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590  
400

This instrument prepared by  
and return to:

Andrew T. Marcus, Esq.  
BAKER & HOSTETLER  
2300 Sun Bank Center  
200 South Orange Avenue  
Post Office Box 112  
Orlando, Florida 32802  
(407) 649-4000

FILED FOR RECORD  
95 NOV -6 92:50  
MONROE COUNTY CLERK  
OF  
FLORIDA

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF  
SUNSET HARBOR RESORT, A CONDOMINIUM

THIS IS AN AMENDMENT to the Declaration of Condominium of  
SUNSET HARBOR RESORT, A CONDOMINIUM, as recorded in Official  
Records Book 1376, Page 1093, Public Records of Monroe County,  
Florida (the "Condominium").

Sunset Harbor Development Partnership, a Florida general  
partnership (the "Developer"), hereby makes and files this First  
Amendment to Declaration of Condominium pursuant to the provisions  
of Article XVIII of the Declaration of Condominium, and by this  
amendment hereby submits Phase II to the condominium form of  
ownership, as more specifically described in Exhibit "A" attached  
hereto. Phase II consists of ten (10) residential Units and five  
hundred and ten (510) Unit Weeks. Phase II also contains one (1)  
Commercial Unit.

Now that all Units in Phase II of the Condominium have  
been declared for condominium use, the Condominium consists of a  
total of twenty-two (22) residential Units containing one thousand  
one hundred and twenty-two (1,122) Unit Weeks, and four (4)  
Commercial Units. Accordingly, each residential Unit within the  
Condominium will have an undivided 1/22nd X 99.99% interest in and  
to the Common Elements and Common Surplus and be responsible for an  
undivided 1/22nd X 99.99% of the Common Expenses of the  
Condominium. The total percentage interest in the Common Elements  
and Common Surplus, as well as the total percentage share of the  
Common Expenses, attributable to the Commercial Units will be .01%.

IN WITNESS WHEREOF, Sunset Harbor Development Partnership  
has caused these presents to be executed in its behalf by its  
undersigned authorized officer this 31st day of October,  
1995.

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WITNESSES:

SUNSET HARBOR DEVELOPMENT PARTNERSHIP, a Florida general partnership

By: SUNSET HARBOR DEVELOPMENT CORPORATION, a Florida corporation and authorized general partner

*[Signature]*  
Print Name: IAN CHEVERTON

By: *[Signature]*  
As its: PRESIDENT

*[Signature]*  
Print Name: BETH OTLOWSKI

STATE OF FLORIDA )  
COUNTY OF MONROE ) SS.

BEFORE ME, the undersigned authority authorized to take acknowledgments in the state and county aforesaid, appeared Robert A Spottswood, known to me to be the President of SUNSET HARBOR DEVELOPMENT CORPORATION, a Florida corporation, and partner of Sunset Harbor Development Partnership, a Florida general partnership, and HE acknowledged that HE executed the foregoing instrument on behalf of the corporation pursuant to due authority therefrom. HE is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and seal this 31<sup>st</sup> day of October, 1999

(NOTARY SEAL)



LISA A. BAILEY  
MY COMMISSION # CC383146 EXPIRES  
June 14, 1998  
BONDED THRU TRISTY FARM INSURANCE, INC.

*[Signature]*  
(Notary Signature)  
LISA A. BAILEY  
(Notary Name Printed)  
NOTARY PUBLIC  
Commission No. CC383146

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EXHIBIT A

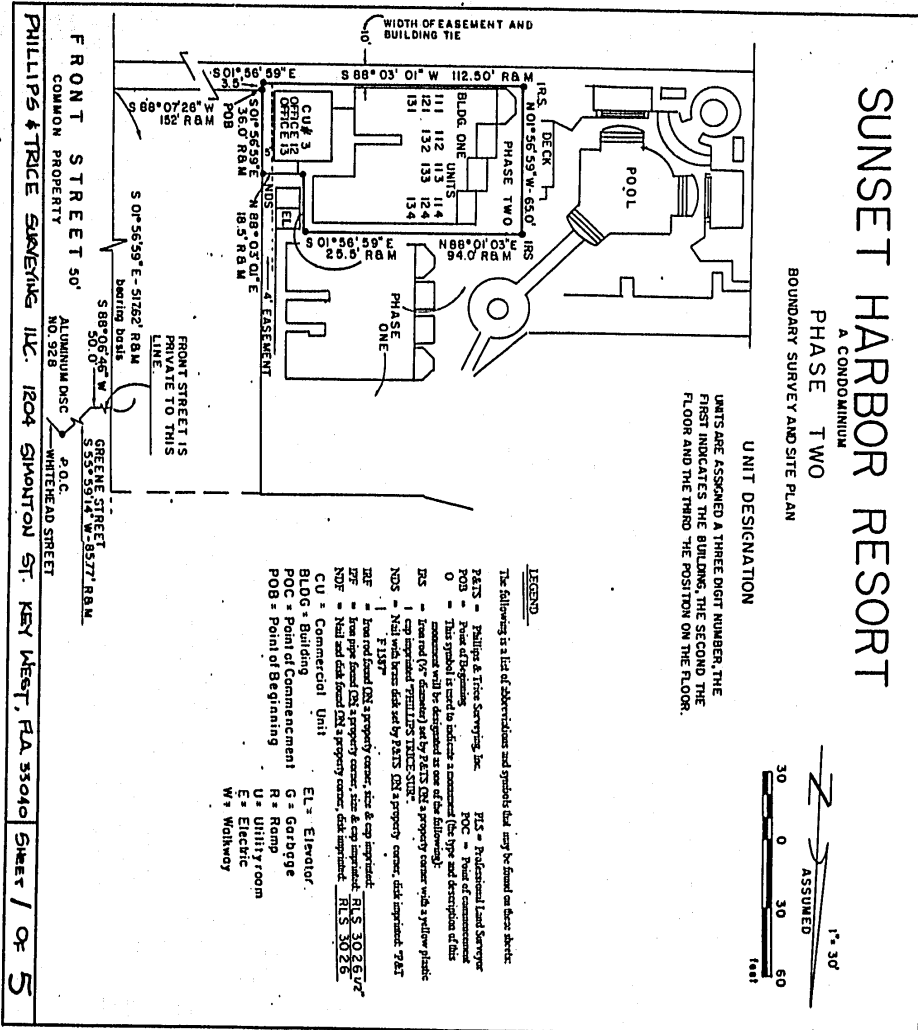


EXHIBIT A

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# SUNSET HARBOR RESORT A CONDOMINIUM PHASE TWO

### CERTIFICATE OF SURVEY

The undersigned, being a Registered Land Surveyor authorized to perform land surveys in the State of Florida, makes as follows:

1. That the boundaries of the real property shown and attached hereto and made a part hereof are true and correct to the best of my knowledge and belief; the same being on a drawing prepared by me or under my direct supervision and control of the Florida Professional Land Surveyor named below.
2. That all improvements shown on the drawing attached hereto with respect to Phase Two are substantially complete so that the material, together with the provisions of the Declaration of Condominium describing the common property, the common areas and the identification boundaries and dimensions of the common elements and of each unit can be determined from these records.
3. This certificate is made in accordance with Section 718.104(4)(b) of the Florida Statutes.
4. That the survey delineated herein complies with the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Sections 472.017, Florida Statutes and Chapter 61G17-4.003 of the Florida Administrative Code and that there are no encroachments, above ground, other than those shown herein if any.

PHILLIPS & TRICE SURVEYING, INC.

*[Signature]*  
 Royal T. Trice, Professional Land Surveyor  
 Florida Registration Certificate No. 2110  
 Signature date: 10-24-95



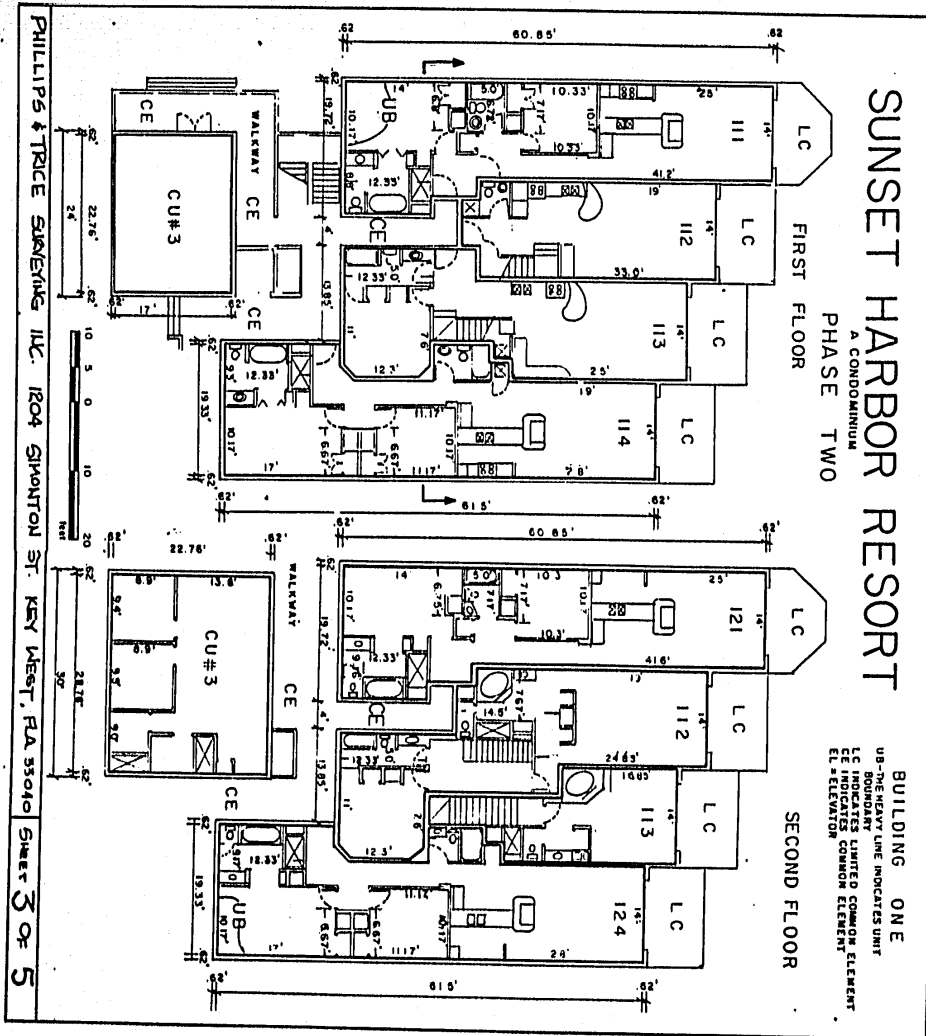
### LAND SUBMITTED TO CONDOMINIUM OWNERSHIP

A parcel of land on the Island of Key West, Monroe County, Florida, being portions of Charles Street, of Lot 4 in Block 17 (Commenced), and Eined submerged lands all as shown on the unrecorded Map of the Town of Key West together with the Island" as conveyed and delineated in February 1829 by W. A. Whitehead and being more particularly described as follows: COMMENCE at the intersection of the Sodemterity right of way line of Whitehead Street and the Sodemterity right of way line of Green Street, said point marked by an aluminum disc stamped No. 928, thence run along the Sodemterity right of way line of Green Street S 53° 59' 14" W, 83.77 feet to a point of intersection with the Eashty right of way line of Front Street, thence S 88° 06' 48" W, 30.00 feet to a point on the Westerly right of way line of Front Street, thence along said Westerly right of way line S 1° 56' 59" E, 317.62 feet, thence S 88° 07' 20" W, 133.00 feet to the POINT OF BEGINNING of the following described parcel of land, thence S 1° 56' 59" E, 130 feet, thence S 88° 07' 01" W, 112.50 feet, thence N 1° 56' 59" W, 63.00 feet, thence N 88° 07' 01" E, 94.00 feet, thence S 1° 56' 59" E, 133.50 feet, thence N 88° 07' 01" E, 18.50 feet, thence S 1° 56' 59" E, 36.00 feet to the POINT OF BEGINNING. Containing 0.157 acre, more or less.

PHILLIPS & TRICE SURVEYING, INC., 1204 SIMPSON ST., KEY WEST, FLA 33040 SHEET 2 OF 5

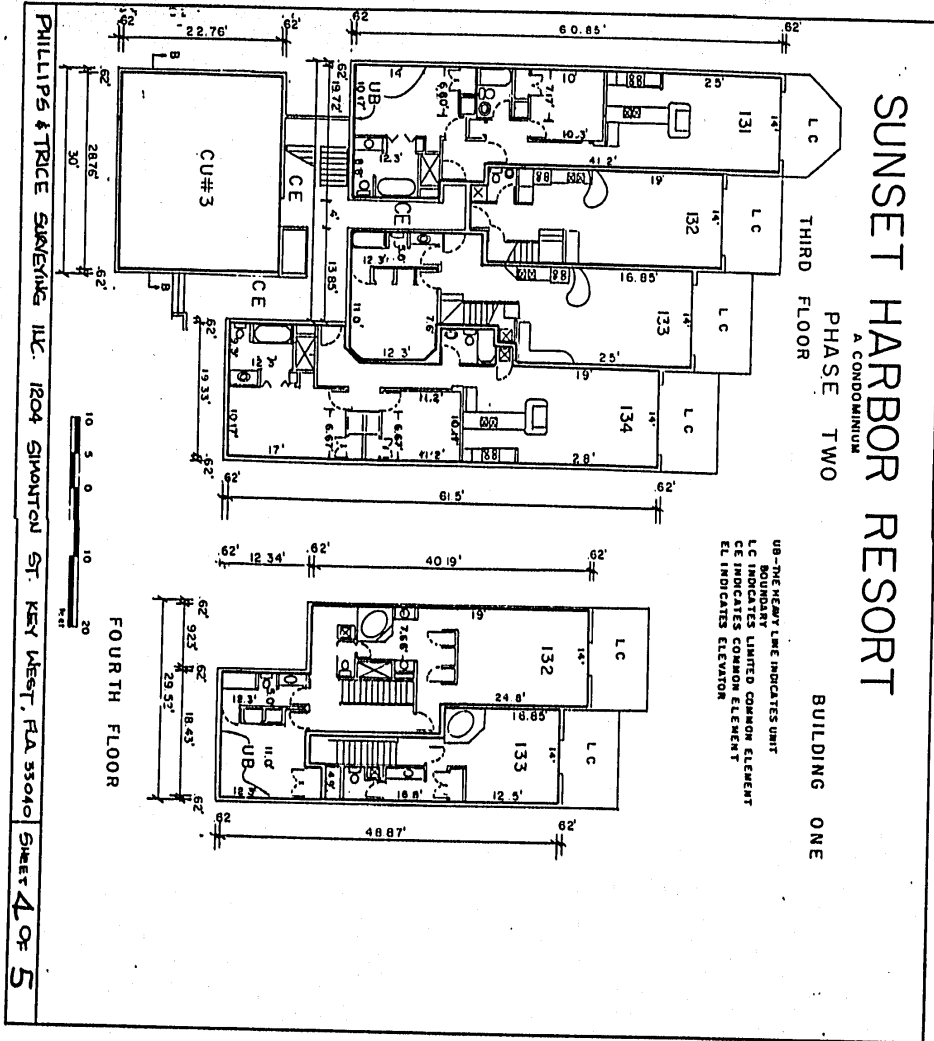
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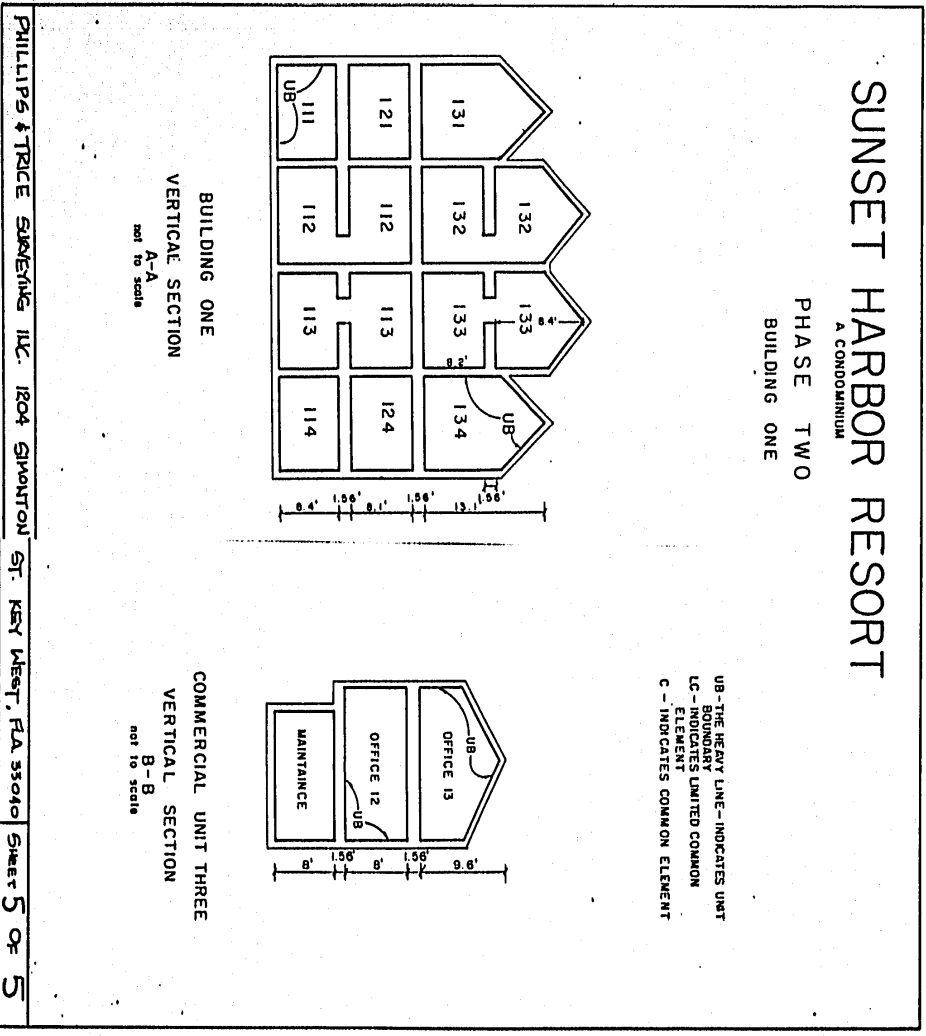
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Recorded in Official Records  
in Monroe County, Florida  
Record Verifier  
**DANNY L. KOIRAGOR**  
Clark Circuit Court