

(AMT500.T/12,10/01-30-87/PM)

FIRST AMENDMENT TO
FOUNTAINS SOUTH ATRIUM HOMES
DECLARATION OF COVENANTS AND RESTRICTIONS

WHEREAS, the FOUNTAINS SOUTH ATRIUM HOMES DECLARATION OF COVENANTS AND RESTRICTIONS was recorded on January 7, 1987, Official Record Book 3134, at Page 139, of the Public Records of Palm Beach County, Florida (the "ATRIUM HOMES DECLARATION"); and

WHEREAS, Paragraph 6 of the ATRIUM HOMES DECLARATION specifically provides that any property which is located within FOUNTAINS SOUTH may be annexed to the FOUNTAINS SOUTH ATRIUM HOMES AREA upon the recording of an amendment to the ATRIUM HOMES DECLARATION, in the Public Records of Palm Beach County, Florida; and

WHEREAS, the DEVELOPER is the owner of a parcel of real property more particularly described in Exhibit "1" attached hereto and by this reference made a part hereof (hereinafter referred to as the First Addition To The Atrium Homes Area), which parcel of real property is located within FOUNTAINS SOUTH; and

WHEREAS, the DEVELOPER wishes to annex the FIRST ADDITION TO THE ATRIUM HOMES AREA to the FOUNTAINS SOUTH ATRIUM HOMES AREA so as to enlarge same and to subject said FIRST ADDITION TO THE ATRIUM HOMES AREA to all of the terms, covenants and conditions of the ATRIUM HOMES DECLARATION and all exhibits and amendments thereto; NOW, THEREFORE, the ATRIUM HOMES DECLARATION described above and the same is hereby amended as follows:

1. That parcel of real property more particularly described in Exhibit "1" attached hereto and by this reference made a part hereof (the FIRST ADDITION TO THE ATRIUM HOMES AREA) is hereby annexed to the FOUNTAINS SOUTH ATRIUM HOMES AREA.
2. The above-described FIRST ADDITION TO THE ATRIUM HOMES AREA, is hereby declared committed to the provisions of the ATRIUM HOMES DECLARATION and, shall be owned, held, used, transferred, sold, conveyed, demised, and occupied subject to all of the covenants, restrictions, easements, reservations, regulations, burdens, and liens as set forth within the ATRIUM HOMES DECLARATION and all of the Exhibits thereto and any amendment thereto.
3. Except as modified herein, the ATRIUM HOMES DECLARATION remains in full force and effect according to its terms.

IN WITNESS WHEREOF, the Developer has executed this FIRST AMENDMENT to the FOUNTAINS SOUTH ATRIUM HOMES DECLARATION OF COVENANTS AND RESTRICTIONS this 4th day of February, 1987.

(Corporate Seal)

THE FOUNTAINS OF PALM BEACH, a
Florida general partnership

BY: Stephen M. Platt
STEPHEN M. PLATT
as Vice President of
Goldlist Construction, Incorporated
a Florida corporation

STATE OF FLORIDA

COUNTY OF PALM BEACH

Before me, the undersigned authority, personally appeared Stephen M. Platt to me known to be the individual described in and who executed the foregoing instrument as Vice President of Goldlist Construction Corporation, Incorporated, a Florida corporation.

WITNESS my hand and seal this 4th day of February, 1987.

My Commission Expires:

Clair P. Bonds
Notary Public, State of Florida
at Large

This Instrument was prepared by
and should be returned to:
ROBERT M. SCHWARTZ, ESQUIRE
DeSantis, Cook & Gaskill, P.A.
11891 US Highway One
North Palm Beach, Florida 33408

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES MAY 24, 1987
BONDED THRU GENERAL INSURANCE UND

CONSENT OF MORTGAGEE

CANADIAN IMPERIAL BANK OF COMMERCE, Atlanta Agency, duly qualified to transact business in the State of Florida, being the owner and holder of a mortgage made by CITY NATIONAL BANK OF MIAMI, a national banking association, as Trustee, and GOLDLIST CONSTRUCTION, INCORPORATED, a Florida corporation, and TRIZEC WESTERN, INC., a Delaware corporation, in favor of Citicorp Real Estate, Inc., a Delaware corporation, and recorded in Official Record Book 3209, at Page 1172, of the Public Records of Palm Beach County, Florida, by virtue of that certain Assignment of Notes and Mortgage recorded in Official Record Book 4753, at Page 1575, of the Public Records of Palm Beach County, Florida, is the owner and holder of a certain Mortgage and Security Agreement dated November 28, 1979, which mortgage, as the same may have heretofore been modified, amended and/or supplemented (the "Mortgage") encumbers the real property and improvements identified in the foregoing FIRST AMENDMENT to the DECLARATION OF COVENANTS AND RESTRICTIONS FOR FOUNTAINS SOUTH ATRIUM HOMES ("FIRST AMENDMENT"), does hereby consent to the recordation of the "FIRST AMENDMENT" amongst the Public Records of Palm Beach County, Florida. The within Consent shall not in any manner affect the terms or conditions, or the lien, operation, effect, validity or priority, of the Mortgage.

IN WITNESS WHEREOF, CANADIAN IMPERIAL BANK OF COMMERCE, Atlanta Agency, by its undersigned officer has executed this Consent of Mortgagee this 24th day of February, 1987.

Signed, sealed and delivered
in the presence of:

Robin B. Hargarten
Mary J. Shroy

CANADIAN IMPERIAL BANK OF COMMERCE
BY: [Signature]
MANAGER
(CORPORATE SEAL)

STATE OF GEORGIA)
COUNTY OF COBB)

The foregoing Consent of Mortgagee was duly executed before me this 24th day of February, 1987, by James Sincusa, as a Manager of CANADIAN IMPERIAL BANK OF COMMERCE, Atlanta Agency, for and on behalf of said institution.



[Signature]
NOTARY PUBLIC, STATE OF

My Commission Expires at Large
Notary Public, Georgia, State of
My Commission Expires January 9, 1988

This instrument prepared by
and should be returned to:

ROBERT M. SCHWARTZ, Esquire
DeSANTIS, COOK & GASKILL, P.A.
11891 U.S. Highway One
North Palm Beach, Florida 33408

85186 P0405

EXHIBIT "1"
to FIRST AMENDMENT
to FOUNTAINS SOUTH ATRIUM HOMES
DECLARATION OF COVENANTS AND RESTRICTIONS

First Addition to the ATRIUM HOMES AREA

All of the Plat of FOUNTAINS SOUTH TRACT B-4, Replat of a portion of Block 31 of Palm Beach Farms Co. Plat No. 3 (P.B. 2, PG. 45-54, P.B.C.R.) Section 34, Township 44 South, Range 42 East Palm Beach County, Florida, recorded in Plat Book 54 at Pages 95 and 96 of the Public Records of Palm Beach County, Florida.

NOT A CERTIFIED COPY

89186 80406

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT