

**PREPARED BY AND RETURN TO:**

Christian F. O'Ryan, Esq.  
Stearns Weaver Miller Weissler  
Altrideff & Sklarson, P.A.  
401 East Jackson Street, Suite 1100  
Tampa, Florida 33602

—SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA—

**THIRD SUPPLEMENTARY DECLARATION TO DECLARATION OF COVENANTS  
AND RESTRICTIONS FOR AVALON VILLAGE**

THIS THIRD SUPPLEMENTARY DECLARATION TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR AVALON VILLAGE (this "**Third Supplement**") is made by LANDBUILDER, LLC, a Florida limited liability company (the "**Developer**") and joined by THE HOMEOWNERS' ASSOCIATION OF AVALON VILLAGE, INC., a Florida not-for-profit corporation (the "**Association**").

**RECITALS**

A. Developer, by virtue of that certain Assignment of Developer's Rights, recorded in Official Records Book 3104, Page 783, from Eagle FL V SPE, LLC, a North Carolina limited liability company, to Hunters Lake, LLC, a Florida limited liability company (now known as Landbuilder, LLC, a Florida limited liability company) is the "**Developer**" under that certain Declaration of Covenants and Restrictions for Avalon Village, recorded in Official Records Book 2084, Page 1236 (the "**Original Declaration**"), as amended by that certain First Amendment to Declaration of Covenants and Restrictions for Avalon Village, recorded in Official Records Book 2084, Page 1337 (the "**First Amendment**"), and as amended by that certain Second Amendment to Declaration of Covenants and Restrictions for Avalon Village, recorded in Official Records Book 2145, Page 288 (the "**Second Amendment**"); and as supplemented by that Supplemental Declaration of Declaration of Covenants and Restrictions for Avalon Village, recorded in Official Records Book 3447, Page 842 (the "**First Supplement**"), and as amended by that certain Certificate of Amendment to the Declaration of Covenants and Restrictions, recorded in Official Records Book 3515, Page 533 (the "**Third Amendment**"), and as supplemented by that certain Supplemental Community Declaration of Avalon Village, recorded in Official Records Book 3603, Page 1250 (the "**Second Supplement**"), and as amended by that Third Amendment to Declaration of Covenants and Restrictions for Avalon Village, recorded in Official Records Book 3732, Page 1530 (misnumbered) (the "**Fourth Amendment**"), and as amended by that Fifth Amendment to Declaration of Covenants and Restrictions for Avalon Village, recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_ (the "**Fifth Amendment**"), all of which were recorded in the Public Records of Hernando County, Florida. The Original Declaration, together with the First Amendment, the Second Amendment, the First Supplement, the Third Amendment, the Second

Supplement, the Fourth Amendment and the Fifth Amendment shall hereinafter be collectively referred to as the "Declaration."

B. Pursuant to Section 5.3 of the Declaration, the Developer shall have the right, in its sole discretion, to designate land, easements, use rights and personal property owned by the Developer as Common Area by recording a Supplementary Declaration executed by the Developer.

C. Pursuant to Section 2.3 of the Declaration, the "Common Areas" shall include property owned by the Developer or the Association which Developer has designated for common use of the owners by recording a Supplementary Declaration.

D. The Developer is owner of the land legally described on Exhibit A-1, and the Association is the owner of the land legally described on Exhibit A-2 (collectively, the "Additional Common Area Land"), such exhibits being attached hereto and incorporated herein by this reference.

NOW THEREFORE, the Developer hereby desires to file of record this Third Supplement for the purpose of designating certain land as Common Areas of the Association.

1. Recitals and Defined Terms. The foregoing recitals are true and correct and are incorporated into and form a part of this Third Supplement. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration.

2. Conflicts. In the event there is a conflict between this Third Supplement and the Declaration, this Third Supplement shall control. Whenever possible, this Third Supplement and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.

3. Designation of Common Areas. Pursuant to Section 5.3 of the Declaration, the Developer hereby designates the Additional Common Area Land as Common Area of the Association. Such areas may abut, or be proximate to, the Property, and may be owned by, used by, or dedicated to, others including, without limitation, a utility, governmental, or quasi-governmental entity, or members of the public. These areas may include (for example and not limitation) landscape buffer areas, berm areas or median areas within the right-of-way of public streets, roads, drainage areas, community identification or entrance features, community signage or other signage. The costs associated with maintenance, repair and replacement of the improvements comprising the Additional Common Area Land shall be common expense of the Association to be collected and paid in the manner prescribed by the Declaration.

4. Approval and Ratification. The Declaration, as modified by this Third Supplement, is hereby incorporated by reference as though fully set forth herein and, except as specially amended hereinabove, is hereby ratified and confirmed in its entirety.

5. Covenant. This Third Supplement shall be a covenant running with the land and shall be effective immediately upon its recording in Hernando County, Florida.

[Signatures on the Following Page]

IN WITNESS WHEREOF, the undersigned, being the Developer, has caused this Third Supplement to be executed by its duly authorized representative as of this 30<sup>th</sup> day of December, 2019

WITNESSES:

"DEVELOPER"

LANDBUILDER, LLC, a Florida limited liability company

By: 

Name: Devon S. Rushnell  
Title: Manager/President

[Company Seal]

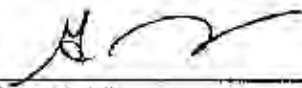
  
Print Name: GINA M. BLAIR

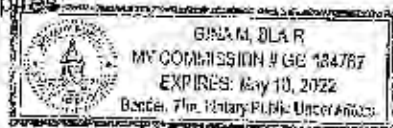
  
Print Name: Pete Gloscoe

STATE OF FLORIDA

COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of physical presence this 30<sup>th</sup> day of December, 2019, by Devon S. Rushnell, as Manager/President of LANDBUILDER, LLC, a Florida limited liability company. He [is personally known to me] [has produced 7/5 as identification].

  
Notary Public  
Print Name: GINA M. BLAIR  
My Commission Expires: \_\_\_\_\_



# **JOINDER TO THIRD SUPPLEMENTARY DECLARATION TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR AVALON VILLAGE**

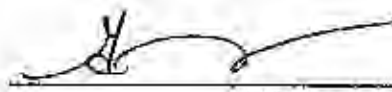
THE HOMEOWNERS' ASSOCIATION OF AVALON VILLAGE, INC., a Florida not-for-profit corporation (the "Association") does hereby join in the THIRD SUPPLEMENTARY DECLARATION TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR AVALON VILLAGE (the "Third Supplement"), to which this Joinder is attached, and the terms thereof are and shall be binding upon the undersigned and its successors in title. The Association agrees this joinder is for the purpose of evidencing the Association's acceptance of the Third Supplement and does not affect the validity of the Third Supplement as the Association has no right to approve the Third Supplement.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 30<sup>th</sup> day of December, 2019.

**WITNESSES:**

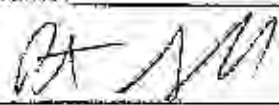
**"ASSOCIATION"**

THE HOMEOWNERS' ASSOCIATION  
OF AVALON VILLAGE, INC., a Florida  
not-for-profit corporation

  
\_\_\_\_\_  
Print Name: GINA M. BLAIR

By:   
\_\_\_\_\_  
Name: Devon S. Rushnell  
Title: President

[Corporate Seal]

  
\_\_\_\_\_  
Print Name: Peter Glendon

STATE OF FLORIDA )

COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of physical presence this 30<sup>th</sup> day of December, 2019, by Devon Rushnell, as President of THE HOMEOWNERS' ASSOCIATION OF AVALON VILLAGE, INC., a Florida not-for-profit corporation. He [is personally known to me] [has produced n/c as identification].

  
\_\_\_\_\_  
Notary Public: GINA M. BLAIR  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**EXHIBIT A-1 TO THIRD SUPPLEMENTARY DECLARATION TO DECLARATION OF  
COVENANTS AND RESTRICTIONS FOR AVALON VILLAGE**

Additional Common Area Land owned by Developer

### PLAN OF A DESCRIPTION SKETCH



SURVEY NOTES:

- [illegible]

SE9' 24' 76" E 314.03'

15,552.5 ml. (644 AGFES)

-100°00'25"± 50.02      500°01'3"± 50.00

45°40'26"N 3:10.03'

### 3.1. POINT OF BEGINNING

WEST LINE OF THE EAST  $1/2$  OF THE EAST  $1/2$   
OF THE SW  $1/4$  OF THE SW  $1/4$  OF SECTION 34-23-18

EAST LINE OF EMERY ROAD

EAST LINE OF THE EASE 1/8 OF THE EAST 1/2  
OF THE SW 1/4 OF THE SW 1/4 OF SECTION 34-25-12B

POINT OF EVIDENCE FIRST  
INTERSECTION OF THE  
EAST RIVER WITH  
—LINE OF SPARKS ROAD  
AND THE NORTH RIVER  
OF WAY LINE OF COUNTY  
LINE ROAD.

NORTH EIGHT OF 90° LINE OF COUNTY LINE ROAD

COUNTY LINE RETAIN

200 WIDE IMPROVED PUBLIC HIGHWAY OF WAY

五

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**MILNER ENGINEERING, INC.**

950 Caydysgill Blvd.  
Smyrna, GA 30080  
Office 353-786 8423

2700 East Foothill Drive  
Irvine, CA 92614  
949-264-2024

EB-DGND142

FLORIDA CERTIFICATE OF AUTHORIZATION NO. 75-000

### DESCRIPTION

AN EAST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF THE  
 SECTION 34 OF THE SOUTHWEST 1/4 OF SECTION 34,  
 TOWNSHIP 35 SOUTH, RANGE 16 EAST, HERNANDO  
 COUNTY, FLORIDA BEING DESCRIBED AS:  
 COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT  
 OF WAY LINE OF HIGHWAY LINE ROAD AND THE EAST  
 RIGHT OF WAY LINE OF SPARKS ROAD, S4.0° EAST 81.0°  
 OF WAY LINE GOES ON 81.0° FROM, WHEN MEASURED AT  
 RIGHT ANGLES TO, THE WEST LINE OF THE EAST 1/2 OF  
 THE EAST 1/2 OF THE SW 1/4 OF THE SW 1/4 OF  
 SECTION 34, TOWNSHIP 35 SOUTH, RANGE 16 EAST,  
 MEASURED 140.00 FEET, ALONG SAID EAST RIGHT OF WAY  
 LINE OF SPARKS ROAD TO A DISTANCE OF 395.00 FEET  
 TO THE POINT OF BEGINNING; THENCE CONTINUE  
 74.00 S 25° E, ALONG SAID EAST RIGHT OF WAY LINE A  
 DISTANCE OF 50.00 FEET; THENCE LEAVING SAID EAST  
 RIGHT OF WAY LINE, S89° 55' 28" E, FOR A DISTANCE OF  
 314.08 FEET TO THE EAST LINE OF SAID EAST 1/2 OF  
 THE EAST 1/2 OF THE SW 1/4 OF THE SW 1/4, TOWNSHIP  
 35 SOUTH, RANGE 16 EAST, LEAVING A DISTANCE OF  
 50.00 FEET; THENCE LEAVING SAID EAST LINE ON THE  
 EAST 1/2 OF THE EAST 1/2 OF THE SW 1/4 OF THE SW  
 1/4 S 89° 55' 28" E, A DISTANCE OF 319.00 FEET TO THE  
 POINT OF BEGINNING. CONTAINING .3354 AC. (3/4 AC.)  
 (ACRES)

**Gary W. Smith**  
Director of City of Seattle  
Office: 2070 5th Ave.  
Phone: 462-2000

THE CURVE MEETS ALL APPROVED REQUIREMENTS  
THE FOLLOWING SIGNATURES OF TRAINING AND TESTING  
UNRECORDED BY THE FLORIDA BUREAU OF INVESTIGATION

[illegible]

## REUSE OF DOCUMENT

THIS DOCUMENT, CONSISTING OF THE INCORPORATED  
SPECS AND DESIGNS, AS AN INSTRUMENT OF  
PROFESSIONAL SERVICE, IS THE PROPERTY OF COASTAL  
ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE  
USED, IN WHOLE OR IN PART FOR ANY OTHER  
PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF  
COASTAL ENGINEERING ASSOCIATES, INC.

## REVISIONS

| 7     | SAMPLE # | REVISION DESCRIPTION |
|-------|----------|----------------------|
|       |          |                      |
|       |          |                      |
|       |          |                      |
| TOTAL | GAST     | DESCRIPTION          |

PROJECT

EMERIT

KLMET-----

—

**EXHIBIT A-1 TO THIRD SUPPLEMENTARY DECLARATION TO DECLARATION OF  
COVENANTS AND RESTRICTIONS FOR AVALON VILLAGE**

Additional Common Area Land owned by HOA

\\FD\pww\styles\style21\style21.dwg - 03/11/2010 10:00:00 AM - 10/4/2019 10:00:00 AM

### THIS IS NOT A SURVEY

THESE DATA ARE ADDITIONAL INFORMATION APPEARING ON THIS PLAN, BUT ARE NOT PART OF THE PUBLIC RECORDS OF THIS COUNTY.

THE LEGAL DESCRIPTION AND EXTENT OF THE EASEMENT ARE SHOWN ON THE PLANS OF THIS PROJECT.

REMARKS: SEE SHEET 1 FOR LEGAL DESCRIPTION.

### LEGAL DESCRIPTION:

A portion of and being a portion of Tract "L-5", according to the plat of VILLAGES AT AVALON PHASE I, as recorded in Plat Book 36, page 24, of the Public Records of Hernando County, Florida, lying in Section 34, Township 23 South, Range 18 East, Hernando County, Florida, being more particularly described as follows:

Begin at the Southeast corner of Tract "B-12", according to the plat of VILLAGES AT AVALON PHASE I, as recorded in Plat Book 36, page 24, same being the Northeast corner of that certain property as described in Official Records Book 3324, Page 1880, both as recorded in the Public Records of Hernando County, Florida, same also being a point on the West line of Tract "L-5", according to said plat of VILLAGES AT AVALON PHASE I; thence leaving said West line of Tract "L-5", S89°59'53"E, for 20.00 feet to the point of intersection with the East line of said Tract "L-5", same being the West Right-of-Way line of OAK CHASE BOULEVARD, according to said plat of VILLAGES AT AVALON PHASE I; thence S00°00'07"W, along said East line of Tract "L-5", same being said West Right-of-Way line of OAK CHASE BOULEVARD, for 50.00 feet; thence leaving said East line of Tract "L-5", same being said West Right-of-Way line of OAK CHASE BOULEVARD, S89°42'03"W, for 20.00 feet to the point of intersection with said West line of Tract "L-5", same being the East line of said certain property as described in Official Records Book 3324, Page 1880; thence N00°00'07"E, along said West line of Tract "L-5", same being said East line of that certain property as described in Official Records Book 3324, Page 1880, for 50.11 feet to the POINT OF BEGINNING.

Containing 1,001 square feet or 0.023 acres, more or less.

NOTE: THE ACCURACY OF THE DATA ON THIS PLAN IS BASED UPON THE CERTAIN ALTIMETER AND FIELD MEASUREMENTS AND BOUNDARY SURVEY OF THE AVALON PHASE I, PREPARED BY FLORIDA DESIGN CONSULTANTS, INC., DATED 3-2-2009 AND THE RELEVANT DOCUMENTS AS REFERENCED HEREIN, AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

PREPARED FOR:

### AVALON PHASE 4

SHEET DESCRIPTION:

### EASEMENT ROADWAY AREA - HOA PARCEL

| DATE        | DRAWN     | CALCULATED | CHECKED  | SEE SHEET 1 FOR LEGAL DESCRIPTION |
|-------------|-----------|------------|----------|-----------------------------------|
| NONE        | 10-4-2019 | SGD        | SGD      | ITE                               |
| PROJECT NO. | SPW       | SECTION    | TOWNSHIP | RANGE                             |
| 635-224     | 392       | 34         | 23S      | 18E                               |



**FLORIDA DESIGN  
CONSULTANTS, INC.**  
— INSURE IT. ACHIEVE IT. —

10100 WINTERFIELD DRIVE, SUITE 200, LAND O' LAKES, FLORIDA 34622  
PHONE: (888) 342-1001 FAX: (727) 828-1000 WWW.FLORIDACONSULTANTS.COM

NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER

JARED T. BATEMAN  
PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NUMBER: 16,001  
STATE OF FLORIDA

BEARING: 0-12 FUSE; 0-125 SEE SW-101 AND LOCAL DEVIATION

