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95 JUL 24 PM 3:42

*Sandy Crawford* Clerk Circuit Court

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

Recorded and Verified	Brevard County, FL
# Pgs. <u>16</u>	# Names <u>2</u>
Trust Fund <u>8.50</u>	Rec Fee <u>65.00</u>
Stamp-Decd _____	Exclse Tx _____
Stamp-Mtg _____	Int Tx _____
Service Chg _____	Refund _____

THIRD AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF HARBOR ISLES II, A CONDOMINIUM

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, as amended by Amendment to Declaration recorded in Official Records Book 3332, Page 0039, as amended by Second Amendment to Declaration recorded in Official Records Book 3419, Page 2727, all of the 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 SHEET 4 OF EXHIBIT "G" "F" ATTACHED HERETO WHICH IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF PHASE TWO THREE.

together with improvements thereon, containing one (1) ~~three~~ four-story building, having a total of ~~eighteen (18)~~ twenty-eight (28) units and other appurtenant improvements more specifically described in Exhibit "G" "F" 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, and as amended by Amendment to Declaration recorded in Official Records Book 3332, Page 0039, as amended by Second Amendment to Declaration recorded in Official Records Book 3419, Page 2727, 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 thirteen (13) pages, Exhibit B consisting of fourteen (14) pages, Exhibit E consisting of ten (10) pages, Exhibit F consisting of thirteen (13) pages, and Exhibit G consisting of 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 identifying each unit are listed on Sheets 9 through 11, inclusive, of Exhibit A, Sheets 7 and 8 of Exhibit E, and Sheets 7 through

BK 3492 Pg 1642

9, inclusive, of Exhibit G, and Sheets 8 through 11, inclusive of Exhibit F 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-forty-fourth (1/44)~~ one seventy-second (1/72) 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-forty-fourth (1/44)~~ one seventy-second (1/72) 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-forty-fourth (1/44)~~ one seventy-second (1/72).

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, Exhibit E, Exhibit F and Exhibit G, 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 ~~forty-six (46)~~ seventy four garages as shown on Sheets 7 and 8 of Exhibit A, Sheet 6 of Exhibit E, sheet 7 of Exhibit F and sheet 6 of Exhibit G. 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 change 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 ~~forty-four (44)~~ seventy-two (72) 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 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 of ~~one-forty-fourth (1/44)~~ one seventy-second (1/72) 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

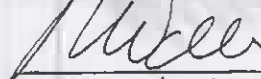
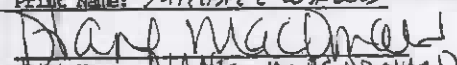
The distributive share of each unit owner in the net proceeds of sale, though subject to the provisions hereinafter contained shall be the following portion thereof; to-wit:

AN UNDIVIDED ~~ONE-FORTY-FOURTH (1/44)~~ ONE SEVENTY-SECOND (1/72)

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

IN WITNESS WHEREOF, the above stated Developer has caused these presents to be signed and sealed this 19 day of July, 1995.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

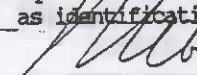
  
Print Name: MICHAEL M WALLIS  
  
Print Name: DIANE MACDONALD

HARBOR ISLES DEVELOPMENT CORPORATION, a  
Florida corporation

By:   
BEVERLY CROCKETT, Vice-President

STATE OF FLORIDA )  
COUNTY OF BREVARD )

The foregoing instrument was acknowledged before me this 19 day of July, 1995, by BEVERLY CROCKETT, Vice-President, of HARBOR ISLES DEVELOPMENT CORPORATION, a Florida corporation, on behalf of the corporation. She is personally known to me or has produced \_\_\_\_\_ as identification and did not take an oath.

  
NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires:

harboris3rdamend.doc



MICHAEL M M WALLIS  
My Commission CC312749  
Expires Nov. 12, 1997  
Bonded by HAI  
800-422-1555

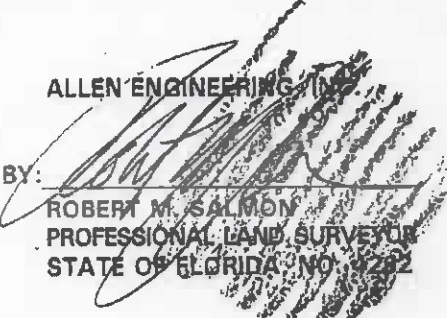
**SURVEYOR'S CERTIFICATE  
FOR  
HARBOR ISLES II, A CONDOMINIUM  
PHASE THREE**

STATE OF FLORIDA  
COUNTY OF BREVARD

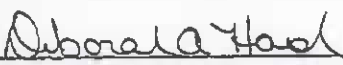
BEFORE ME, THE UNDERSIGNED AUTHORITY DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED "ROBERT M. SALMON", BY ME WELL KNOWN, AND KNOWN TO ME TO BE THE PERSON HEREINAFTER DESCRIBED, WHO AFTER BEING BY ME FIRST DULY CAUTIONED AND SWORN, DEPOSES AND SAYS AN OATH AS FOLLOWS,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

I HEREBY CERTIFY THAT THE CONSTRUCTION OF THE IMPROVEMENTS SHOWN AND DESCRIBED ON THE ATTACHED EXHIBIT "F" IS SUBSTANTIALLY COMPLETE SO THAT THE MATERIAL DESCRIBED AND SHOWN ON THE ATTACHED EXHIBIT "F" TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM ESTABLISHING HARBOR ISLES II, A CONDOMINIUM PHASE THREE 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 17TH DAY OF JULY, 1995, A.D.

ALLEN ENGINEERING, INC.  
BY:   
ROBERT M. SALMON  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA NO. 1222

THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED  
BEFORE ME THIS 17TH DAY OF JULY, 1995  
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, 1998.  
MY COMMISSION NO IS: CC 379625



DEBORAH A HASH  
My Commission CC379625  
Expires May, 30, 1998  
Bonded by ANS  
800-652-6678

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

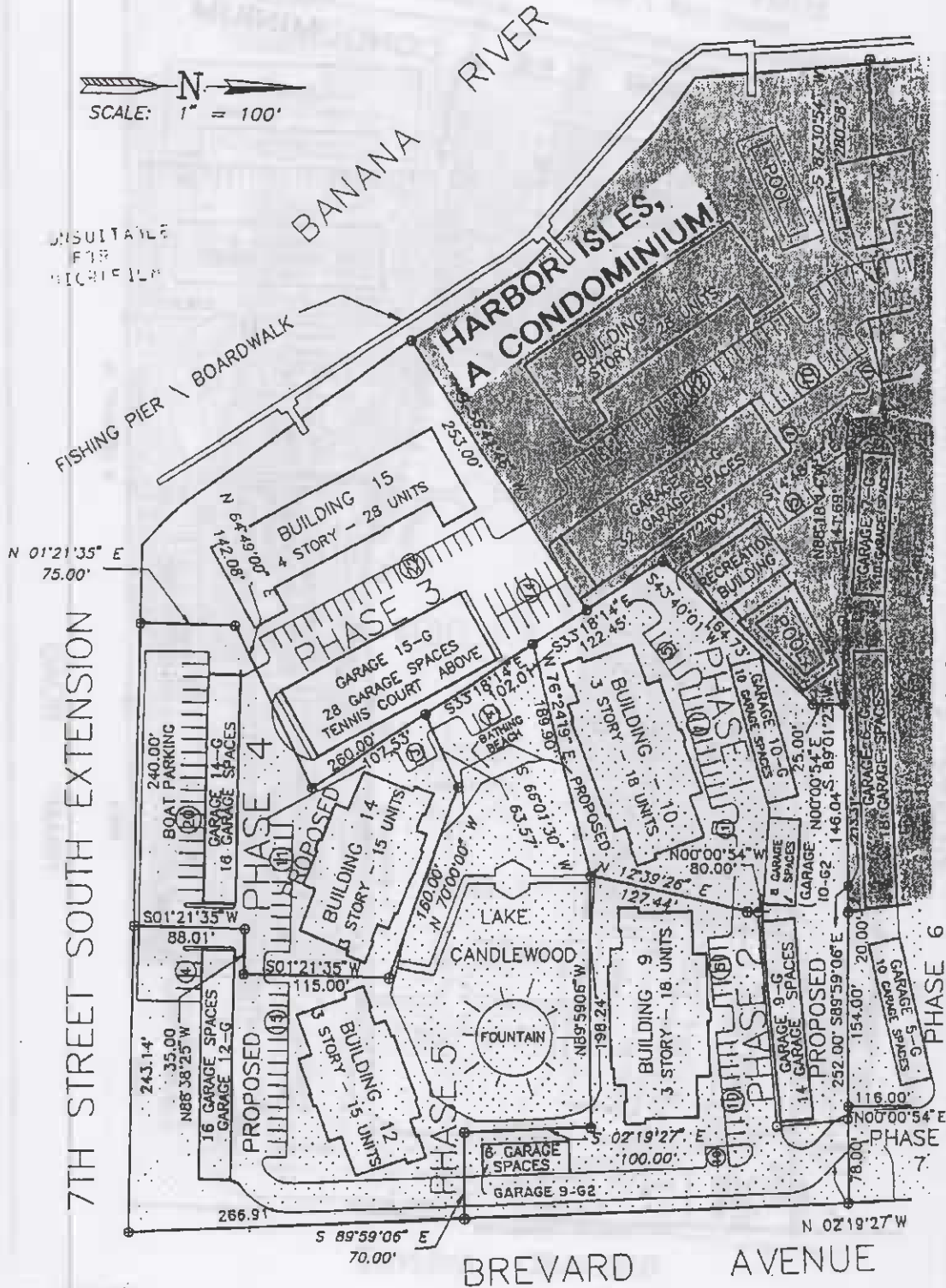
EXHIBIT "F"

SHEET 1 OF 13

# HARBOR ISLES II, A CONDOMINIUM

## PHASE THREE

## GRAPHIC PLOT PLAN & PROPOSED IMPROVEMENTS



SEE SHEET 6 OF 13 FOR NOTES CONCERNING THIS GRAPHIC PLOT PLAN.

**THIS IS NOT A BOUNDARY SURVEY**

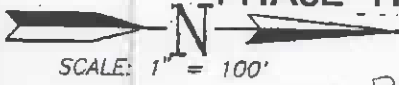
ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 17, 1995

= HARBOR ISLES, A CONDOMINIUM  
 = NOT A PART  
 = OTHER PHASES OF HARBOR ISLES II, A CONDOMINIUM  
 EXHIBIT "F"

SHEET 2 OF 13

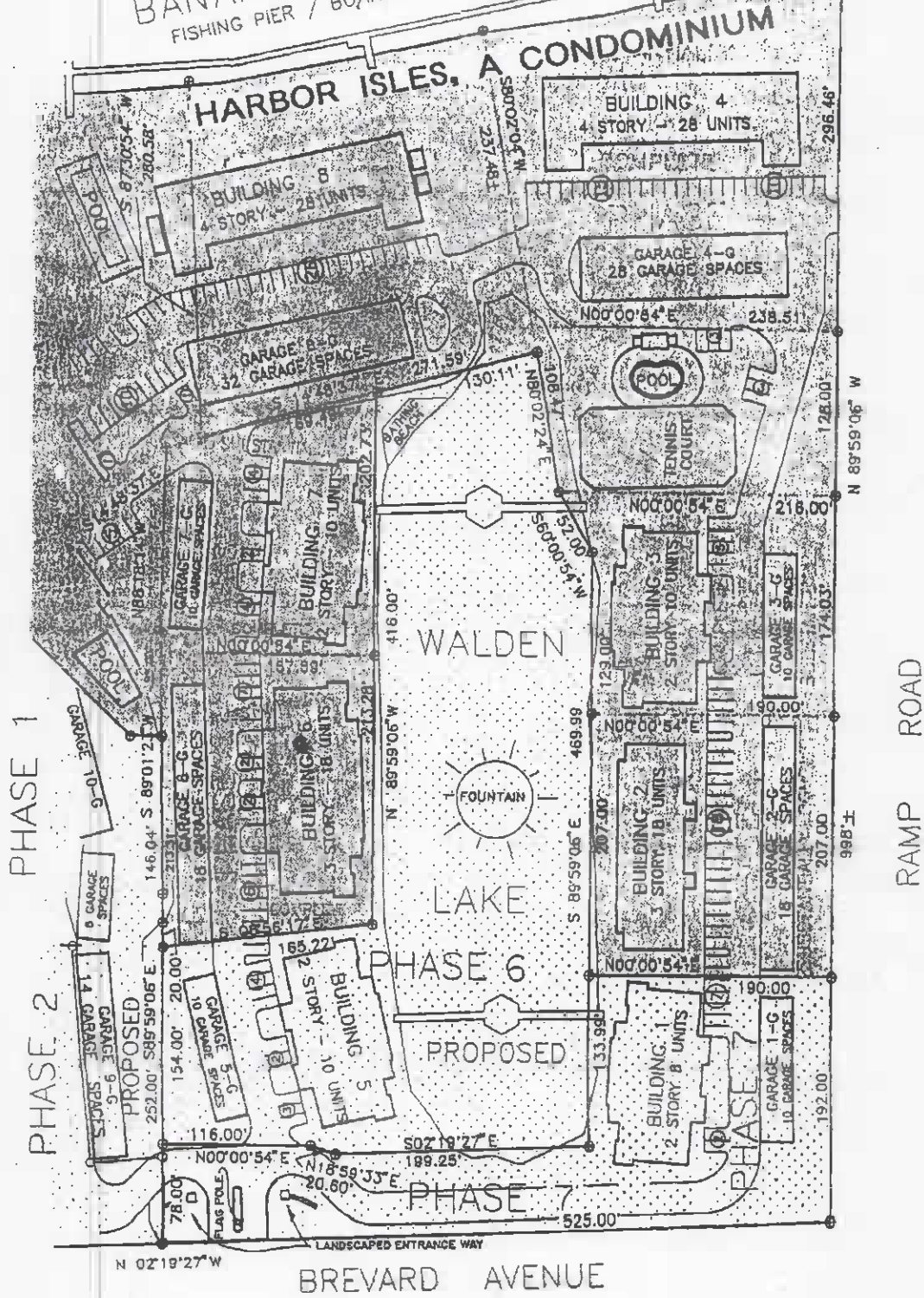
BK3492PG1646

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE GRAPHIC PLOT PLAN & PROPOSED IMPROVEMENTS



SCALE: 1" = 100'

BANANA RIVER  
FISHING PIER / BOARDWALK



SEE SHEET 6 OF 13 FOR NOTES CONCERNING THIS GRAPHIC PLOT PLAN.

**THIS IS NOT A BOUNDARY SURVEY**

UNSUITABLE  
FOR  
MICROFILM

ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 17, 1995



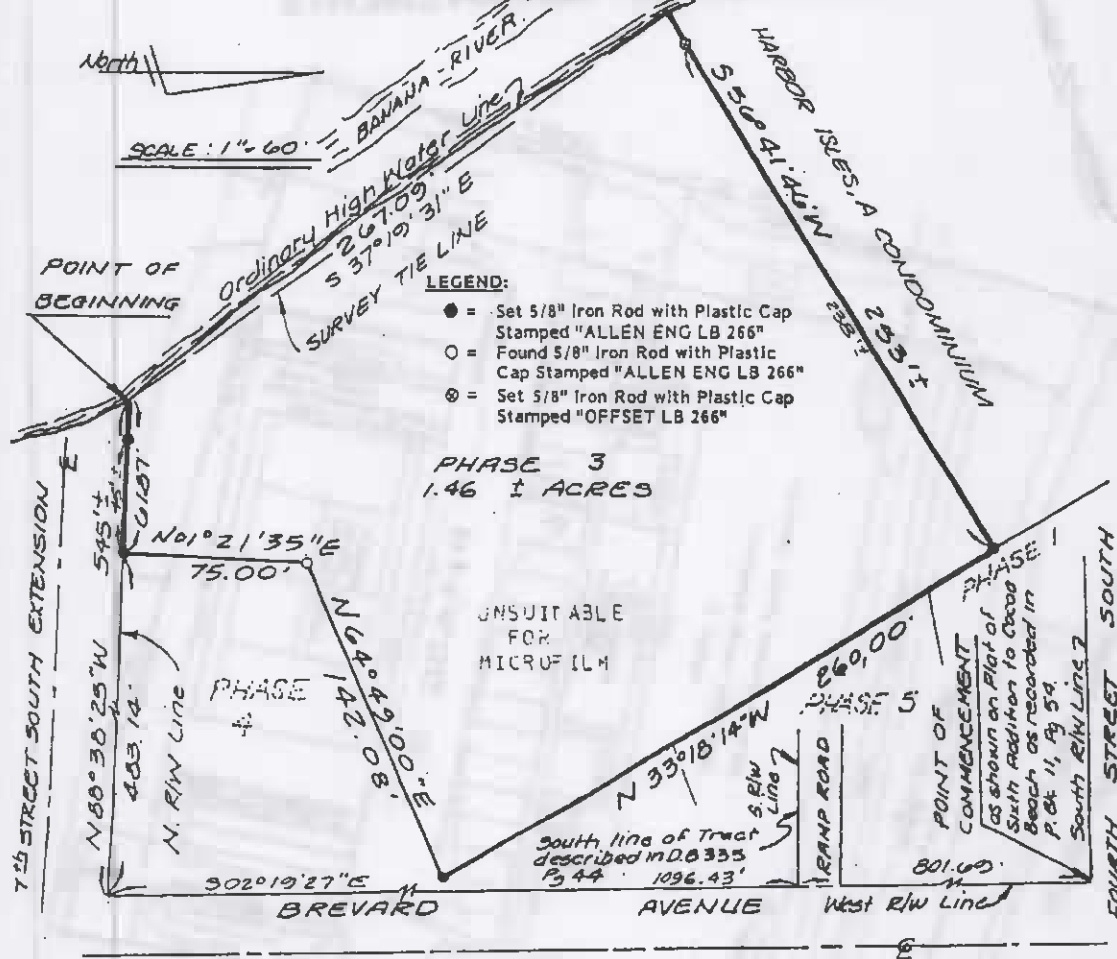
-  = HARBOR ISLES, A CONDOMINIUM NOT A PART
-  = OTHER PHASES OF HARBOR ISLES II, A CONDOMINIUM

EXHIBIT "F"

SHEET 3 OF 13

# HARBOR ISLES II, A CONDOMINIUM

## SKETCH OF SURVEY PHASE THREE



### LEGAL DESCRIPTION - PHASE 3:

A portion of Government Lot 3, 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 (said point also being the Southwest corner of Deed Book 440, Page 36, Brevard County Public Records, and also a point on the South line of tract described in Deed Book 335, Page 44 of said Public Records, also being the South right of way line of Ramp Road); thence continue S02°19'27"E, along the West right of way line of Brevard Avenue, a distance of 1,096.43 feet to the intersection point of said West right of way line of Brevard Avenue and the North right of way line of Seventh Street South Extension; thence run N88°38'25"W along the North right of way line of said Seventh Street South Extension, a distance of 545.00 feet, more or less, to a point on the ordinary high water line of the Banana River and the POINT OF BEGINNING; thence run S88°38'25"E, along the North right of way line of said Seventh Street South Extension, a distance of 61.87 feet, more or less, to a point lying 483.14 feet West of the intersection of the West right of way line of Brevard Avenue and the North right of way line of Seventh Street South; thence run N01°21'35"E, a distance of 75.00 feet; thence run N64°49'00"E, a distance of 142.08 feet; thence run N33°18'14"W, a distance of 260.00 feet; thence run S56°41'46"W, a distance of 253.00 feet, more or less, to the ordinary high water line of the Banana River; thence meander S37°19'31"E along the ordinary high water line of the Banana River, a distance of 267.09 feet, more or less to the POINT OF BEGINNING, containing 1.46 acres, more or less.

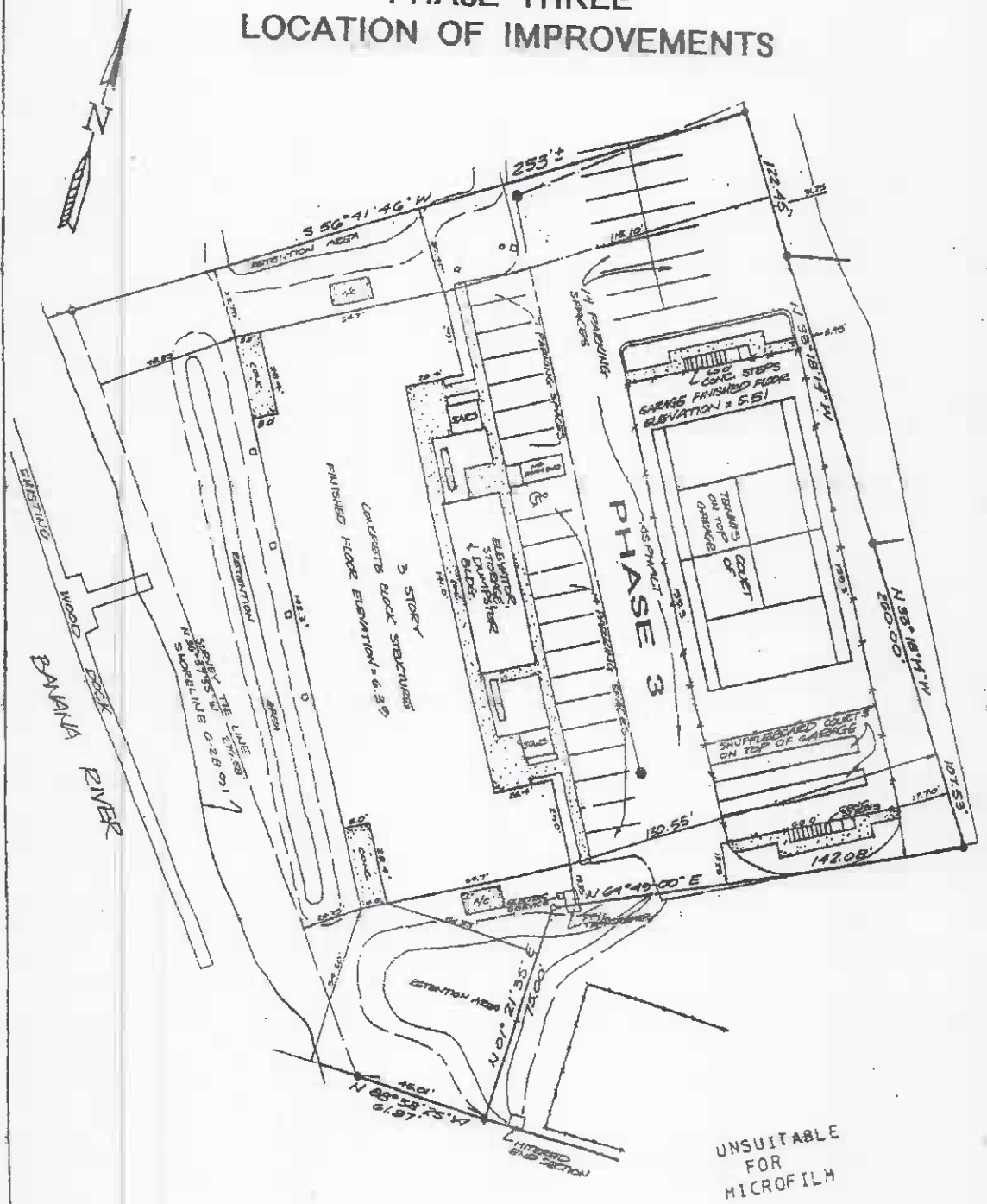
ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 17, 1995

EXHIBIT "F"

SHEET 4 OF 13

BK 34 92 PG 1648

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE LOCATION OF IMPROVEMENTS



**SURVEYOR'S NOTES:**

1. See Sheet 4 of 13 for the boundary information for Phase Three of Harbor Isles II, A Condominium.



# HARBOR ISLES II, A CONDOMINIUM PHASE THREE

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

1. Harbor Isles II, A Condominium, Phase Three, contains Building 15, a 4-story, 28 unit building. Phase Three also contains Garage 15-G with a total of 28 garage spaces. The garages in Phase Three are common areas 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, tennis and shuffleboard court, 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 Three was prepared under the direction of "Robert M. Salmon," Professional Land Surveyor, No. 4262, State of Florida, from an as-built survey, prepared by Allen Engineering, Inc.

## SURVEYOR'S NOTE CONCERNING SKETCH OF SURVEY:

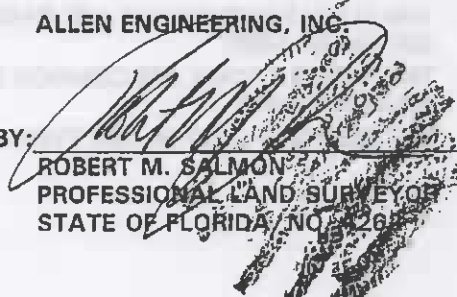
1. The bearings shown are based on the bearing of the West right of way line of Brevard Avenue, being  $N02^{\circ}19'27''W$  assumed North Meridian.
2. Site improvements including but not limited to underground utilities, driveways and foundations, were not located by this survey.
3. See Sheet 4 for 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 13 is an accurate representation of a survey performed under my direction on June 28, 1991, in accordance with the "Minimum Technical Standards" for Land Surveying in the State of Florida, described in Chapter 61G17-8, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes

ALLEN ENGINEERING, INC.

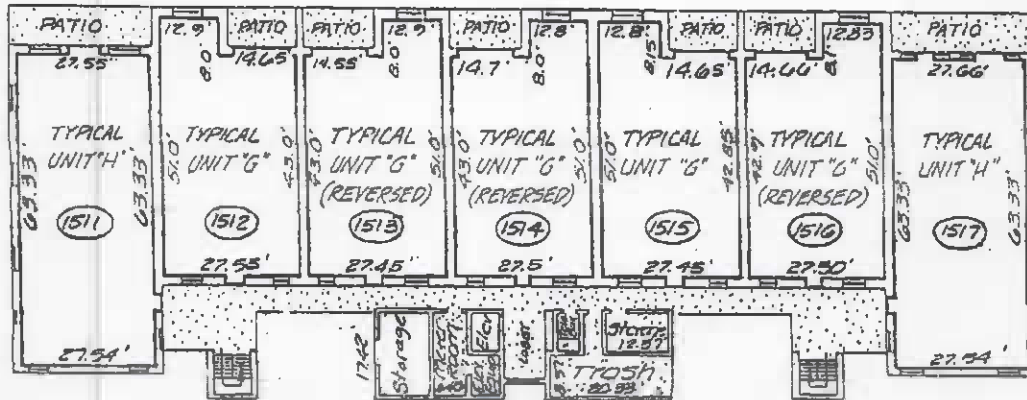
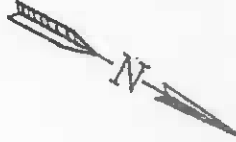
BY:

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

Not valid unless embossed  
with Surveyor's Seal

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

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE



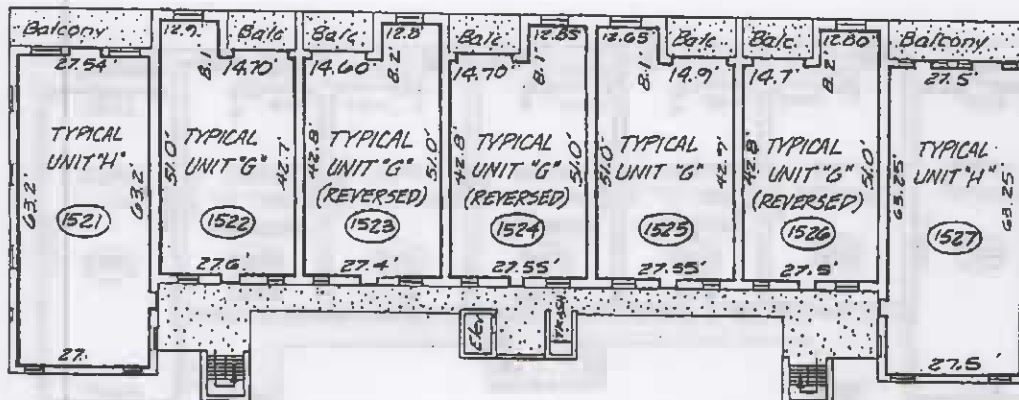
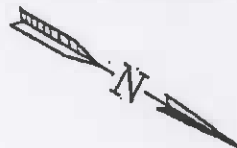
FIRST FLOOR PLAN - BUILDING NO. 15

UNSUITABLE  
FOR  
MICROFILM

**SURVEYOR'S NOTES:**

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 6.39 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 14.39 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (1511) 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 NATIONAL GEODETIC VERTICAL DATUM OF 1929.
7. THE PATIOS SHOWN ARE COMMON ELEMENTS LIMITED TO THE USE OF THE ADJACENT UNIT.
8. SEE SHEETS 12 AND 13 FOR TYPICAL UNIT PLANS.

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE



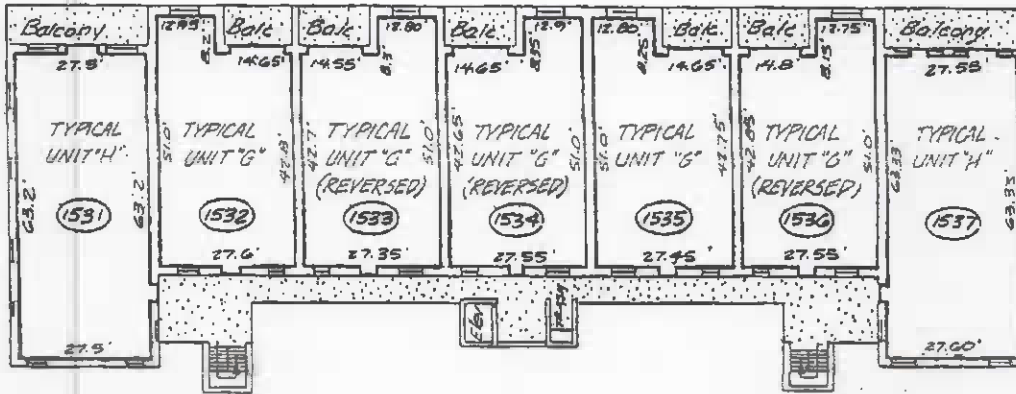
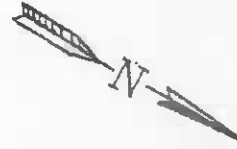
**SECOND FLOOR PLAN - BUILDING NO. 15**

UNSUITABLE  
FOR  
MICROFILM

**SURVEYOR'S NOTES:**

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 15.02 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 23.02 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (1521) 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 NATIONAL GEODETIC VERTICAL DATUM OF 1929.
7. THE BALCONIES SHOWN ARE COMMON ELEMENTS LIMITED TO THE USE OF THE ADJACENT UNIT.
8. SEE SHEETS /2 AND /3 FOR TYPICAL UNIT PLANS.

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE



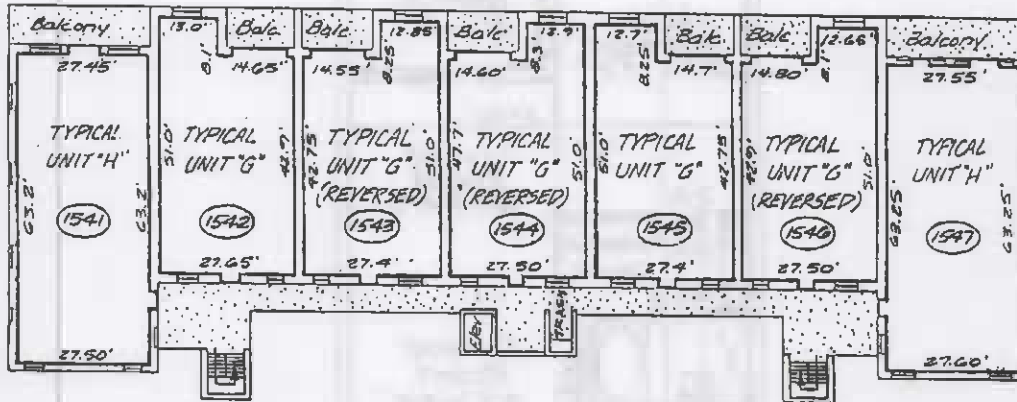
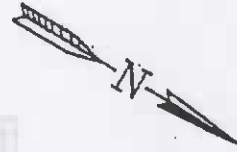
**THIRD FLOOR PLAN - BUILDING NO. 15**

UNSUITABLE  
FOR  
MICROFILM

**SURVEYOR'S NOTES:**

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 23.56 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 31.56 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (1531) 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 NATIONAL GEODETIC VERTICAL DATUM OF 1929.
7. THE BALCONIES SHOWN ARE COMMON ELEMENTS LIMITED TO THE USE OF THE ADJACENT UNIT.
8. SEE SHEETS 12 AND 13 FOR TYPICAL UNIT PLANS.

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE



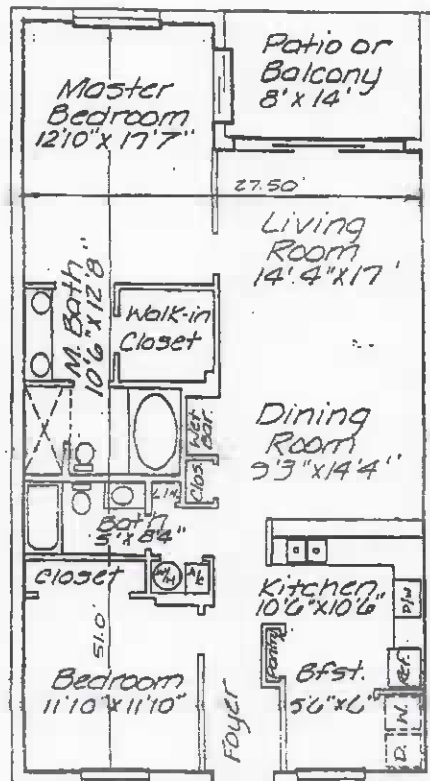
**FOURTH FLOOR PLAN - BUILDING NO. 15**

UNSUITABLE  
FOR  
MICROFILM

**SURVEYOR'S NOTES:**

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 32.12 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 40.12 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (1541) 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 NATIONAL GEODETIC VERTICAL DATUM OF 1929.
7. THE BALCONIES SHOWN ARE COMMON ELEMENTS LIMITED TO THE USE OF THE ADJACENT UNIT.
8. SEE SHEETS 12 AND 13 FOR TYPICAL UNIT PLANS.

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE



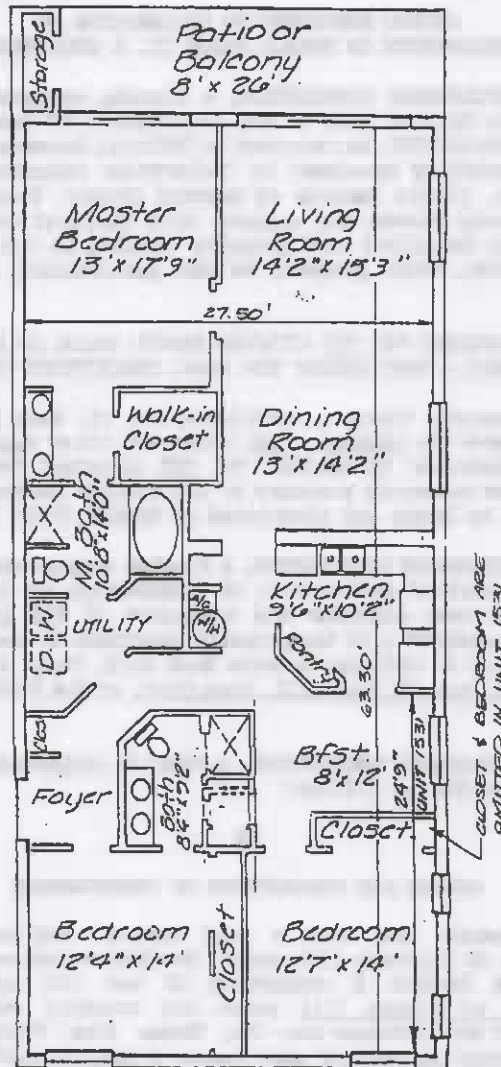
**TYPICAL "G" UNIT**

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 BALCONIES ARE COMMON ELEMENTS 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 11 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

# HARBOR ISLES II, A CONDOMINIUM PHASE THREE



## TYPICAL "H" UNIT

### 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 BALCONIES ARE COMMON ELEMENTS 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 11 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

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

Shady ... Clerk Circuit Court  
Received ... Brevard County, FL  
# 14  
Title Fund 1.50  
\$ 5.00  
Service Charge  
Retaind .10

SECOND AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF HARBOR ISLES II, A CONDOMINIUM

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, as amended by Amendment to Declaration recorded in Official Records Book 3332, Page 0039, 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 SHEET 4 OF EXHIBIT "E" "G" ATTACHED HERETO WHICH IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF PHASE SEVEN TWO.

together with improvements thereon, containing one (1) ~~four~~ three-story building, having a total of ~~eight (8)~~ eighteen (18) units and other appurtenant improvements more specifically described in Exhibit "E" "G" 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, and as amended in Official Records Book 3332, Page 0039, 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 thirteen (13) pages, Exhibit B consisting of fourteen (14) pages, and Exhibit E consisting of ten (10) pages, and Exhibit G consisting of 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 identifying each unit are listed on Sheets 9 through 11 of Exhibit A, and Sheets 7 and 8 of Exhibit E, and Sheets 7 through 9, inclusive of Exhibit G, attached to this Declaration.

667651

91 SEP -8 PM 3:16



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 simply ownership and the owner or owners of each unit shall own, as an appurtenance to the ownership of each said unit, an undivided ~~one-twenty-sixth (1/26)~~ one forty-fourth (1/44) 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-twenty-sixth (1/26)~~ one forty-fourth (1/44) 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-twenty-sixth (1/26)~~ one forty-fourth (1/44).

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, and Exhibit G, 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 ~~forty (40)~~ forty-six (46) garages as shown on Sheets 7 and 8 of Exhibit A, and Sheet 6 of Exhibit E, and sheet 6 of Exhibit G. 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 ~~twenty-six (26)~~ forty-four (44) 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 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 of ~~one-twenty-sixth (1/26)~~ one forty-fourth (1/44) 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 TWENTY-SIXTH (1/26) ONE FORTY-FOURTH (1/44)

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

IN WITNESS WHEREOF, the above stated Developer has caused these presents to be signed and sealed this 19 day of August, 1994.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

*[Signature]*  
Print Name: MICHAEL WALLIS  
*[Signature]*  
Print Name: DIANE BROWNLEE

HARBOR ISLES DEVELOPMENT CORPORATION, a  
Florida corporation

By: *[Signature]*  
BEVERLY CROCKETT, Vice-President

STATE OF FLORIDA )  
COUNTY OF BREVARD )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of August, 1994, by BEVERLY CROCKETT, Vice-President, of HARBOR ISLES DEVELOPMENT CORPORATION, a Florida corporation, on behalf of the corporation. She is personally known to me or has produced as identification and did/did not take an oath.

*[Signature]*  
NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires:

harboris2demand.doc



MICHAEL M M WALLIS  
My Commission CC312789  
Expires Nov. 12, 1997  
Bonded by HAI  
800-422-1555

**SURVEYOR'S CERTIFICATE**

**FOR**

**HARBOR ISLES II, A CONDOMINIUM  
PHASE TWO**

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 "G" IS SUBSTANTIALLY COMPLETE SO THAT THE MATERIAL DESCRIBED AND SHOWN ON THE ATTACHED EXHIBIT "G" TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM ESTABLISHING HARBOR ISLES II, A CONDOMINIUM PHASE TWO 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 29TH DAY OF JULY, 1994, A.D.

ALLEN ENGINEERING, INC.

BY:

  
ROBERT M. SALMON  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA, NO. 2262

THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 29TH DAY OF JULY, 1994. BY ROBERT M. SALMON, WHO IS PERSONALLY KNOWN AND WHO DID TAKE AN OATH.



DEBORAH A. HASH  
NOTARY PUBLIC-STATE OF FLORIDA  
MY COMMISSION EXPIRES: MAY 30, 1998  
MY COMMISSION NO IS: CC 379625



DEBORAH A HASH  
My Commission CC379625  
Expires May. 30, 1998  
Bonded by ANS  
800-652-5278

ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 29, 1994

EXHIBIT "G"

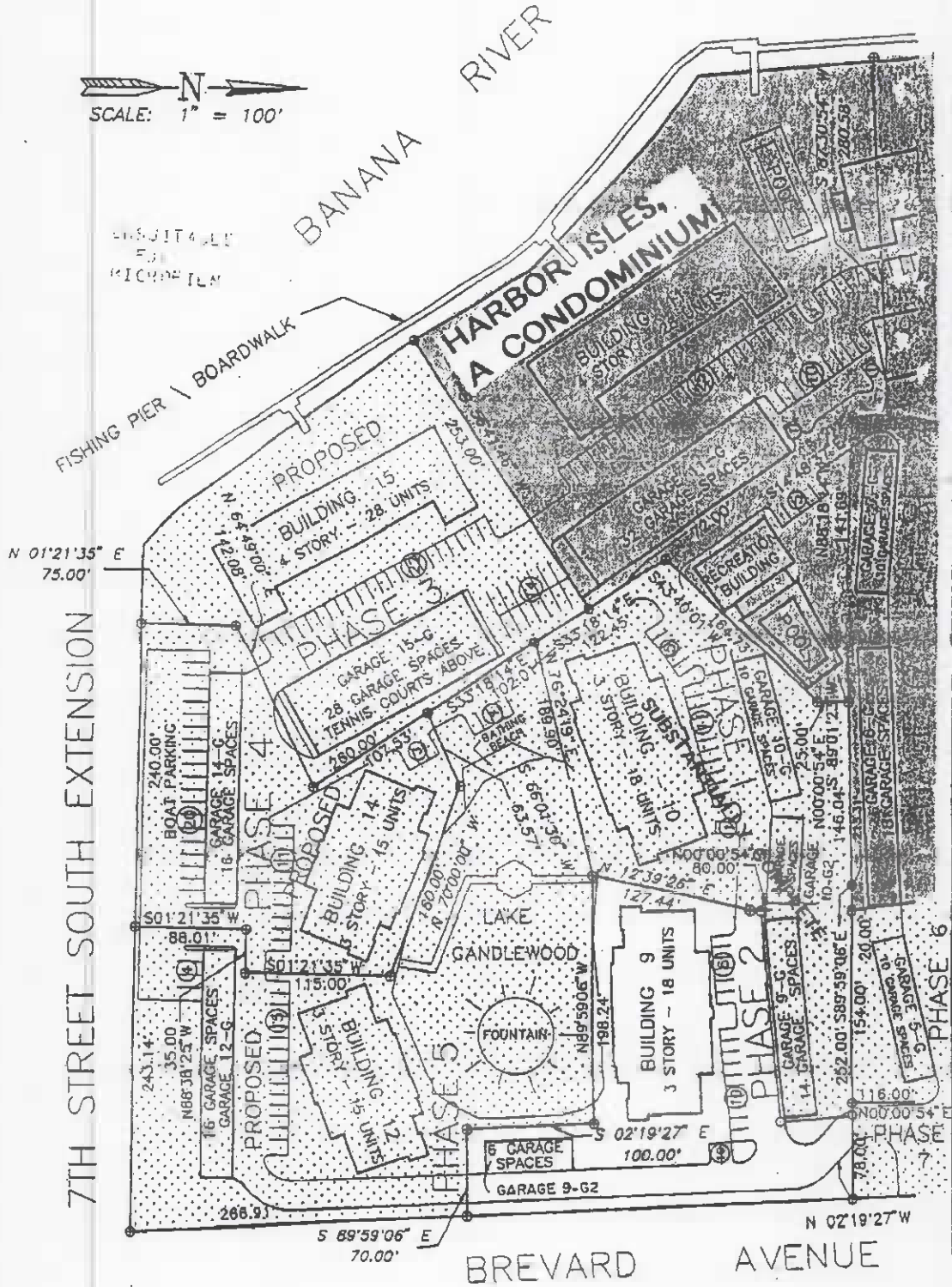
SHEET 1 OF 11

BK 3419 PG 2730

# HARBOR ISLES II, A CONDOMINIUM PHASE 2

## GRAPHIC PLOT PLAN & PROPOSED IMPROVEMENTS

N  
SCALE: 1" = 100'



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

### THIS IS NOT A BOUNDARY SURVEY

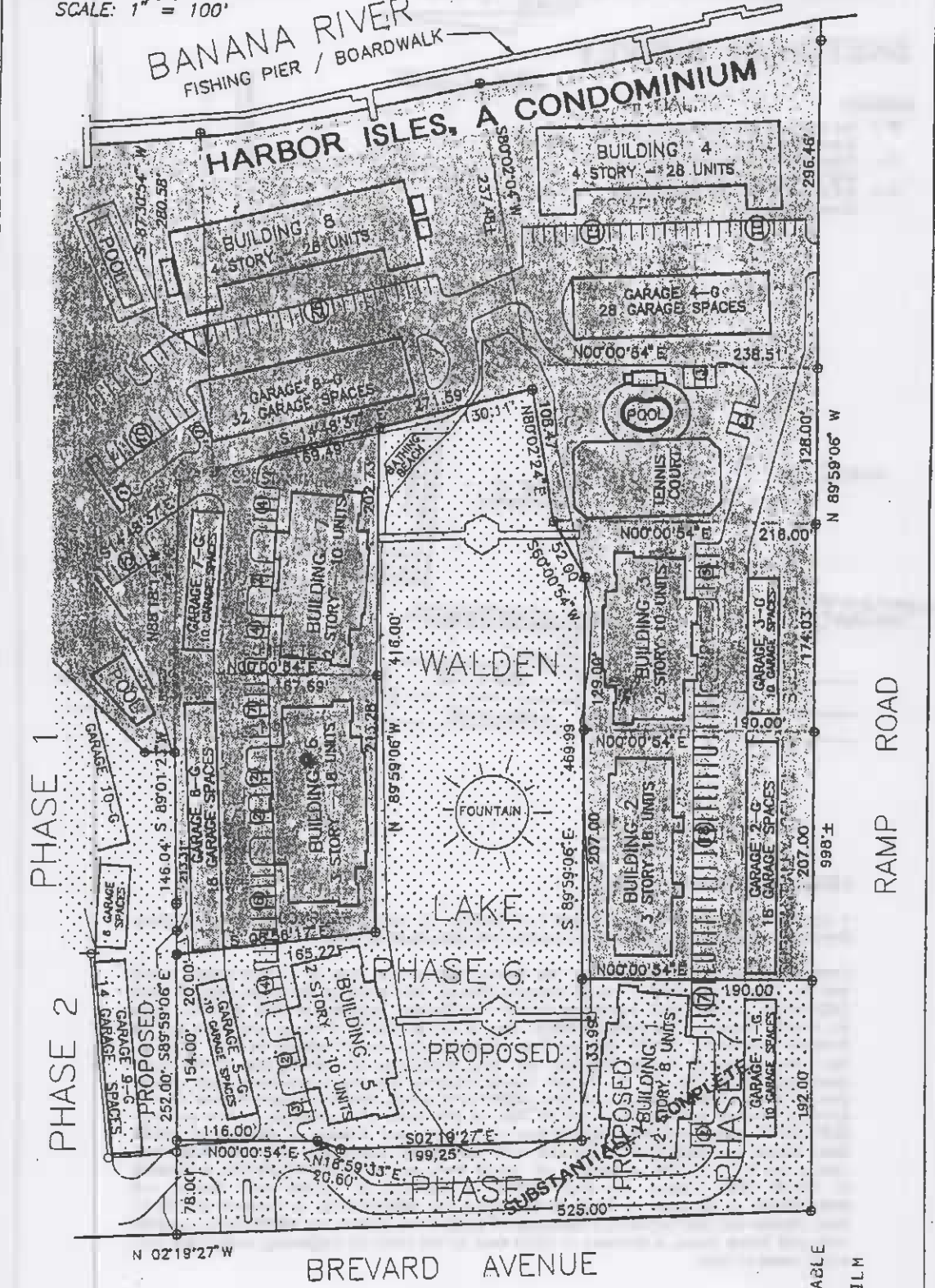
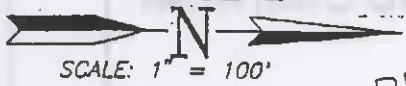
ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 29, 1994

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

EXHIBIT "G"  
3-11-94 PC 2731

SHEET 2 OF 11

# HARBOR ISLES II, A CONDOMINIUM PHASE 2 GRAPHIC PLOT PLAN & PROPOSED IMPROVEMENTS



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
- = OTHER PHASES OF HARBOR ISLES II, A CONDOMINIUM


ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 29, 1994

EXHIBIT 'G'  
OR 3419PG2732

SHEET 3 OF 11

UNSUITABLE FOR MICROFILM

# HARBOR ISLES II, A CONDOMINIUM PHASE 2

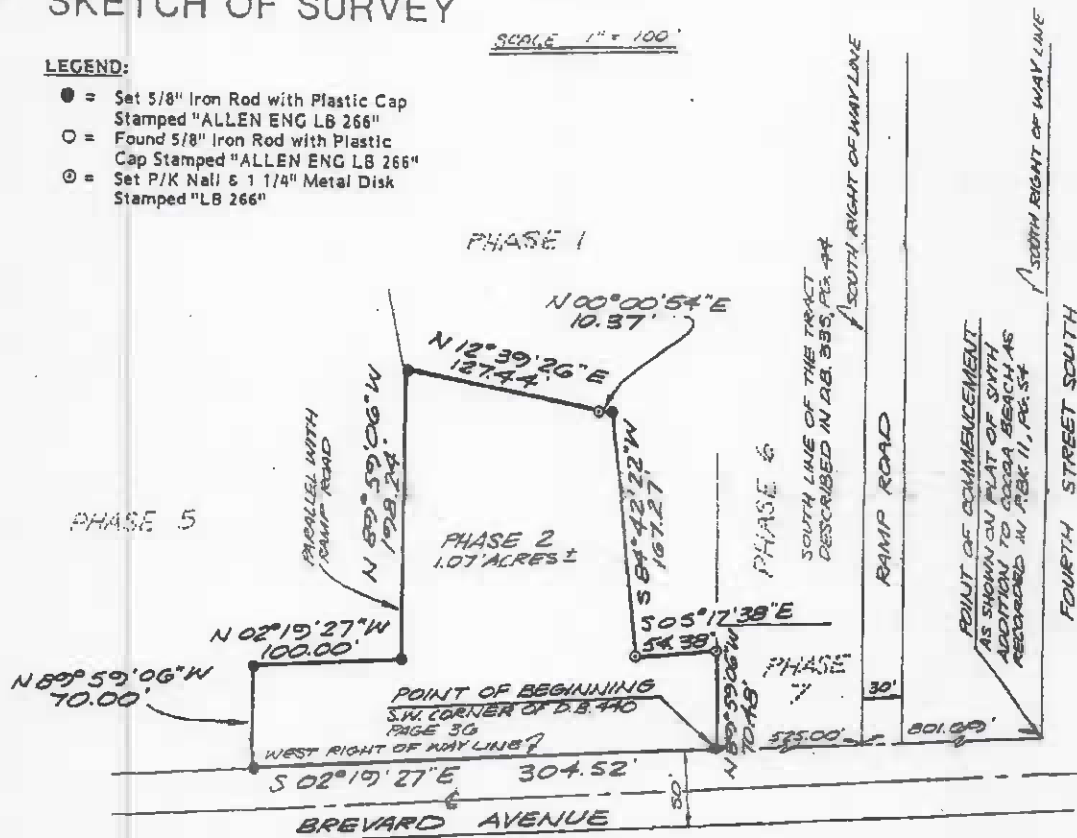
North 

## SKETCH OF SURVEY

SCALE 1" = 100'

### 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 2:

A portion of Government Lots 2 and 3, 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 (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 to the Point of Beginning; thence continue S02°19'27"E along said West right-of-way line of Brevard Avenue, a distance of 304.52 feet; thence run N89°59'06"W parallel with said Ramp Road, a distance of 70.00 feet; thence run N02°19'27"W, a distance of 100.00 feet; thence run N89°59'06"W, a distance of 198.24 feet; thence run N12°39'26"E, a distance of 127.44 feet; thence run N00°00'54"E, a distance of 10.37 feet; thence run N84°42'22"E, a distance of 167.27 feet; thence run N05°17'38"W, a distance of 54.38 feet; thence run S89°59'06"E, parallel with said Ramp Road, a distance of 70.48 feet to the Point of Beginning, containing 1.07 acres, more or less.

UNSUITABLE  
FOR  
MICROFILM

ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JULY 29, 1994

BK 34 19 PG 2733  
EXHIBIT "G"

SHEET 4 OF 11

# HARBOR ISLES II, A CONDOMINIUM PHASE 2

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

1. Harbor Isles II, A Condominium, Phase Two, contains Building 9, a 3-story, 18 unit building. Phase Two also contains Garage 9-G2 with a total of 6 garage spaces. The garages in Phase Two 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 Two 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.

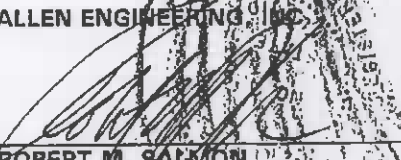
## SURVEYOR'S NOTE CONCERNING SKETCH OF SURVEY:

1. The bearings shown are based on the bearing of the West right of way line of Brevard Avenue, being  $N02^{\circ}19'27''W$  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 11 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

JULY 29, 1994

EXHIBIT "G"

BK 3419 PG 2734

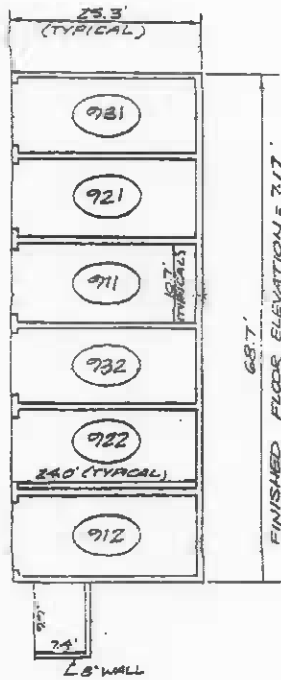
SHEET 5 OF 11

# HARBOR ISLES II, A CONDOMINIUM PHASE 2



## GARAGE 9-G2 6 garage spaces 10.66' X 24.0'

NOT TO SCALE



### SURVEYOR'S NOTES:

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

ALLEN ENGINEERING, INC.  
COCOA BEACH, FLORIDA  
JULY 29, 1994

EXHIBIT "G"

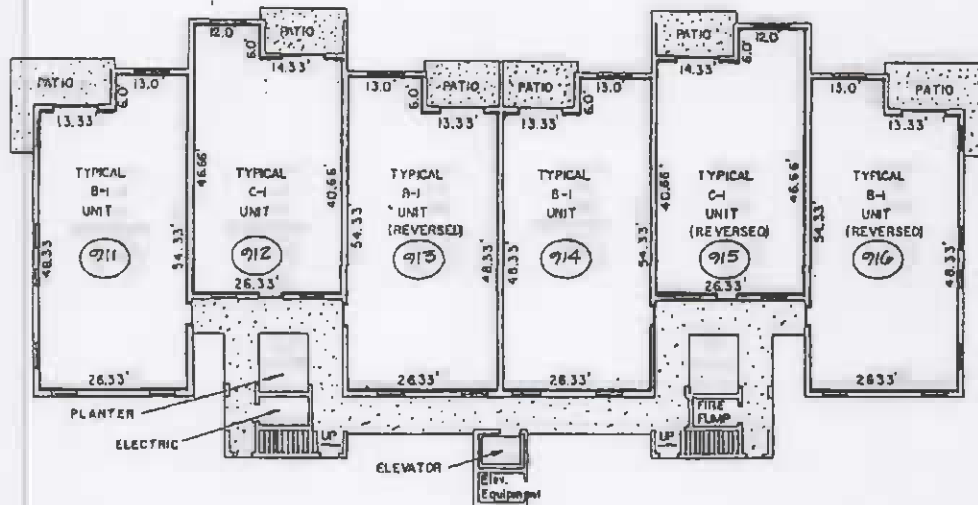
SHEET 6 OF 11

8X3419PG2735



# HARBOR ISLES II, A CONDOMINIUM PHASE 2

## FIRST FLOOR PLAN - BUILDING NO. 9

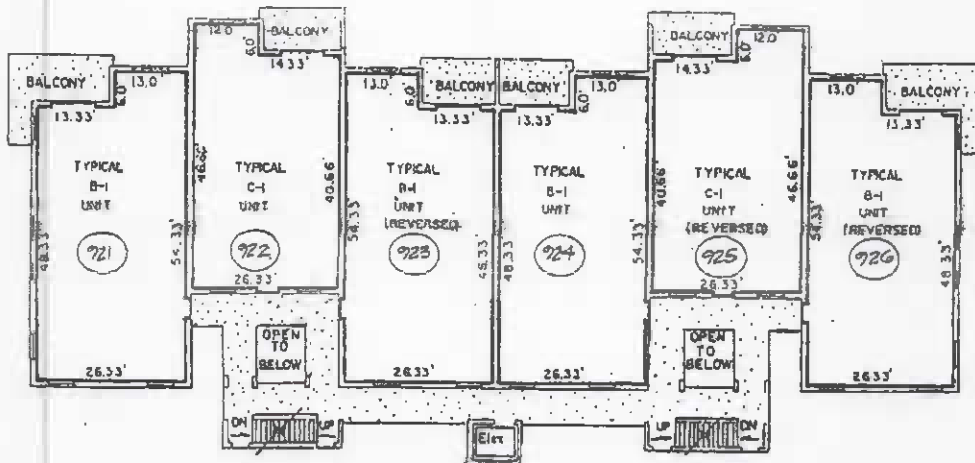


### SURVEYOR'S NOTES:

1. The first floor finished floor elevation is 6.66 feet.
2. The first floor finished ceiling elevation is 14.66 feet.
3. ——— indicates the limits of the units.
4. (911) 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 patios shown are limited common elements for the use of the adjacent unit.
8. See Sheets 10 and 11 of 11 for typical unit plan.

# HARBOR ISLES II, A CONDOMINIUM PHASE 2

## SECOND FLOOR PLAN - BUILDING NO. 9

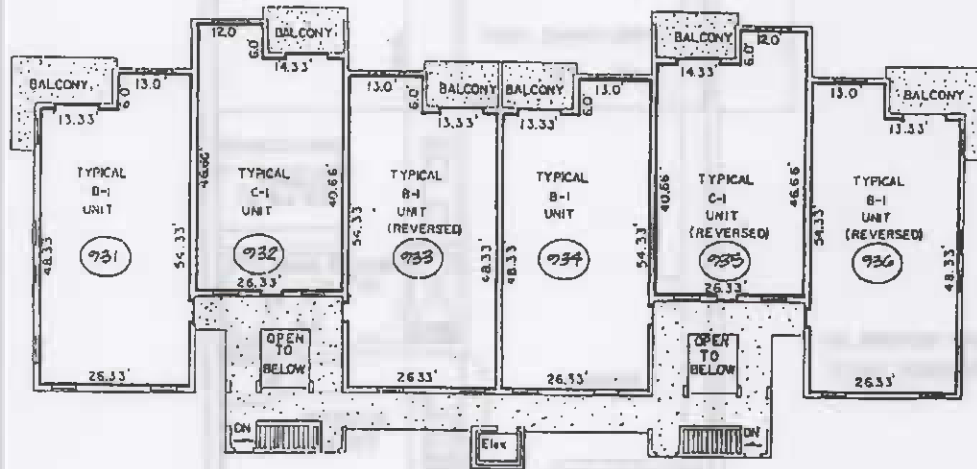


### SURVEYOR'S NOTES:

1. The second floor finished floor elevation is 15.15 feet.
2. The second floor finished ceiling elevation is 23.10 feet.
3. — indicates the limits of the units.
4. (921) 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 shown are limited common elements for the use of the adjacent unit.
8. See Sheets 10 and 11 of 11 for typical unit plan.

# HARBOR ISLES II, A CONDOMINIUM PHASE 2

## THIRD FLOOR PLAN - BUILDING NO. 9



### SURVEYOR'S NOTES:

1. The third floor finished floor elevation is 23.67 feet.
2. The third floor finished ceiling elevation is 31.70 feet.
3. — indicates the limits of the units.
4. (931) 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.C.V. Datum of 1929.
7. The balconies shown are limited common elements for the use of the adjacent unit.
8. See Sheets 10 and 11 of 11 for typical unit plan.

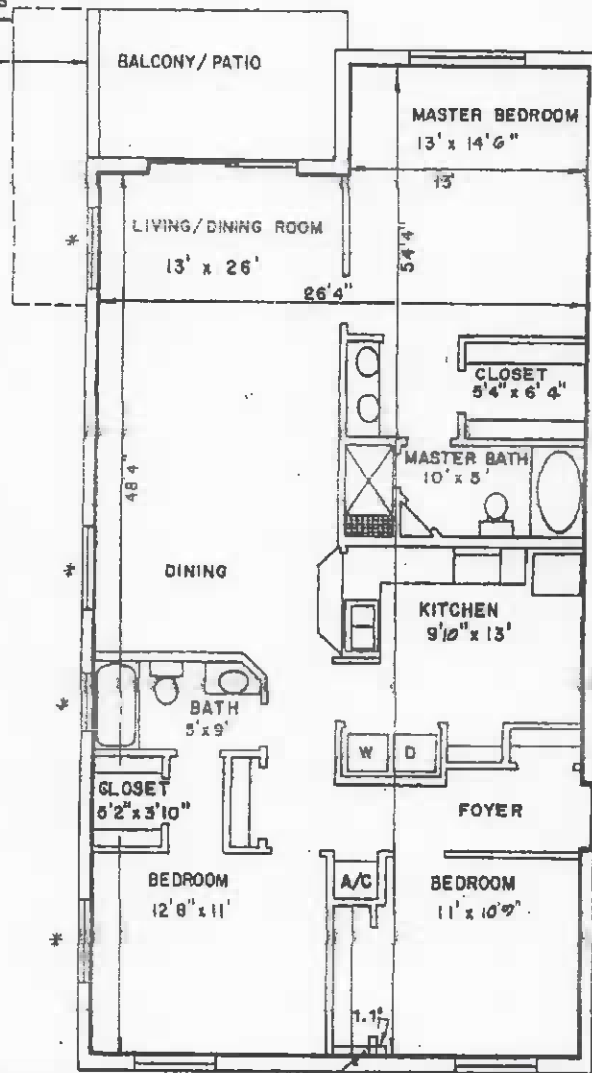
# HARBOR ISLES II, A CONDOMINIUM PHASE 2

## TYPICAL B-1 UNIT

BALCONY/PATIO EXTENDS  
TO HERE  
ON END UNITS  
AND OMIT WALL

\* OMIT WINDOWS ON  
INTERIOR UNITS

NOT TO SCALE

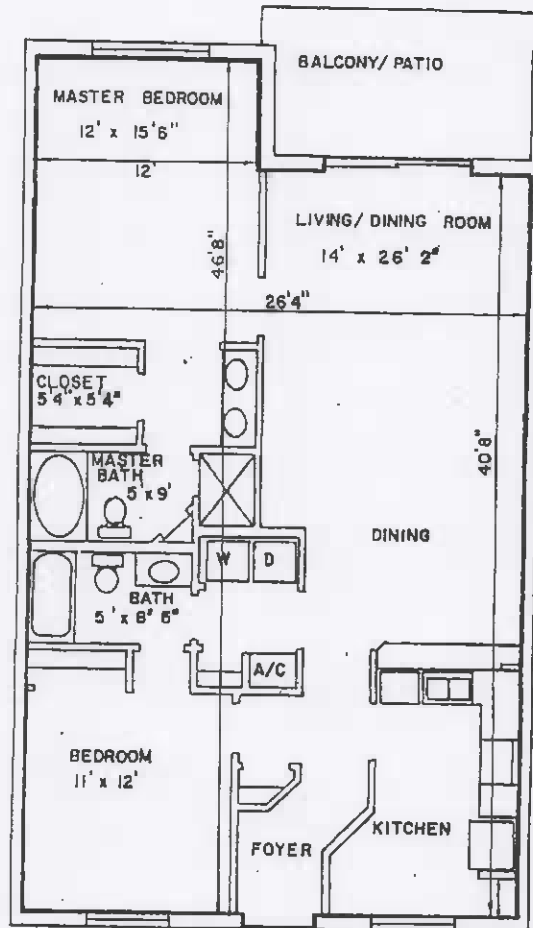


### SURVEYOR'S NOTES

1. — INDICATES THE LIMIT OF THE UNIT.
2. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
3. THE BALCONY/PATIO SHOWN ARE LIMITED COMMON ELEMENTS FOR THE USE OF THE ADJACENT UNIT.
4. THE UNIT PLAN IS REPRESENTATIONAL. THE DIMENSIONS SHOWN 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 7 THROUGH 9 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

# HARBOR ISLES II, A CONDOMINIUM PHASE 2

## TYPICAL C-1 UNIT



### SURVEYOR'S NOTES

1. — INDICATES THE LIMIT OF THE UNIT.
2. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
3. THE BALCONY/PATIO SHOWN ARE LIMITED COMMON ELEMENTS FOR THE USE OF THE ADJACENT UNIT.
4. THE UNIT PLAN IS REPRESENTATIONAL. THE DIMENSIONS SHOWN 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 7 THROUGH 9 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.