyor's certificate attached as a portion of Exhibit B attached to the Declaration. A plot plan showing the Phase III Lands and graphic description and floor plans of the improvements within the Phase III Lands is included with (n Exhibit B attached to the Declaration. The graphic description and floor plans for each Unit within the Phase III Lands contains an identification by letter, name or number or combination thereof, of each Unit within the Phase III Lands as required by Section 718.403(6)(c) of the Act.


4. Except as herein amended, the terms and conditions of the Declaration remain in full force and effect.

IN WITNESS WHEREOF, this Sixth Amendment has been duly executed as of the date first set forth above.

Witnesses:

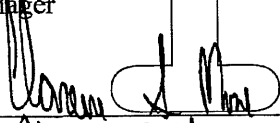
COTTAGES AT WINDING CREEK, LTD.,
a Florida limited partnership


 Print Name: Shirley A. Bowles


 Print Name: Jamie Friedman

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

By: Vestcor, Inc., a Florida corporation, its Manager

By: 
 Name: Clarence S. More
 Its: Vice President

STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument was acknowledged before me this 23rd day of September 2010, by Clarence S. Moore, the Vice President of Vestcor, Inc., a Florida corporation, the Manager of The Cottages at Winding Creek, LLC, a Florida limited liability company, the General Partner of The Cottages at Winding Creek, Ltd., a Florida limited partnership, on behalf of the partnership.

Shirley A. Bowles

Print Name: Shirley A. Bowles

NOTARY PUBLIC

State of Florida at Large

Commission # DD 676820

My Commission Expires: 08/11/2011

Personally Known

Or Produced ID

[check one of the above]

Type of Identification Produced:



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CONSENT OF MORTGAGEE

The undersigned, the holder of that certain Mortgage, Security Agreement and Financing Statement recorded in Official Records Book 2610, Page 516 of the Public Records of St. Johns County, Florida (as amended, the "Mortgage"), encumbering the lands described on Exhibit "A" ("Phase III Lands") to this Sixth Amendment of the Declaration of Condominium of The Cottages at Winding Creek, a Condominium (the "Amendment"), to which this Consent of Mortgagee is attached and for which this Consent is executed, hereby consents to the Amendment and agrees that the lien of its Mortgage, to the extent it encumbers the Phase III Lands, shall be upon all of the condominium units created within Phase III of The Cottages at Winding Creek, a Condominium, according to this Declaration thereof as amended to date and by this Amendment, together with all of the appurtenances thereto including but not limited to, any common elements or limited common elements appurtenant to the Phase III condominium units and to the undivided shares of the common elements allocated to the condominium units in Phase III.

This instrument is executed by the undersigned for the purpose of complying with or pursuant to Florida Statutes, Chapter 718. Executed this 23 day of September, 2010.

COMPASS BANK

Elizabeth Terrill
Print Name: Elizabeth Terrill
Tammy Dobson
Print Name: Tammy Dobson

By: C French Varbrough
Print Name: C FRENCH VARBROUGH
Its: SVP
Address: 10060 SKINNER LAKE DR - JACKSONVILLE FL 32246

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 23 day of Sept, 2010, by C FRENCH VARBROUGH, as SVP of Compass Bank, on behalf of the Bank. He/she is personally known to be or has produced _____ as identification.

Linda L Wilds
NOTARY PUBLIC
Print Name: _____
Serial Number: _____
My Commission Expires: _____



EXHIBIT A

PHASE III LANDS

COTTAGES AT WINDING CREEK PHASE 3

A Parcel of land being a portion of Government Lot 2, Section 30, Township 8 South, Range 30 East, St. Johns County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 30, said corner being on the Southerly right of way line of V.A.W. Road, thence South $88^{\circ}44'30''$ West, a distance of 993.11 feet to the Northeast corner of said Government Lot 2; thence South $01^{\circ}26'29''$ East, along the Easterly line of Government Lot 2, a distance of 538.12 feet to the Point of Beginning of Phase 3; thence North $52^{\circ}02'16''$ West, a distance of 542.19 feet; thence South $77^{\circ}54'15''$ West, a distance of 259.15 feet; thence South $12^{\circ}05'45''$ East, a distance of 169.13 feet; thence South $44^{\circ}13'55''$ East, a distance of 107.63 feet; thence South $73^{\circ}34'36''$ East, a distance of 200.80 feet; thence South $24^{\circ}28'00''$ East, a distance of 381.38 feet; thence South $52^{\circ}11'11''$ East, a distance of 295.68 feet to the aforementioned Easterly line of Government Lot 2; thence North $01^{\circ}26'29''$ West, along said Easterly line, a distance of 548.64 feet to the Point of Beginning of Phase 3.

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EXHIBIT B-1

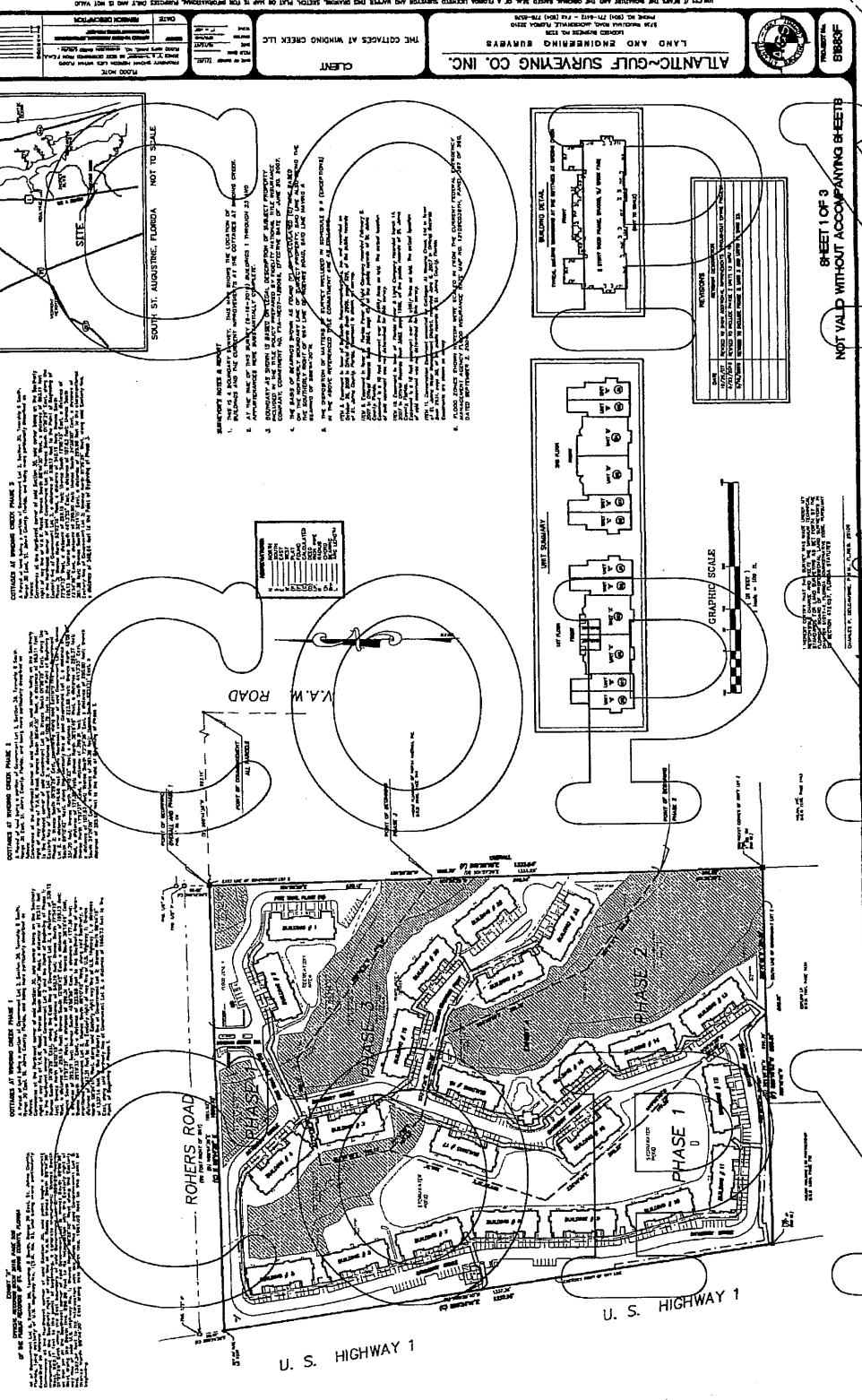
SURVEY

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



CONTRACTOR'S NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN THE ACCURACY OF ALL SURVEY DATA.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
6. THE CONTRACTOR SHALL MAINTAIN THE ACCURACY OF ALL SURVEY DATA.

REVISIONS:

NO.	DATE	DESCRIPTION
1	09/27/2010	ISSUED FOR PERMITTING

CLIENT: THE COTTAGES AT WINDING CREEK LLC

LAND AND ENGINEERING SURVEYING CO., INC.
1215 N. WINDING CREEK ROAD
SOUTH ST. AUGUSTINE, FLORIDA 32080
PHONE: (904) 775-1111 FAX: (904) 775-1112
WWW.AESURVEYING.COM

DATE: 09/27/2010

PROJECT: THE COTTAGES AT WINDING CREEK

SCALE: AS SHOWN

PROJECT NO.: 10000

DATE: 09/27/2010

PROJECT: THE COTTAGES AT WINDING CREEK

SCALE: AS SHOWN

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SCALE: AS SHOWN

PROJECT NO.: 10000

PHASE 1

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PHASE 3

PHASE 4

PHASE 5

PHASE 6

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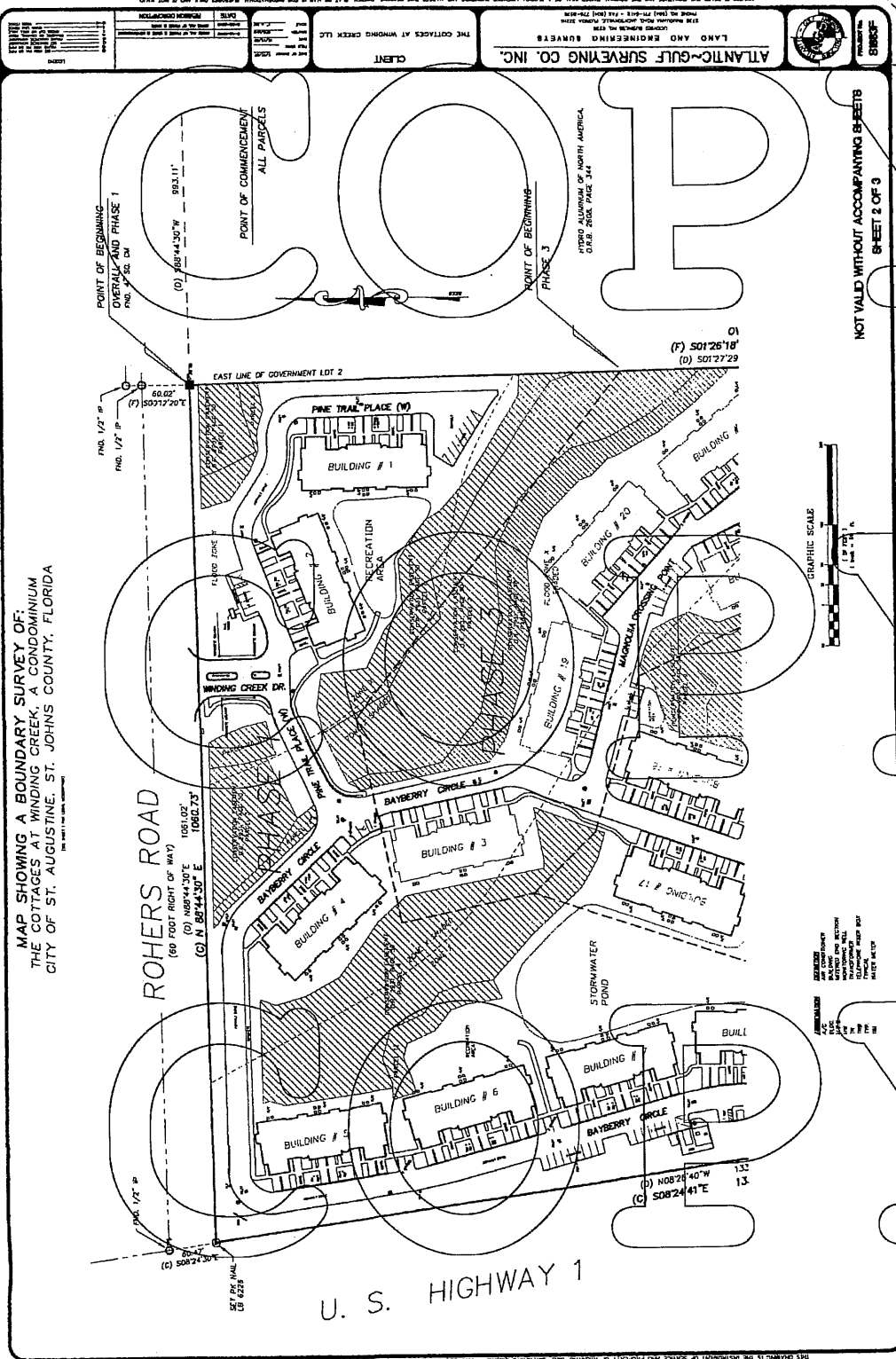
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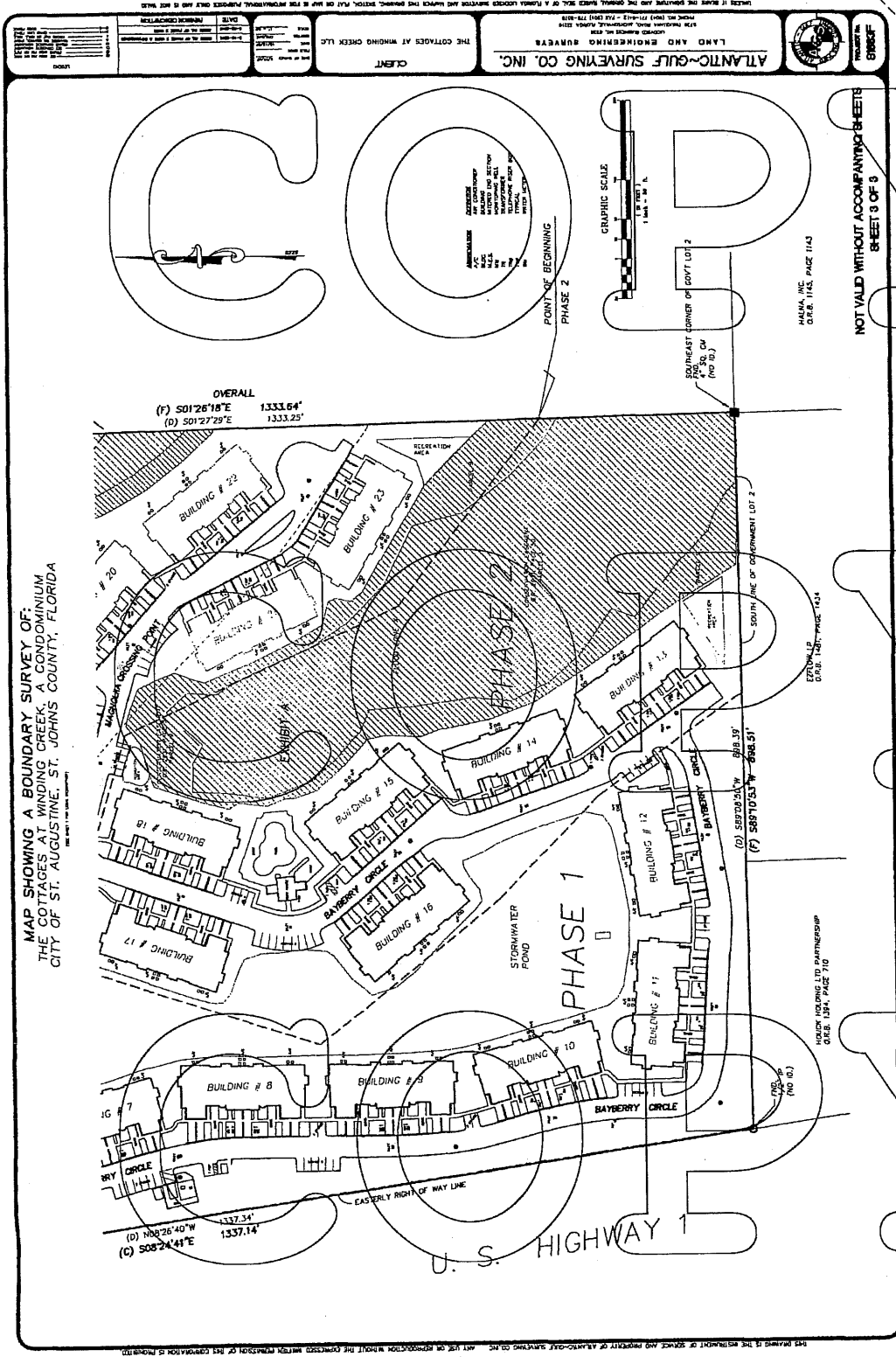
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THIS DRAWING IS THE PROPERTY OF ATLANTIC~GULF SURVEYING CO., INC. ANY USE OR REPRODUCTION WITHOUT THE EXPRESS WRITTEN PERMISSION OF THIS COMPANY IS PROHIBITED.



MAP SHOWING A BOUNDARY SURVEY OF THE COTTAGES AT WINDING CREEK CONDOMINIUM CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA

OVERALL
 (F) S01°26'18"E 1333.64'
 (D) S01°27'29"E 1333.25'

(D) N88°26'40"W 1337.34'
 (C) S08°24'41"E 1337.14'

(D) S89°02'01"W 688.39'
 (F) S89°10'53"W 688.51'

LEGACY HOLDINGS LTD PARTNERSHIP
 O.R.B. 1374, PAGE 710

EXTRALITE
 O.R.B. 1481, PAGE 1434

NOT VALID WITHOUT ACCOMPANYING SHEETS
 SHEET 3 OF 8

HAKMA, INC.
 O.R.B. 1143, PAGE 1143

GRAPHIC SCALE
 1" = 100.00'

<p>ATLANTIC GULF SURVEYING CO. INC. LAND AND ENGINEERING SURVEYS</p>							
<p>CLIENT THE COTTAGES AT WINDING CREEK LTD</p>	<p>DATE 11/11/11</p>						
<p>PROJECT THE COTTAGES AT WINDING CREEK LTD</p>	<p>SCALE AS SHOWN</p>						
<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>11/11/11</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	11/11/11	ISSUED FOR PERMIT	<p>BY [Signature]</p>
NO.	DATE	DESCRIPTION					
1	11/11/11	ISSUED FOR PERMIT					

UNLESS IT SHOWS THE SURVEY AND THE GENERAL BOUNDARY OF A PLANNED DEVELOPMENT, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

THIS MAP IS THE PROPERTY OF ATLANTIC GULF SURVEYING CO. INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE EXPRESS WRITTEN PERMISSION OF ATLANTIC GULF SURVEYING CO. INC.

EXHIBIT B-2

SURVEYOR'S CERTIFICATE

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**THE COTTAGES AT WINDING CREEK CONDOMINIUM
PHASE III
ST. JOHNS COUNTY, FLORIDA**

CONDOMINIUM CERTIFICATE TO PHASE III OF 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 IMPROVEMENTS FOR PHASE III OF THE COTTAGES AT WINDING CREEK, A CONDOMINIUM, INCLUDING WITHOUT LIMITATION, LANDSCAPING, UTILITY SERVICES, ACCESS TO THE BUILDINGS OF PHASE III OF THE COTTAGES AT WINDING CREEK, A CONDOMINIUM 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 CONDOMINIUM, AS AMENDED, DESCRIBING THE CONDOMINIUM PROPERTY, IS AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS OF PHASE III OF THE COTTAGES AT WINDING CREEK, A CONDOMINIUM, AND FURTHER, THAT THE IDENTIFICATION, LOCATION AND DIMENSIONS OF THE COMMON ELEMENTS, LIMITED COMMON ELEMENTS AND EACH UNIT BE DETERMINED FROM THESE MATERIALS.

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
FLORIDA CERTIFICATE NO. LS 5100
DATE: *September 15, 2010*