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VOLUSIA CO., FL

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*W. J. Smith*  
CLERK CIRCUIT COURT  
VOLUSIA CO., FL

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THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

THIS THIRD AMENDMENT to the Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium (the "Condominium") is executed as of the 12 day of June, 1989 by INTERVEST CONSTRUCTION, INC., a Florida corporation, (hereinafter "ICI") as assignee and successor in interest to Baymeadows at Tomoka Oaks, a Florida Joint Venture and Baymeadows at Tomoka Oaks, Inc., a Florida non-profit corporation (the "Association"), and is joined in and consented to by James W. Reid and Beverly R. Reid, Anne Haber and Leonard J. Tamburello and Ruth P. Tamburello.

W I T N E S S E T H:

WHEREAS, the Declaration of Condominium of Baymeadows at Tomoka Oaks was executed by Baymeadows at Tomoka Oaks, a Florida Joint Venture (the "Joint Venture") on November 12, 1985 and recorded in Official Records Book 2775, page 1795, Public Records of Volusia County, Florida; and was subsequently amended by that certain Amendment to Declaration of Condominium and that certain Second Amendment to Declaration of Condominium recorded in Official Records Book 2797, page 1767 and Official Records Book 3138, page 0766, respectively, of the Public Records of Volusia County, Florida (collectively the "Declaration"); and

WHEREAS, the Joint Venture subsequently conveyed all units in the Condominium owned by it to ICI and concurrently therewith assigned and transferred to ICI all rights and privileges of Joint Venture derived by, under, or through the Declaration by that certain Assignment dated February 22, 1989 and recorded in Official Records Book 3265, page 1156, Public Records of Volusia County, Florida; and

WHEREAS, the Declaration contemplates that there be a detached garage appurtenant to each unit in the Condominium as a limited common element; and

WHEREAS, Units 309, 310, 311 and 312 have appurtenant parking spaces rather than garages; and

WHEREAS, the brick wall along the easterly and southerly borders of Phase I is or will be a continuation of a wall serving an adjacent development, and, to assure uniformity, the maintenance of such wall should be the responsibility of the homeowners' association for such development; and

WHEREAS, there are or may be drainage and utility facilities to be located easterly of the wall.

NOW THEREFORE, in consideration of the premises and other good and valuable considerations, the Declaration is hereby amended as follows:



1. Exhibit A. Sheet 2 of Exhibit A to the Declaration, as amended, is further amended by substituting the attached Revised Sheet 2 of Exhibit A. The landscaping, wall, drainage, utility and maintenance easement shown thereon is hereby granted, declared and established.

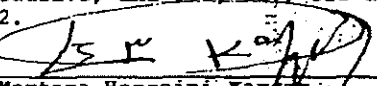
2. Article II. Paragraph 2.4(B) is amended to read in its entirety as follows:

"B. Garages. A garage located as shown on the attached Revised Sheet 2 of Exhibit A shall be appurtenant to each unit, except units 309, 310, 311, and 312, as a limited common element. These garages are for the exclusive use of the occupants of the respective unit to which they are appurtenant. Each unit owner shall be responsible to keep his garage clean and presentable, but the repair and major maintenance of the exterior of the garage shall be the responsibility of the Association. Two parking spaces are assigned as limited common elements appurtenant to each unit without a garage.

IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium, to be executed as of the 12 day of June, 1989.

Executed in the presence of:

INTERVEST CONSTRUCTION, INC., a Florida corporation, successor in interest to Baymeadows at Tomoka Oaks, a Florida Joint Venture, and owner of Units 301 through 305, inclusive, and 308, 310, 311 and 312.  
By   
Morteza Hosseini-Karaj  
President

Carlene Alford  
Debra A. Horton Hill

Baymeadows at Tomoka Oaks, Inc.,  
a Florida non-profit corporation

By: Morteza Hosseini-Kargar  
Its: President

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 12  
day of June, 1989, by Morteza Hosseini-Kargar, President of Intervest  
Construction, Inc., a Florida corporation, on behalf of the  
corporation.

Debra A. Horton Hill  
Notary Public, State of Florida  
at Large  
My Commission Expires:  
Notary Public, State of Florida At Large  
My Commission Expires Feb. 18, 1990  
Bonded thru Maynard Bonding Agency

MACLUSIA CO., FL

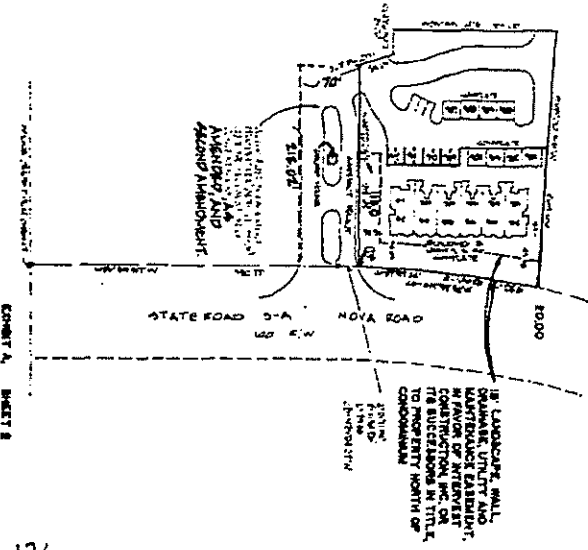
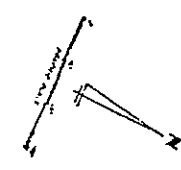
**BAYMEADOWS AT TOMOKA OAKS  
CONDOMINIUM  
PHASE I**

PLANNING  
DATE: 11/11/88

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ACCESS  
AND UTILIZATION OF THE COMMON AREAS AND PORTION OF THE  
NORTHWEST CORNER OF THE EASTING 21022 FEET OF THE  
PARCEL CONSTITUTING PHASE I, AS MORE FULLY DESCRIBED ON  
SHEET 1 OF THIS EXHIBIT A.

1. METERS, including all easements and other rights.
2. CONVEYANCE TO THE PROPERTY OF THE STATE OF FLORIDA.
3. CONVEYANCE TO THE PROPERTY OF THE STATE OF FLORIDA.
4. CONVEYANCE TO THE PROPERTY OF THE STATE OF FLORIDA.
5. CONVEYANCE TO THE PROPERTY OF THE STATE OF FLORIDA.
6. CONVEYANCE TO THE PROPERTY OF THE STATE OF FLORIDA.

UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN FEET AND INCHES SHALL BE CONSIDERED TO BE THE SAME AS DIMENSIONS IN METERS.



REVISED SHEET 2  
OF EXHIBIT A  
JUNE 9, 1989

126  
ADDED EASEMENTS, JUNE 9, 1989

JOINDER AND CONSENT TO THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF  
BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

Leonard J. Tamburello and Ruth P. Tamburello, husband and wife,  
being the owners of Unit 307 of Bay Meadows at Tomoka Oaks, a  
Condominium, according to the Declaration thereof and exhibits  
recorded in Official Records Book 2775, page 1795, as amended by  
amendments in Official Records Book 2797, page 1767 and Official  
Records Book 3138, page 766, all of the Public Records of Volusia  
County, Florida, hereby join in and consent to the foregoing Third  
Amendment to Declaration of Condominium of Bay Meadows at Tomoka Oaks,  
a Condominium to which this Joinder and Consent is attached.

IN WITNESS WHEREOF, this Joinder and Consent is executed this  
24<sup>th</sup> day of June, 1989.

Executed in the presence of:

*[Signature]*  
*[Signature]*

X *Leonard J. Tamburello*  
Leonard J. Tamburello  
X *Ruth P. Tamburello*  
Ruth P. Tamburello

STATE OF ~~FLORIDA~~ NEW JERSEY  
COUNTY OF ~~WOODBORO~~ ESSEX

The foregoing Joinder and Consent was acknowledged before me this  
24<sup>th</sup> day of June, 1989, by Leonard and Ruth Tamburello, husband and  
wife, and said persons acknowledged before me that they executed the  
foregoing instrument for the purposes therein expressed.

*[Signature]*  
Notary Public, State of Florida  
at Large  
My Commission Expires:

**JOHN J. WAGNER**  
NOTARY PUBLIC - STATE OF FLORIDA  
My Commission Expires 2.25.89

JOINDER AND CONSENT TO THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF  
BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

Anne Haber, the unmarried widow of John G. Haber, being the owner of Unit 306 of Bay Meadows at Tomoka Oaks, Condominium, according to the Declaration thereof and exhibits recorded in Official Records Book 2775, page 1795, as amended by amendments in Official Records Book 2797, page 1767 and Official Records Book 3138, page 766, all of the Public Records of Volusia County, Florida, hereby joins in and consents to the foregoing Third Amendment to Declaration of Condominium of Bay Meadows at Tomoka Oaks, a Condominium to which this Joinder and Consent is attached.

IN WITNESS WHEREOF, this Joinder and Consent is executed this 26<sup>th</sup> day of June, 1989.

Executed in the presence of:

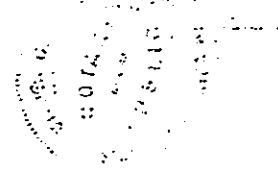
Denise D. Keith  
Sharon Wallace

x Anne Haber  
Anne Haber, unremarried widow of  
John G. Haber

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing Joinder and Consent was acknowledged before me this 26<sup>th</sup> day of June, 1989, by Anne Haber and acknowledged before me that she executed the foregoing instrument for the purposes therein expressed.

Denise D. Keith  
Notary Public, State of Florida  
at Large  
My Commission Expires April 18, 1990  
Notary Public, State of Florida  
My Commission Expires April 18, 1990



JOINDER AND CONSENT TO THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF  
BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

Duval Federal Savings and Loan Association of Jacksonville (Mortgagee), being the owner and holder of that certain Mortgage and Security Agreement recorded on April 1, 1986, in Official Records Book 2802, page 1264, of the Public Records of Volusia County, Florida, encumbering Unit 307, Bay Meadows at Tomoka Oaks, a Condominium, according to the Declaration thereof and exhibits recorded in Official Records Book 2775, page 1795, as amended by amendments in Official Records Book 2797, page 1767 and Official Records Book 3138, page 766, all of the Public Records of Volusia County, Florida, hereby joins in and consents to the foregoing Third Amendment to Declaration of Condominium of Bay Meadows at Tomoka Oaks, a Condominium. This Joinder and Consent is entered into by Mortgagee without recourse or warranty, whether of title or otherwise; and reserving unto Mortgagee all of its rights and remedies as granted under the aforescribed Mortgage, and under the note secured by said Mortgage, and any and all other loan documents executed in connection with said Mortgage.

IN WITNESS WHEREOF, this Joinder and Consent is executed this 30th day of June, 1989.

Executed in the presence of:

DUVAL SAVINGS AND LOAN ASSOCIATION  
OF JACKSONVILLE

Patricia K. Young

By: [Signature]

Its: Vice President

STATE OF FLORIDA  
COUNTY OF ~~WEEKIX~~ DUVAL

On this 30th day of June, 1989, personally appeared before me, Robert B. Dunlap, Vice President of Duval Savings and Loan Association, of Jacksonville, Florida, to me known and known to me to be the Vice President of said corporation who executed the foregoing Joinder and Consent, and he acknowledged before me that he executed said Joinder and Consent on behalf of Duval Savings and Loan Association of Jacksonville, for the purposes therein expressed.

Patricia K. Young  
Notary Public, State of Florida  
at Large  
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES JAN. 12, 1990  
ISSUED BY THE FLORIDA PUBLIC NOTARY BOARD

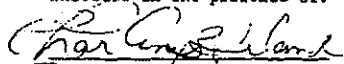
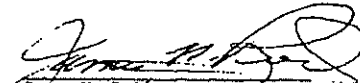

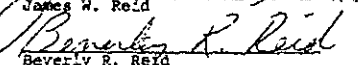
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VOLUSIA CO., FL

JOINDER AND CONSENT TO THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF  
BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

James W. Reid and Beverly R. Reid, husband and wife, being the owners of Unit 309 of Bay Meadows at Tomoka Oaks, Condominium, according to the Declaration thereof and exhibits recorded in Official Records Book 2775, page 1795, as amended by amendments in Official Records Book 2797, page 1767 and Official Records Book 3138, page 766, all of the Public Records of Volusia County, Florida, hereby joins in and consents to the foregoing Third Amendment to Declaration of Condominium of Bay Meadows at Tomoka Oaks, a Condominium to which this Joinder and Consent is attached.

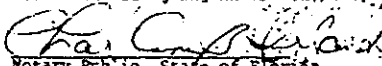
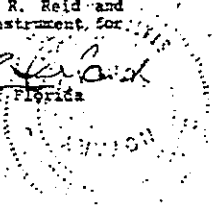
IN WITNESS WHEREOF, this Joinder and Consent is executed this 12 day of June, 1989.

Executed in the presence of:

  
  
James W. Reid  
  
  
Beverly R. Reid

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing Joinder and Consent was acknowledged before me this 12 day of June, 1989, by James W. Reid and Beverly R. Reid and acknowledged before me that they executed the foregoing instrument, for the purposes therein expressed.

  
Notary Public, State of Florida  
at Large  
My Commission Expires: 

NOTARY PUBLIC, State of Florida at large  
My commission expires October 30, 1989

VOLUSIA CO., FL

JOINDER AND CONSENT TO THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF  
BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

Barnett Bank of Volusia County, Florida, a state chartered <sup>est</sup>  
bank organized and existing under the laws of the State of <sup>est</sup>  
Florida (Mortgagee), being the owner and holder of that certain  
Mortgage and Security Agreement recorded on February 23, 1989, in  
Official Records Book 3265, page 1170, of the Public Records of  
Volusia County, Florida, encumbering certain Units in Bay Meadows at  
Tomoka Oaks, a Condominium, according to the Declaration thereof and  
exhibits recorded in Official Records Book 2775, page 1795, as amended  
by amendments in Official Records Book 2797, page 1767 and Official  
Records Book 3138, page 766, all of the Public Records of Volusia  
County, Florida, hereby joins in and consents to the foregoing Third  
Amendment to Declaration of Condominium of Bay Meadows at Tomoka Oaks,  
a Condominium. This Joinder and Consent is entered into by Mortgagee  
without recourse or warranty, whether of title or otherwise; and  
reserving unto Mortgagee all of its rights and remedies as granted  
under the aforescribed Mortgage, and under the note secured by said  
Mortgage, and any and all other loan documents executed in connection  
with said Mortgage.

IN WITNESS WHEREOF, this Joinder and Consent is executed this  
17th day of <sup>July</sup> July, 1989.

Executed in the presence of:

BARNETT BANK OF VOLUSIA COUNTY,  
FLORIDA, a State Chartered Bank <sup>est</sup>

*Christine L. Washel*  
*Andree Lapina*

By: *Cynthia C. Jones*  
Cynthia C. Jones  
Its: Senior Vice President

STATE OF FLORIDA  
COUNTY OF VOLUSIA

On this 17th day of July, 1989, personally appeared before me,  
*Andree Lapina*, Cynthia C. Jones  
of Barnett Bank of Volusia County, Florida, to me known and known to  
me to be the Senior Vice President of said corporation who  
executed the foregoing Joinder and Consent, and he acknowledged before  
me that he executed said Joinder and Consent on behalf of Barnett Bank  
of Volusia County, Florida, for the purposes therein expressed.

*Andree Lapina*  
Notary Public, State of Florida,  
at Large  
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES 12/31/1991