

RIVERBROOK AT GLEN KERNAN OWNERS ASSOCIATION, INC.

**Proposed amendments to the
Declaration of Covenants, Conditions and Restrictions for
Riverbrook at Glen Kernan.**

The Riverbrook at Glen Kernan Board of Directors, with the advice of Counsel, is recommending the attached proposed amendments to the Declaration of Covenants, Conditions and Restrictions for Riverbrook at Glen Kernan.

Each proposed amendment must be separately voted and approved by 263 lot owners. This vote will be completed by written affirmation of 66% of the total votes eligible to be cast by lot owners.

Counting of the votes will be conducted by the HOA property manager under authority of the Board. A tally of the votes will be reported by the Secretary of the HOA at a duly noticed Board of Directors Meeting.

Upon approval of the amendments a certificate of amendment will be recorded with Duval County, Florida and a copy will be provided to all lot owners.

Provided with this cover letter are three (3) Consent to Amendment Voting Ballots for:

Amendment to Declaration Article IV Section 1 (Creation of Lien and Personal Obligation for Assessments) & Section 9 (Subordination of the Lien to Mortgages)

Amendment to Declaration Article V Section 14 (Fences)

Amendment to Declaration Article V Section 33 (Amendment Voting)

(See enclosed Limited Proxy Form & Instructions and return envelope provided)

Please remember to mark your votes with a YES or NO on each voting ballot, print your name and Riverbrook at Glen Kernan address, date and sign. Place the three (3) voting ballots and Limited Proxy (if applicable) in the return envelope marked "AMENDMENT BALLOTS."

The Riverbrook at Glen Kernan HOA Board appreciates your time and careful consideration of these very important proposed amendments.

-Rowena Nagales, Sharon Ervin, Erika Williams

RIVERBROOK AT GLEN KERNAN OWNERS ASSOCIATION, INC.

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**WHAT ARE THE PROPOSED CHANGES AND WHAT ARE
THE REASONS FOR THE CHANGES?**

There are just three (3) amendments. Each is laid out in legal language in the enclosed Consent to Amendment Voting Ballots.

Each must be signed according to the instructions in order to record your vote.

Here are the current issues with explanation of the proposed changes:

1. Amendment to the Declaration, Article IV Section 1 & Section 9

A recent Appellate Court ruling places us at significant financial risk of being unable to realize uncollected/delinquent maintenance fees from accounts that are in bank foreclosure. This problem has grown and could continue to grow with the incidence of foreclosures. The recommended amendment better protects us from this risk.

2. Amendment to Declaration, Article V Section 14

There is a long history of problems associated with unsightly and deteriorating wood fences throughout the community. This problem has negatively affected property values and has prevented owners from installing fences made of durable materials because the current language requires all fences to be constructed of natural wood. The recommended amendment would resolve this problem by allowing fences to be constructed of durable, Architectural Control Committee approved materials, other than wood. The amendment would prohibit chain link or other metal wire fencing.

3. Amendment to Declaration, Article V Section 33

This amendment will reduce the approval requirements for any future amendments to the Declaration. It will require the affirmative approval of 50% plus one of all those entitled to vote, instead of 66%. This will still require the affirmative approval of 200 Lot Owners to make amendments to the Declaration.

**CONSENT TO AMENDMENT
VOTING BALLOT**

Riverbrook at Gen Kernan Owners Association, Inc.

The Riverbrook at Gen Kernan Owners Association Board of Directors proposes to amend the Declaration of Covenants, Conditions and Restrictions for the Association in accordance with the provisions provided in the Association Bylaws.

Owners of Lot in Riverbrook at Glen Kernan are entitled to one vote per lot. Each lot owner may provide their written affirmation by marking YES or NO for each amendment on this form. Please print your name, Riverbrook at Glen Kernan address, date and sign. Place the completed form in the ballot envelope provided, follow instructions as indicated on the back of the envelope and return the ballot envelope by mail or personal delivery to the Riverbrook at Glen Kernan HOA management office at 1301-A Penman Rd Jacksonville Beach, FL 32250.

NOTE: LANGUAGE BEING ADDED IS UNDERLINED AND LANGUAGE BEING DELETED IS ~~STRUCK THROUGH~~.

THE DECLARATION SHALL BE AMENDED AS FOLLOWS:

ARTICLE IV - COVENANT FOR MAINTENANCE ASSESSMENTS

1. Creation of the Lien and Personal Obligation for Assessments. The Declarant, for each lot owned within the Properties, hereby covenants, and each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to ~~ay~~ pay to the Association: 1) annual assessments or charges, and 2) special assessment for capital improvements or maintenance, such assessments to be established and collected as hereinafter provided.

Intervening Language Unchanged

The personal obligation for delinquent assessments shall not pass to such owner's successors in title unless expressly assumed by ~~the~~ such owner's successor in title, but the lien shall survive any conveyance of title.

Intervening Language Unchanged

9. Subordination of Lien to Mortgages. The lien for the assessments provided for herein shall be subordinate to the lien of any institutional first mortgage unless the lien was recorded before the first mortgage. As to all other mortgages, liens or interests, the lien, as provided in Section 720.3085, Florida Statutes, is effective from and shall relate back to the date on which the original declaration of the community was recorded and therefore shall be superior to all such interests recorded after the date the original declaration was recorded. The ~~Sale~~ sale or transfer of any lot shall not affect the assessment lien. However, the sale or transfer of any lot pursuant to judicial or non judicial mortgage foreclosure or ~~any proceeding in~~ transfer of title by deed in lieu of foreclosure to any First Mortgagee thereof shall extinguish the lien of such assessment as to payments which become due prior to such sale or transfer except for any amounts due pursuant to Section 720.3085, Florida Statutes. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.

Are you in favor of the proposed Amendment to Article IV, Section 9 of the Declaration of Covenants, Conditions and Restrictions for Riverbrook at Glen Kernan pertaining to Subordination of Lien to Mortgages?

YES _____ NO _____

Owner Name (please print): _____

Riverbrook at Glen

Kernan Address: _____

By signing below the undersigned affirms he/she/they is/are the Owner(s) or authorized voter(s) and have authority to approve or disapprove the amendment.

Date: _____

Signature: _____
(Only one vote per lot)

**CONSENT TO AMENDMENT
VOTING BALLOT**

Riverbrook at Glen Kernan Owners Association, Inc.

The Riverbrook at Gen Kernan Owners Association Board of Directors proposes to amend the Declaration of Covenants, Conditions and Restrictions for the Association in accordance with the provisions provided in the Association Bylaws.

Owners of Lot in Riverbrook at Glen Kernan are entitled to one vote per lot. Each lot owner may provide their written affirmation by marking yes or no for each amendment on this form. Please print your name, Riverbrook at Glen Kernan address, date and sign. Place the completed form in the ballot envelope provided, follow instructions as indicated on the back of the envelope and return the ballot envelope by mail or personal delivery to the Riverbrook at Glen Kernan HOA management office at 1301-A Penman Rd Jacksonville Beach, FL 32250.

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THE DECLARATION SHALL BE AMNDED AS FOLLOWS:

ARTICLE V – LAND USE AND BUILDING TYPE

14. Fences. ~~All fences shall be constructed of natural wood.~~ All fencing must conform to the following covenants and restrictions and be approved in writing by the Architectural Control Committee prior to installation. No fence shall be installed which restricts or prohibits ingress and egress as granted by easements herein. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the rear of the house or the side of the house in the case of an corner lot unless approved by the Architectural Control Committee and in no event shall any fence exceed a maximum height of six (6) feet or be lower than a minimum height of five (5) feet unless approved by such committee. All fences shall be constructed and maintained to present a pleasing appearance as to quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography and finished grade elevation. It shall be within the sole and exclusive purview of the Architectural Review Committee to make the determination as to whether or not a fence is pleasing in appearance as provided herein. Declarant reserves the right to release areas such as sewer lift stations, playgrounds, entranceways, perimeter fencing, etc., ~~from~~ from the above fence restrictions.

Are you in favor of the proposed Amendment to Article V, Section 14 of the Declaration of Covenants, Conditions and Restrictions for Riverbrook at Glen Kernan pertaining to fences?

YES _____ NO _____

Owner Name (please print): _____

Riverbrook at Glen

Kernan Address: _____

By signing below the undersigned affirms he/she/they is/are the Owner(s) or authorized voter(s) and have authority to approve or disapprove the amendment.

Date: _____

Signature: _____
(Only one vote per lot)

**CONSENT TO AMENDMENT
VOTING BALLOT**

Riverbrook at Glen Kernan Owners Association, Inc.

The Riverbrook at Gen Kernan Owners Association Board of Directors proposes to amend the Declaration of Covenants, Conditions and Restrictions for the Association in accordance with the provisions provided in the Association Bylaws.

Owners of Lots in Riverbrook at Glen Kernan are entitled to one vote per lot. Each lot owner may provide their written affirmation by marking YES or NO for each amendment on this form. Please print your name, your Riverbrook at Glen Kernan address, date and sign. Place the completed form in the ballot envelope provided, follow instructions as indicated on the back of the envelope and return the ballot envelope by mail or personal delivery to the Riverbrook at Glen Kernan HOA management office at 1301-A Penman Rd Jacksonville Beach, FL 32250

NOTE: LANGUAGE BEING ADDED IS UNDERLINED AND LANGUAGE BEING DELETED IS ~~STRUCK THROUGH~~.

THE DECLARATION SHALL BE AMNDED AS FOLLOWS:

ARTICLE V – LAND USE AND BUILDING TYPE

33. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land for a term of thirty (30) years from the date this Declaration is recorded, after which they shall be automatically extended for successive periods of ten (10) years.

Intervening Language Unchanged

Subject to the above rights reserved by the Declarant, this Declaration may be amended by ~~an instrument signed by not less than 66% of the lot owners~~ the Lot Owners only by the affirmative vote or written consent, or any combination thereof, of Lot Owners representing 50% plus one of the total votes eligible to be cast by the Lot Owners, EXCEPT that the covenants herein contained pertaining to (1) the required maintaining of an owners association or (2) to the surface water or stormwater management system, beyond maintenance of its original condition, including the water management portions of the common areas, if any, may not be amended without the approval of the St. Johns River Water Management District. Any amendment to be effective must be recorded in the Public Records of Duval County, Florida.

Are you in favor of the proposed Amendment to Article V, Section 33 of the Declaration of Covenants, Conditions and Restrictions for Riverbrook at Glen Kernan pertaining to amendments?

YES _____ NO _____

Owner Name (please print): _____

Riverbrook at Glen
Kernan Address: _____

By signing below the undersigned affirms he/she/they is/are the Owner(s) or authorized voter(s) and have authority to approve or disapprove the amendment.

Date: _____

Signature: _____
(Only one vote per lot)