

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

SCOTT A. COOKSON, ESQUIRE
Shuffield, Lowman & Wilson, P.A.
1000 Legion Place, Suite 1700
Orlando, FL 32801

NOTE TO RECORDING CLERK: THIS MORTGAGE SECURES THE MORTGAGOR'S CONTRACTUAL OBLIGATION TO REFUND AN EARNEST MONEY DEPOSIT PAID BY THE MORTGAGEE TO THE MORTGAGOR PURSUANT TO A CONTRACT FOR THE SALE AND PURCHASE OF THE MORTGAGOR'S REAL PROPERTY WHICH IS ENCUMBERED BY THIS MORTGAGE AND DOES NOT SECURE A PROMISSORY NOTE OR OTHER WRITTEN OBLIGATION TO REPAY BORROWED FUNDS WITHIN THE MEANING OF SECTION 201.08(1)(A), FLORIDA STATUTES. FURTHER, THE MORTGAGOR'S OBLIGATION TO REFUND THE MORTGAGEE'S EARNEST MONEY DEPOSIT IS NOT FIXED AND ABSOLUTE AS OF THE EXECUTION OF THIS MORTGAGE. ACCORDINGLY, THIS MORTGAGE IS EXEMPT FROM DOCUMENTARY STAMP TAXES UNDER RULE 12B-4.054(4) OF THE FLORIDA ADMINISTRATIVE CODE. ADDITIONALLY, BECAUSE THIS MORTGAGE SECURES A CONTINGENT OBLIGATION, IT IS EXEMPT FROM INTANGIBLES TAX PURSUANT TO THE COURT DECISION IN WEST FLAGLER ASSOCIATES V. DEPARTMENT OF REVENUE, 633 SO.2D 555 (FLA. 3D DCA 1994).

FIRST AMENDMENT TO INDEMNITY MORTGAGE

THIS FIRST AMENDMENT TO INDEMNITY MORTGAGE (this "**First Amendment**"), is made this 27th day of August, 2024 ("**Effective Date**"), by and between KL SEMINOLE TRACE LLC, a Florida limited liability company, whose address is 14025 Riveredge Drive, Suite 175, Tampa, Florida 33637 ("**Mortgagor**"), and NVR, INC., a Virginia corporation, its successors, participants and assigns, whose address is 11700 Plaza America Drive, Suite 500, Reston Virginia 20190 ("**Mortgagee**"), or at such other place as the Mortgagee hereof may designate.

RECITALS:

A. Mortgagor made and executed in favor of Mortgagee an Indemnity Mortgage, recorded on January 2, 2024, in Official Records Book 2836, Page 1865 of the Public Records of Flagler County, Florida (the "**Original Mortgage**", and together with this First Amendment, the "**Mortgage**"). From and after the Effective Date of this First Amendment, any and all references to the "Mortgage" contained within the Original Mortgage shall refer to the Mortgage, as amended hereby.

B. The parties desire to modify the Original Mortgage as more particularly set forth in

this First Amendment.

C. The Mortgagor acknowledges that this First Amendment confers a substantial benefit upon it and is supported by good and valuable consideration.

NOW THEREFORE, the parties do hereby modify and amend, for good, valuable and sufficient consideration, receipt of which is hereby acknowledged by the undersigned parties, the terms and provisions of the Mortgage.

1. Recitals. All of the recitals hereinabove set forth are by reference incorporated in and specifically made a part of this First Amendment as fully as if set forth herein verbatim.

2. Encumbered Property. Exhibit "A" attached to the Original Mortgage is hereby deleted in its entirety and replaced with Exhibit "A-1" attached to this First Amendment. The parties hereby acknowledge and agree that this First Amendment corrects and amends the legal description for that certain Property (as that term is defined in the Original Mortgage) owned by Mortgagor which is encumbered by or otherwise subject to the Mortgage. For clarity, from and after the Effective Date of this First Amendment, all references to the Property contained within the Original Mortgage shall refer exclusively to the Property, as modified by this First Amendment.

3. Ratification. The Mortgagor ratifies and confirms the lien and security interests of the Mortgage upon and in any and all property, real, personal or mixed, tangible or intangible, now or hereafter encumbered by the Mortgage and grants to the Mortgagee the benefit of a lien upon and security interest in all such property as security for the Mortgage.

4. Conflict. All of the other stipulations, terms, provisions and covenants and agreements as contained in the Mortgage shall remain in full force and effect except as herein provided to the contrary or modified in conjunction herewith.

5. Binding Effect. This First Amendment shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto.

6. Execution in Counterparts. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

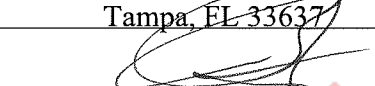
[*Signatures to follow*]

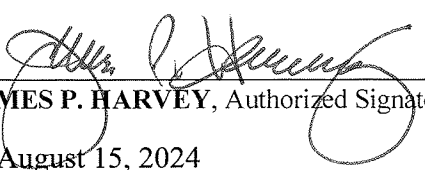
IN WITNESS WHEREOF, this First Amendment has been signed by the undersigned as of the day and year first above written.

Signed, sealed and delivered in the presence of:

MORTGAGOR:

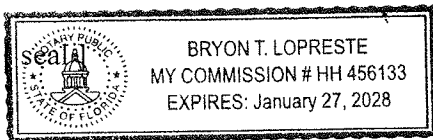
KL SEMINOLE TRACE LLC, a Florida limited liability company


 Print Name: Dana Rhodes
 Address: 14025 Riveredge Dr. #175
Tampa, FL 33637

 Print Name: Bryon T. LoPreste
 Address: 14025 Riveredge Dr. #175
Tampa, FL 33637

By: 
JAMES P. HARVEY, Authorized Signatory
 Date: August 15, 2024

**STATE OF FLORIDA
 COUNTY OF HILLSBOROUGH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15th day of August, 2024 by JAMES P. HARVEY, as Authorized Signatory of **KL SEMINOLE TRACE LLC**, a Florida limited liability company, on behalf of the company, ☒ who is personally known to me or ☐ who has produced _____ as identification.




 Notary Public
 Print Name: Bryon T. LoPreste
 My Commission expires: 01/27/28

[Signatures continue on following page]

Signed, sealed and delivered in the presence of:

MORTGAGEE:

NVR, INC., a Virginia corporation

Matthew Ivantsov
 Print Name: Matthew Ivantsov
 Address: 8649 Baypine Rd ste. 202
Jacksonville FL 32256

By: [Signature]
 Printed Name: K. CONNERY
 Title: VP / MM

Veda Dalay
 Print Name: Veda Dalay
 Address: 8649 Baypine Rd. St. 202
Jacksonville, FL 32256

Date: 8/26/24

STATE OF FL
 COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of August, 2024, by Kevin Connery as VP / MM of NVR, INC., a Virginia corporation, on behalf of the company, ☒ who is personally known to me or ☐ who has produced _____ as identification.

[seal]



TRACY LEIGH MCDONALD
 Commission # HH 434898
 Expires October 6, 2027

Notary Public
 Print Name: Tracy McDonald
 My Commission expires: 10/6/27

EXHIBIT "A"
Revised Legal Description

PART OF GOVERNMENT SECTIONS 29, 30 AND 32, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29, THENCE NORTH 02°56'18" WEST ALONG THE WEST LINE OF SAID SECTION 29 A DISTANCE OF 278.18 FEET; THENCE SOUTH 72°48'27" WEST, A DISTANCE OF 7.64 FEET TO THE POINT OF BEGINNING, THENCE NORTH 17°11'33" WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 72°48'27" WEST, A DISTANCE OF 300.00 FEET; THENCE NORTH 17°11'33" WEST, A DISTANCE OF 288.37 FEET; THENCE NORTH 30°45'57" EAST, A DISTANCE OF 156.00 FEET; THENCE NORTH 50°34'11" EAST, A DISTANCE OF 436.26 FEET; THENCE NORTH 16°53'57" WEST, A DISTANCE OF 207.43 FEET; THENCE NORTH 26°57'36" WEST, A DISTANCE OF 468.07 FEET; THENCE NORTH 15°17'20" WEST, A DISTANCE OF 724.55 FEET; THENCE NORTH 39°35'09" WEST, A DISTANCE OF 330.89 FEET; THENCE NORTH 26°47'41" WEST, A DISTANCE OF 266.83 FEET TO THE ARC OF A CURVE LEADING NORTHERLY; THENCE NORTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 945.00 FEET, AN ARC DISTANCE OF 204.23 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 11°01'12" WEST, 203.83 FEET, TO THE POINT OF COMPOUND CURVATURE OF A CURVE LEADING NORTHERLY; THENCE NORTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 545.00 FEET, AN ARC DISTANCE OF 77.67 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 00°44'46" WEST, 77.61 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 03°20'13" EAST, A DISTANCE OF 504.26 FEET; THENCE NORTH 86°33'58" EAST, A DISTANCE OF 276.06 FEET; THENCE SOUTH 09°42'36" WEST, A DISTANCE OF 94.29 FEET, TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 22.67 FEET, AN ARC DISTANCE OF 38.56 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 33°15'05" EAST, 34.08 FEET; TO THE POINT OF COMPOUND CURVATURE OF A CURVE LEADING EASTERLY; THENCE EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 163.47 FEET, AN ARC DISTANCE OF 36.65 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 87°45'39" WEST, 36.57 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 86°33'58" EAST, A DISTANCE OF 36.39 FEET; THENCE SOUTH 03°26'02" EAST, A DISTANCE OF 169.00 FEET; THENCE NORTH 86°53'07" EAST, A DISTANCE OF 100.02 FEET TO THE ARC OF A CURVE LEADING EASTERLY; THENCE EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 79.46 FEET, AN ARC DISTANCE OF 118.61 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 50°33'24" EAST, 107.90 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 10°57'01" EAST, A DISTANCE OF 355.49 FEET TO A POINT ON A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 91.03 FEET, AN

ARC DISTANCE OF 25.74 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 18°18'00" WEST, 25.65 FEET TO A NON-TANGENT POINT BEARING SOUTH 41°59'33" EAST, A DISTANCE OF 46.73 FEET; THENCE NORTH 76°57'21" EAST, A DISTANCE OF 111.15 FEET; THENCE NORTH 76°39'46" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 13°08'10" EAST, A DISTANCE OF 17.04 FEET; THENCE NORTH 68°03'37" EAST, A DISTANCE OF 185.69 FEET; THENCE NORTH 76°20'49" EAST, A DISTANCE OF 56.75 FEET; THENCE SOUTH 13°40'24" EAST, A DISTANCE OF 13.56 FEET; THENCE TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 325.00 FEET, AN ARC DISTANCE OF 72.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 20°08'06" EAST, 72.28 FEET, TO A NON-TANGENT POINT BEARING NORTH 61°53'51" EAST, A DISTANCE OF 51.67 FEET TO A NON-TANGENT CURVE LEADING SOUTHEASTERLY; THENCE SOUTHEASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 20.97 FEET, AN ARC DISTANCE OF 30.72 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 80°18'33" EAST, 28.04 FEET, TO A NON-TANGENCY POINT; THENCE SOUTH 31°43'36" EAST, A DISTANCE OF 50.42 FEET TO A NON-TANGENT CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 25.13 FEET, AN ARC DISTANCE OF 37.09 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 17°10'50" WEST, 33.81 FEET; TO THE POINT OF REVERSE CURVATURE OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 275.00 FEET, AN ARC DISTANCE OF 76.65 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 17°13'19" EAST, 76.41 FEET, TO A NON-TANGENT POINT BEARING SOUTH 85°52'14" EAST, A DISTANCE OF 122.30 FEET; THENCE NORTH 06°18'16" WEST, A DISTANCE OF 16.16 FEET TO THE ARC OF A CURVE LEADING NORTHERLY; THENCE NORTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 50.22 FEET, AN ARC DISTANCE OF 67.19 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 30°56'07" EAST, 62.29 FEET, TO THE POINT OF COMPOUND CURVATURE OF A CURVE LEADING NORTHERLY; THENCE NORTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 46.57 FEET, AN ARC DISTANCE OF 72.19 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 59°26'34" EAST, 65.18 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 04°53'10" EAST, A DISTANCE OF 66.69 FEET TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 724.36 FEET, AN ARC DISTANCE OF 34.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 06°53'25" EAST, 34.62 FEET; TO THE POINT OF COMPOUND CURVATURE OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 502.26 FEET, AN ARC DISTANCE OF 146.87 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH

17°18'43" EAST, 146.35 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 24°13'30" EAST, A DISTANCE OF 197.82 FEET, TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 55.00 FEET, AN ARC DISTANCE OF 80.22 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 17°33'29" WEST, 73.29 FEET; TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 59°20'27" WEST, A DISTANCE OF 19.58 FEET, TO A POINT OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 345.00 FEET, AN ARC DISTANCE OF 92.94 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 51°37'25" WEST, 92.66 FEET; TO THE POINT OF REVERSE CURVATURE OF A CURVE LEADING WESTERLY; THENCE WESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 80.00 FEET, AN ARC DISTANCE OF 131.03 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 89°10'18" WEST, 116.87 FEET; TO A NON-TANGENT POINT BEARING SOUTH 47°45'02" WEST, A DISTANCE OF 35.96 FEET; THENCE NORTH 85°52'14" WEST, A DISTANCE OF 289.62 FEET; THENCE SOUTH 04°07'46" WEST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 05°18'15" EAST, A DISTANCE OF 50.69 FEET; THENCE SOUTH 04°07'46" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 85°52'14" WEST, A DISTANCE OF 95.66 FEET TO THE ARC OF A CURVE LEADING WESTERLY; THENCE WESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 32.92 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 75°16'02" WEST, 32.33 FEET; TO A NON-TANGENT POINT BEARING NORTH 23°24'53" WEST, A DISTANCE OF 13.54 FEET; THENCE SOUTH 74°42'40" WEST, A DISTANCE OF 152.38 FEET; THENCE SOUTH 15°17'20" EAST, A DISTANCE OF 254.45 FEET TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 475.00 FEET, AN ARC DISTANCE OF 97.54 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°10'18" EAST, 97.37 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 27°03'17" EAST, A DISTANCE OF 148.37 FEET TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1525.00 FEET, AN ARC DISTANCE OF 274.41 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°53'59" EAST, 274.04 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 14°53'47" EAST, A DISTANCE OF 98.39 FEET TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1525.00 FEET, AN ARC DISTANCE OF 332.74 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 06°47'49" EAST, 332.08 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00°33'02" WEST, A DISTANCE OF 99.42 FEET; THENCE SOUTH 00°47'22" WEST, A DISTANCE OF 132.31 FEET TO THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 275.00 FEET, AN ARC DISTANCE OF 206.06 FEET,

SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 20°40'35" EAST, 201.27 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 42°08'32" EAST, A DISTANCE OF 38.27 FEET; THENCE NORTH 47°51'33" EAST, A DISTANCE OF 130.00 FEET; THENCE SOUTH 75°20'00" EAST, A DISTANCE OF 771.48 FEET; THENCE SOUTH 37°53'13" EAST, A DISTANCE OF 141.57 FEET; THENCE SOUTH 35°34'53" WEST, A DISTANCE OF 557.52 FEET; THENCE SOUTH 80°47'26" WEST, A DISTANCE OF 236.06 FEET; THENCE NORTH 09°12'34" WEST, A DISTANCE OF 102.51 FEET; THENCE SOUTH 80°01'14" WEST, A DISTANCE OF 145.01 FEET; THENCE NORTH 09°12'34" WEST, A DISTANCE OF 75.57 FEET TO THE ARC OF A CURVE LEADING NORTHERLY; THENCE NORTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 355.00 FEET, AN ARC DISTANCE OF 204.05 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 25°40'33" EAST, 201.25 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 42°08'32" WEST, A DISTANCE OF 198.02 FEET; THENCE NORTH 42°40'44" WEST, A DISTANCE OF 147.06 FEET; THENCE NORTH 39°55'26" WEST, A DISTANCE OF 35.58 FEET; THENCE NORTH 42°08'32" WEST, A DISTANCE OF 15.41 FEET; THENCE NORTH 40°55'16" WEST, A DISTANCE OF 18.97 FEET; THENCE NORTH 37°51'08" WEST, A DISTANCE OF 28.69 FEET; THENCE SOUTH 72°48'27" WEST, A DISTANCE OF 105.21 FEET TO THE POINT OF BEGINNING.

