

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

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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 23 day of MARCH, 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, EASEMENTS AND PROPERTY RIGHTS, Section 7, Zero Lot Line Easements, 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, EASEMENTS AND PROPERTY RIGHTS, Section 8, Public Service Easements, 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 underscored 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 23 day of MARCH, 2004.

Signed, sealed and delivered
in the presence of:

Nancy Curran
Name: Nancy Curran
Please Print

Roberta Leppert
Name: Roberta Leppert
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: Sydney W. Kitson
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 23 day of MARCH, 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.

Patricia A. Erdman
Name: PATRICIA A. ERDMAN
Please 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 23 day of MARCH, 2004.

Signed, sealed and delivered
in the presence of:

Wmley Curran
Print Name: Wmley Curran
Roberta Leppert
Print Name: Roberta Leppert

IBIS PROPERTY OWNERS ASSOCIATION, INC.,
a Florida not-for-profit corporation

By: Stuart Tyrell
Name: STUART C. TYRELL
Title: PRESIDENT, POA
Post Office Address:
8002 Sandhill Way East
West Palm Beach, Florida 33412

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 23 day of MARCH, 2004 by Stuart Tyrell, as PRESIDENT, of IBIS PROPERTY OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, for and on behalf of the corporation, who is personally known to me or has produced his/her Florida driver's license as identification.

Patricia A. Erdman
Name: PATRICIA A. ERDMAN
Notary Public
Commission No.: CC978556
My Commission Expires: 11-28-04

[Notary Seal]

