

This Instrument Prepared By/
Record and Return to:
Stacey Silver Halpern, Esq.
BROAD AND CASSEL
1 North Clematis Street, Suite 500
West Palm Beach, FL 33401

CFN 20040161483 CR BK 16711 PG 1982 RECORDED 03/24/2004 16:01:50 Palm Beach County, Florida Dorothy H Wilken, Clerk of Court

THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR SAND CAY AT IBIS GOLF AND COUNTRY CLUB

This THIRD AMENDMENT made this <u>23</u> day of <u>MARCH</u>, 2004, by IBIS WEST PALM PARTNERS L.P., a Delaware limited partnership ("DECLARANT").

WITNESSETH:

WHEREAS, DECLARANT has the right and power under ARTICLE XVII, Section 1, of the DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR SAND CAY AT IBIS GOLF AND COUNTRY CLUB, recorded in Official Records Book 11963, at Page 28, as amended by First Amendment thereto recorded in Official Records Book 12777, at Page 1518, as amended by Second Amendment thereto recorded in Official Records Book 15201, at Page 931 (hereinafter collectively, the "DECLARATION"), all of the Public Records of Palm Beach County, Florida, to amend and modify the DECLARATION; and

WHEREAS, DECLARANT desires to amend and modify the DECLARATION as hereinafter stated.

NOW, THEREFORE, DECLARANT hereby amends and modifies the DECLARATION, as follows:

- 1. The foregoing recitals are true and correct and are incorporated by reference. All terms defined in the DECLARATION shall have the same meanings herein.
- 2. Article IV, <u>EASEMENTS AND PROPERTY RIGHTS</u>, Section 7, <u>Zero Lot Line Easements</u>, of the DECLARATION, is hereby amended by inserting the following additional paragraphs as new Paragraphs F and G as follows:
 - F. Notwithstanding anything contained in this Section, Article or elsewhere in the DECLARATION to the contrary, a minimum access way of three feet (36 inches) in width must be maintained on the non-Zero Lot Line sides of all Lots to permit the necessary fire, police and emergency personnel to have access to the emergency access window on the side of all Homes within the Property and to permit the Owner of each Home to safely evacuate his Home in the case of emergency from the emergency access window on the Zero Lot Line side of his Home to the street in the front of his Home. All Improvements and equipment placed on the non-Zero Lot Line side of a Home between the street and the emergency access window must

be located so as not to obstruct this emergency access, and no fences shall be permitted to obstruct this emergency access. Notwithstanding anything herein to the contrary, nothing in this Paragraph F shall apply to nor require any modification to any Home that has been issued a certificate of occupancy prior to the date hereof.

- G. Each Owner shall enjoy a perpetual limited right of egress over the unimproved portion of an adjacent Lot for emergency purposes to permit the Owner and his family, guests and invitees to cross the unimproved portion of an adjacent Lot if necessary to evacuate his Home in the case of a fire, medical police, or other emergency situation. This right shall also apply to any fire, police and rescue personnel responding to an emergency in proper emergency circumstances.
- 3. Article IV, <u>EASEMENTS AND PROPERTY RIGHTS</u>, Section 8, <u>Public Service Easements</u>, of the DECLARATION, is hereby modified and amended as follows:

Section 8. Public Service Easements. Fire, police, health and sanitation and other public service personnel and vehicles shall have a permanent and perpetual non-exclusive easement for ingress and egress over and across the Common Areas, including recreation areas, if any, and streets or rights of way shown on any plat of the Property and the unimproved portions of all Lots within the Property for proper purposes. This easement shall permit fire, police and emergency personnel to, during proper emergency circumstances, cross the unimproved portion of the non-Zero Lot Line side of any Lot, if necessary for the purpose of gaining emergency access to an adjacent Home.

The stricken terms are hereby deleted and the <u>underscored</u> terms represent additions, except as amended and modified hereby, the DECLARATION is hereby confirmed, ratified and declared to be in full force and effect.

SIGNATURE CONTAINED ON THE FOLLOWING PAGE

IN WITNESS WHEREOF, DECLARANT has caused these presents to be executed in its name, by its proper officer thereunto duly authorized, this <u>Z3</u> day of <u>HARCH</u>, 2004.

Signed, sealed and delivered

in the presence of:

Name: NAWCJ Cu

Please Print

Name: Roh

Please Print

IBIS WEST PALM PARTNERS L.P., a Delaware limited partnership

By: MSKP IBIS PARTNERS GP, L.L.C., a Delaware

limited liability company

Its: Sole General Partner

By:

Name: Sydney W. Kitson

Its: Manager

Post Office Address: 9055 Ibis Boulevard

West Palm Beach, Florida 33412

STATE OF FLORIDA COUNTY OF PALM BEACH

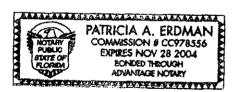
The foregoing instrument was acknowledged before me this <u>23</u> day of <u>MARCh</u>, 2004, by Sydney W. Kitson, as Manager of MSKP IBIS PARTNERS GP, L.L.C., a Delaware limited liability company, the Sole General Partner of IBIS WEST PALM PARTNERS L.P., a Delaware limited partnership, on behalf of the limited liability company and limited partnership, who is personally known to me or has produced his State driver's license as identification.

Name:

Place Print

(Notary Seal)

Notary Public



JOINDER BY IBIS PROPERTY OWNERS ASSOCIATION, INC.

The undersigned hereby joins in and approves the foregoing Third Amendment to the Declaration of Covenants, Restrictions and Easements for Sand Cay at Ibis Golf and Country Club.

IN WITNESS WHEREOF, we have executed this Joinder this <u>23</u> day of <u>HARCH</u>, 2004.

a	IBIS PROPERTY OWNERS ASSOCIATION, INC.,
Signed, sealed and delivered	a Florida not-for-profit corporation
in the presence of:	
Y liney Curran	By: Study Outrell
Print Name: NAW Cy Cu Rhan	Name: STUARTUC. TYPRELL
Robert Leppert	Title: PRESIDENT, POD
	Post Office Address:
	8002 Sandhill Way East
	West Palm Beach, Florida 33412
·	(O 1 O D
	(Corporate Seal)
STATE OF FLORIDA	
COUNTY OF PALM BEACH	
COUNTY OF TAKING BEACH	
The foregoing instrument was acknow Studen Turnell as PIESIDE	ledged before me this <u>23</u> day of <u>HARCH</u> , 2004 beaution, of IBIS PROPERTY OWNERS ASSOCIATION
INC., a Florida not-for-profit corporation, for ar	nd on behalf of the corporation, who is personally known to me o
has produced his/her Florida driver's license as i	
•	
	Name: PATRICIA A. ERDIMAN
	Name: PATRICIA A. ERDMAN
	Notary Public
	Commission No.: <u>CC978556</u>
[Notary Seal]	My Commission Expires: 11-28-04

PATRICIA A. ERDMAN