

This instrument prepared by:  
Charles E. Wallace, Ph.D.  
HOPOA Secretary  
16621 NW 165<sup>th</sup> LN.  
Alachua, FL 32615

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 3407469 4 PG(S)  
March 23, 2022 04:25:36 PM  
Book 4989 Page 10  
J. K. JESS IRBY, ESQ. Clerk of Court  
ALACHUA COUNTY, Florida



**SUPPLEMENTAL DECLARATION  
AMENDMENT 3 TO THE FIRST AMENDED DECLARATION OF COVENANTS AND  
RESTRICTIONS FOR HERITAGE OAKS, AND ITS BYLAWS**

THIS AMENDMENT TO THIS FIRST AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS FOR HERITAGE OAKS (hereinafter referred to as "Amendment 3") is made on the 18<sup>th</sup> day of March, 2022, by the Heritage Oaks Property Owners Association, Inc. (hereinafter referred to as the "Association").

WITNESSETH:

WHEREAS, Association filed the " FIRST AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS" (hereinafter the "Declaration") on March 18, 2014, which Declaration is recorded in Official Records Book 4264, Page 168 of the Public Records of Alachua County, Florida; and

WHEREAS, Association filed the " AMENDMENT 1 TO THE FIRST AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS FOR HERITAGE OAKS AND ITS BYLAWS" (hereinafter the "Amendment 1") on October 27, 2016, which Declaration is recorded in Official Records Book 4470, Page 1849 of the Public Records of Alachua County, Florida; and

WHEREAS, Association filed the " AMENDMENT 2 TO THE FIRST AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS FOR HERITAGE OAKS AND ITS BYLAWS" (hereinafter the "Amendment 2") on February 14, 2019, which Declaration is recorded in Official Records Book 4664, Page 1914 of the Public Records of Alachua County, Florida; and

WHEREAS the Association desires to make other miscellaneous changes to the Declaration; and

WHEREAS, the Declaration is hereby amended by the affirmative vote or written consent of the Members having not less than a majority (51 percent) of the votes of the Membership;

NOW, THEREFORE, Association hereby declares that the said Declaration is amended to reflect the following changes made to the articles and sections indicated:

Article 1, Section 1.5, after the first "Board," add "Directors", which is also used in the Declaration, so that (with appropriate punctuation) it reads, ""Board," "Directors," or "Board of Directors"".

Article 1, Section 1.12, add at the end of the existing text, to tie in the Guidelines more explicitly in a general sense: "A document referred to as the "Covenants Guidelines" to the First Amended Covenants and Restrictions, including any Amendments thereto, is the principal supplement to the Declaration. The Covenants Guidelines give Owners (and tenants) guidance and directions on what is permissible and, in some cases, what is not, in cases where the

Declaration is not explicit. In the event of any conflict between the Covenants Guidelines and this Declaration, the latter shall prevail.”

Article 1, Section 1.21, add “Rental/” before “Rentable” because both are used.

Article 2, Section 2.3, replace this section in its entirety with the following, to authorize the Board of Directors, and in some cases in coordination with the Architectural Review Board, to designate Rental/Rentable Lots and to codify criteria for lots to be so designated, and maintained as such:

**Section 2.3 Rental Properties:** In order to create a stable neighborhood, the rental of Dwelling Units shall be, with exception of Dwelling Units constructed on the Rentable Lots, strictly prohibited. Dwelling Units on the Rentable Lots may be rented to third parties for lease terms of not less than three (3) months and subject to the provisions of this section and Section 2.36 below. The Board may designate Lots as Rentable Lots and, with the consent of the then Owner of a Rentable Lot, may remove the designation of any Lot as a Rentable Lot. At no time may more than nine (9) of the ninety-eight (98) Lots within Heritage Oaks be designated as Rentable Lots, unless approved by the Board for special circumstances. The criteria needed to be met for the Board to consider a Lot to be a Rentable Lot include the following: the property owner must have held title to the considered Lot in Heritage Oaks for a minimum of twenty-four (24) consecutive months. Additionally, if a single entity, person, or company holds title to more than one Lot in Heritage Oaks, only one Lot may be rented at any given time. To waive either of these preceding requirements, a majority vote of the combined Board of Directors and the Architectural Review Board (ARB) must be achieved. All Property Owners of Rentable Lots must submit an application to the Board of Directors to designate the titled property as a Rentable Lot. This application will automatically expire in twenty-four (24) months from the date of the application, and must be renewed. All currently Rentable Lots as of the date of this Amendment must submit their applications to the Board of Directors by June 30th, 2022, to be in compliance with this Amendment. Failure to renew or submit for the designation of Rentable Lot shall result in the termination of the Rentable Lot status for the assigned property. The designation of Rentable Lot may be transferred to the new owner in the event of the sale, or inheritance, of said lot only with approval of the Board; otherwise, the designation shall automatically terminate. The list of currently approved Rentable Lots shall be documented in an annex to the Covenants Guidelines.

Article 2, Section 2.15, insert after the second sentence ending with “ ... permission of the ARB” the following: “A For Rent/Lease sign may only be placed on an approved Rental Lot.”

Article 3, Subsection 3.3.2, in the fifth line, replace “an instrument, signed by Members representing” with “approved by” because it should not require signatures of a majority; a simple vote is sufficient. Then in the last line, insert after “recorded” the phrase “, unless the part of the Common Area being transferred was to be dedicated in the plat of the Heritage Oaks Development”.

Article 3, Subsection 3.3.3, replace the period at the end with “; and”, then add the following new subsection to provide protection from liability for anyone using the Common Area:

**3.3.4** No Owner, family member, or guest of an Owner availing him or herself to the use of the Common Area may hold the Association, its Board of Directors, or other official entity of the Association, liable for any accident, injury, or loss incurred in the use of the Common Area, except in a case of gross negligence by such entity.

Article 3, Section 3.9, to make it clear that at this time, HO isn't a member of this association, but if/when we do become one, the rest applies, replace "By" at the beginning of the paragraph with "If and when the Heritage Oaks Property Owners' Association becomes an official Member of the Alachua Gateway Surfacewater Management Association by accepting an invitation to membership therein, by".

While the Association is the official member, for practical reasons, the BoD will interact with the AGCSMA, so, at the end of this subsection, add the following: "The Board of Directors shall serve as the representative of the Association for routine activities associated with the Alachua Gateway Center Surfacewater Management Association."

Article 7, Section 7.11, to be clear that this process applies to Rentable Lots and not just the Article 2 use restriction, insert after "restrictions" in the second line: ", including denial of application for Rentable Lot".

(Approved by the Board of Directors on 12/30/2021, confirmed by the Architectural Review Board on 1/17/22, and approved by 100% of the Association Members, 3/5/2022)

IN WITNESS WHEREOF, the Association has executed this instrument the day and year first above written.

Signed, sealed and, delivered in our presence as witnesses:

Heritage Oaks Property Owners' Association, Inc., a Florida Corporation

Kevin J. Strattan

By: Kevin Strattan  
Its President

Lauren Fragin

Witness: [Signature]

Charles Wallace

Witness: [Signature]

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2022 by Kevin Strattan as President, on behalf of Heritage Oaks Property Owners' Association, Inc., a Florida Corporation, who is personally known to me.

Sandra V. Burgess  
Notary Public

My commission expires: \_\_\_\_\_

