DECLARATION OF RESTRICTIVE COVENANT
(TUPPERWARE HEIGHTS)

WHEREAS, DEERFIELD LAND CORPORATION, a Delaware corporation ("Deerfield") is the owner of that certain real property located in Orange County, Florida more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and;

WHEREAS, pursuant to that certain Tupperware Heights Planned Development (CDR-10-09-193), a 200 unit-age restricted multi-family residential facility is to be constructed on the Property to provide housing for older persons (the "Project"); and

WHEREAS, Orange County Florida ("Orange County") and the School Board of Orange County, Florida ("SBOC") have determined that the Project (i) falls under one (1) of the three (3) types of communities designated for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 U.S.C. § 3607(b) (the "Act"), (ii) qualifies for exemption from payment of school impact fees under Section 30-374(5) of the Orange County Code and (iii) is to be classified as Housing for Older Persons.

NOW, THEREFORE, for and in consideration of these presents and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Deerfield, for itself, its successors and assigns and legal representatives, lessees and sublessees, does hereby establish and declare the following restrictions over the Property, such restrictions to be covenants running with the land:

1. The Project shall comply with the occupancy requirements for housing intended and operated for occupancy by persons 55 years of age or older as set forth in Section 22.55, as may be amended of the Orange County Code.
2. In no case shall there be any resident(s) aged 18 years or under (longer than 90 days). As such, no permanent residency by school-aged children shall be generated as a result of any development on the Property. The Project will comply with and qualify as one of the three (3) types of communities designed for older persons as “housing for older persons” in the Act. Deerfield or the Project management shall publish and adhere to policies and procedures that demonstrate the intent to operate the Project for occupancy as “housing for older persons”.

3. The Project is intended to and operated for occupancy by persons 55 years of age or older and is subject to the Act, Federal Fair Housing Act, the Florida Fair Housing Act, and the regulations of the United States Department of Housing and Urban Development, as amended from time to time, and any and all other local, state, and federal statutes and regulations pertaining to the Act. Deerfield shall take the steps necessary to qualify as “housing for older persons” to be exempt from the prohibition against familial status discrimination as provided for in the applicable statutes. The Project shall be registered with the Florida Commission on Human Relations (“Commission”) by submitting a letter to the Commission pursuant to the requirements in Florida Statutes, Section 760.29(4)(e), as amended from time to time.

4. At least 80% of the occupied units shall be occupied by at least one person 55 years of age or older. Upon application for residency, any one or more of the following documents are considered reliable documentation of the age of the applicants: (i) Driver’s license; (ii) Birth certificate; (iii) Passport; (iv) Immigration card; (v) Military identification; (vi) Any other state, local, national, or international official documents containing a birth date of comparable reliability; or (vii) A certification in a lease, application, affidavit, or other document signed by any member of the residential unit age 18 or older asserting that at least one (1) person in the residential unit is 55 years of age or older. Any one or more of the foregoing forms of identification and age verification, shall be considered as adequate for verification of age, provided that it contains specific information about current age or date of birth.

5. Deerfield, or its successors, assigns or agents, shall establish and maintain appropriate policies and procedures to require that applicants and occupants comply with the established age verification procedures as set forth by the Project in accordance with the terms of the Act. If the occupants of a particular residential unit refuse to comply with the age verification procedures, Deerfield or the Project may, if it or they have sufficient evidence consider the residential unit to be occupied by at least one (1) person 55 years of age or older. Such evidence may include: (i) Government records or documents, such as a local household census; (ii) Prior forms or applications; or (iii) A statement from an individual who has personal knowledge of the age of the occupants.

The individual’s statement must set forth the basis for such knowledge and be signed under the penalty of perjury. The policies and procedures may include, without limitation, the following: (i) Advertising, marketing, and promotion of the Project; (ii) Lease restrictions; (iii) Written rules, regulations, or other restrictions, including this Declaration; (iv) The maintenance and consistent
application of relevant procedures; and (v) Public posting in the common areas of the Project, if any, of statements describing the Project as “housing for older persons”;

The Project procedures shall provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the Project. Said updates shall take place at least once every two (2) years, and the survey may include information regarding whether any residential units are occupied by persons described in the provisions set forth in Section 4 hereof. Surveys and verification procedures which comply with statutory requirements and regulations including those of the United States Housing and Urban Development, shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy. A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.

6. Any proposed future conversion from senior housing use to any non-age-restricted housing or any proposal to add permanent residency by school-aged children shall require payment of school impact fees in effect at the time of approval of the proposed conversion and full compliance with any school capacity and/or concurrency requirements in effect at the time of approval of the proposed conversion. So long as Deerfield or any successor owner of the Property complies with any then applicable school impact fees, school capacity and/or concurrency requirements in connection with any conversion of the Property, then the restrictions set forth herein shall be of no further force or effect and the then owner of the Property may record a termination of this Declaration of Restrictive Covenant.

7. This Declaration of Restrictive Covenant may be modified in whole or in part by an instrument or instruments in writing executed by the then owner of the Property, Orange County, and SBOC.

[SIGNATURE ON FOLLOWING PAGE]
IN WITNESS WHEREOF, this Declaration of Restrictive Covenant has been executed as of the 8th day of February, 2019.

Signed and sealed in the presence of:

Neyida Delgado
Print Name: Neyida Delgado

Susan Cearnes Chino
Print Name: Susan Cearnes Chino

DEERFIELD LAND CORPORATION, a Delaware corporation

By: Thomas M. Roehlk, Vice President & Secretary

Date: February 8, 2019

The foregoing instrument was acknowledged before me this 8th day of February, 2019, by Thomas M. Roehlk as Vice President and Secretary of Deerfield Land Corporation, a Delaware corporation, on behalf of the corporation. He/she is personally known to me or has produced ____________________________________________ (type of identification) as identification.

NOTARY PUBLIC OF FLORIDA
Print Name: Susan Cearnes Chino
Commission No.: FF1847795
Expires: April 19, 2019

Deed restriction for age restricted properties OCPS
ORL 299900663v2
EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

THE SOUTH 1800 FEET OF SECTIONS 34 AND 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LYING EAST OF THE EASTERN RIGHT OF WAY LINE FOR ORANGE AVENUE AND WEST OF THE CSX RAILROAD, LESS AND EXCEPT THE DRAINAGE AREA CREATED BY OFFICIAL RECORDS BOOK 6483, PAGE 550 AND LESS AND EXCEPT THE RIGHT OF WAY CONVEYED BY OFFICIAL RECORDS BOOK 9942, PAGE 6568, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

END OF EXHIBIT "A"