

**PREPARED BY AND, AFTER
RECORDATION, RETURN TO:**

Ballard Spahr LLP
 1909 K Street, NW, 12th Floor
 Washington, DC 20006
 Attention: Molly R. Bryson

PROPERTY TAX PARCEL NUMBER:

484213200010

Recorder's Stamp

**AGREEMENT TO SUBORDINATE TO
 HUD DECLARATION OF RESTRICTIVE COVENANTS AND USE AGREEMENT**

This AGREEMENT TO SUBORDINATE TO HUD DECLARATION OF RESTRICTIVE COVENANTS AND USE AGREEMENT (this "**Subordination**") is entered into this ___ day of June, 2023 by Broward County (the "**County**") and Broward County Housing Authority (the "**PHA**").

WHEREAS, the PHA executed the following documents for the benefit of the County:

- 1) That certain Declaration of Restrictive Covenants (Age Restricted), dated as of March 13, 2023 and recorded in the land records of Broward County (the "**Land Records**") recorded March 30, 2023 in Official Records Instrument # 118762946; and
- 2) That certain Declaration of Restrictive Covenants (Affordable Housing), dated as of March 13, 2023 and recorded in the Land Records recorded March 30, 2023 in Official Records Instrument # 118762970 (collectively, the "**County Declarations**").

WHEREAS, HUD has authorized the disposition of a long-term leasehold interest in the real property described on Exhibit A attached hereto from the PHA to Tallman Pines HR, Ltd., a Florida limited partnership (the "**Project Owner**"); and

WHEREAS, as a condition of the HUD's disposition approval, the PHA and Owner executed a Declaration of Restrictive Covenants and Use Agreement, dated and recorded as of substantially even date herewith (the "**HUD Use Agreement**") for the benefit of HUD; and

WHEREAS, HUD requires as a condition of the disposition that the County and the PHA agree to subordinate the County Declarations to the HUD Use Agreement;

NOW THEREFORE, let it be known to all interested parties, that for good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned do hereby agree:

1. So long as the HUD Use Agreement, and all extensions thereto, be in effect, the County Declarations shall in all respects be subordinate.

2. This Subordination extends to and continues in effect with respect to any future amendment, extension, renewal, or any other modification of the HUD Use Agreement or the County Declarations.
3. In the event of conflict between/among the County Declarations and the HUD Use Agreement, the HUD Use Agreement controls.
4. This Subordination will survive bankruptcy and foreclosure.
5. This Subordination may be signed in counterparts.
6. The invalidity, in whole or in part, of any of the provisions set forth in this Subordination, shall not affect or invalidate any remaining provisions.
7. This Subordination and every covenant hereof shall be binding upon the Parties and their respective successors and assigns. This Subordination shall not be modified or amended except by a written instrument executed by all parties hereto and approved in writing by HUD.

[SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the PHA and the County have each duly executed this Subordination as of the date first written above.

WITNESS:

Printed Name

PHA:

**BROWARD COUNTY HOUSING
AUTHORITY**, a public body corporate and
politic organized and existing under the laws of
the State of Florida

WITNESS:

Printed Name

By: _____
Name: P. Parnell Joyce
Title: Chief Executive Officer

STATE OF FLORIDA }
 }
COUNTY OF BROWARD } ss:

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2023, by P. Parnell Joyce, as Chief Executive Officer of Broward County Housing Authority. He/She is personally known to me or has produced _____ as identification.

Notary Public, State of _____
Print Name: _____
Commission No.: _____
My Commission Expires: _____

COUNTY

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

By _____
Mayor
____ day of _____, 20__

Approved as to form by
Andrew J. Meyers
Broward County Attorney
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600

By _____
Alexis Marrero Koratich (Date)
Assistant County Attorney

By _____
Maite Azcoitia (Date)
Deputy County Attorney

STATE OF FLORIDA }
 }
COUNTY OF BROWARD } ss:

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2023, by _____, as _____ of Broward County. He/She is personally known to me or has produced _____ as identification.

Notary Public, State of _____
Print Name: _____
Commission No.: _____
My Commission Expires: _____

EXHIBIT A
Legal Description

Parcel "A" of "F.R. (Jack) Humphries Villas, according to the Plat Book 81, page 9, of the public records of Broward County, Florida.