

PREPARED BY AND RETURN TO: JAY STEVEN LEVINE, P.A. 2500 North Military Trall, Suite 490 Boca Raton, Florida 33431 (561) 999-9925

CFN 20060573125 OR BK 20942 PG 0046 RECORDED 10/10/2006 11:53:31 Palm Beach County, Florida

### CERTIFICATE OF THE FIRST AMENDMENT TO THE DECUARATIONCK, CLERK & COMPTROLLER OF CONDOMINIUM OF PIPER'S CAY, A CONDOMINIAN - 50; (15pgs)

WHEREAS, the Declaration of Condominium of Piper's Cay, a Condominium was recorded on September 15, 2006 in Official Record Book 20856, at Page 0247, Public Records of Palm Beach County, Florida;

WHEREAS, pursuant to Section 21.5.C of the Declaration, the Developer may unilaterally amend the Declaration so long as the Developer is in control of the Board of Directors of the Association;

WHEREAS, the Developer is in control of the Board of Directors of the Association;

WHEREAS, when the Declaration of Condominium was recorded, the Consent of Mortgagee had not been executed. The Developer now wishes to record the executed Consent of Mortgagee, which is attached to this Certificate;

WHEREAS, when the Declaration was recorded, the Certificate of Surveyor indicated that none of the condominium property was substantially complete. At this time, the residential units, landscaping, utility service, access to units and common element facilities serving that certain building in which Units 102 through 108 inclusive are located, and that certain building in which Units 171 through 177 inclusive are located, are now substantially completed, as is attested by the surveyor, which certificate and the survey documents relative to these buildings is attached to this Certificate. The Developer wishes to record such certificates:

WHEREAS, when the Declaration of Condominium was recorded, the legal description which comprises part of Exhibit "A" to the Declaration and which is set forth as Sheet 2 to said Exhibit "A" referenced the Plat of Piper's Cay, as recorded in Plat Book 106, Pages 168 through 171, Public Records of Palm Beach County, Florida but then continues with formerly known as metes and bounds description which does not exactly track the legal description contained in the Plat; however the Plat controls as to the legal description. The foregoing constitutes an error in the Declaration subject to correction under F.S. 718.110(9), by amendment to the Declaration, which may be approved by the Developer pursuant to Section 21.5.C of the Declaration. The revised legal description as set forth on "Revised" Sheet 2, constituting a portion of Exhibit "A" to the Declaration, is attached to this Certificate and indicated by the signature and seal of the surveyor. Said Revised sheet 2 to Exhibit "A" supercedes and replaces Sheet 2

10°

of Exhibit "A" as attached to the Declaration:

WHEREAS, this Certificate of Amendment together with attachments shall be recorded in public records of Palm Beach County, Florida;

**NOW, THEREFORE,** the Declaration of Condominium shall be amended in the particulars as stated above and by the attachments to this Certificate; these amendments shall run with the real property known as Piper's Cay, a Condominium, and shall be binding on all parties having any right, title, or interest in the said real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof; and except as otherwise amended hereby, the Declaration shall remain unchanged and in full force and effect.

#### **CERTIFICATE OF ADOPTION OF AMENDMENTS**

I HEREBY CERTIFY that the amendments attached to this Certificate have been approved by the Developer.

DATED this TH day of OUTO BER 2006
WITNESSES: PIPER'S COLLE, A Florida limited liability
sign bold Will BY
Print TOPD WHITE President
Sign Auto Acade Address: 4227 Northlake Boulevard
Print List Nuccol
STATE OF FLORIDA ) SS: COUNTY OF PALM BEACH )
I HEREBY CERTIFY that on the <u>b</u> day of <u>O Ctober</u> , 2006 before me personally appeared <u>Thad M. Steppens</u> as a satisfication and get of the piper's CAY, LLC, who is personally known to me and who did not take an oath and who executed the aforesaid Certification as his act and deed as such duly authorized manager; and that this instrument is the act and deed of the Company.
WITNESS my signature and official seal, in the County of Palm Beach, State of Florida, the day and year last aforesaid.
(SEAL) NOTARY PUBLIC: Sign:
LISA M. NUCCIO MY COMMISSION # DD 488440 EXPIRES: November 19, 2009 Bonded Thru Notery Public Underwriters

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## <u>CONSENT OF MORTGAGEE</u> <u>TO DECLARATION OF CONDOMINIUM OF</u> <u>PIPER'S CAY, A CONDOMINIUM</u>

Doth day THIS CONSENT OF MORTGAGEE is given this of VEPTEMBEL, 2006, by REGIONS BANK, an Alabama banking corporation ("Mortgagee"), having an address of 1489 West Palmetto Park Road, Suite 300, Boca Raton, Florida 33486, being the owner and holder of the following security instruments executed by Piper's Cay, LLC, a Florida limited liability company ("Mortgagor"): That certain Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement, recorded in Official Records Book 17809, Page 1356; together with that certain UCC-1 Financing Statement recorded in Official Records Book 17809, Page 1382; that certain Mortgage Modification Agreement recorded in Official Records Book 17840, Page 1089; that certain Mortgage Modification Agreement recorded in Official Records Book 18836, Page 1904; that certain Mortgage Modification Agreement recorded in Official Records Book 18837, Page 0293 and that certain Consolidated, Amended and Restated Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement recorded in Official Records Book 20801, Page 1828 (collectively, "Mortgage"), all of the Public Records of Palm Beach County, Florida.

WHEREAS, Mortgagor has requested Mortgagee to consent to the recording of the foregoing DECLARATION OF CONDOMINIUM FOR PIPER'S CAY, A CONDOMINIUM (the "Declaration") to be recorded in the Public Records of Palm Beach County, Florida, and to subordinate the lien and operation of the Mortgage to the Declaration.

NOW, THEREFORE, Mortgagee consents to the recordation of the Declaration and agrees that the lien and operation of the Mortgage shall be subject to and subordinate to the terms of the Declaration.

Mortgagee makes no warranty or any representation of any kind or nature concerning the Declaration, any of their terms or provisions, or the legal sufficiency thereof, and disavows any such warranty or representation as well as any participation in the development of PIPER'S CAY, A CONDOMINIUM, and Mortgagee does not assume and shall not be responsible for any of the obligations or liabilities of the "Developer" contained in the Declaration or other documents issued in connection with the promotion of PIPER'S CAY, A CONDOMINIUM. None of the representations contained in the Declaration or other documents shall be deemed to have been made by Mortgagee, nor shall they be construed to create any obligation on Mortgagee to any person relying thereon. Nothing contained herein shall affect or impair the rights and remedies of Mortgagee as set forth in the Mortgage.

FTL:1908542:1

Made as of the day and year first above written.

Witnesses: REGIONS BANK, an Alabama banking corporation Cherest Coo Bv: i Printed Name: Donald F/Smilev Signature Printed Name Cheryl Cooperma Title: Senior Vice President Signature (CORPORATE SEAL) Printed Name Jacqueline Williams STATE OF FLORIDA ) ) SS: COUNTY OF BROWARD )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by <u>Donald F. Smiley</u>, the <u>SVP</u> of REGIONS BANK, an Alabama banking corporation, freely and voluntarily under authority duly vested in him/her by said association. He/she <u>is personally known to me</u> or who has produced \_\_\_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last a foresaid this  $20^{40}$  day of SEPTEMBER, 2006.



Notary Public Kim C. Oliver

Typed, printed or stamped name of Notary Public

My Commission Expires:

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#### PIPER'S CAY CONDOMINIUM

#### (EXHIBIT "A" TO THE AMENDMENT TO DECLARATION OF CONDOMINIUM) SURVEYOR'S CERTIFICATE

#### **STATE OF FLORIDA COUNTY OF PALM BEACH**

Before me, the undersigned authority duly authorized to administer oaths and take acknowledgements, personally appeared Craig S. Pusey, who after being first duly cautioned and sworn, deposed and says as follows:

- I, Craig S. Pusey, am a duly Registered Surveyor and Mapper in the State of Florida, Certificate No. 5019. 1.
- 2. This Certificate is made as to that certain building in which Units 102 through 108 of Piper's Cay, a condominium according to the Declaration of Condominium of Piper's Cay, a condominium, recorded in Official Record Book 20856, page 247, Public Records of Palm Beach County, Florida, located at 771, 773, 775, 777, 779, 781 and 783 Piper's Cay Drive, West Palm Beach, Florida, 33415.
- The Affiant hereby certifies that all planned improvements (including, but not limited to the residential units, 3. landscaping, utility services, access to the units, and common element facilities serving Units 102 through 108) have been substantially completed; so that the material, together with the provisions of the declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements and so that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials.
- I hereby certify that the survey for Piper's Cay, Units 102 through 108, a Condominium, is accurate to the best of my 4. knowledge and belief, and further, that the documents contained herein meet the Requirements for Condominiums in Chapter 718, Florida Statutes.
- 5. Further Affiant sayeth naught.

Pusey, P.S.M.

day of Sworn to and Subscribed before me this 2006.

OS, Jennifer N. Frv

My Commission Expires: 9/15/07

Notary Public, State of Florida



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#### PIPER'S CAY A CONDOMINIUM

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Before me, the undersigned authority duly authorized to administer oaths and take acknowledgements, personally appeared Craig S. Pusey, who after being first duly cautioned and sworn, deposed and says as follows:

- I, Craig S. Pusey, am a duly Registered Surveyor and Mapper in the State of Florida, Certificate No. 5019. 1.
- 2. This Certificate is made as to that certain building in which Units 171 through 177 of Piper's Cay, a condominium according to the Declaration of Condominium of Piper's Cay, a condominium, recorded in Official Record Book 20856, page 247, Public Records of Palm Beach County, Florida, located at 778, 780, 782, 784, 786, 788 and 790 Piper's Cay Drive, West Palm Beach, Florida, 33415.
- 3. The Affiant hereby certifies that all planned improvements (including, but not limited to the residential units, landscaping, utility services, access to the units, and common element facilities serving Units 171 through 177) have been substantially completed; so that the material, together with the provisions of the declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements and so that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials.
- I hereby certify that the survey for Piper's Cay, Units 171 through 177, a Condominium, is accurate to the best of my 4. knowledge and belief, and further, that the documents contained herein meet the Requirements for Condominiums in Chapter 718, Florida Statutes.

day of

5. Further Affiant sayeth naught.

Sworn to and Subscribed before me this

My Commission Expires: 9/15/07

2006.

Jennifer N. Fry Notary Public, State of Florida

JENNIFER N. FRY MMISSION # DD 212869 Thru Notary Public Underwriters Sh.

Sheet 1

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This instrument was prepared in the office of: Landmark Surveying & Mapping, Inc. 1850 Forest Hill Blvd., Suite 100 West Palm Beach, FL 33406 Phone No. (561) 433-5405

## PIPER'S CAY A CONDOMINIUM

# (EXHIBIT "A" TO THE AMENDMENT TO DECLARATION OF CONDOMINIUM)

## LEGAL DESCRIPTION

THE PLAT OF PIPER'S CAY, AS RECORDED IN PLAT BOOK 106, PAGES 168-171, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 18.93 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

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BY:

9/27/06 DATE:

CRAIG S, PUSEY PROFESSIONAL SURVEYOR & MAPPER FLORIDA CERTIFICATE NO. 5019

Revised Sheet 2

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