

**AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS  
AND RESTRICTIONS**

This AMENDMENT TO AMENDED AND RESTATED DECLARATIONS OF COVENANTS AND RESTRICTIONS (“Amendment”) is made and entered into by and between BROWARD COUNTY, a political subdivision of the State of Florida, by its Board of County Commissioners with offices at Government Center, 115 S. Andrews Ave., Fort Lauderdale, FL 33301 (“County”), CITY OF CORAL SPRINGS, a Florida municipal corporation, its successors and assigns, with an office at 9551 West Sample Road, Coral Springs, FL 33065 (“City”) and TNHYIF REIV KILO, LLC, a Delaware limited liability company authorized to do business in the State of Florida, with an office address of 10 Bank Street, 12<sup>th</sup> Floor, White Plains, NY 10606 (“Developer”).

**W I T N E S S E T H:**

WHEREAS, on May 16, 2006 County, City and Amera Charter Place Ltd., a Florida limited partnership, entered into an Amended and Restated Declaration of Covenants and Restrictions, Non-Exclusive Easement and Exclusive Parking Rights, Access Easement, Party Wall and Maintenance Agreement which was recorded at OR Book 32744, Page 1750, as corrected by OR Book 44254, Page 211 of the Public Records of Broward County, Florida (“Declaration”), and

WHEREAS, Developer purchased the real property impacted by the Declaration from Amera Charter Place, Ltd. and thus pursuant to Paragraph 14.1 of the Declaration became the successor in interest to Amera Charter Place, Ltd., and

WHEREAS, Exhibit 5 of the Declaration is supposed to be the 3.82 acre tract of land which the Coral Springs Community Redevelopment Agency conveyed to Amera Charter Place, Ltd. (“Developer Project Land”), and

WHEREAS, Exhibit 5 of the Declaration instead describes the real property which the Developer was transferring to the Coral Springs Community Redevelopment Agency, and

WHEREAS, an examination of the Declaration shows that Exhibit 5 and Exhibit 9 to the Declaration contain the same exact legal description and that legal description of Exhibit 5 was inserted into the Declaration as a scrivener's error, and

WHEREAS, it is necessary to amend the Declaration to correct the erroneous Exhibit 5 with a correct legal description of Exhibit 5,

NOW THEREFORE, in consideration of the sum of ten (\$10.00) dollars and the mutual promises and conditions contained herein, the receipt and sufficiency which are hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The recitals set forth above are true and correct and are incorporated herein by reference.
2. Amendment. Exhibit 5 to the Declaration is hereby amended in its entirety with Exhibit 5 attached to this Amendment.
3. Incorporation and Conflict. The terms and conditions of this Amendment are attached to and form an integral part of the Declaration Contract and the terms and conditions of the Declaration are hereby ratified, restated and incorporated herein by reference. If there is any conflict, either express or latent, between the terms and conditions of the Declaration and this Amendment, then the terms and conditions of the Declaration shall control unless expressly amended by this Amendment.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment to the Amended and Restated Declaration of Covenants and Restrictions, Non-Exclusive Easement and Exclusive Parking Rights, Access Easement, Party Wall and Maintenance Agreement on the respective dates under each signature: BROWARD COUNTY through its Board of County Commissioners signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the \_\_\_ days of \_\_\_\_\_, 2017, CITY OF CORAL SPRINGS, signing by and through its Mayor duly authorized to execute same, and DEVELOPER by and through its Authorized Member, duly authorized to execute the same.

**COUNTY:**  
BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

ATTEST

\_\_\_\_\_  
County Administration and Ex  
Officio Clerk of the Board of County  
Commissioners of Broward County, Florida

By: \_\_\_\_\_  
Mayor

Approved as to form by  
Andrew J. Meyers  
Broward County Attorney  
Government Center, Suite 423  
115 S. Andrews Ave.  
Fort Lauderdale, FL 33301  
Telephone: (954) 357-7600  
Facsimile: (954) 357-6968

By: \_\_\_\_\_  
Annika E. Ashton  
Assistant County Attorney

**CITY:**

CITY OF CORAL SPRINGS

ATTEST:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Clerk

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Office of the City Attorney

**DEVELOPER:**

TNHYIF REIV KILO, LLC, a Delaware limited liability company

By: TRUE NORTH CAPITAL FUNDING, LLC, a Delaware limited liability company, its managing member

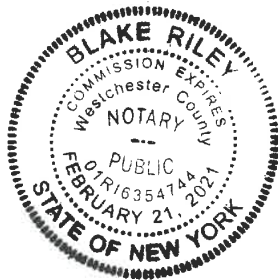
By: [Signature]  
 Name: Paul R. Turovsky  
 Title: Co-President and Assistant Secretary

STATE OF New York )  
 ) SS:  
 COUNTY OF Westchester )

**BLAKE RILEY**  
 Notary Public, State of New York  
 Registration #01R16354744  
 Qualified In Westchester County  
 Commission Expires Feb. 21, 2021

THE FOREGOING INSTRUMENT was acknowledged before me this 17 day of November, 2017 by Paul R. Turovsky, as Co-President and Assistant Secretary of TRUE NORTH CAPITAL FUNDING, LLC, the managing member of TNHYIF REIV KILO, LLC, who is personally known to me or has produced Pass Port as identification.

(SEAL)



[Signature]  
 Notary Public  
Blake Riley  
 Printed Name  
 My Commission Expires: 2/21/21

**EXHIBIT 5**  
**(Land Conveyed to Developer by City and CRA)**

A portion of Parcel "A", CORAL SPRINGS CHARTER SCHOOL PLAT, according to the plat thereof, as recorded in Plat Book 173, Page 118, Broward County, Florida, more particularly described as follows:

COMMENCE at the Northeast corner of Parcel "G", CORAL SPRINGS VILLAGE GREEN, RESUB., according to the plat thereof as recorded in Plat Book 67, Page 16, of the Public Records of Broward County, Florida; thence South 00°27'09" West, along the West line of said Parcel "G", 16.00 feet to the Northeast corner of said Parcel "A" of CORAL SPRINGS CHARTER SCHOOL plat; thence North 89°32'51" West 339.54 feet; thence South 00°27'09" West, 15.00 feet to the POINT OF BEGINNING; thence South 00°05'38" West, 114.41 feet; thence North 89°54'22" West, 45.64 feet to a point of curvature of a curve concave to the Southeast; thence Southerly along the arc of said curve, having a radius of 15.00 feet and a central angle of 93°46'45", a distance of 24.55 feet to a point of reverse curvature of a curve concave to the Northwest; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet and a central angle of 49°18'58", a distance of 25.82 feet; thence South 45°37'50" West, 194.02 feet to a point of curvature of a curve concave to the Northwest; thence Westerly along the arc of said curve, having a radius of 27.00 feet and a central angle of 44°27'48", a distance of 20.95 feet; thence South 00°05'38" West, 16.00 feet; thence North 89°54'22" West, 47.72 feet; thence South 00°05'38" West, 87.00 feet; thence North 89°54'22" West, 18.00 feet; thence South 00°05'38" West, 16.00 feet to a point of curvature of a curve concave to the Northwest; thence Westerly along the arc of said curve, having a radius of 11.00 feet and a central angle of 90°00'00", a distance of 17.28 feet; thence North 89°54'22" West, 36.85 feet to a point of curvature of a curve concave to the Southeast; thence Southeasterly along the arc of said curve, having a radius of 15.00 feet and a central angle of 111°48'07", a distance of 29.27 feet to a point of compound curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 87.00 feet and a central angle of 19°07'04", a distance of 29.03 feet; thence South 46°47'07" West, 43.56 feet; thence South 43°12'53" East, 9.00 feet; thence South 46°47'07" West, 36.64 feet to a point of curvature of a curve concave to the Northwest; thence Westerly along the arc of said curve, having a radius of 34.00 feet and a central angle of 43°18'31", a distance of 25.70 feet; thence North 89°54'22" West, 75.78 feet; thence North 01°00'47" West, 419.51 feet to a point of curvature of a curve concave to the Southeast; thence Easterly along the arc of said curve, having a radius of 124.00 feet and a central angle of 91°27'56", a distance of 197.95 feet; thence South 89°32'51" East, 374.02 feet to the POINT OF BEGINNING.

Said lands situate in the City of Coral Springs, Broward County, Florida.