

Homebuilders Title
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JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
RECORDING \$ 21.00
TRUST FUND \$ 3.00

BERM AND LANDSCAPE EASEMENT AGREEMENT

THIS BERM AND LANDSCAPE EASEMENT AGREEMENT (the "Easement Agreement") is made and entered into this 21st day of March 2003, by and between BEAZER HOMES CORP., a Tennessee corporation ("Grantor") and AMELIA VIEW HOMEOWNERS ASSOCIATION, INC., a Florida corporation not-for-profit ("Grantee").

RECITALS:

A. Grantor is the owner of that certain parcel of real property described in Exhibit A attached hereto and incorporated herein by this reference (the "Easement Parcel"); and

B. Grantor has agreed to grant to Grantee, for the benefit of Grantee's property and other property in the Amelia View Unit One Subdivision in Duval County, Florida, a perpetual berm and landscape easement over, under, across and through the Easement Parcel.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. RECITALS. The recitals hereinabove set forth are hereby incorporated into and made a part of this Easement Agreement.

2. GRANT OF EASEMENT/PURPOSE. Grantor does hereby grant, bargain, sell and convey to Grantee, and its successors and assigns, a permanent irrevocable non-exclusive easement over, under, across and through the Easement Parcel for the purpose of constructing, installing, inspecting, maintaining, repairing, altering and replacing a berm, fence, landscaping, including trees, shrubs, bushes, ground covers, grasses and other plant materials, sidewalk, lighting, landscape irrigation and related improvements (the "Improvements"), with full right of ingress and egress over, across, under, and through the Easement Parcel.

3. MAINTENANCE OF THE EASEMENT PARCEL. Grantee shall maintain the Improvements in compliance with all laws and shall maintain the appearance of the Improvements in a clean and well-kept manner.

(5)

4. BINDING EFFECT. This Easement Agreement shall run with the land and inure to the benefit of and be legally binding upon the parties hereto and their respective heirs, legal representatives, successors and assigns.

5. ATTORNEYS' FEES. Either party may enforce this instrument by appropriate action and the prevailing party in any such dispute shall be entitled to recover all costs and expenses associated therewith, including reasonable attorneys' fees in negotiation, at trial or on appeal.

6. ENTIRE AGREEMENT. This Easement Agreement sets forth the entire agreement of the parties and may not be modified, except in writing, executed by the parties hereto or their authorized representatives.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto executed this Easement Agreement on the day and year first above written.

WITNESSES:

BEAZER HOMES CORP.

Carol Fowler

By: [Signature]

Print: CAROLE FOWLER

Barbara Moore
Its: Division President
12854 Kenan Drive, Suite 100
Jacksonville, Florida 32258

[Signature]

Print: DEBRA MCGREGOR

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 21st day of March 2003, by Barbara Moore as Division President of Beazer Homes Corp., a Tennessee corporation, on behalf of the corporation. She is personally known to me or has provided _____ as identification.

[Signature]
NOTARY PUBLIC - State of Florida
My Commission Expires: 3/5/05

(seal)

 Debra J. McGregor
Commission # CC 995664
Expires March 5, 2005
Bonded Through
Atlantic Bonding Co., Inc.

[counterpart signature page to Berm and Landscape Easement Agreement]

WITNESSES:

AMELIA VIEW HOMEOWNERS
ASSOCIATION, INC.

Wint A. Beard Jr.
Print: Wint A. Beard Jr.

Debra McGregor
Print: DEBRA MCGREGOR

By: Michael E. Braren
Print: MICHAEL E. BRAREN
Title: MANAGING MEMBER/PRES.
4315 Pablo Oaks Court, Suite 1
Jacksonville, Florida 32224

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 21st day of March 2003, by MICHAEL E. BRAREN as MANAGING MEMBER/PRES. of Amelia View Homeowners Association, Inc., a Florida corporation not-for-profit, on behalf of the corporation. He is personally known to me or has provided _____ as identification.

Debra J. McGregor
NOTARY PUBLIC - State of Florida
My Commission Expires: 3/5/05

(seal)



Debra J. McGregor
Commission # CC 993664
Expires March 5, 2005
Bonded Through
Atlantic Bonding Co., Inc.

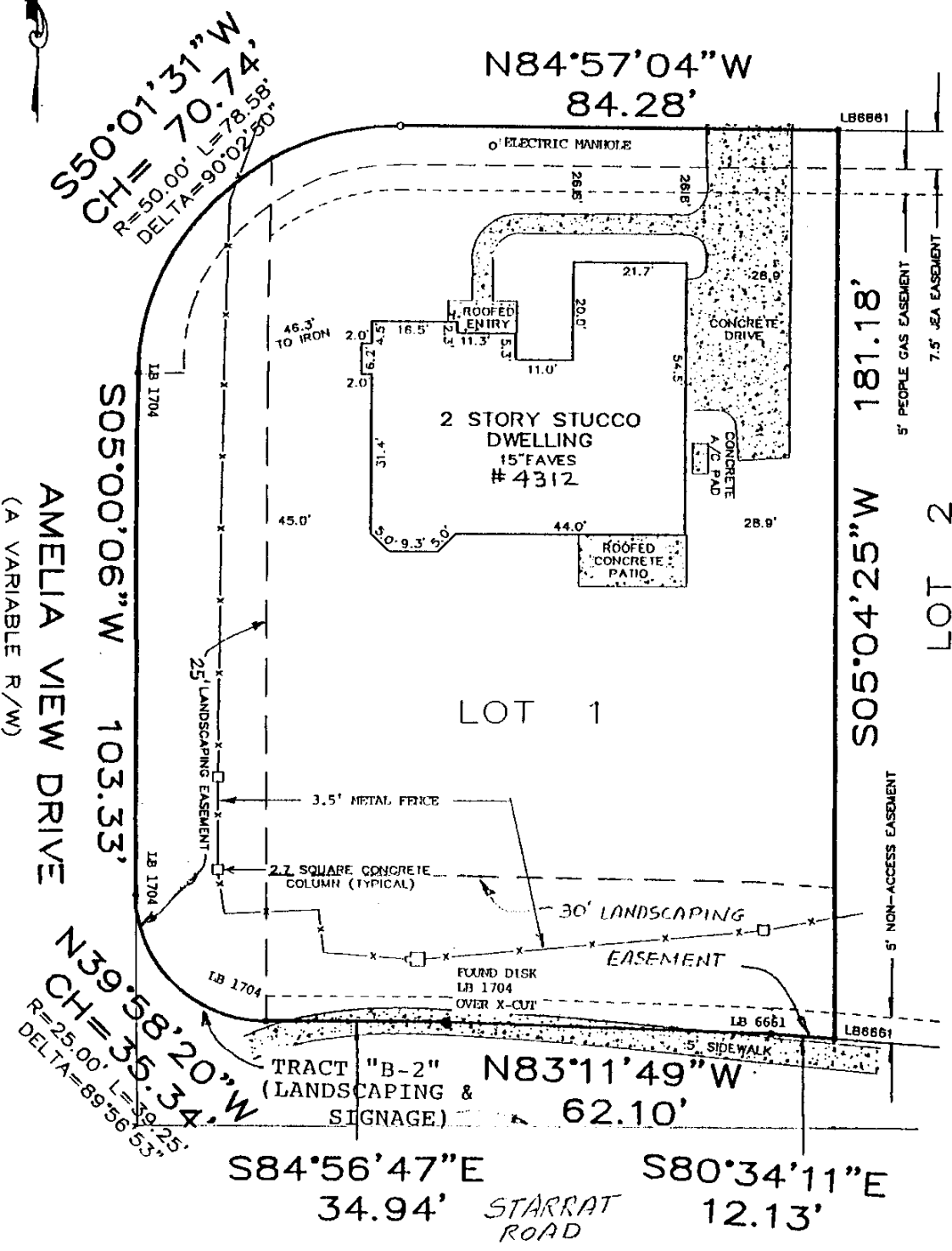
**MAP SHOWING BOUNDARY SURVEY OF LOT 1
AS SHOWN ON MAP OF AMELIA VIEW UNIT ONE**

AS RECORDED IN PLAT BOOK 54, PAGES 37 THROUGH 37K OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
FOR: BEAZER HOMES

BEARING REFERENCE: BEARING SHOWN ON RIGHT-OF-WAY LINE HEREON IS THE SAME AS SHOWN ON THE ABOVE MENTIONED PLAT.

Book 11039 Page 1059

PRESERVE LANDING DRIVE EAST
(60' R/W)



CERTIFIED TO: STEVE & MARY ROSE O'NEAL
BEAZER MORTGAGE
LAWYERS TITLE INSURANCE CORP.
BEAZER HOMES CORP.
HOMEBUILDERS TITLE SERVICES INC.

AMENDED 3-21-2003 TO SHOW 30' LANDSCAPING EASEMENT

FINAL SURVEY 2-25-03
FOUNDATION SURVEY 7-31-02

NOTE: FOUND ALL IRONS.
NOTE: FOUND ALL IRONS.

I HEREBY CERTIFY THAT THIS SURVEY, PERFORMED UNDER MY RESPONSIBLE DIRECTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN ACCORDANCE WITH CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE (PURSUANT TO SECTION 472.027, FLORIDA STATUTES), AND FURTHER CERTIFY THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

NOTE: THE LOT SURVEYED HEREON APPEARS TO LIE WITHIN FLOOD ZONES "X" AS SCALED FROM THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 120077 - 0176E, DATED 8-15-89.

CLARSON AND ASSOCIATES, INC.
1643 HALCO AVE., JACKSONVILLE, FL, 32207

- LEGEND:**
- FOUND CONCRETE MONUMENT
 - 1/2" FOUND IRON AS NOTED
 - 1/2" SET IRON - LB 1704
 - B.R.L. BUILDING RESTRICTION LINE
 - Δ CENTRAL ANGLE
 - R RADIUS
 - Δ ARC LENGTH
 - L CHORD
 - P.C. POINT OF CURVATURE
 - P.T. POINT OF TANGENCY
 - P.R.C. POINT OF REVERSE CURVE
 - P.C.C. POINT OF COMPOUND CURVE
 - FD. FOUND
 - R/W RIGHT-OF-WAY
 - O.R.V. OFFICIAL RECORDS VOLUME
 - 6" WOOD FENCE (UNLESS OTHERWISE NOTED)
 - W/TIES TO FACE

SURVEYED JULY 31, 2002.
SCALE: 1" = 30'
FIELD BOOK 669 PAGE 56

Jose A. Hill Jr.
REGISTERED SURVEYOR NO. 4487, FLORIDA
JOSE A. HILL JR.

SURVEY NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL

**LOT 1, AMELIA VIEW UNIT ONE
(ADDITIONAL LANDSCAPING EASEMENT)**

AN EASEMENT FOR LANDSCAPING, FENCING AND MAINTENANCE OVER THE SOUTHERLY 30 FEET OF LOT 1, AS SHOWN ON THE PLAT OF AMELIA VIEW UNIT ONE, AS RECORDED IN PLAT BOOK 54, PAGES 37 THROUGH 37K OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, **EXCEPTING THEREFROM** ANY PORTION OF THAT CERTAIN 25 FOOT LANDSCAPING EASEMENT (THE WESTERLY 25 FEET OF SAID LOT 1) AS SHOWN ON SAID PLAT OF AMELIA VIEW UNIT ONE.