

This instrument prepared by
and return to:

Karen Whitehead
BAKER & HOSTETLER
2300 SunTrust Center
200 South Orange Avenue
Post Office Box 112
Orlando, Florida 32802
(407) 649-4000

MONROE COUNTY
OFFICIAL RECORDS

FILE #966786
BK#1422 PG#1356

RCD Sep 17 1996 03:26PM
DANNY L KOLHAGE, CLERK

SECOND 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 (Condominium").

Sunset Harbor Development Partnership, a Florida general partnership ("Developer"), hereby makes and files this Second Amendment to Declaration of Condominium pursuant to the provisions of Article XVIII of the Declaration of Condominium, and by this amendment hereby submits Phase III to the condominium form of ownership, as more specifically described in Exhibit "A" attached hereto. Phase III consists of eight (8) residential Units and four hundred and eight (408) Unit Weeks.

Now that all Units in Phase III of the Condominium have been declared for condominium use, the Condominium consists of a total of thirty (30) residential Units containing one thousand five hundred and thirty (1,530) Unit Weeks, and four (4) Commercial Units. Accordingly, each residential Unit within the Condominium will have an undivided 1/30 X 99.99% interest in and to the Common Elements and Common Surplus and be responsible for an undivided 1/30 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 is .01%.

In witness whereof, Sunset Harbor Development Partnership has caused these presents to be executed in its behalf by its undersigned authorized officer this 12th day of September, 1996.

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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

Sandi Nee
Print Name: Sandi Nee

Vicky Charla
Print Name: VICKY CHARLA

By: *Robert A. Spotswood*
As its: *President*

STATE OF FLORIDA)
) SS.
COUNTY OF MONROE)

Before me, the undersigned authority authorized to take acknowledgments in the state and county aforesaid, appeared ROBERT A. SPOTSWOOD, 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 12th day of September, 1996.

 LISA A. BAILEY
(NOTARY PUBLIC) COMMISSION # CC388146 EXPIRES
June 14, 1998
BONDED THRU TROY FARM INSURANCE, INC.

Lisa A. Bailey
(Notary Signature)

LISA A. BAILEY
(Notary Name Printed)
NOTARY PUBLIC
Commission No. _____

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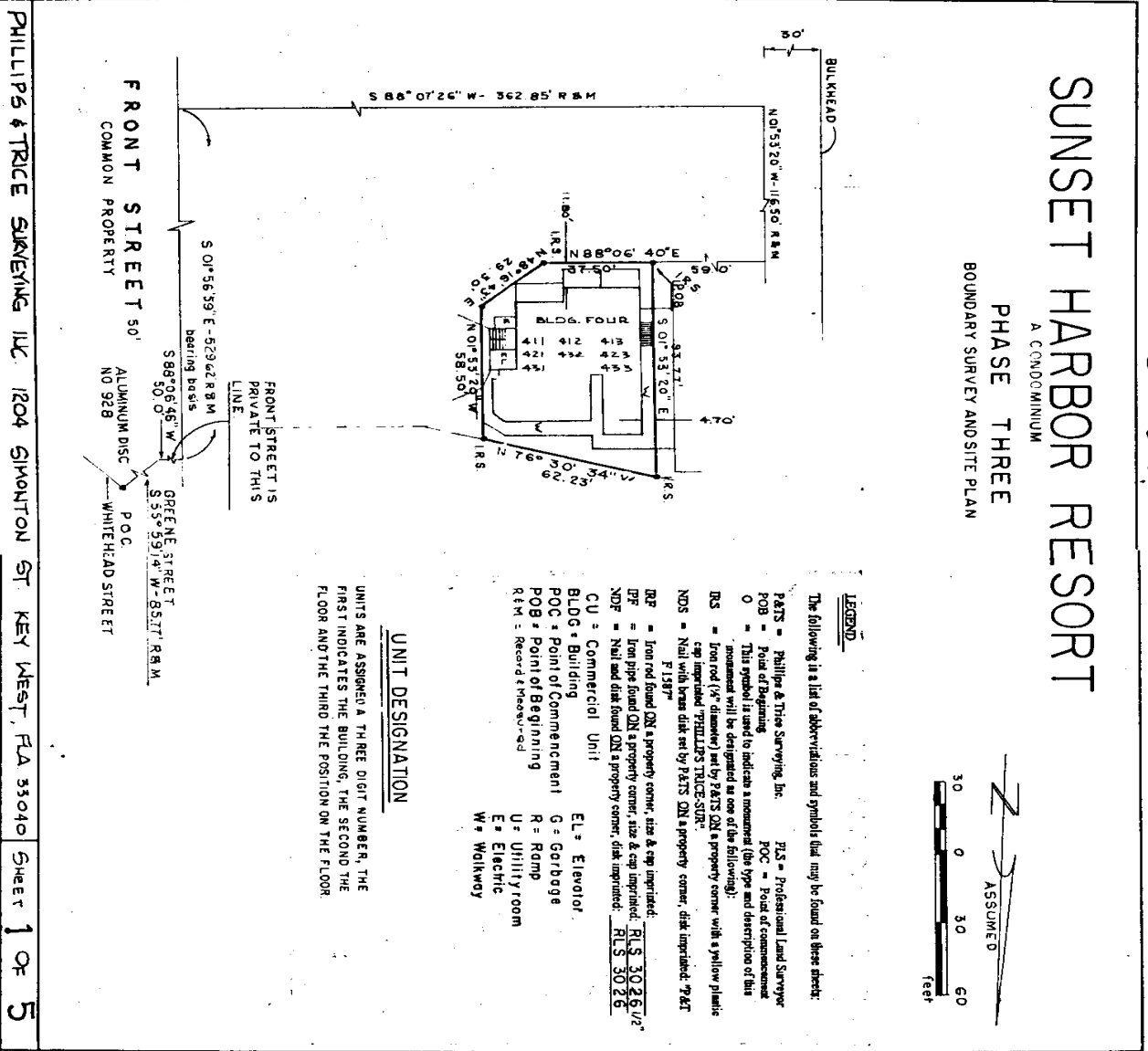
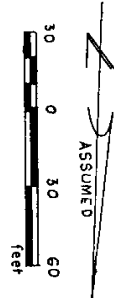
EXHIBIT "A"

SUNSET HARBOR RESORT

A CONDOMINIUM

PHASE THREE

BOUNDARY SURVEY AND SITE PLAN



LEGEND

The following is a list of abbreviations and symbols that may be found on these sheets:

- P&T = Phillips & Trice Surveying, Inc.
- PLS = Professional Land Surveyor
- POB = Point of Beginning
- POC = Point of Commencement
- = This symbol is used to indicate a monument (the type and description of this monument will be designated as one of the following):
- BS = Iron rod (1/2" diameter) set by P&T/S ON a property corner with a yellow plastic cap imprinted "PHILLIPS & TRICE-SUR"
- NDS = Nail with brass disk set by P&T/S ON a property corner, disk imprinted: "P&T F 1987"
- DP = Iron rod found ON a property corner, size & cap imprinted: "PLS 3026/0"
- DPF = Iron pipe found ON a property corner, size & cap imprinted: "PLS 3026/0"
- NDF = Nail and disk found ON a property corner, disk imprinted: "PLS 3026"
- CU = Commercial Unit
- BLDG = Building
- EL = Elevator
- POC = Point of Commencement
- G = Garbage
- POB = Point of Beginning
- R = Ramp
- UR = Utility room
- E = Electric
- W = Walkway
- R&M = Record & Measure - old

UNIT DESIGNATION

UNITS ARE ASSIGNED A THREE DIGIT NUMBER, THE FIRST INDICATES THE BUILDING, THE SECOND THE FLOOR AND THE THIRD THE POSITION ON THE FLOOR.

PHILLIPS & TRICE SURVEYING INC. 1204 SIMONTON ST KEY WEST, FLA 33040 Sheet 1 OF 5

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EXHIBIT "A"

SUNSET HARBOR RESORT

A CONDOMINIUM
PHASE THREE

CERTIFICATE OF SURVEYOR

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

1. That the boundaries of the real property shown and stated herein and made a part hereof are true and correct to the best of my knowledge and belief; the same based on a boundary survey thereof, completed 3/3/96, and performed under the personal direction and control of the Florida Professional Land Surveyor named below.
2. That all improvements shown on the drawing attached hereto with respect to Phase Three are substantially complete so that the material, together with the provisions of the Declaration of Condominium describing the condominium property are an accurate representation of the location and dimensions of the common elements and that the identification, location and dimensions of the common elements and of such well can be determined from these materials.
3. This certificate is made in accordance with Section 718.10(4)(c) 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 Section 472.021, Florida Statutes and Chapter 61G17-6.003 of the Florida Administrative Code and that there are no encroachments, above ground, other than those shown hereon if any.

PHILLIPS & TRICE SURVEYING, INC.

Joe M. Trice
 Joe M. Trice, Professional Land Surveyor
 Florida Registration Certificate No. 2110
 Signature date: 9-6-96



LAND SUBMITTED TO CONDOMINIUM OWNERSHIP

SUNSET HARBOR RESORT - PHASE THREE:

A parcel of land on the Island of Key West, Monroe County, Florida, being portion of Caroline Street, of Lot 4 in Block 17 (unsubdivided), and filed according to the same as above on the aforesaid "Map of the Town of Key West together with the Island" as surveyed and delineated in February 1829 by W. A. Whitehead and being more particularly described as follows: COMMENCE at the intersection of the Southwesterly right of way line of Whitehead Street and the Southwesterly right of way line of Carrose Street said point marked by an aluminum disc stamped No. 928; thence run along the Southwesterly right of way line of Carrose Street S 55° 59' 14" W, 63.77 feet to a point of intersection with the Easterly right of way line of Front Street, thence S 88° 06' 46" W, 50.00 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, 529.62 feet thence leaving said right of way line, S 88° 07' 28" W, 362.85 feet to a point of intersection with a line (being 30.00 feet landward of said parallel with the outermost face of a building) thence along said line N 1° 53' 20" W, 116.50 feet, thence N 88° 06' 46" E, 59.80 feet to the POINT OF BEGINNING of the following described parcel of land, thence continue along the following course N 88° 06' 46" E, 37.50 feet, thence N 48° 16' 43" E, 20.50 feet, thence N 1° 53' 20" W, 58.50 feet, thence N 76° 30' 14" W, 62.23 feet, thence S 1° 53' 20" E, 93.77 feet back to the POINT OF BEGINNING, containing 0.113 acres, more or less.

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

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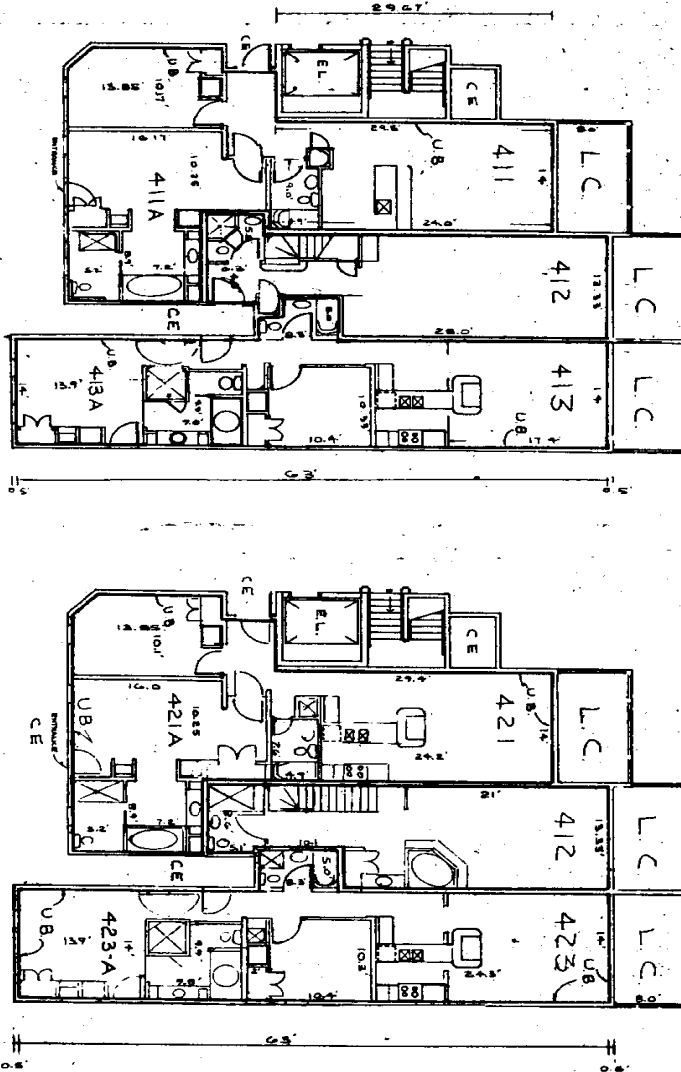
EXHIBIT 'A'

SUNSET HARBOR RESORT

A CONDOMINIUM
PHASE THREE

BUILDING FOUR

BUILDING FOUR
UB-THE HEAVY LINE INDICATES UNIT
BOUNDARY
LC INDICATES LIMITED COMMON ELEMENT
CE INDICATES COMMON ELEMENT
EL = ELEVATOR



FIRST FLOOR

SECOND FLOOR

PHILLIPS & TRICE SURVEYING INC 1204 SIMONTON ST KEY WEST, FLA 33040 SHEET 3 OF 5

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EXHIBIT "A"

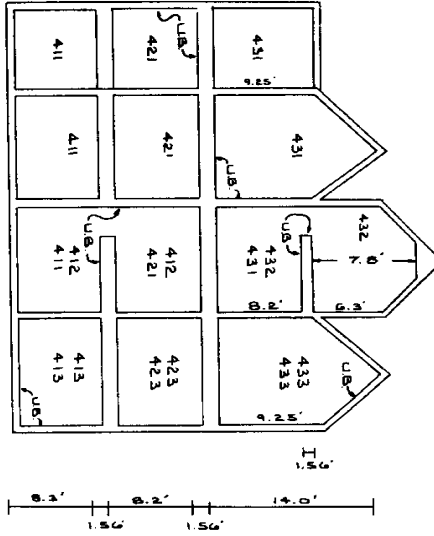
SUNSET HARBOR RESORT

A CONDOMINIUM

PHASE THREE

BUILDING FOUR

UB - THE HEAVY LINE INDICATES UNIT
BOUNDARY
LC INDICATES LIMITED COMMON ELEMENT
CE INDICATES COMMON ELEMENT
EL = ELEVATION



BUILDING FOUR
VERTICAL SECTION
NOT TO SCALE

PHILLIPS & TRICE SURVEYING INC 1204 SIMONTON ST KEY WEST, FLA 33040 SHEET 5 OF 5

MONROE COUNTY
OFFICIAL RECORDS