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KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2540809

Prepared by and return to:  
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**AMENDMENT AND SUPPLEMENTAL DECLARATION TO  
DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR CYPRESS FALLS AT THE WOODLANDS**

**WHEREAS, CENTEX HOMES**, a Nevada general partnership ("**Centex**"), is the Declarant of the Declaration of Covenants, Conditions, and Restrictions for Cypress Falls recorded in Official Records Instrument Number 2005167077, as amended by that certain First Amendment recorded in Official Records Instrument Number 2006023930, and as further amended by that certain Second Amendment recorded in Official Records Instrument Number 2006135650, and as further amended by that certain Third Amendment recorded in Official Records Instrument Number 2006157653, as partially assigned by that certain Partial Assignment and Acceptance of Assignment of Declarant's Rights recorded in Official Records Instrument Number 2009017561, and that certain Certificate of Amendment recorded in Official Records Instrument Number 2013169417, as amended by that certain Amendment and Supplemental Declaration to the Declaration of Covenants, Conditions, and Restrictions for Cypress Falls at the Woodlands recorded in Official Records Instrument Number 2016127566, as partially assigned by that certain Partial Assignment and Acceptance of Assignment of Declarant's Rights recorded in Official Records Instrument Number 2016127567, as amended by that certain Certificate of Amendment recorded in Official Records Instrument Number 2017071987, that certain Amendment to Declaration of Covenants, Conditions and Restrictions for Cypress Falls at the Woodlands recorded in Official Records Instrument Number 2018039465, all of the Public Records of Sarasota County, Florida (collectively, the "**Declaration**"), which Declaration governs the real property described in the Declaration ("**Cypress Falls**");

**WHEREAS**, pursuant to Section 9.1 of the Declaration, Centex has the right to subject all or any portion of the property described in Exhibit B to the Declaration to the provisions of the Declaration by the recording of a Supplemental Declaration executed by Centex describing the property being subjected to the Declaration, and upon obtaining the consent of the property owner;

**WHEREAS**, pursuant to Section 9.3 of the Declaration, any Supplemental Declaration may supplement, create exceptions to, or otherwise modify the terms of the Declaration as it applies to the subject property in order to reflect the different character and intended use of such property;

**WHEREAS, BUFFALO-NORTHPORT ASSOCIATES II, LLC**, a Florida limited liability company ("**BNA**"), owns of certain real property more particularly described in **Exhibit 1** attached hereto ("**Cypress Falls Phase 2E**");

**WHEREAS**, Centex and BNA desire to extend the scheme, coverage and operative effect of the Declaration to Cypress Falls Phase 2E in order to reflect the different character and intended use of Cypress Falls Phase 2E, and BNA consents to the annexation of the Cypress Falls Phase 2E to the Declaration;

**WHEREAS**, pursuant to Article XX of the Declaration, Centex also reserved to itself the right to make certain unilateral amendments to the Declaration, and Centex hereby desires to unilaterally amend the Declaration to reflect that BNA will be the Declarant under the Declaration with respect to Cypress

Falls Phase 2E and that Centex will be the Declarant under the Declaration with respect to Cypress Falls; and

**WHEREAS**, it is beneficial to the Owners of the property in Cypress Falls to amend the Declaration to change, amend and modify the Declaration in the manner hereinafter set forth and to supplement the Declaration to provide for the annexation of the Property to the Declaration.

**NOW, THEREFORE**, the Declaration is amended and supplemented as follows:

1. Extension of Declaration to Cypress Falls Phase 2E. Pursuant to the provisions of Section 9.1 of the Declaration, BNA hereby declares and confirms that Cypress Falls Phase 2E is and shall be subjected to the scheme, coverage and operative effect of, and shall be held, sold, conveyed, encumbered, leased, rented, used, occupied and improved subject to the easements, covenants, conditions, restrictions, reservations, liens, charges and other terms and obligations set forth in the Declaration, and the Declaration is hereby amended and supplemented to include the Cypress Falls Phase 2E.

2. Association Finances. All Owners of any Lots platted in the Cypress Falls Phase 2E shall be members of the Association, and the responsibility to pay and the allocation of assessments for Lots in the Cypress Falls Phase 2E shall be in accordance with Article VIII of the Declaration; provided, however, that the obligation to pay said assessments will become due on all lots in the Cypress Falls Phase 2E upon the recording of the plat creating such lots. Upon platting, the owner(s) of lots created by such plat within the Cypress Falls Phase 2E will pay assessments as provided in Article VIII of the Declaration to be used as provided in the Declaration and will have the rights afforded to members of the Association in the Declaration; provided, that the assessments paid by Centex or any property owners in Cypress Falls shall not be increased as a direct result of inclusion of such new lots. From and after the recording of a plat of all or a portion of the Cypress Falls Phase 2E, each Owner of a Lot located in the Cypress Falls Phase 2E shall become obligated to pay assessments as provided in Article VIII of the Declaration.

3. Architectural Guidelines. Pursuant to Section 4.3 of the Declaration, Centex, as Declarant, has prepared, and hereby adopts and promulgates, the Architectural Guidelines, attached as Exhibit 3 to the Amendment and Supplemental Declaration to the Declaration of Covenants, Conditions, and Restrictions for Cypress Falls at the Woodlands recorded in Official Records Instrument Number 2016127566, of the Public Records of Sarasota County, Florida. Notwithstanding anything set forth in the Declaration to the contrary, the Architectural Guidelines can only be amended upon the mutual approval of the Declarant of Cypress Falls and the Declarant of Cypress Falls Phase 2E, or their respective permitted successors and assigns under the terms and provisions of the Declaration. Further, no variance from compliance with the Architectural Guidelines can be granted under Section 4.5 of the Declaration as to the Cypress Falls Phase 2E unless approved by Centex, or its permitted successor or assign, in its capacity as the Declarant under the terms and provisions of the Declaration.

4. Expansion of the Community. Nothing in this Amendment and Supplemental Declaration shall be construed to require Centex to submit additional lands to the Declaration.

5. Declaration Unmodified. It is the express intention of the parties hereto that, except as changed and modified by this Amendment and Supplemental Declaration, each and every one of the terms and provisions of the Declaration shall remain in full force and effect as originally written. Accordingly, nothing contained in this Amendment and Supplemental Declaration shall be construed to alter, affect, or impair the charge or encumbrance, or otherwise diminish the operation or effect of those terms and provisions of the Declaration which were not expressly and specifically changed, amended, and modified hereby.

6. Successors and Assigns. This Amendment and Supplemental Declaration shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. Exhibits. All exhibits attached to this Amendment and Supplemental Declaration are incorporated herein by this reference.

**[Remainder of Page Intentionally Left Blank]**

IN WITNESS WHEREOF, this Amendment and Supplemental Declaration has been executed by the parties hereto in the manner and form sufficient to bind them as of the 24<sup>th</sup> day of ~~August~~ JULY, 2020.

WITNESSES:

CENTEX HOMES, a Nevada general partnership

By: **CENTEX REAL ESTATE COMPANY, LLC**, a Nevada limited liability company, as sole Managing Partner, successor by conversion of Centex Real Estate Corporation, a Nevada corporation

[Signature]  
Print Name: Colin Pember

By: [Signature]  
Name: MICHAEL WOOLEY  
Title: V.P. LAND ACQUISITOR

[Signature]  
Print Name: Michelle Platt

STATE OF FLORIDA

COUNTY OF SANASOTA

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 22<sup>nd</sup> day of JULY, 2020, by MICHAEL WOOLEY, as V.P. LAND ACO., of Centex Real Estate Company, LLC, as successor by conversion by Centex Real Estate Corporation, a Nevada corporation, as the Managing Partner of Centex Homes, a Nevada general partnership, for and on behalf of the company and general partnership. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Signature]  
Print Name: Phyllis Hoffman Wilson  
Notary Public - State of Florida  
Commission Number: GG 983570  
Commission expires: 7/12/24



WITNESSES:

BUFFALO-NORTHPORT ASSOCIATES II, LLC, a Florida limited liability company

Michele Zink  
Print Name: Michele Zink  
Cheryl Picerno  
Print Name: Cheryl Picerno

By: James R. Schier  
Name: James R. Schier  
Title: Manager - Blackrock Investment III, LLC  
Manager

STATE OF Florida  
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this 20 day of July, 2020, by James R. Schier as Manager of Buffalo-Northport Associates II, LLC, a Florida limited liability company, on behalf of the company. (S)He  is personally known to me or [ ] produced \_\_\_\_\_ as identification.



Michele Zink  
NOTARY PUBLIC  
Print Name: Michele Zink  
My Commission Expires: \_\_\_\_\_

**Exhibit 1 to Amendment**

**Legal Description of Cypress Falls Phase 2E**

A parcel of land lying in Sections 7 and 18, Township 39 South, Range 22 East, Sarasota County, Florida, and being more particularly described as follows:

COMMENCE at the Southeast corner of said Section 18, Township 39 South, Range 22 East, run thence along the South boundary of Section 17, Township 39 South, Range 22 East, Sarasota County, Florida, also being the South boundary of LAKESIDE PLANTATION, according to the plat thereof recorded in Plat Book 41, Pages 17 through 171, inclusive, of the Public Records of Sarasota County, Florida, as monumented, S.89°42'45"E., 1240.05 feet to the Southeast corner of said LAKESIDE PLANTATION, also being POINT "G" of said plat; thence along the East boundary of said LAKESIDE PLANTATION, as monumented, N00°16'52"E., 1554.64 feet to Northeast corner of said LAKESIDE PLANTATION, also being POINT "F" of said plat; thence along the Northern boundary of said LAKESIDE PLANTATION, as monumented, the following four (4) courses: 1) N.75°28'28"W., 2441.86 feet to POINT "E" of said plat; 2) N.89°42'50"W., 601.55 feet to the Northwest corner of PLANTATION BOULEVARD, according to said LAKESIDE PLANTATION, for a POINT OF BEGINNING; 3) continue N.89°42'50"W., 1899.25 feet to POINT "D" of said plat; thence N.08°31'42"E., 142.59 feet to POINT "C" of said plat; thence N.32°15'00"E., 318.00 feet; thence N.05°30'00"E., 50.00 feet; thence N.33°00'00"W., 50.00 feet; thence N.16°30'00"E., 240.00 feet; thence N.21°00'00"W., 240.00 feet; thence N.41°15'00"E., 483.00 feet; thence N.65°30'00"E., 1152.07 feet; thence N.85°00'00"E., 1048.38 feet; thence S.85°22'25"E., 214.54 feet to a point of curvature; thence Easterly, 232.96 feet along the arc of a curve to the left having a radius of 1206.55 feet and a central angle of 11°02'39" (chord bearing N.89°08'16"E., 232.60 feet); thence N.08°25'04"W., 140.00 feet to a point on a curve; thence Easterly, 482.60 feet along the arc of said curve to the left having a radius of 1058.55 feet and a central angle of 24°48'18" (chord bearing N.71°10'48"E., 458.99 feet) to a point of tangency; thence N.56°46'40"E., 254.63 feet to a point of curvature; thence Easterly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.76°13'20"E., 35.36 feet) to a point of tangency; thence S.31°13'20"E., 26.07 feet to a point of curvature; thence Southerly, 621.89 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 79°09'24" (chord bearing S.08°21'22"W., 673.42 feet) to a point of reverse curvature; thence Southerly, 325.82 feet along the arc of a curve to the left having a radius of 1250.00 feet and a central angle of 14°56'04" (chord bearing S.40°28'02"W., 324.90 feet) to a point of tangency; thence S.33°00'00"W., 738.32 feet to a point of curvature; thence Southerly, 485.28 feet along the arc of a curve to the left having a radius of 850.00 feet and a central angle of 32°42'41" (chord bearing S.16°38'40"W., 478.72 feet) to a point of tangency; thence S.00°17'19"W., 1331.05 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

**CYPRESS FALLS PHASE 1B**

A parcel of land lying in Section 18, Township 39 South, Range 22 East, Sarasota County, Florida and being more particularly described as follows: Commence at the Northeast corner of said Section 18, run thence along the North boundary of the Northeast 1/4 of said Section 18, N.88°39'50"W., 945.28 feet to a point on a curve; thence Southerly, 586.25 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 74°30'39" (chord bearing S.10°36'44"W., 545.66 feet), to a point of reverse curvature; thence Southerly, 325.82 feet along the arc of a curve to the left having a radius of 1250.00 feet and a central angle of 14°56'04" (chord bearing S.40°28'02"W., 324.90 feet) to a point of tangency; thence S.33°00'00"W., 50.00 feet to the POINT OF BEGINNING; thence continue, S.33°00'00"W., 688.32 feet to a point of curvature; thence Southerly, 485.28 feet along the arc of a curve to the left having a radius of 850.00 feet and a central angle of 32°42'41" (chord bearing S.16°38'40"W., 478.72 feet) to a point of tangency; thence S.00°17'19"W., 50.00 feet; thence S.88°06'35"W., 364.56 feet; thence N.49°59'46"W., 682.58 feet; thence N.65°30'00"E., 438.83 feet; thence S.88°01'04"E., 172.89 feet; thence S.25°13'56"E., 96.76 feet to a point on a curve; thence Westerly, 40.84 feet along the arc of a curve to the left having a radius of 78.00 feet and a central angle of 30°00'00" (chord bearing N.48°00'00"E., 40.38 feet) to a point of tangency; thence N.33°00'00"E., 919.23 feet; thence S.57°00'00"E., 182.00 feet to a point of curvature; thence Easterly, 38.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.78°00'00"E., 35.36 feet) to the POINT OF BEGINNING.

LESS AND EXCEPT:

**CYPRESS FALLS PHASE 1E**

A parcel of land lying in Sections 7 and 18, Township 39 South, Range 22 East, Sarasota County, Florida and being more particularly described as follows: Commence at the Northeast corner of said Section 18, run thence along the North boundary of the Northeast 1/4 of said Section 18, N.88°39'50"W., 945.28 feet to a point on a curve, said point also being the POINT OF BEGINNING; thence Southerly, 586.25 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 74°30'39" (chord bearing S.10°36'44"W., 545.66 feet) to a point of reverse curvature; thence Southerly, 325.82 feet along the arc of a curve to the left having a radius of 1250.00 feet and a central angle of 14°56'04" (chord bearing S.40°28'02"W., 324.90 feet) to a point of tangency; thence S.33°00'00"W., 50.00 feet to a point of curvature; thence Southerly, 485.28 feet along the arc of a curve to the left having a radius of 850.00 feet and a central angle of 32°42'41" (chord bearing S.16°38'40"W., 478.72 feet) to a point of tangency; thence S.00°17'19"W., 50.00 feet; thence S.88°06'35"W., 364.56 feet; thence N.49°59'46"W., 682.58 feet; thence N.65°30'00"E., 438.83 feet; thence S.88°01'04"E., 172.89 feet; thence S.25°13'56"E., 96.76 feet to a point on a curve; thence Westerly, 40.84 feet along the arc of a curve to the left having a radius of 78.00 feet and a central angle of 30°00'00" (chord bearing N.48°00'00"E., 40.38 feet) to a point of tangency; thence N.33°00'00"E., 919.23 feet; thence S.57°00'00"E., 182.00 feet to a point of curvature; thence Easterly, 38.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.78°00'00"E., 35.36 feet) to the POINT OF BEGINNING.

09°59"E., 63.78 feet; thence S.72°27'12"E., 63.77 feet; thence S.89°07'36"E., 43.45 feet; thence S.50°00'00"E., 290.00 feet; thence S.96°59'30"E., 190.00 feet; thence S.10°00'00"E., 330.25 feet; thence S.20°00'00"E., 580.42 feet; thence S.05°00'27"W., 134.28 feet; thence S.03°00'00"W., 154.00 feet; thence N.67°00'00"W., 70.50 feet; thence S.00°00'00"W., 110.00 feet; thence S.35°39'04"W., 135.66 feet; thence N.48°24'39"W., 580.36 feet; thence S08°51'05"W., 397.30 feet; thence N.80°23'00"W., 124.00 feet to a point on a curve; thence Southerly, 12.89 feet along the arc of a curve to the right having a radius of 125.00 feet and a central angle of 05°51'59" (chord bearing S.12°25'59"W., 12.79 feet) to a point of compound curvature; thence Southerly, 31.31 feet along the arc of a curve to the right having a radius of 673.00 feet and a central angle of 02°03'01" (chord bearing S.16°30'29"W., 31.31 feet); thence N.72°28'00"W., 248.97 feet; thence N.89°42'41"W., 882.38 feet; thence N.00°17'19"E., 68.85 feet to a point of curvature; thence Northerly, 47.20 feet along the arc of a curve to the right having a radius of 750.00 feet and a central angle of 00°32'29" (chord bearing N.00°05'29"E., 47.19 feet); thence N.63°41'02"E., 108.27 feet; thence N74°14'09"E., 42.99 feet; thence N.56°11'41"E., 74.72 feet; thence N.17°02'45"E., 75.14 feet; thence N.18°30'24"W., 77.52 feet to a point of curvature; thence Northerly, 27.07 feet along the arc of a curve to the right having a radius of 20.00 feet and a central angle of 77°30'00" (chord bearing N.22°16'08"E., 25.05 feet) to a point of tangency; thence N.81°02'38"E., 49.81 feet; thence N.13°00'00"W., 77.77 feet; thence N.14°00'00"E., 73.07 feet; thence N.35°30'00"E., 64.55 feet; thence N.57°00'00"E., 70.74 feet; thence N.82°30'00"E., 85.97 feet; thence S.88°21'23"E., 82.67 feet; thence N.32°59'11"E., 67.74 feet; thence N.17°35'00"E., 62.11 feet; thence N23°39'00"E., 92.64 feet; thence N.57°00'00"W., 135.01 feet to a point of curvature; thence Westerly, 39.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.78°00'00"W., 35.56 feet) to a point of cusp; thence N.33°00'00"E., 180.00 feet to a point of curvature; thence Northerly, 299.75 feet along the arc of a curve to the right having a radius of 1180.00 feet and a central angle of 14°36'04" (chord bearing N.40°28'02"E., 298.90 feet) to a point of reverse curvature; thence Northerly, 425.09 feet along the arc of a curve to the left having a radius of 550.00 feet and a central angle of 44°17'02" (chord bearing N.25°47'33"E., 414.88 feet) to the POINT OF BEGINNING.

THE ABOVE ALSO BEING DESCRIBED AS FOLLOWS:

DESCRIPTION: A parcel of land lying in Section 18, Township 39 South, Range 22 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Section 17, Township 39 South, Range 22 East, Sarasota County, Florida, said point also being on the South boundary of LAKESIDE PLANTATION, according to the plat thereof as recorded in Plat Book 41, Pages 17 and 17A through 171, inclusive, of the Public Records of Sarasota County, Florida, run thence along the South boundary of said Section 17 and said South boundary of LAKESIDE PLANTATION, S.89°42'45"E., 1240.05 feet to the Southeast corner of said LAKESIDE PLANTATION; thence along the East boundary of said LAKESIDE PLANTATION, N.00°16'52"E., 1554.64 feet to the Northeast corner of said LAKESIDE PLANTATION; thence along the Northern boundary of said LAKESIDE PLANTATION, the following five (5) courses: 1) N.75°28'28"W., 2441.86 feet; 2) N.89°42'50"W., 601.55 feet to the Southeast corner of the 100.00 foot wide right-of-way for PLANTATION BOULEVARD, as recorded in Official Records Instrument No. 2005275736, of the Public Records of Sarasota County, Florida; 3) along the South boundary of said right-of-way for PLANTATION BOULEVARD, continue N.89°42'50"W., 100.00 feet to the Southwest corner of said right-of-way for PLANTATION BOULEVARD, said point also being the POINT OF BEGINNING; 4) continue N.89°42'50"W., 1899.25 feet; 5) N.08°31'42"E., 142.59 feet; thence N.32°15'00"E., 318.00 feet; thence N.05°30'00"E., 50.00 feet; thence N.33°00'00"W., 50.00 feet; thence N.16°30'00"E., 240.00 feet; thence N.21°00'00"W., 240.00 feet; thence N.41°15'00"E., 483.00 feet; thence N.65°30'00"E., 713.24 feet to the Westerlymost corner of CYPRESS FALLS PHASE 1B, according to the plat thereof as recorded in Plat Book 45, Page 40, of the Public Records of Sarasota County, Florida; thence along the Southerly boundary of said CYPRESS FALLS PHASE 1B, the following two (2) courses: 1) S.49°59'46"E., 682.58 feet; 2) N.88°06'35"E., 364.56 feet to a point on the Westerly right-of-way line of the aforesaid PLANTATION BOULEVARD; thence along said Westerly right-of-way line of PLANTATION BOULEVARD, S.00°17'19"W., 1281.06 feet to the POINT OF BEGINNING.

Containing 34.989 acres, more or less.