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Sandy Crawford Clerk Circuit Court

Recorded and Verified	Brevard County, FL
# Pgs. <u>14</u>	# Narras <u>2</u>
Trust Fund <u>7.50</u>	Rec Fee <u>57.00</u>
Stamp-Deed _____	Excise Tx _____
Stamp-Mtg _____	Int Tx _____
Service Chg _____	Refund <u>1.00</u>

This instrument prepared by:
 CURTIS R. MOSLEY, ESQ.
 Mosley, Wallis & Whitehead, P.A.
 Post Office Box 1210
 Melbourne, Florida 32902-1210

AMENDMENT TO DECLARATION OF CONDOMINIUM OF
 HARBOR ISLES DEVELOPMENT CORPORATION

HARBOR ISLES DEVELOPMENT CORPORATION, a Florida corporation, pursuant to the authority reserved in Article XIII of the Declaration of Condominium establishing HARBOR ISLES II, A CONDOMINIUM, as recorded in Official Records Book 3273, Pages 4193 through 4272, Public Records of Brevard County, Florida, and the Florida Condominium Act, hereby amends and expands said Declaration above described and submits the following described real property located in the City of Cocoa Beach, Brevard County, Florida, which property is more particularly described as follows, to-wit:

SEE EXHIBIT 4 OF EXHIBIT "E" ATTACHED HERETO WHICH IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF PHASE SEVEN.

together with improvements thereon, containing one (1) two-story building, having a total of eight (8) units and other appurtenant improvements more specifically described in Exhibit "E" attached hereto and made a part hereof, to condominium ownership pursuant to the Florida Condominium Act, and hereby declares the same to be known and identified as HARBOR ISLES II, A CONDOMINIUM.

HARBOR ISLES DEVELOPMENT CORPORATION, a Florida corporation, further amends and expands the above-described Declaration of Condominium to include and merge the common and limited common elements and easements of the property submitted to Condominium by this Amendment with the property described in the original Declaration of Condominium recorded in Official Records Book 3273, Pages 4193 through 4272, of the Public Records of Brevard County, Florida.

HARBOR ISLES DEVELOPMENT CORPORATION, a Florida corporation, hereby amends the Declaration of Condominium as follows:

1. II
SURVEY AND DESCRIPTION OF IMPROVEMENTS

A. Attached hereto and made a part hereof, and marked as Exhibit A, consisting of ~~twelve (12)~~ thirteen (13) pages, Exhibit B consisting of fourteen (14) pages, and Exhibit E consisting eleven (11) pages, are boundary surveys of the entire premises of which Phases One, Two, Three, Four, Five, Six and Seven are a part, boundary surveys of each phase, a graphic plot plan of the overall planned improvements, and graphic descriptions of the improvements contemplated as comprising Phases One, Two, Three, Four, Five, Six and Seven in which units are located, and plot plans thereof identifying the units, the common elements and the limited common elements, and their respective locations and dimensions. Said surveys, graphic descriptions and plot plans were prepared by:

ALLEN ENGINEERING, INC.
 By: ROBERT M. SALMON
 Professional Land Surveyor
 No. 4262, State of Florida

and have been certified in the manner required by the Florida Condominium Act. Each unit is identified and designated by a specific number. No unit bears the same numerical designation as any other unit. The specific numbers are listed on sheets ~~8-9~~ through 10-11, of Exhibit A and sheets 8 and 9 of Exhibit E, attached to this Declaration. All other paragraphs of Article II shall remain in full force and effect and unchanged by this Amendment.

2.

III
OWNERSHIP OF UNITS AND APPURTENANT SHARE IN COMMON ELEMENTS
AND COMMON SURPLUS, AND SHARE OF COMMON EXPENSES

Each unit shall be conveyed as an individual property capable of independent use and fee simple ownership and the owner or owners of each unit shall own, as an appurtenance to the ownership of each said unit, an undivided ~~one-eighteenth (1/18)~~ one-twenty-sixth (1/26) share of all common elements of the condominium, which includes, but is not limited to, ground support area, walkways, yard area, parking areas, foundations, etc./ and substantial portions of the exterior walls, floors, ceiling and walls between units. The space within any of the units and common elements shall not be further subdivided. Any undivided interest in the common property is hereby declared to be appurtenant to each unit and such undivided interest shall not be separate from the unit and such interest shall be deemed conveyed, devised, encumbered or otherwise included with the unit even though such interest is not expressly mentioned or described in the conveyance, or other instrument. Any instrument, whether a conveyance, mortgage or otherwise, which describes only a portion of the space within any unit shall be deemed to describe the entire unit owned by the person executing such instrument and an undivided ~~one-eighteenth (1/18)~~ one-twenty-sixth (1/26) interest in all common elements of the condominium.

The common expenses shall be shared and the common surplus shall be owned in the same proportion as each unit owner's share of the ownership of the common elements, that is ~~one-eighteenth (1/18)~~ one-twenty-sixth (1/26).

All other paragraphs of Article III shall remain in full force and effect and unchanged by this Amendment.

3.

IV
UNIT BOUNDARIES, COMMON ELEMENTS, AND LIMITED COMMON ELEMENTS

The units of the condominium consist of that volume of space which is contained within the decorated or finished exposed interior surfaces of the perimeter walls, floors (excluding carpeting and other floor coverings) and ceilings of the units, the boundaries of the units are more specifically shown in Exhibit A and Exhibit E, attached hereto. The dark solid lines on the floor plans hereinabove mentioned represent the perimetrical boundaries of the units, while the upper and lower boundaries of the units, relating to the elevations of the units, are shown in notes on said plan.

There are limited common elements appurtenant to each of the units in this condominium, as shown and reflected by the floor and plot plans. These limited common elements are reserved for the use of the units appurtenant thereto, to the exclusion of other units, and there shall pass with a unit, as an appurtenance thereto, the exclusive right to use the limited common elements so appurtenant. In addition, there are ~~thirty (30)~~ forty (40) garages as shown on Sheets ~~6~~ 7 and ~~7~~ 8 of Exhibit A and sheet 7 of Exhibit E. These garages are common elements for which the Developer reserves the right to designate the unit which shall be entitled to exclusive use of the garage. After such designation the garage shall be appurtenant to the unit and shall become a limited common element. The Developer may charge a fee for the assignment of these parking spaces, in its sole discretion.

All other paragraphs of Article IV shall remain in full force and effect and unchanged by this Amendment.

4.

VI
MEMBERSHIP AND VOTING RIGHTS

There shall be a total of ~~eighteen (18)~~ twenty-six (26) votes to be cast by the owners of the condominium units. Such votes shall be apportioned and cast as follows: The owner of each condominium unit (designated as such on the exhibits attached to this Declaration) shall be entitled to cast one (1) vote. Where a condominium unit is owned by a corporation, partnership or other legal entity or by more than one (1) person, all the owners thereof shall be collectively entitled to the vote assigned to such unit and such owners shall, in writing, designate an individual who shall be entitled to cast the vote on behalf of the owners of such

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condominium unit of which he is a part until such authorization shall have been changed in writing. The term, "owner" as used herein, shall be deemed to include the Developer.

All other paragraphs of Article VI shall remain in full force and effect and unchanged by this Amendment.

5.

VII

COMMON EXPENSES, ASSESSMENTS, COLLECTION
LIEN AND ENDORSEMENT, LIMITATIONS

The Board of Administration of the Association shall propose annual budgets in advance for each fiscal year which shall contain estimates of the cost of performing the functions of the Association, including but not limited to, the estimated amounts necessary for maintenance, and operation of common elements and limited common elements, landscaping, street and walkways, office expense, utility services, replacement and operating reserve, casualty insurance, liability insurance, administration and salaries. Failure of the board to include any item in the annual budget shall not preclude the board from levying an additional assessment in any calendar year for which the budget has been projected. In determining such common expenses, the Board of Administration may provide for an operating reserve not to exceed fifteen (15%) percent of the total projected common expenses for the year. Each unit owner shall be liable for the payment to the Association on ~~one-eighteenth (1/18)~~ one-twenty-sixth (1/26) of the common expenses as determined in said budget.

All other paragraphs of Article VII shall remain in full force and effect and unchanged by this Amendment.

6.

XIV

TERMINATION OF CONDOMINIUM

The distributive share of each unit owner in the net proceeds of sale, though subject to the provisions hereinafter contained shall be the following portion thereof; to-wit:

AN UNDIVIDED ~~ONE-EIGHTEENTH (1/18)~~ ONE-TWENTY-SIXTH (1/26)

All other paragraphs of Article XIV shall remain in full force and effect and unchanged by this Amendment.

7. Delete sheet 5 of Exhibit B as recorded in Official Records Book 3273, Page 4240, of the Public Records of Brevard County, Florida, in its entirety and substitute attached sheet 5 of Exhibit B therefor.

IN WITNESS WHEREOF, the above stated Developer has caused these presents to be signed and sealed this 14 day of May, 1993.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Sue Gastling
Beverly H. Crockett

HARBOR ISLES DEVELOPMENT CORPORATION, a
Florida corporation

By: *Morris A. Rowe*
MORRIS A. ROWE, President

STATE OF FLORIDA)
COUNTY OF BREVARD)

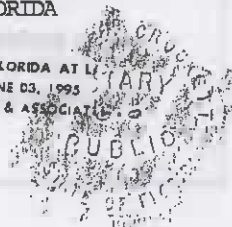
The foregoing instrument was acknowledged before me this 14 day of ^{May} ~~APRIL~~, 1993, by MORRIS A. ROWE, President, of HARBOR ISLES DEVELOPMENT CORPORATION, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my signature and official seal at Melbourne, Brevard County, Florida, the day and year last aforesaid.

Beverly H. Crockett
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires:

HBI/Amendmt.93/daf

NOTARY PUBLIC, STATE OF FLORIDA AT
MY COMMISSION EXPIRES JUNE 03, 1995
BONDED THRU HUCKLEBERRY & ASSOCIATES



SURVEYOR'S CERTIFICATE
FOR
HARBOR ISLES II, A CONDOMINIUM
PHASE SEVEN

STATE OF FLORIDA
COUNTY OF BREVARD

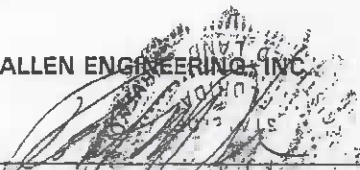
BEFORE ME, THE UNDERSIGNED AUTHORITY DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED "ROBERT M. SALMON", BY ME WELL KNOWN, AND KNOWN TO ME TO BE THE PERSON HEREINAFTER DESCRIBED, WHO AFTER BEING BY ME FIRST DULY CAUTIONED AND SWORN, DEPOSES AND SAYS AN OATH AS FOLLOWS, TO-WIT:

I HEREBY CERTIFY THAT THE CONSTRUCTION OF THE IMPROVEMENTS SHOWN AND DESCRIBED ON THE ATTACHED EXHIBIT "E" IS SUBSTANTIALLY COMPLETE SO THAT THE MATERIAL DESCRIBED AND SHOWN ON THE ATTACHED EXHIBIT "E" TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM ESTABLISHING HARBOR ISLES II, A CONDOMINIUM PHASE SEVEN, IS AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS, AND THAT THE IDENTIFICATION, LOCATIONS AND DIMENSIONS OF THE COMMON ELEMENTS AND OF EACH UNIT CAN BE DETERMINED FROM THESE MATERIALS.


IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL, THIS 22ND DAY OF SEPTEMBER, 1993, A.D.

ALLEN ENGINEERING, INC.

BY:


ROBERT M. SALMON
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4262

THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS 22ND DAY OF SEPTEMBER, 1993
BY ROBERT M. SALMON, WHO IS PERSONALLY
KNOW AND WHO DID TAKE AN OATH.


DEBORAH A. HASH
NOTARY PUBLIC-STATE OF FLORIDA
MY COMMISSION EXPIRES: MAY 30, 1994
MY COMMISSION NO IS: CC 180277



OFFICIAL SEAL
DEBORAH A. HASH
My Commission Expires
May 30, 1994
Comm. No. CC 180277

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA

EXHIBIT "E"

SHEET 1 OF 11

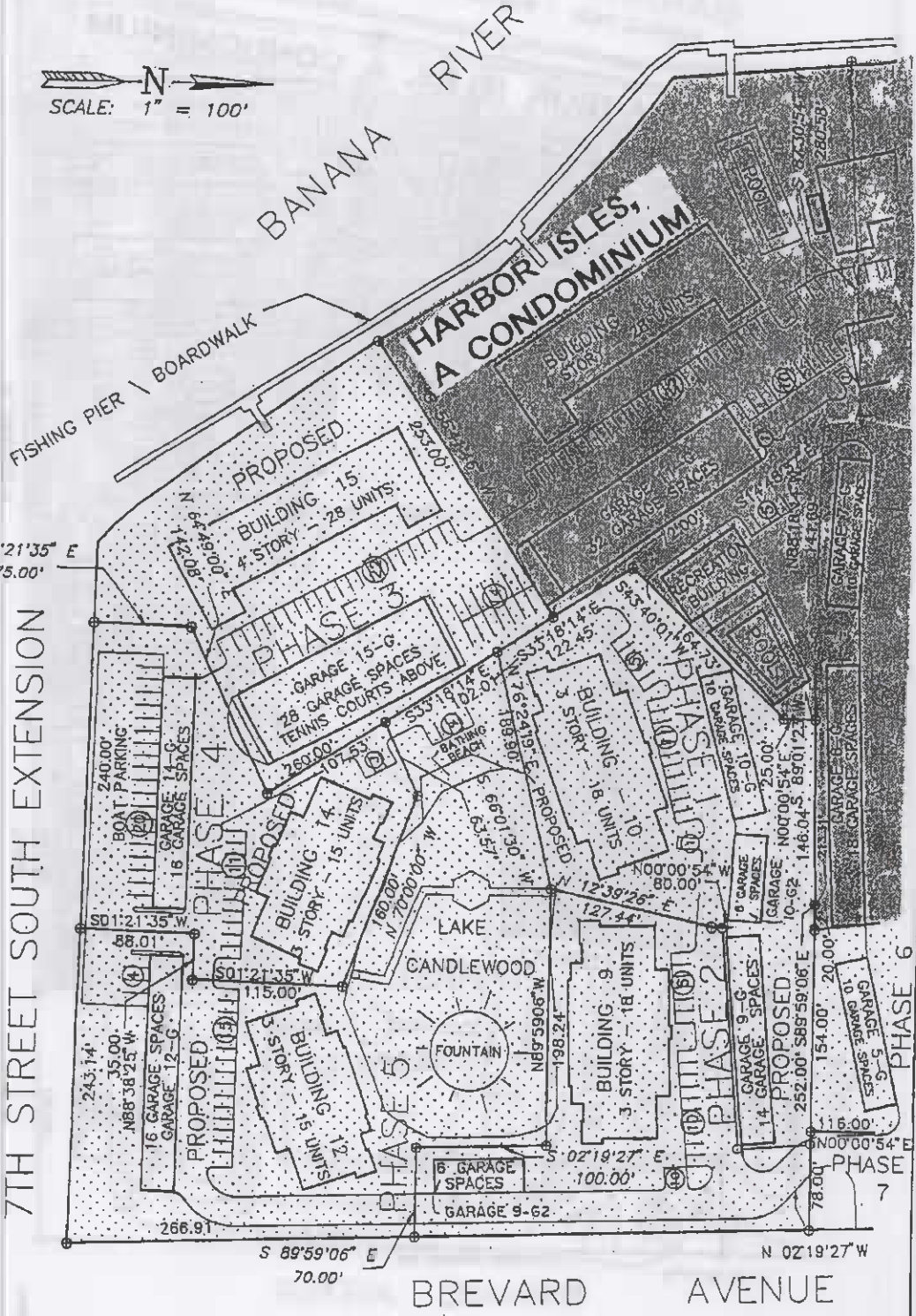
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HARBOR ISLES II, A CONDOMINIUM

PHASE 7

GRAPHIC PLOT PLAN OF
PROPOSED IMPROVEMENTS




SCALE: 1" = 100'



SEE SHEET 6 OF 11 FOR NOTES CONCERNING THIS GRAPHIC PLOT PLAN.

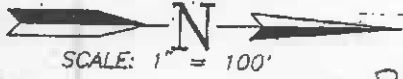
THIS IS NOT A BOUNDARY SURVEY

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
SEPTEMBER 1, 1993

-  = HARBOR ISLES, A CONDOMINIUM
 -  = NOT A PART
 -  = FUTURE PHASES OF HARBOR ISLES II, A CONDOMINIUM
- EXHIBIT "E"

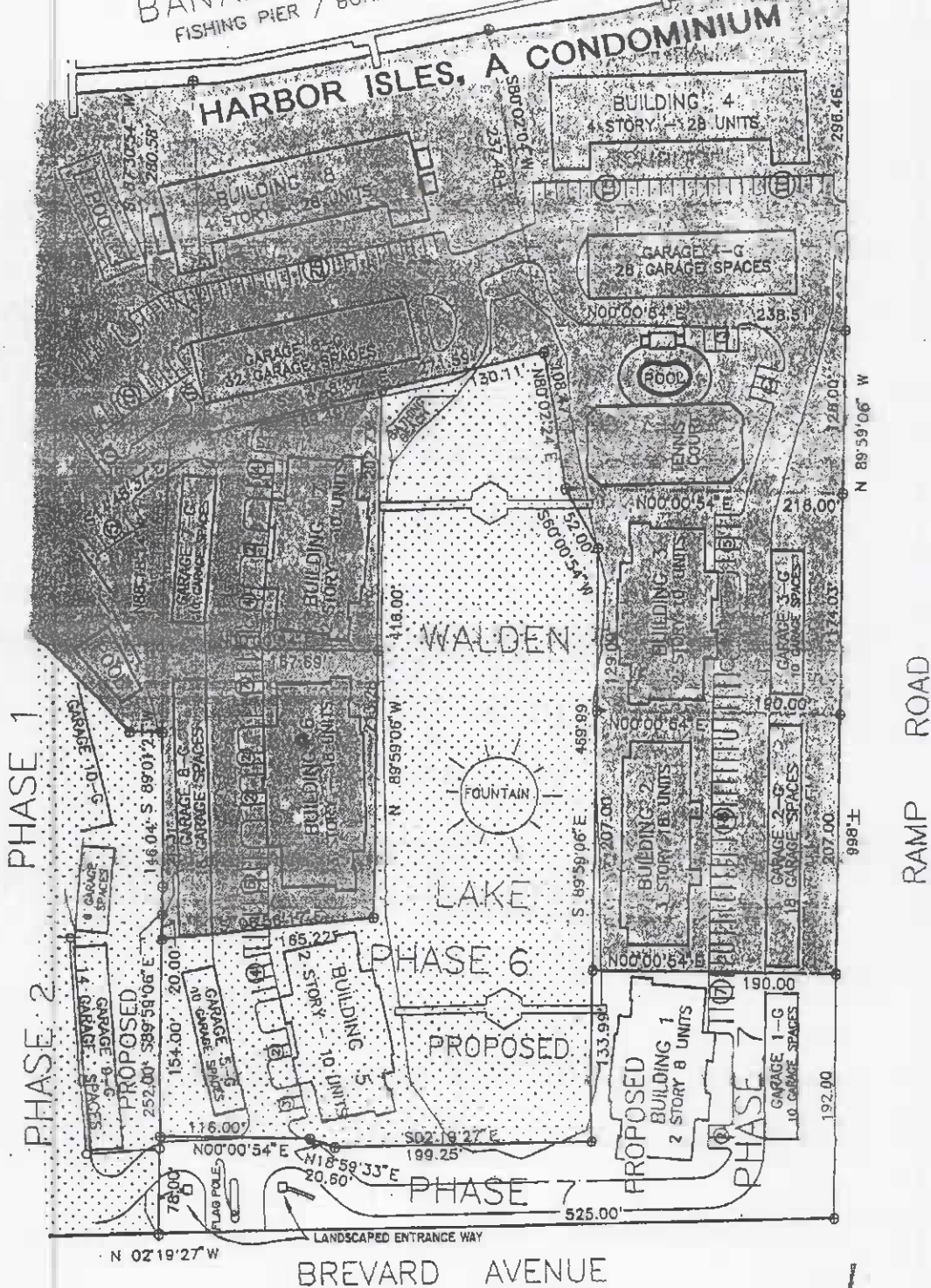
UNSUITABLE
FOR
RECORD

HARBOR ISLES II, A CONDOMINIUM PHASE 7 GRAPHIC PLOT PLAN OF PROPOSED IMPROVEMENTS





SCALE: 1" = 100'

BANANA RIVER
FISHING PIER / BOARDWALK



SEE SHEET 5 OF 11 FOR NOTES CONCERNING THIS GRAPHIC PLOT PLAN.

THIS IS NOT A BOUNDARY SURVEY

-  = HARBOR ISLES, A CONDOMINIUM NOT A PART
-  = FUTURE PHASES OF HARBOR ISLES II, A CONDOMINIUM

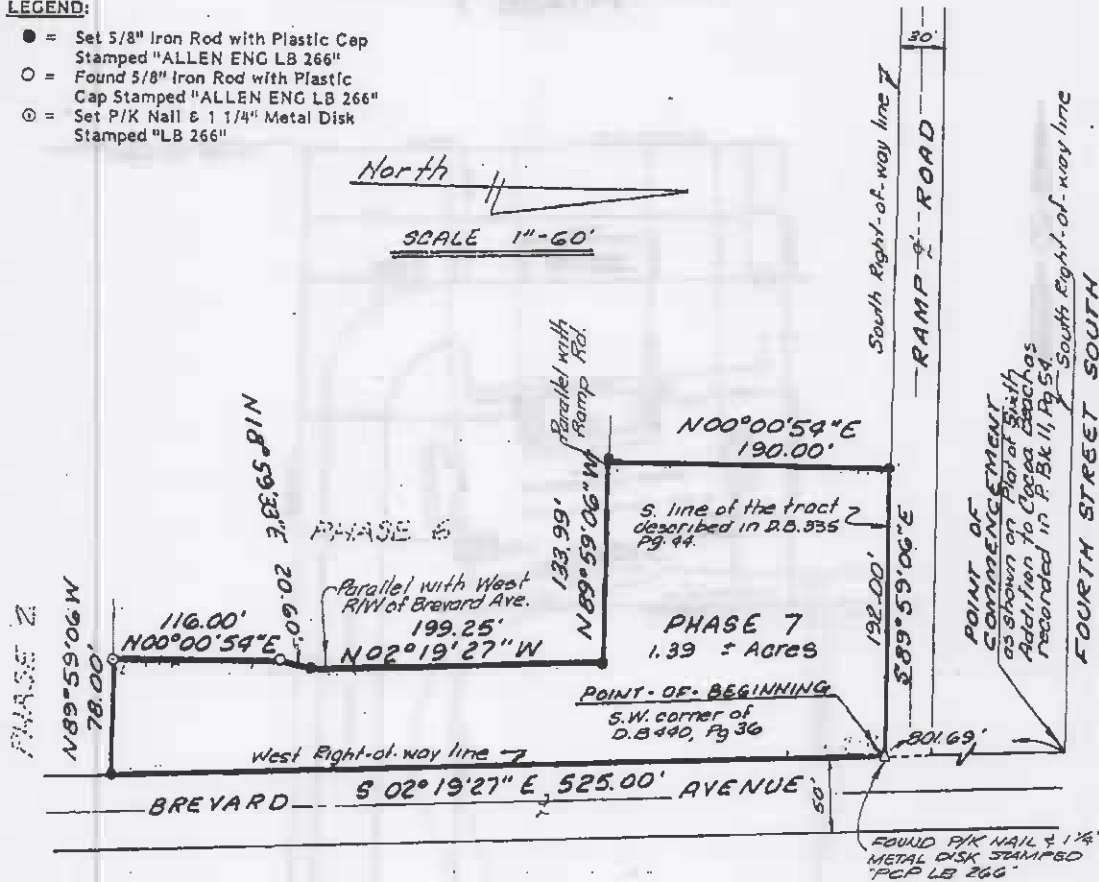
ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
SEPTEMBER 1, 1993

UNUSABLE
ON
MICROFILM

HARBOR ISLES II, A CONDOMINIUM SKETCH OF SURVEY

LEGEND:

- = Set 5/8" Iron Rod with Plastic Cap Stamped "ALLEN ENG LB 266"
- = Found 5/8" Iron Rod with Plastic Cap Stamped "ALLEN ENG LB 266"
- ⊙ = Set P/K Nail & 1 1/4" Metal Disk Stamped "LB 266"



LEGAL DESCRIPTION PHASE 7:

A portion of Government Lot 2, in Section 15, Township 25 South, Range 37 East, Brevard County, Florida being more particularly described as follows:

Commence at the intersection of the South right-of-way line of Fourth Street South and the West right-of-way line of Brevard Avenue, said point as shown on Plat of Sixth Addition to Cocoa Beach according to the Plat thereof recorded in Plat Book 11, Page 54, Public Records of Brevard County; thence run S02°19'27"E along said West line of Brevard Avenue for 801.69 feet to the Point of Beginning (said point also being the SW corner of D.B. 440, Pg. 36, Brevard County Public Records, and also a point on the South line of the tract described in D.B. 335, Pg. 44, of said Public Records, also being the South right-of-way line of Ramp Road; thence continue S02°19'27"E along said West right-of-way line of Brevard Avenue, a distance of 525.00 feet; thence run N89°59'06"W, a distance of 78.00 feet; thence run N00°00'54"E, a distance of 116.00 feet; thence run N18°59'33"E, a distance of 20.60 feet; thence run N02°19'27"W, parallel with said West right-of-way line of Brevard Avenue, a distance of 199.25 feet to a point lying 190.00 feet South of the South right-of-way line of Ramp Road; thence run N89°59'06"W, a distance of 133.99 feet; thence run N00°00'54"E, a distance of 190.00 feet to a point lying on the South right-of-way line of said Ramp Road; thence run S89°59'06"E, along said South line, a distance of 192.00 feet to the Point-of-Beginning. Containing 1.39 acres, more or less.

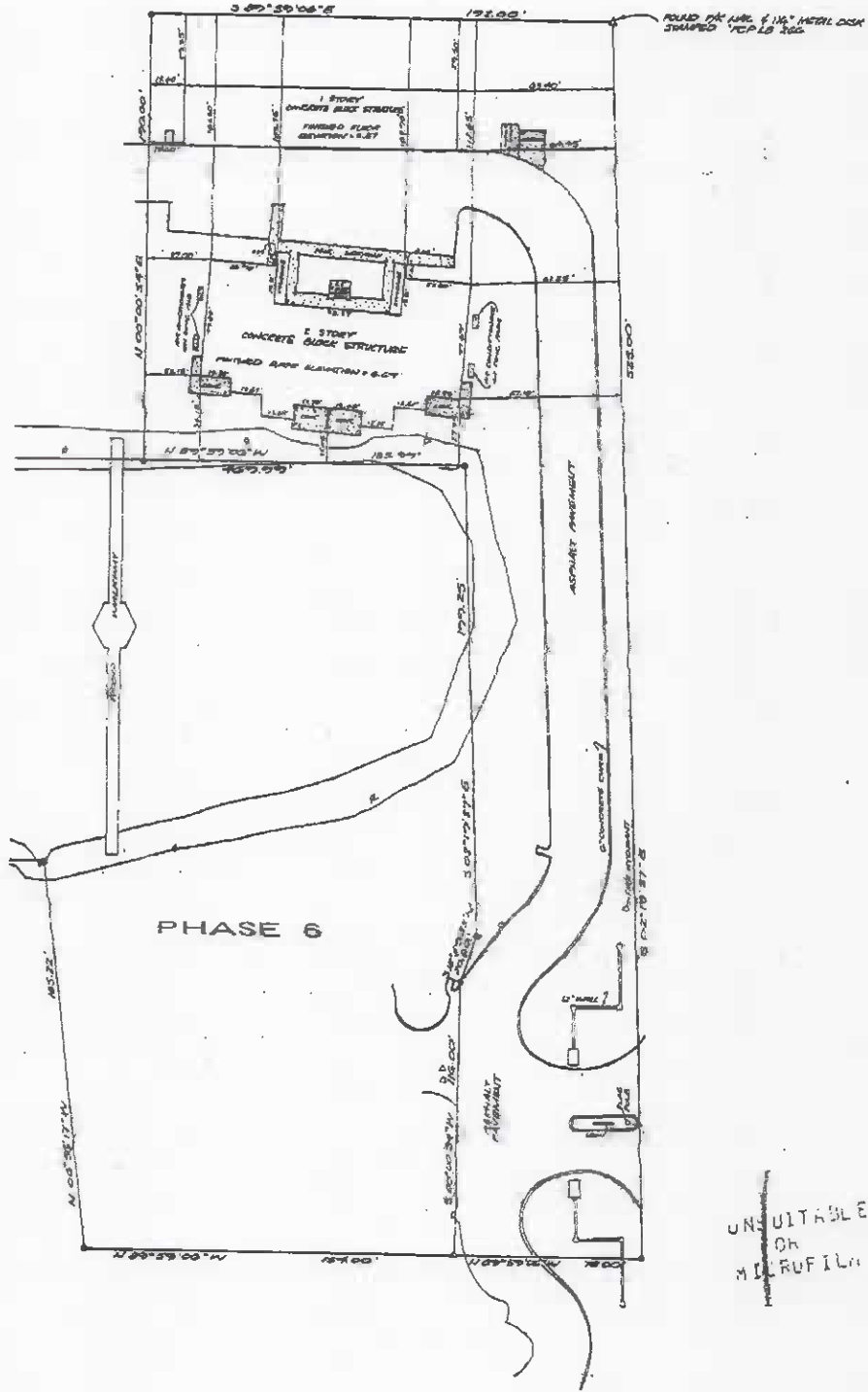
NOTE: SEE SHEET 6 OF 11 FOR CERTIFICATION & SURVEYOR'S NOTES.

UNAVAILABLE
FOR
MICROFILM

HARBOR ISLES II, A CONDOMINIUM

LOCATION OF IMPROVEMENTS

PHASE 7



UNCONSULTABLE
OR
MICROFILM

SURVEYOR'S NOTES:

1. See Sheet 4 of 11 for the boundary information for Phase 1 of Harbor Isles II, A Condominium.

HARBOR ISLES II, A CONDOMINIUM PHASE 7

SURVEYOR'S NOTES CONCERNING THE GRAPHIC PLOT PLAN OF PHASE SEVEN:

1. Harbor Isles II, A Condominium, Phase Seven, contains Building 1, a 2-story, 8 unit building. Phase seven also contains Garage 1-G with a total of 10 garage spaces. The garages in Phase Seven are common elements of the condominium limited to the use of certain units set forth in the declaration of Condominium.
2. The balance of improvements planned by the developer consists of driveways, walkways, parking and open landscaped areas.
3. All areas and improvements exclusive of the units are common elements of the condominium, as set forth in the declaration of condominium.
4. The graphic plot plan for Phase Seven was prepared under the direction of "Robert M. Salmon," Professional Land Surveyor, No. 4262, State of Florida, from an Engineering Site Plan, prepared by Allen Engineering, Inc.

SURVEYOR'S NOTE CONCERNING SKETCH OF SURVEY:

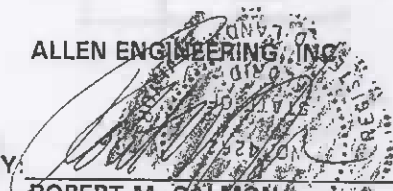
1. The bearings shown are based on the bearing of the West right of way line of Brevard Avenue, being N02°19'27"W assumed North Meridian.
2. Site improvements including but not limited to underground utilities, driveways and foundations, were not located by this survey.
3. See Sheet 4 for boundary information and legal description.

CERTIFICATION:

I hereby certify to the best of my knowledge and belief the Sketch of Survey shown on Sheet 4 of 10 is an accurate representation of a survey performed under my direction on June 28, 1991, in accordance with the "Minimum Technician Standards" for Land Surveying in the State of Florida, described in Chapter 21HH-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes

Not valid unless embossed
with Surveyor's Seal

ALLEN ENGINEERING, INC.

BY: 
ROBERT M. SALMON
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4262

ALLEN ENGINEERING, INC.,
106 DIXIE LANE
COCOA BEACH, FLORIDA

SEPTEMBER 1, 1993

EXHIBIT "E"

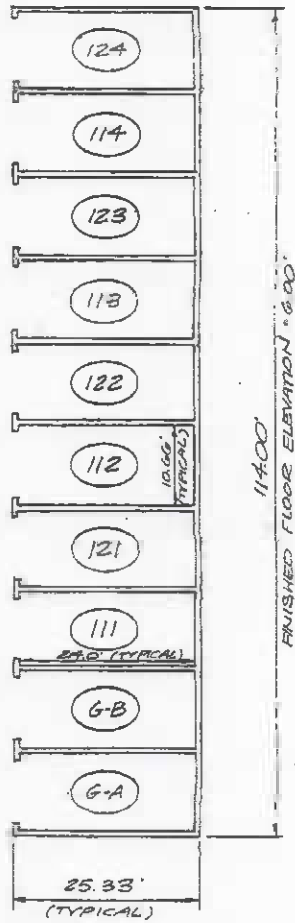
SHEET 6 OF 11

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HARBOR ISLES II, A CONDOMINIUM PHASE 7



NOT TO SCALE



GARAGE 1-G
10 GARAGE SPACES 10.66 x 24.0'

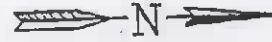
UNSUITABLE
FOR
MICROFILM

SURVEYOR'S NOTES:

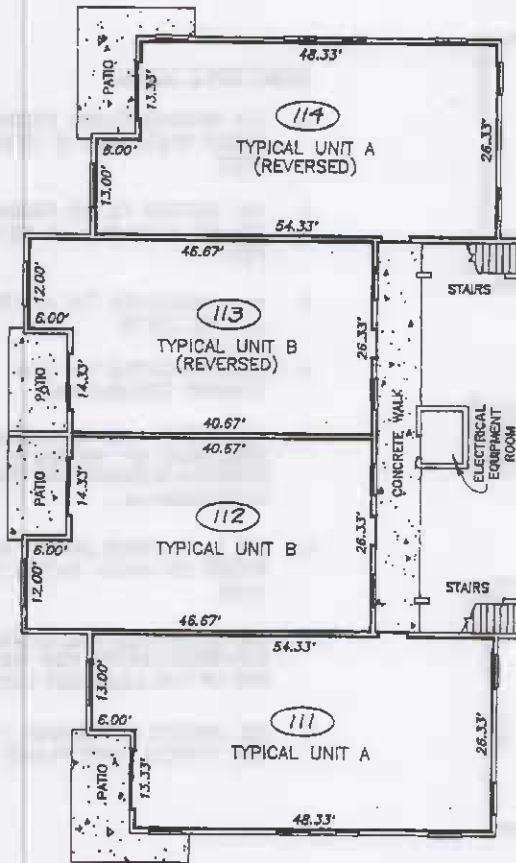
1. THE GARAGE SPACES SHOWN ARE COMMON ELEMENTS OF THE CONDOMINIUM LIMITED TO THE USE OF CERTAIN UNITS AS SET FORTH IN THE DECLARATION.
2. THE ELEVATIONS SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
3. ALL IMPROVEMENTS SHOWN ARE PROPOSED.

HARBOR ISLES II, A CONDOMINIUM PHASE 7

FIRST FLOOR PLAN - BUILDING No. 1



SCALE: 1"=20'



SURVEYOR'S NOTES

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 6.65 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 14.65 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (111) INDICATES THE UNIT NUMBER DESIGNATION.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE ELEVATIONS SHOWN ARE BASED ON N.G.V. DATUM OF 1929.
7. THE BALCONIES ARE COMMON ELEMENTS LIMITED FOR THE USE OF THE ADJACENT UNIT.
8. SEE SHEETS 10 THROUGH 11 FOR TYPICAL UNIT PLANS.

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FOR
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ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
SEPTEMBER 1, 1993

EXHIBIT "E" BK3332PG0049 SHEET 8 OF 11

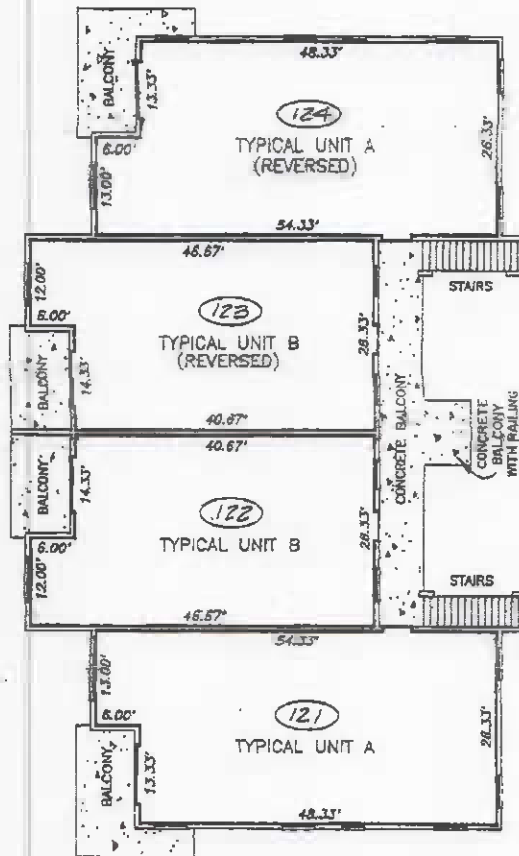
H12P71F.DWG

HARBOR ISLES II, A CONDOMINIUM PHASE 7

SECOND FLOOR PLAN - BUILDING No. 1



SCALE: 1"=20'



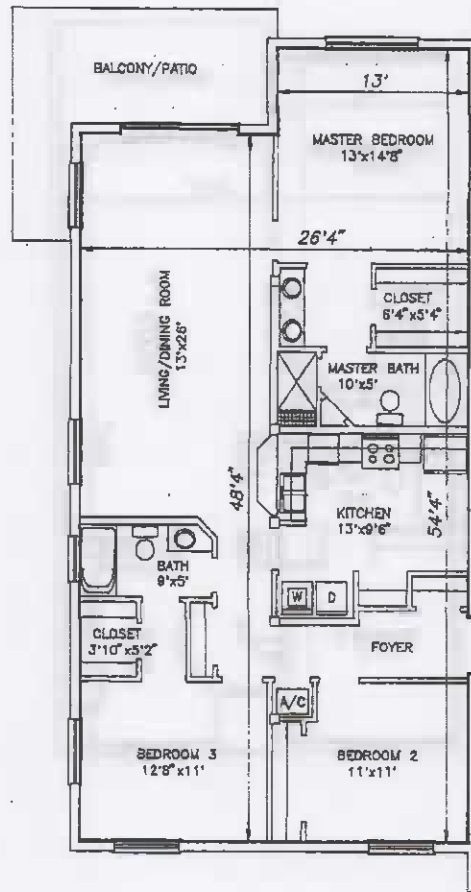
SURVEYOR'S NOTES

1. THE SECOND FLOOR FINISHED FLOOR ELEVATION IS 15.15 FEET,
2. THE SECOND FLOOR FINISHED CEILING ELEVATION IS 23.15 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. ○ INDICATES THE UNIT NUMBER DESIGNATION.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE ELEVATIONS SHOWN ARE BASED ON N.G.V. DATUM OF 1929.
7. THE BALCONIES ARE COMMON ELEMENTS LIMITED FOR THE USE OF THE ADJACENT UNIT.
8. SEE SHEETS 10 THROUGH 11 FOR TYPICAL UNIT PLANS.

UNSUITABLE
FOR
MICROFILM

HARBOR ISLES II, A CONDOMINIUM PHASE 7

TYPICAL UNIT A - BUILDING No. 1



SCALE: 1"=10'



UNSUITABLE
FOR
MICROFILM

SURVEYOR'S NOTES:

1. ——— INDICATES THE LIMITS OF THE UNIT.
2. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
3. THE BALCONY/PATIO IS A COMMON ELEMENT LIMITED TO THE USE OF THE ADJACENT UNIT.
4. THE UNIT PLAN SHOWN IS REPRESENTATIONAL. THE DIMENSIONS MAY VARY SLIGHTLY.
5. SOME UNITS MAY BE REVERSED OR A MIRROR IMAGE OF THE PLAN SHOWN.
6. REFER TO THE FLOOR PLANS ON SHEETS 8 THROUGH 9 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

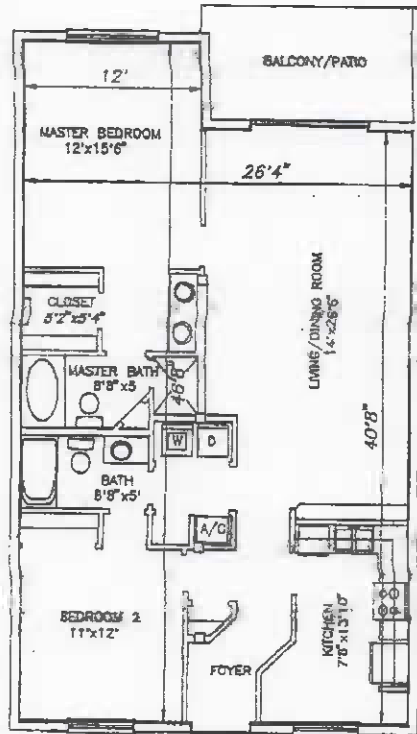
ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
SEPTEMBER 1, 1993

EXHIBIT **3332PG0051** SHEET 10 OF 11

H12P7-A.DWG

HARBOR ISLES II, A CONDOMINIUM PHASE 7

TYPICAL UNIT B - BUILDING No. 7



SCALE: 1"=10'



UNSUITABLE
FOR
MICROFILM

SURVEYOR'S NOTES:

1. ——— INDICATES THE LIMITS OF THE UNIT.
2. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
3. THE BALCONY/PATIO IS A COMMON ELEMENT LIMITED TO THE USE OF THE ADJACENT UNIT.
4. THE UNIT PLAN SHOWN IS REPRESENTATIONAL. THE DIMENSIONS MAY VARY SLIGHTLY.
5. SOME UNITS MAY BE REVERSED OR A MIRROR IMAGE OF THE PLAN SHOWN.
6. REFER TO THE FLOOR PLANS ON SHEETS 8 THROUGH 9 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
SEPTEMBER 1, 1993

EXHIBIT "E" 8X3382PG0052 SHEET 11 OF 11

H12P7-B.DWG