

Prepared By and Return To:  
Clifford B. Newton, Esquire  
Newton, Sheffield, Hurst & Almand  
10192 San Jose Boulevard  
Jacksonville, Florida 32257

AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR HEAVEN TREES

This Amendment to Declaration of Covenants, Conditions and Restrictions for Heaven Trees is made on the date hereinafter set forth by HUTSON LAND COMPANY, INC., a Florida corporation, hereinafter referred to as "Declarant".

W I T N E S S E T H:

WHEREAS, Declarant has previously recorded the Declaration of Covenants, Conditions and Restrictions for Heaven Trees which was recorded in Official Records Volume 7590, page 1963, of the current public records of Duval County, Florida (the Declaration); and

WHEREAS, the Declarant wishes to amend the Declaration and, pursuant to the provisions of the Declaration, has the right to amend the Declaration:

NOW, THEREFORE, Declarant hereby amends Article V of the Declaration to add and incorporate the following Conservation Easement pursuant to the plans approved by the St. Johns River Water Management District under permit No. 42-031-2193N, to subject the lands described in said permit to said easement. (3)

37. "Conservation Easement. The Declarant hereby reserves unto itself, its successors and assigns, a perpetual, non-exclusive easement (the "Conservation Easement") over and across all areas noted on the Plat as conservation easements.

No right-of-access by the general public to the Property or any portion thereof is conveyed by this easement.

This easement, and all terms and conditions hereof, shall run with the land and be binding upon and inure to the benefit of the heirs, successors, assigns, and personal representatives of the Declarant and the St. Johns River Water Management District.

This easement may be amended or cancelled, or portions of the property released herefrom, only by written instrument duly recorded in the public records of Duval County, Florida, and

## OFFICIAL RECORDS

executed by the Declarant and the St. Johns River Water Management District or their respective heirs, successors, assigns and personal representatives.

The purpose of this Conservation Easement is to preserve the land predominately in its natural state pursuant to the following description of "Prohibited Activities" and "Permitted Activities":

A. The following activities shall constitute prohibited activities on the Conservation Easement area (the "Prohibited Activities"):

a) Construction or placing of buildings, roads, utilities, or other structures on or above the ground.

b) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials.

c) Removal or destruction of trees, shrubs or other vegetation, except trimming or pruning as permitted by the Declarant.

d) Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material in such a manner as to affect the surface.

e) Any surface use which does not permit the Conservation Easement area to remain predominantly in its natural condition.

f) Any activity detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

B. The following activities shall constitute permitted activities (the "Permitted Activities"):

a) Trails and picnic and observation areas.

b) Any activities for passive recreational purposes, such as those listed in a) above, which do not require the removal or destruction of vegetation or the dumping or placing of landfill.

c) Any activities and improvements required or permitted under St. Johns River Water Management District Permit No. 42-031-2193N.

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2. Except as amended herein, the aforesaid declaration as previously amended shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, this amendment has been executed this 30 day of June, 1993, by Declarant.

Signed, sealed and delivered in the presence of:

HUTSON LAND COMPANY, INC.

Elinore C. Cox  
Elinore C. Cox

By: Donald P. Hinson  
DONALD P. HINSON  
Its President

Steven Mitchell  
Steven Mitchell  
STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 30 day of June, 1993, by DONALD P. HINSON, the President of HUTSON LAND COMPANY, INC., a Florida corporation, on behalf of the corporation. He is personally known to me.

Deborah Semtaw  
Notary Public, State of Florida

My commission expires:



DEBORAH SEMTAW  
My Commission CC289691  
Expires May 25, 1997  
Divided by ANB  
P. O. 852-5878

93-0090168  
FILED AND RECORDED  
IN PUBLIC RECORDS  
OF DUVAL COUNTY FLA

93 JUL 20 PM 1:41  
RECORDED  
Deborah Semtaw  
CLERK OF DISTRICT COURT