

Recording: \$ 35.50
Prepared by and return to:
Nicole F. Cromie, Esq.
Williams Parker Harrison Dietz & Getzen
50 Central Avenue, 8th Floor
Sarasota, Florida 34236

**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
COLBERT LANDINGS**

THIS AMENDMENT is made effective this 22nd day of MAY 2025 by MERITAGE HOMES OF FLORIDA, INC., a Florida corporation ("Declarant").

RECITALS:

- A. Declarant previously recorded a Declaration of Covenants, Conditions, and Restrictions for Colbert Landings in Official Records Book 2874, Page 67, Public Records of Flagler County, Florida (the "Declaration").
- B. Article 12.3 of the Declaration reserves unto Declarant the right to amend the Declaration as desirable in the sole discretion of Declarant, so long as the Class B membership exists.
- C. Declarant desires to amend the Declaration with respect to certain matters as set forth herein.

NOW, THEREFORE, pursuant to the rights of Declarant reserved in Article 12.3 of the Declaration, Declarant hereby amends the Declaration as follows:

Words in the text which are stricken (——) indicate deletions from the present text; words in the text which are double underlined indicate additions to the present text.

1. Section 6.24(E) of the Declaration is amended as follows:

(E) Without curtailing the right of the Architectural Committee to reject certain requests or employ judgment in evaluating requests, the following guidelines shall be considered when evaluating requests regarding fences. Even in the event of strict compliance with the following guidelines, prior written approval from the Architectural Committee shall be required for each and every fence installation.

(i) Any fence installed on a Lot within the Property must have a uniform maximum height of no more than six feet (6') above the sod level.

(ii) Any fence must be made entirely of one of the following materials: (a) PVC; (b) wrought iron; or (c) aluminum rail.

(iii) All fences comprised of PVC shall be white in color, or painted white in color within thirty (30) days of installation. All fences comprised of wrought iron or aluminum rail shall be black in color or painted black in color within thirty (30) days of installation.

(iv) No fence shall be approved or installed which encroaches into Common Area or other Lots.

(v) No fence shall be approved or installed which extends beyond the rear wall of the Residential Unit without the prior approval of the Architectural Committee.

(vi) Notwithstanding ~~anything to the foregoing contrary~~, no fence shall be approved or installed beyond the rear wall of a Residential Unit ~~on either (A) a Lot upon which a Water Feature, as defined in Section 3.1.1 hereof, is located or that shares a boundary line with a tract or parcel upon which a Water Feature is located or (B) a Lot upon which a conservation easement is located or that shares a boundary line with a tract or parcel on which a conservation easement is located~~, unless such fence is comprised of wrought iron or open aluminum rail, black in color or painted to be black in color within thirty (30) days of installation, and has a uniform maximum height of no more than five feet (5') above the sod level.

(vii) Notwithstanding anything to the contrary, no fence shall be approved or installed beyond the rear wall of a Residential Unit on a Lot upon which a conservation easement or wetland is located or that shares a boundary line with a tract or parcel on which a conservation easement or wetland is located unless such fence is comprised of either (i) wrought iron or open aluminum rail, black in color or painted to be black in color within thirty (30) days of installation, and has a uniform height of no more than five feet (5') above the sod level, or (ii) PVC white in color or painted white in color within thirty (30) days of installation, and with a height of no more than six feet (6') above the sod level provided that (x) the height of the fences along the side boundary of the Lot must be stepped down to four feet (4') above the sod level along the rear twelve feet (12') of the Lot, and (y) the portion of the fence along the rear boundary line of the Lot must be comprised of wrought iron or open aluminum rail, black in color or painted black in color within thirty (30) days of installation, and with a height of no more than four feet (4') above the sod level (this being the only category of fencing that may have mixed fencing materials).

(viii) Any fence installed on a Lot within the Property shall be setback at least 30 feet (30') from the front most corner of the Residential Unit.

2. Working Fund Contribution. The amount of the Working Fund Contribution under Section 5.7 of the Declaration is hereby reduced from One Thousand and 00/100 Dollars (\$1,000.00) to Five Hundred and 00/100 Dollars (\$500.00).

[Signature page follows]

Unofficial Copy

IN WITNESS WHEREOF, Declarant has caused this Amendment as of the day and year first above written.

Signed, sealed and delivered
in the presence of

MERITAGE HOMES OF FLORIDA, INC., a
Florida corporation

WITNESSES:

Name: Shannon Greene

Print Name of Witness: Shannon Greene

Address: 13901 Sutton Park Dr S
C350 Jacksonville, FL 32224

Name: Angela Midgette

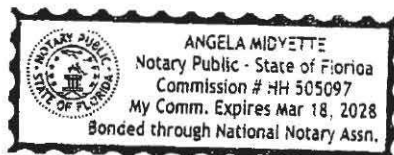
Print Name of Witness: Angela Midgette

Address: 13901 Sutton Park Dr S
C350, Jacksonville, FL 32224

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me by way of ☐ physical presence or ☐ online notarization this 22nd day of May 2025, by Garrett Cone, as Division President of **MERITAGE HOMES OF FLORIDA, INC.,** a Florida corporation, on behalf of the corporation, and who is ☐ personally known to me or ☐ has produced a _____ driver's license as identification.

(NOTARY SEAL)



By: [Signature]

Name: Garrett Cone

Title: Division President

Angela Midgette
Notary Signature

Angela Midgette
Printed Notary Signature