

This Instrument Prepared by and Return To:
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Gooding, Batsel, Hartley & MacKay
1531 SE 36th Avenue
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MARION COUNTY'S JOINDER IN AMENDMENT TO, AND PARTIAL RELEASE OF TRACTS SUBJECT TO, DECLARATION OF RESTRICTIONS (GREEN BELT), ~~(GREEN BELT)~~ AS TO TRACT "AA" AND A PORTION OF TRACT Z

THIS MARION COUNTY'S JOINDER IN AMENDMENT TO, AND PARTIAL RELEASE OF TRACTS SUBJECT TO, DECLARATION OF RESTRICTIONS (GREEN BELT), AS TO TRACT "AA" AND PORTION OF TRACT Z (the "Amendment") is effective as of _____, 2026, (the "Effective Date"), and is executed by Marion County, a political subdivision of the State of Florida ("Marion County").

WHEREAS:

- A. On or about June 5, 1973, The Deltona Corporation, a Delaware corporation, caused to be recorded a *Declaration of Restrictions Green Belt* (the "Original Declaration") in OR Book 569, Page 351¹.
- B. The Original Declaration was thereafter amended by an *Amendment to Declaration of Restrictions* recorded in OR Book 1448, Page 866. (The Original Declaration, as so amended, is hereinafter referred to as the "Current Declaration.")
- C. The Current Declaration encumbers the following sixteen (16) Tracts (the "Encumbered Tracts") in Marion Oaks Unit Seven (the "Subdivision"), according to the Plat thereof recorded in Plat Book O, Page 140: Tracts A, C, D, G, H, J, K, M, R, S, V, W, X, Y, Z and "AA"
- D. Pursuant to Section 7.01 of the Original Declaration:
 - 1). The Current Declaration may be amended "by vote of a majority of the then owners of the tracts...."
 - 2). In addition, if the amendment affects the permitted uses under Sections 1.01 and 1.02 of the Current Declaration, the amendment has to be approved by the Marion County Board of County Commissioners.
- E. Pursuant to an *Amendment To, and Partial Release of Tracts Subject To, Declaration of Restrictions "Green Belt"* (the "Deltona/SECO Amendment") as recorded in OR Book 7875, page 213, Deltona and Sumter Electric Cooperative, Inc., a Florida not for profit corporation ("SECO") voted to amend the Declaration to delete Tracts G, H, J, R, W, X, Y, Z and "AA" (the "Released Tracts") from the Current Declaration.
- F. As set forth in the Deltona/SECO Amendment, Deltona and SECO owned the entirety of eight (8) Tracts of the Encumbered Tracts, and Deltona owned part of another Tract ("Tract R") as discussed in Whereas paragraph G.

¹ All recording references refer to the Public Records of Marion County, Florida.

- G. Marion County and Deltona own different parts of Tract R, Marion County under Tax Parcel ID Numbers 8007-1108+01 and Deltona under Tax Parcel ID Number 8007-0000-18.
- H. Marion County and Ferren Marr, Esmine Marr and Ewart Marr (the "Marrs") own different parts of Tract A, the Marrs under Tax Parcel ID Number 8007-0000-01 and Marion County under a Deed from the Marrs recorded in OR Book 7449, Page 1205.
- I. Paragraph 5.4 of the Deltona/SECO Amendment expressly provides that County may join in the Deltona/SECO Amendment "consenting to the release of all or less than all of the Released Tracts."
- J. ~~I~~County desires to execute this instrument to evidence its agreement to amend the Current Declaration to release a portion of the Released Tracts – set forth in paragraph 1 below – from the Current Declaration and to consent to the revision or alteration of the permitted uses within ~~the~~such Released Tracts pursuant hereto.

NOW, THEREFORE, the Current Declaration is hereafter amended as follows:

1. Release of Tracts.

1.1. County approves the amendment (~~"Amendment"~~) of the Current Declaration pursuant to the Deltona/SECO Amendment, to release the following ~~tracts~~Encumbered Tracts (the "AA/Z Released Tracts") from the Current Declaration:

- 1.1.1. ~~The Released Tracts (i.e., Tracts G, H, J, R, W, X, Y, Z and "AA");~~Tract "AA" of the Subdivision;
- 1.1.2. ~~Additional Tracts (as defined in paragraph 3.2) owned by an owner (an "Additional Tract Owner") of an Additional Tract as and to the extent set forth in paragraph 3.2.~~Tract Z of the Subdivision less and except that portion thereof lying south of an easterly prolongation of the southerly boundary of Lot 3 of Block 1493 of the Subdivision.

1.2. Therefore: (a) the AA/Z Released Tracts are no longer encumbered by the Current Declaration or included within the Encumbered Tracts; and (b) the Current Declaration will have no force or effect over the AA/Z Released Tracts.

1.3. Pursuant to this paragraph 1, County releases only the portion of the Released Tracts referred to as the AA/Z Released Tracts, and not any other Released Tracts.

2. Vote By Execution. By executing this instrument, Marion County:

- 2.1. Votes in favor of the Deltona/SECO Amendment set forth herein insofar as it concerns the AA/Z Released Tracts.
- 2.2. Approves the revision or alteration of the restrictions in Sections 1.01 and 1.02 of the Original Declaration pertaining to permitted uses of the AA/Z Released Tracts, subject to paragraph 4.

3. Effective Dates.

- 3.1. Released Tracts.
 - 3.1.1. As set forth in the Deltona/SECO Amendment, Deltona and SECO owned the entirety of eight (8) of the sixteen (16) Encumbered Tracts, and Deltona owned part of another (Tract R, the remainder of which is owned by County).
 - 3.1.2. By virtue of Marion County's vote in favor of the Amendment, owners who own the entirety of nine (9) of the Encumbered Tracts have voted in favor of the Amendment. That constitutes a majority of the Encumbered Tracts. Further, by virtue of this Amendment, Marion County has consented to the revision or alteration of the restrictions as to the AA/Z Released Tracts in Sections 1.01 and 1.02 of the Original Declaration.
 - 3.1.3. Therefore, the Amendment is effective as to the AA/Z Released Tracts as of the Effective Date of this Joinder.
- 3.2. ~~Additional Tracts. If the owner of any Encumbered Tract, other than a currently Released Tract, (an "Additional Tract") hereby joins in the Amendment, the Additional Tract shall be released from the Current Declaration, and shall thereafter be deemed a Released Tract.~~ Future Consent to Release of Released Tracts.
 - 3.2.1. Pursuant to this Joinder, County has consented to the release of only a portion of the Released Tracts under the Deltona/SECO Amendment, and therefore the remainder of such Released Tracts remain subject to the Current Declaration.
 - 3.2.2. Nothing set forth in this Joinder shall preclude County from, in the future, and in its sole discretion, joining in the Deltona/SECO Amendment as to all or portions of the Released Tracts not included in the AA/Z Released Tracts, or any other Encumbered Tracts that do not presently constitute the Released Tracts, and any but may be added thereto pursuant to paragraph 5.5 of the Deltona/SECO Amendment. Until County does so, however, such other Released Tracts remain subject to the Current Declaration.
4. **Subject to Applicable Laws and Regulations.** Notwithstanding the ~~Amendment~~amendment of the Current Declaration, ~~the Released Tracts, and any Additional Tracts hereafter released from the Current Declaration;~~made hereby :
 - 4.1. ~~Such~~The AA/Z Released Tracts shall remain subject to and may be developed only as permitted pursuant to applicable laws and regulations of Marion County and the state of Florida (including the Marion County Comprehensive Plan, Marion County Land Development Code, or any other provision of law affecting the development of ~~a Tract~~the AA/Z Released Tracts). Execution of this Joinder does not constitute an agreement by County to change any such laws or regulations.
 - 4.2. Therefore, and without limitation, ~~any of~~if the AA/Z Released Tracts, ~~or Additional Tracts hereafter released from the Current Declaration, that have had~~ a Preservation (PR) land use under the Marion County Comprehensive Plan Future Land Use Element, ~~are~~the AA/Z Released Tracts would remain subject to the provisions of the Comprehensive Plan

concerning such land use, until such land use is amended pursuant to an amendment to the Comprehensive Plan.²

5. **Effect on Current Declaration.** Except as expressly set forth herein, the Current Declaration is not amended or modified. Without limiting the foregoing, all Encumbered Tracts, except for the [AA/Z Released Tracts](#), will remain subject to the Current Declaration unless they are hereafter released pursuant to paragraph 3.2. All references herein or in the Current Declaration to “this Declaration,” “the Declaration,” or similar terms shall be deemed to refer to the Current Declaration as amended hereby.

THEREFORE, Marion County agrees to amend the Current Declaration as set forth above.

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SIGNATURES START ON NEXT PAGE**~~

² Pursuant to Ordinance 23-15, adopted by County on June 6, 2023, the Comprehensive Plan was amended to change the land use on the AA/Z Released Tracts from Preservation to Employment Center. Thus, the AA/Z Released Tracts do not have a Preservation land use, but the language of paragraph 4.2 is included in this Joinder as a precautionary measure in the event that County hereafter consents to the release of additional Encumbered Tracts.

COUNTY

MARION COUNTY, FLORIDA, a political
subdivision of the State of Florida, by its Board of
County Commissioners

By: _____
Carl Zalak, III as Chairman

ATTEST:

Gregory C. Harrell, Clerk of Court and
Comptroller

For use and reliance of Marion County only,
approved as to form and legal sufficiency:

Matthew Guy Minter, County Attorney