

This instrument prepared by and return to:  
Daniel Crapps  
2806 W. U.S. 90 #101  
Lake City, FL 32055  
Telephone No.: (386) 755-5110

Inst: 201712023210 Date: 12/20/2017 Time: 9:58AM  
Page 1 of 11 B: 1350 P: 447, P.DeWitt Cason, Clerk of Court  
Columbia, County, By: BD  
Deputy ClerkDoc Stamp-Deed: 0.70

## SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS FOR CYPRESS LAKE BUSINESS PARK

THIS SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS FOR CYPRESS LAKE BUSINESS PARK ("Amendment") is made this 6th day of December, 2017 by Daniel Crapps and Richard Cole, as Co-Trustees of the Cypress Land Trust ("Developer"), with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the real property described herein, whose address is c/o Daniel Crapps, 2806 W. U.S. 90 #101, Lake City, FL 32055, and is joined in by all property owners in the Cypress Lake Business Park subdivision (collectively, "Owners").

### WITNESSETH:

WHEREAS, the Developer is the Developer under that certain Declaration of Restrictions and Protective Covenants for Cypress Lake Business Park dated October 30, 2007, and recorded as Instrument No. 200712024903 and as Official Records Book 1135, Page 1444, as amended by that certain First Amendment to Declaration of Restrictions and Protective Covenants for Cypress Lake Business Park dated September 15, 2014, and recorded as Instrument No. 201412014452, and as Official Records Book 1281, Page 1585, all in the Public Records of Columbia County, Florida (collectively, the "Declaration"); and

WHEREAS, property subject to the Declaration is set forth in Schedule "A" to the Declaration (the "Property" or "property"); and

WHEREAS, Developer has platted portions of the Property; and

WHEREAS, the most recent plat of a portion of the Property is the plat for Cypress Lake Business Park, Unit No. 1, as recorded in Plat Book 9, Pages 128, 129, 130 and 131, Public Records of Columbia County, Florida ("Unit No. 1 Plat"); and

WHEREAS, OHI Asset (FL) Lake City, LLC, a Delaware limited liability company ("OHI") has entered into an agreement to purchase the property more particularly described as a portion of Lot 1 of the Unit No. 1 Plat, as set forth on Exhibit "A" attached hereto and incorporated herein (the "ALF Parcel") from the Developer. OHI (or its assigns, lessees, or agents) intends to construct an assisted living facility on the ALF Parcel; and

WHEREAS, the Developer and the Owners have agreed to amend the Declaration in accordance with the terms and provisions of this Amendment.

NOW, THEREFORE, the Developer and Owners hereby amend the Declaration as follows:

1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.
2. Amendment to Paragraph 3. Paragraph 3 of the Declaration is hereby deleted entirely and replaced with the following:

"3. Use. The Property shall not be used for orthopedic medical services, orthopedic surgery, orthopedic imaging, orthopedic diagnosis or orthopedic physical therapy or any other type of musculoskeletal medical practice, except that the parcel described in Schedule "B" to the Declaration or any other parcel leased or used by The Orthopaedic Institute, P.A., or its successors or assigns, may be used for such purposes, provided, however, that the prohibition against the above use shall terminate in the event that the parcel described in Schedule "B" to the Declaration and any other parcel leased or used by The Orthopaedic Institute, P.A., or its successors or assigns, are no longer used for the above purposes. "Musculoskeletal" shall be defined as muscles attached to the skeleton (the bones of a human being or other vertebrate supporting the soft tissues protecting internal organs). This restriction will not prohibit general practitioners or family physicians from providing such services to their established patients incidental to their usual services.

The Property may not be used for adult bookstores or adult video shops.

Provided, however, notwithstanding anything herein to the contrary, so long as the ALF Parcel is used as a facility that operates as a licensed senior care facility (including independent care, assisted living, skilled nursing, or memory care facility), then the following uses shall be permitted on the ALF Parcel as are provided to Inpatients: orthopedic physical therapy, occupational therapy, speech therapy and pain/medication management. Further, in the event the Florida Agency for Healthcare Administration ("AHCA") or any other governmental entity imposes requirements to provide additional services to its admitted Inpatients then such services or uses shall be permitted on the ALF Parcel in order to comply with those requirements. Orthopedic physical therapy, occupational therapy, speech therapy, pain/medication management, or other orthopedic or musculoskeletal medical services shall not be permitted on the ALF Parcel to Outpatients. "Inpatients" refers to patients of the ALF Parcel facilities who receive medical or respite care services in connection with overnight lodging. "Outpatients" refers to patients of the ALF Parcel facilities who receive medical services only."

3. Further Use Restrictions. The Declaration is hereby amended to add the following new Paragraph 31:

"31. Further Restrictions. No portion of the Property (except for the ALF Parcel) may be used to operate a senior housing facility, including, memory care, skilled nursing, assisted living, and independent living facilities, without receiving the written consent of the owner (and any lessee or operator) of the

ALF Parcel, which consent may be withheld in the owner's (or lessee's or operator's) sole discretion. In the event any party violates this restriction, then it would cause irreparable harm to the owner (or lessee or operator) of the ALF Parcel. Accordingly, the owner of the ALF Parcel (or lessee or operator) shall be entitled to injunctive relief enjoining and restraining such violation in addition to any other rights or remedies it may have at equity or law."

4. Binding Effect. The terms and conditions of this Amendment and the Declaration shall be binding on all persons having or acquiring any right, title or interest in the property subject to the Declaration and shall inure to the benefit of each and every person, from time to time, owning or holding an interest (including a leasehold or other management interest) in the Property.

**[SIGNATURE PAGES FOLLOW NEXT]**

IN WITNESS WHEREOF, the Developer and the Owners have executed this Amendment as of the day and year first written above.

DEVELOPER and OWNER:

WITNESSES:

CYPRESS LAKE LAND TRUST

Lisa Hicks  
Print name: Lisa Hicks

By: Daniel Crapps  
Daniel Crapps, Trustee

Tucker Smith  
Print name: TUCKER SMITH

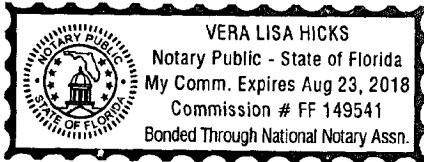
By: Richard Cole  
Richard Cole, Trustee

Lisa Hicks  
Print name: Lisa Hicks

Tucker Smith  
Print name: Tucker Smith

STATE OF FLORIDA  
COUNTY OF Columbia

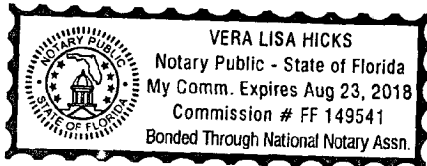
The foregoing instrument was acknowledged before me this 25 day of Sept, 2017, by Daniel Crapps, as Co-Trustee of the Cypress Lake Land Trust. He is (check one):  personally known to me, or  produced \_\_\_\_\_ as identification.



Vera Lisa Hicks  
Signature of Notary Public  
Vera Lisa Hicks  
Print name of Notary Public  
Notary Public State of Florida  
My Commission Expires: 8-23-18

STATE OF FLORIDA  
COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 25 day of Sept, 2017, by Richard Cole, as Co-Trustee of the Cypress Lake Land Trust. He is (check one):  personally known to me, or  produced \_\_\_\_\_ as identification.



Vera Lisa Hicks  
Signature of Notary Public  
Vera Lisa Hicks  
Print name of Notary Public  
Notary Public State of Florida  
My Commission Expires: 8-23-18

**JOINDER BY OWNERS**

The undersigned Owners hereby join in this Amendment.

OWNER:

WITNESSES:

*Miranda Fetters*  
Print name: Miranda Fetters

*Haley Johnson*  
Print name: Haley Johnson

TOC REAL ESTATE INVESTORS II, LLC,  
a Florida limited liability company

By: *James W. Berk*  
Name: James W. Berk, M.D.  
Title: President

Address:  
4500 Newberry Road  
Gainesville, Florida 32607

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me this 20 day of September, 2017, by James W. Berk, MD as President of TOC REAL ESTATE INVESTORS II, LLC, a Florida limited liability company. He or she is (check one):  
       personally known to me, or        produced        as identification.

*Cheryl Ann Carver*  
Signature of Notary Public

Cheryl ANN Carver  
Print name of Notary Public  
Notary Public State of Florida  
My Commission Expires: 3/4/2018



OWNER:

WITNESSES:

Medea Lodge  
Print name: Medea Lodge

Mary T. Gregory  
Print name: Mary T. Gregory

ALGK LAKE CITY, LLC, a Florida limited liability company

By: Paul Alfino  
Name: Paul Alfino, MD  
Title: Partner

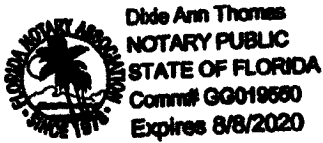
Address:  
4423 NW 6th Place, Suite A  
Gainesville, Florida 32607

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me this 22 day of September 2017, by PAUL ALFINO, as Partner of ALGK LAKE CITY, LLC, a Florida limited liability company. He or she is (check one):  personally known to me, or  produced \_\_\_\_\_ as identification.

Dixie Thomas  
Signature of Notary Public

Dixie Thomas  
Print name of Notary Public  
Notary Public State of Florida  
My Commission Expires: 8/8/2020



OWNER:

KB LAKE CITY DIALYSIS, DST, a  
Delaware statutory trust

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

Name: JEFF PORT

Title: MANAGER

Address:  
c/o National Asset Services  
c/o Geraldine Sanchez  
9841 Airport Boulevard, Suite 1107  
Los Angeles, California 90045

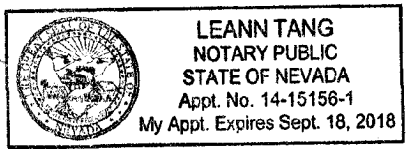
WITNESSES:

[Signature]  
Print name: Domine Cerminara

[Signature]  
Print name: Jeffrey Farnsworth

STATE OF NEVADA  
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this 2 day of  
October, 2017, by JEFF PORT, as Manager of KB LAKE CITY  
DIALYSIS, DST, a Delaware statutory trust. He or she is (check one): He personally known  
to me, or He produced DRIVER LICENSE as identification.



[Signature]  
Signature of Notary Public

LEANN TANG  
Print name of Notary Public  
Notary Public State of Florida  
My Commission Expires: Sept 18, 2018

OWNER:

WITNESSES:

Vera Lisa Hicks  
Print name: VERA LISA HICKS

Mary Lyons  
Print name: MARY LYONS

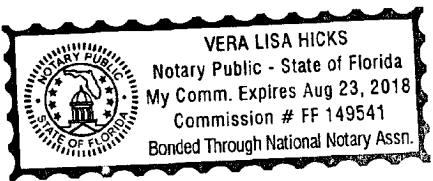
AMERE, LLC, a Florida limited liability company (successor by merger to Amere Properties, LLC, a Florida limited liability company)

By: [Signature]  
Name: RIZWANA THANAWALA  
Title: Medical Suite Managing Partner

Address:  
404 NW Hall of Fame Drive  
Lake City, Florida 32055

STATE OF FLORIDA  
COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 21 day of Sept, 2017, by Rizwana Thanawala of AMERE, LLC, a Florida limited liability company. He or she is (check one):  personally known to me, or \_\_\_\_\_ produced \_\_\_\_\_ as identification.



Vera Lisa Hicks  
Signature of Notary Public

Vera Lisa Hicks  
Print name of Notary Public  
Notary Public State of Florida  
My Commission Expires: 8-23-18

WITNESSES:

Medea Lodge  
Print Name Medea Lodge

Mary I Gregory  
Print Name Mary I Gregory

OWNER:

NANCF LAKE CITY, LLC a Florida limited liability company

BY: [Signature]

Name: Paul Alfino, MD

Title: Partner

Address: 4423 NW 6th Pl Ste A  
Jainesville FL 32607

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me this 22 day of September 2017 by Paul Alfino as Partner of NANCF LAKE CITY, LLC, a Florida limited liability company. He or she is (check one)  personally known to me or \_\_\_\_\_ produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public, State of Florida



Dixie Ann Thomas  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG819550  
Expires 8/8/2020

SCHEDULE "A"

PART OF THE NORTH 1/2 OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 16 EAST, COLUMBIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 1, BLOCK C, CYPRESS LAKE, A SUBDIVISION ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 74 AND 74A OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA, AND RUN THENCE S 87°43'16" W, ALONG THE NORTH LINE OF SAID CYPRESS LAKE, 848.80 FEET TO THE NORTH LINE OF CYPRESS LAKE PHASE 2, A SUBDIVISION ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 32 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE N 67°00'07" W, ALONG SAID NORTH LINE, 423.32 FEET TO THE EAST LINE OF CYPRESS LAKE PHASE 3, A SUBDIVISION ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 80 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE N 28°50'54" W, ALONG SAID EAST LINE, 169.34 FEET; THENCE N 06°03'53" E, STILL ALONG SAID EAST LINE, 828.67 FEET TO THE NORTH LINE OF SAID CYPRESS LAKE PHASE 3 AND THE NORTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 33; THENCE N 88°18'28" E, ALONG THE NORTH LINE OF SAID SE 1/4 OF NW 1/4, 272.25 FEET TO THE WEST LINE OF NW 1/4 OF NE 1/4; THENCE N 06°42'28" E, ALONG SAID WEST LINE, 153.31 FEET TO THE SOUTHERLY RIGHT OF WAY OF WEST U.S. HIGHWAY 90 AND TO A POINT ON A CURVE; THENCE RUN EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 5799.60 FEET, A CENTRAL ANGLE OF 05°27'27", A CHORD BEARING AND DISTANCE OF S 62°28'48" E 552.20 FEET, AN ARC DISTANCE OF 552.41 FEET TO A POINT OF TANGENCY; THENCE S 65°12'40" E, ALONG SAID SOUTHERLY RIGHT OF WAY, 926.41 FEET TO THE WEST RIGHT OF WAY OF SW SWEETBREEZE DRIVE; THENCE S 13°27'38" W, ALONG SAID WEST RIGHT OF WAY, 30.81 FEET; THENCE S 24°46'56" W, ALONG SAID WEST RIGHT OF WAY, 221.11 FEET TO A POINT OF A CURVE; THENCE RUN SOUTHERLY ALONG SAID WEST RIGHT OF WAY ALONG THE ARC OF SAID CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 12°16'28", A CHORD BEARING AND DISTANCE OF S 31°02'07" W 42.76 FEET, AN ARC DISTANCE OF 42.85 FEET; THENCE S 37°04'14" W, ALONG SAID WEST RIGHT OF WAY, 442.87 FEET TO THE POINT OF BEGINNING.

SCHEDULE "B"

PART OF THE SW 1/4 OF THE NE 1/4, SECTION 33, TOWNSHIP 3 SOUTH, RANGE 16 EAST, COLUMBIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 14, CYPRESS LAKE PHASE 3, A SUBDIVISION ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 80 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE N 88°18'28" E, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID CYPRESS LAKE PHASE 3 AND THE NORTH LINE OF THE SE 1/4 OF NW 1/4 OF SAID SECTION 33, 204.36 FEET; THENCE N 06°44'47" E, 192.79 FEET TO THE SOUTHERLY RIGHT OF WAY OF WEST U.S. HIGHWAY 90; THENCE S 59°25'30" E, ALONG SAID SOUTHERLY RIGHT OF WAY, 38.39 FEET TO A POINT OF A CURVE; THENCE RUN EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 5799.60 FEET, A CENTRAL ANGLE OF 03°20'03", A CHORD BEARING AND DISTANCE OF S 61°04'26" E 337.44 FEET, AN ARC DISTANCE OF 337.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY ALONG SAID CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 5799.60 FEET, A CENTRAL ANGLE OF 02°28'04", A CHORD BEARING AND DISTANCE OF S 63°58'30" E 249.77 FEET, AN ARC DISTANCE OF 249.79 FEET TO A POINT OF TANGENCY; THENCE S 65°12'40" E, ALONG SAID SOUTHERLY RIGHT OF WAY, 161.85 FEET TO A POINT ON A CURVE; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 107°08'30", A CHORD BEARING AND DISTANCE OF S 28°21'30" W 80.46 FEET, AN ARC DISTANCE OF 93.50 FEET TO A POINT OF REVERSE CURVE; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 49°59'41", A CHORD BEARING AND DISTANCE OF S 00°12'55" E 16.90 FEET, AN ARC DISTANCE OF 17.45 FEET; THENCE S 24°46'56" W, 199.42 FEET TO A POINT OF A CURVE; THENCE RUN SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF S 69°46'56" W 28.28 FEET, AN ARC DISTANCE OF 31.42 FEET TO A POINT OF TANGENCY; THENCE N 65°13'04" W, 393.69 FEET; THENCE N 24°46'56" E, 320.48 FEET TO THE POINT OF BEGINNING.

ATT# 4-7426

Exhibit "A"  
ALF Parcel

Lot 1, CYPRESS LAKE BUSINESS PARK, UNIT NO. 1, according to plat thereof recorded in Plat Book 9, Pages 128, 129, 130 and 131, of the Public Records of Columbia County, Florida.

Also described as follows:

Part of the North 1/2 of Section 33, Township 3, South, Range 16 East, Columbia County, Florida, and part of Lot 5, CYPRESS LAKE BUSINESS PARK, as recorded in Plat Book 9, Pages 112 and 113 of the Public Records of said county, being more particularly described as follows:

For Point of Beginning commence at the northeast corner of Lot 17, CYPRESS LAKE PHASE 3, as recorded in Plat Book 6, Page 80 of the Public Records of said county, thence run South 89°30'08" West along the north line of said Lot 17, a distance of 267.77 feet to the point of curve of a curve concaved southeasterly having a radius of 25.00 feet; thence run along and around said curve and said north line, a chord bearing and distance of South 47°54'45" West, 33.25 feet to the point of tangency of said curve and the east right-of-way line of southwest Dragonfly Court; thence run North 06°04'43" East along said east right-of-way line, a distance of 110.67 feet to a point on the south line of Lot 16 of said CYPRESS LAKE PHASE 3, said point being the point of curve of a curve concaved northeasterly having a radius of 25.00 feet; thence run along and around said curve and said south line, a chord bearing and distance of South 42°14'32" East, 37.29 feet to the point of tangency of said curve; thence continue along said south line, North 89°30'08" East, a distance of 262.04 feet to the southeast corner of said Lot 16 of CYPRESS LAKE PHASE 3; thence run North 06°03'53" East along the east line of said CYPRESS LAKE PHASE 3, a distance of 416.57 feet; thence run South 86°21'32" East, a distance of 184.96 feet to a point on the west right-of-way line of Executive Drive and the southerly right-of-way line of Northwest Prosperity Place; thence run South 65°13'04" East along said southerly right-of-way line, a distance of 572.46 feet; thence run South 29°39'41" West, a distance of 163.54 feet; thence run North 62°21'32" West, a distance of 30.02 feet; thence run South 29°39'41" West, a distance of 15.01 feet; thence run South 62°21'32" East, a distance of 30.02 feet; thence run South 29°39'41" West, a distance of 212.59 feet; thence run North 65°12'52" West, a distance of 15.05 feet; thence run South 29°39'41" West, a distance of 101.96 feet; thence run North 68°07'40" West, a distance of 535.59 feet to the Point of Beginning.