Prepared by and return to:
Gary B. Davenport, Esq.
Gary B. Davenport, PA
211 S. 4th St.
Flagler Beach, FL 32136
(386) 439-6892

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM ESTABLISHING BELLA HARBOR CONDOMINIUM

Know All Persons by these presents that BELLA HARBOR, LLC, a Florida limited liability company, the Developer described in that certain Declaration of Condominium Establishing BELLA HARBOR CONDOMINIUM, recorded among the public records of Flagler County, Florida, in Official Records Book 1377, Page 1962, on January 6, 2006, and the owner and holder of all of the property described in Section 1 of said Declaration of Condominium Establishing Bella Harbor Condominium on the date of recording of said Declaration of Condominium and the present owner and holder of all the units described therein and as shown on Exhibit A attached hereto and made a part hereof which units are all within or collectively designated as shown on said Exhibit to Amendment, declares that:

1. The construction of 575 Palm Harbor Parkway, Units 3-1A, 3-1B, 3-1C, 3-1D, 3-1E, 3-1F, 3-2A, 3-2B, 3-2C, 3-2D, 3-2E, 3-2F, 3-3C, 3-3D

are complete subsequent to the recording of the original Declaration of Condominium; and

2. The Declaration of Condominium is amended by the addition thereto of the surveyor's certificate contained in Exhibit A to this Amendment, all in accordance with the provisions of said Declaration; and

IN WITNESS WHEREOF, BELLA HARBOR, LLC, a Florida limited liability company has caused this Amendment to the Declaration of Condominium Establishing Bella Harbor Condominium to be executed by its duly authorized officer and seal to be affixed this \mathcal{GH} day of August, 2006.

Witnesses:

Witness

Witness name:

DECLARANT:

Bella Harbor, LLC, a Florida limited

liability company

By:

Conak Vergnolle, Manager

COUNTY OF Junte)

The foregoing instrument was acknowledged before me this $9 \frac{fh}{h}$ day of August, 2006 by RONALD B. VERGNOLLE, Manager of Bella Harbor, LLC, who is personally known to me.

NOTARY PUBLIC

My Commission Expires:
My Commission Expires

October 8, 2014

JOINDER BY ASSOCIATION

Bella Harbor Condominium Association, Inc. a Florida corporation not for profit, hereby agrees to accept all the benefits and all of the duties, responsibilities, obligations and burdens imposed upon it by the provisions of this Amendment to Declaration and Exhibits attached hereto.

IN WITNESS WHEREOF, Bella Harbor Condominium Association, Inc. has caused these presents to be signed in its name by its proper officer and its corporate seal to be affixed this 4th day of August, 2006.

Signed, sealed and delivered

DerSchreckengat

Witness name:

BELLA HARBOR CONDOMINIUM ASSOCIATION, INC., a Florida corporation, not for profit

corporation, not for profit

Ronald B. Vernolle, Manager

STATE OF SOUTH CAROLINA COUNTY OF Breenile

The foregoing Joinder was acknowledged before me this <u>9th</u> day of August, 2006, by Ronald B. Vergnolle, President of Bella Harbor Condominium Association, Inc., who is personally known to me.

Notary Public, State of

My commission expires
My Commission Expires
October 8, 2014

JOINDER BY MORTGAGEE

Park Avenue Bank, a state banking association, as the holder of a Mortgage dated December 15, 2004, recorded in O.R. Book 1182, Page 326, of the Public Records of Flagler County, Florida, and Mortgage Modification Agreement and Notice of Future Advance, dated June 28, 2006, recorded July 7, 2006, in O.R. Book 1456, Page 982, Public Records of Flagler County, Florida, encumbering the lands described in the foregoing Declaration of Bella Harbor Condominium (the "Declaration"), joins in the filing of the Amendment to the Declaration as Mortgagee for the limited and sole purpose of consenting to execution and recording of the Amendment to the Declaration.

The Park Avenue Bank, a state banking Signed, sealed and delivered association RIE KENNEY J. Clay Gibson, Sr. Vice President edo Witness name: Mary E Breedon

STATE OF FLORIDA COUNTY OF DUVAL

MARIE KENNISSION ES

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Printed Name:

Notary Public - State of Florida My Commission Expires: My Commission Number:

SURVEYOR'S CERTIFICATE FOR BELLA HARBOR A CONDOMINIUM

STATE OF FLORIDA COUNTY OF FLAGLER

BEFORE ME, the undersigned authority duly authorized to administer oaths and take acknowledgements, personally appeared Robert DeGaetano, P.L.S., by me well known and known to me to be the person hereinafter described, who after being by me first duly sworn, deposes and says on oath as follows:

- 1. I am a professional land surveyor licensed and authorized to practice in the State of Florida.
- 2. I hereby certify pursuant to Section 718.104(4)(e), F.S., as amended, that the construction of the improvements shown on the attached exhibits is substantially complete; so that such material together with provisions of the Declaration of Condominium of Bella Harbor, a Condominium, describing the condominium property is an accurate representation of the locations and dimensions of the improvements and that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials and that all planned improvements, including but not limited to, landscaping, utility services and access to the unit and common elements facilities serving the building in which the units to be conveyed are located have been substantially completed.
- 3. This certificate is not valid without pages $\underline{}$ thru $\underline{\textbf{15}}$ attached and made a part hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this 5th day of August, 2006.

Robert DeGaetâno

Professional Land Surveyor No. 6183, State of Florida

SWORN TO AND SUBSCRIBED before me this 5 day of August, 2006, by Robert DeGaetano, who is personally known to me or who has produced Florida driver's license number _______ as identification.

STEPHANIE M. WARD

Comm# DD0505381

Expires 1/9/2010

Bonded thru (800)432-4254

Florida Notary Assn., Inc.

Signature of Notary

Mame of notary Typed/Printed/Stamped

BELLA HARBOR

SHEET 1 OF 15

1476 Book: Page: CERTIFICATIONS:

1. GARY B. DAVENPORT P.A.

2. CHICAGO TITLE INSURANCE COMPANY

3. BELLA HARBOR LLC

4. PARK AVENUE BANK SCALE: 1"=150" D. NORMAN YOUNG PARKWAY (PLAT) PALM HARBOR PARKWAY (SIGN) (104' PUBLIC R/W) S20'57'23"E 263.06' S69'02'37"W 268. WATERWAY PART OF RESERVED PARCEL "A"
PALM COAST SECTION 3 SE REMAINING PORTION OF RESERVED PARCEL "A N20'57'23"W 748.00 HOE CLUB LOT 23 i LOT 22 LOT 21 LOT 20 | LOT 19 | LOT 18 LOT 17 LOT 16 LOT 15 ---L1----L2------C1---N69'02'37"E S49'27'23"E ∆: 28'30'00" R: 748.00 L: 372.07 107 84 145.68 CB: S35'12'23"E CH: 368.23' BUILDING 3, BELLA HARBOR, A CONDOMINIUM SURVEYOR'S NOTES:

1. Underground utilities and improvements not located.

2. Bearings refer to plat datum and to the easterly line of Block 12, Country Club Cove — Section 3, Palm Coast, as being N20'57'23"W.

3. Flood Zone "X", Map No. 12035C0129D, Effective Date: JULY 17, 2006. This location is based on maps prepared by the Federal Emergency Management Agency. Final location and flood zone determination rest with said agency.

4. Descriptions and easements shown provided by client.

5. No search for encumbering instruments was made by surveyor.

6. Error of closure meets or exceeds 1:7500 feet.

7. All locations and dimensions to property lines refer to deed datum based on found monumentation on the Easterly line of said parcel. No boundary survey has been performed by this surveyor. For a complete boundary survey refer to survey performed by East Coast Land Surveying. LEGAL DESCRIPTION:

A PARCEL OF LAND LYING NORTH OF CLUB HOUSE WATERWAY, BEING A PORTION OF RESERVED PARCEL "A" ACCORDING TO THE SUBDIVISION MAP OF COUNTRY CLUB COVE SECTION 3, PALM COAST, RECORDED IN MAP BOOK 6, PAGE 4 THROUGH 8 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF LOT 15, BLOCK 12, OF SAID SECTION 3, THENCE N20'57'23"W ALONG THE EAST LINE OF BLOCK 12 A DISTANCE OF 748.00 FEET; THENCE N69'02'37"E A DISTANCE OF 107.84 FEET TO A POINT ON THE WESTERLY RIGHT—OF—WAY LINE OF PALM HARBOR PARKWAY (104' R/W), THENCE S49'27'23"E ALONG SAID RIGHT—OF—WAY LINE A DISTANCE OF 145.68 FEET TO A POINT OF CURVATURE; THENCE 372.07 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE SOUTHWESTERLY) HAVING A CENTRAL ANGLE OF 28'30'00", A RADIUS OF 748.00 FEET, A CHORD BEARING OF S35'12'23"E, AND A CHORD DISTANCE OF 368.25 FEET TO A POINT OF TANGENCY, THENCE S20'57'23"E, A DISTANCE OF 263.06 FEET, THENCE DEPARTING PALM HARBOR PARKWAY, S69'02'37"W ALONG THE NORTHERLY LINE OF CLUB HOUSE WATERWAY A DISTANCE OF 268.00 FEET TO THE POINT OF BEGINNING. LEGAL DESCRIPTION: Licensed Surveyor Licensed Business Conc. Monument Set Found N/D LS#2238 N/D Set LB#6422 Center Line P.C.P. Permanent Control Point
N.G.V.D. National Geodetic Vertical Datum
N.A.V.D. North America Vertical Datum
E/P Edge of Povement
F.F. Finish Floor
Plat Bearing & Distance
O.R. Hossured Bearing & Distance
O.R. Positive Effluent Pump. System Non-Radial To Curve Radius Length Chord Chord Bearing Found Concrete Slab LEGEND: LEGEND.

N/D Nail and Disk
C.M. Concrete Monument
IR&C Iron Rod & Cap

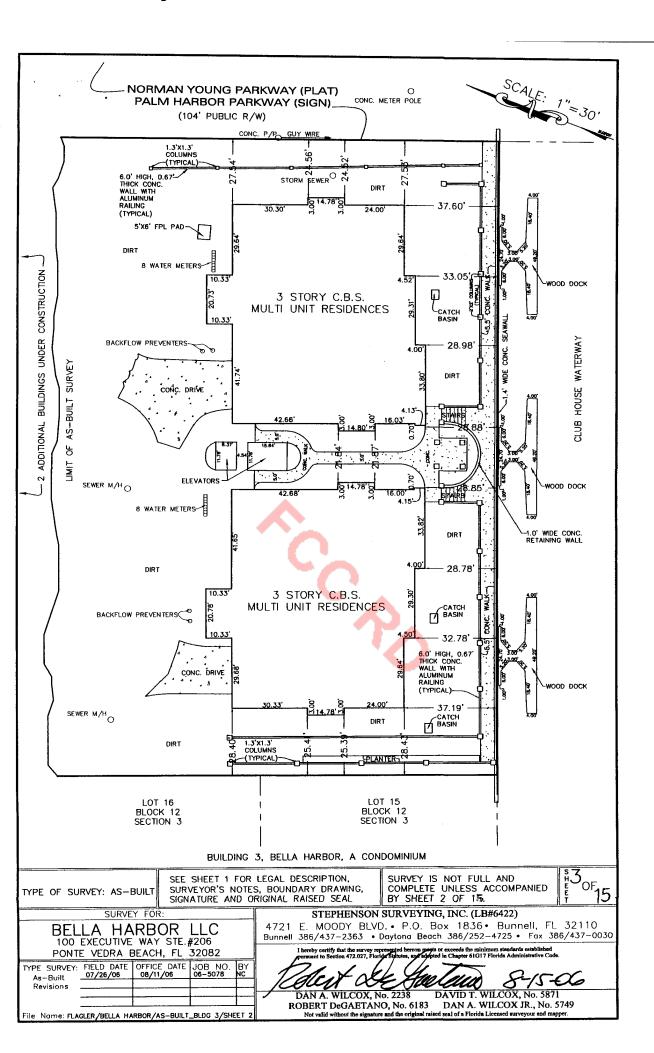
IR&C Set LB#6422

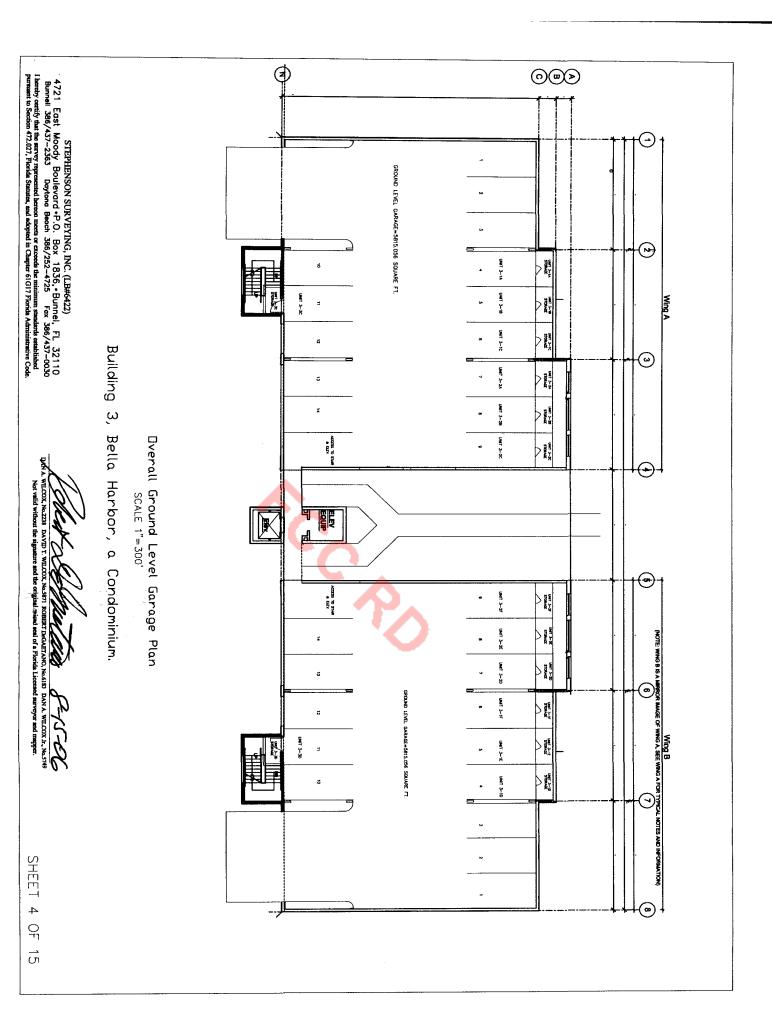
Iron Rod (I.R.) Four
Conc. Monument Fot
P.C. Point of Curvature 2_{of}15 SURVEY IS NOT FULL AND COMPLETE UNLESS ACCOMPANIED BY SHEET 3 OF 15

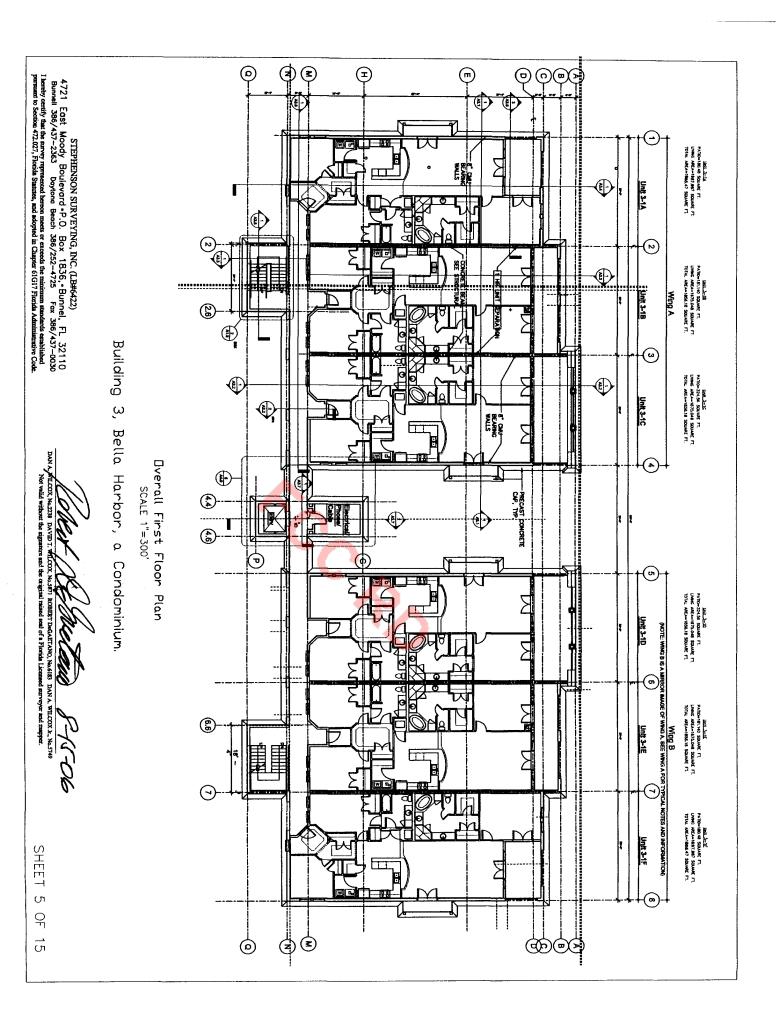
STEPHENSON SURVEYING, INC. (LB#6422) SEE SHEET 2 FOR AS-BUILT SURVEY TYPE OF SURVEY: AS-BUILT SURVEY FOR 4721 E. MOODY BLVD. • P.O. Box 1836 • Bunnell, FL 32110 Bunnell 386/437-2363 • Daytona Beach 386/252-4725 • Fax 386/437-00 BELLA HARBOR LLC 386/437-0030 100 EXECUTIVE WAY STE. #206 PONTE VEDRA BEACH, FL 32082 DAN A. WILCOX, No. 2238 DAVID T. WILCOX, No. 5871

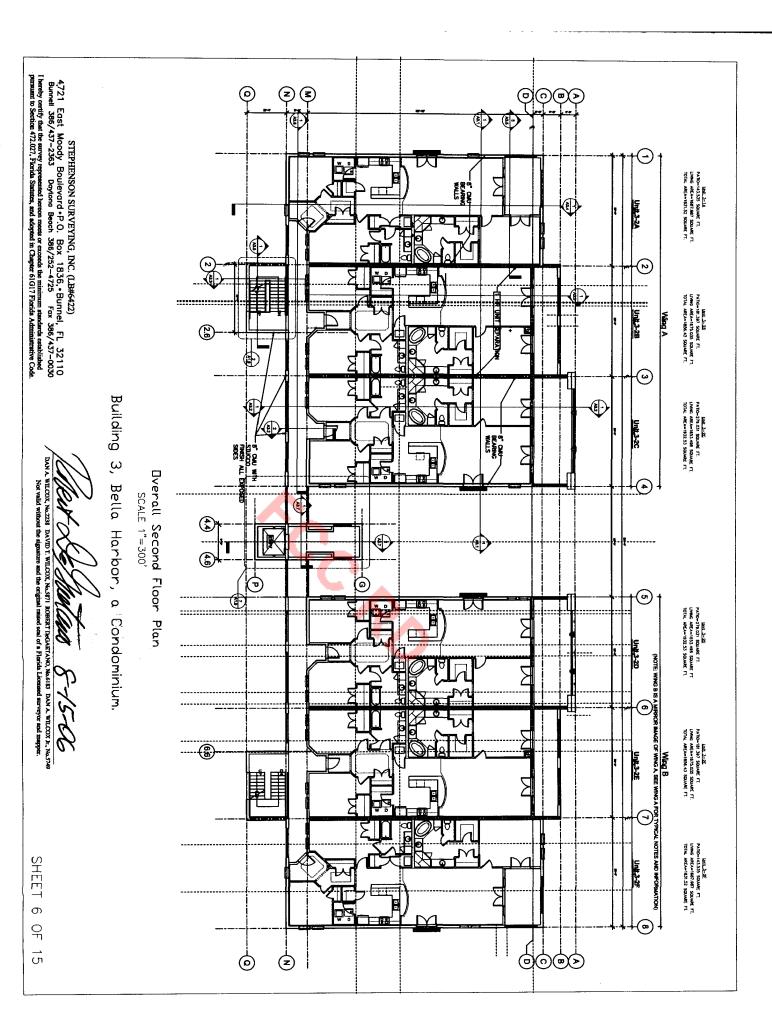
ROBERT DEGAETANO, No. 6183 DAN A. WILCOX JR., No. 5749

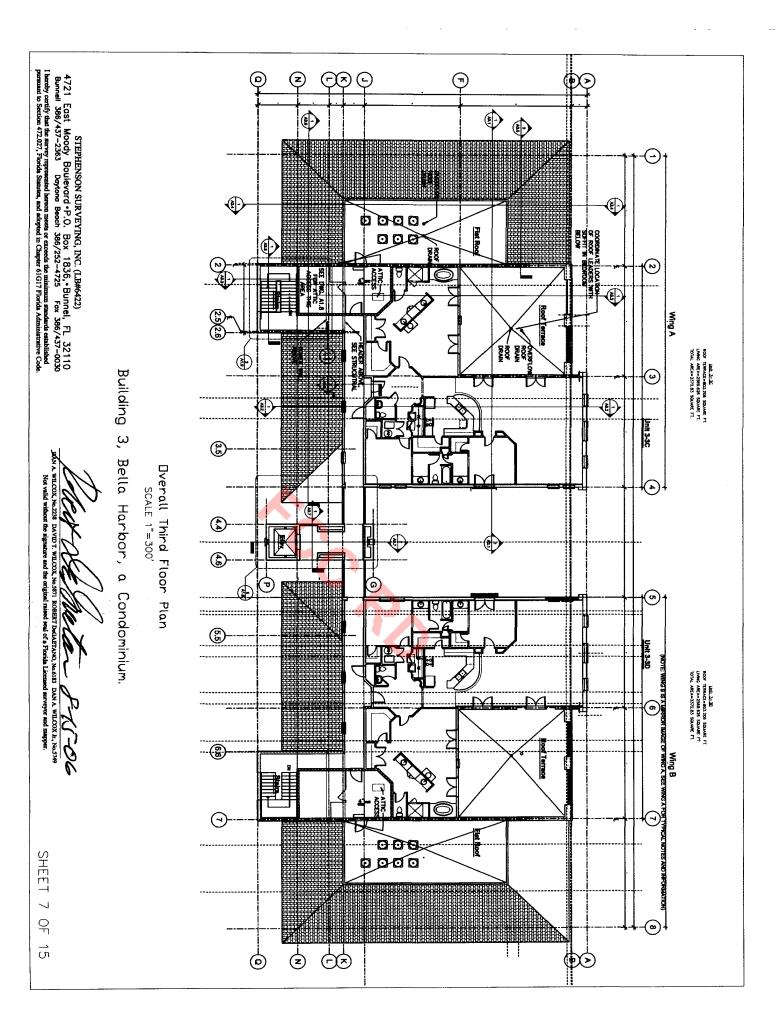
Not valid without the algusture and the original risised seal of a Florida Licensed surveyour and m SURVEY: FIELD DATE OFFICE DATE 8-15-06 07/26/06 08/11/06 File Name: FLAGLER/BELLA HARBOR/AS-BUILT_BLDG 3/SHEET

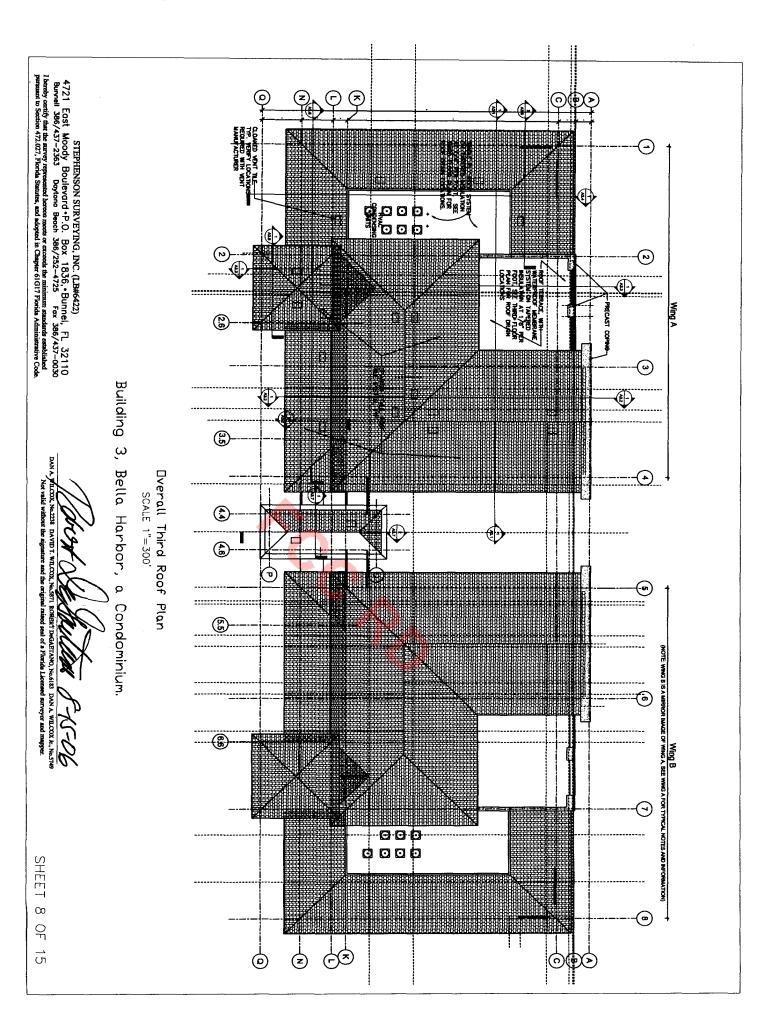


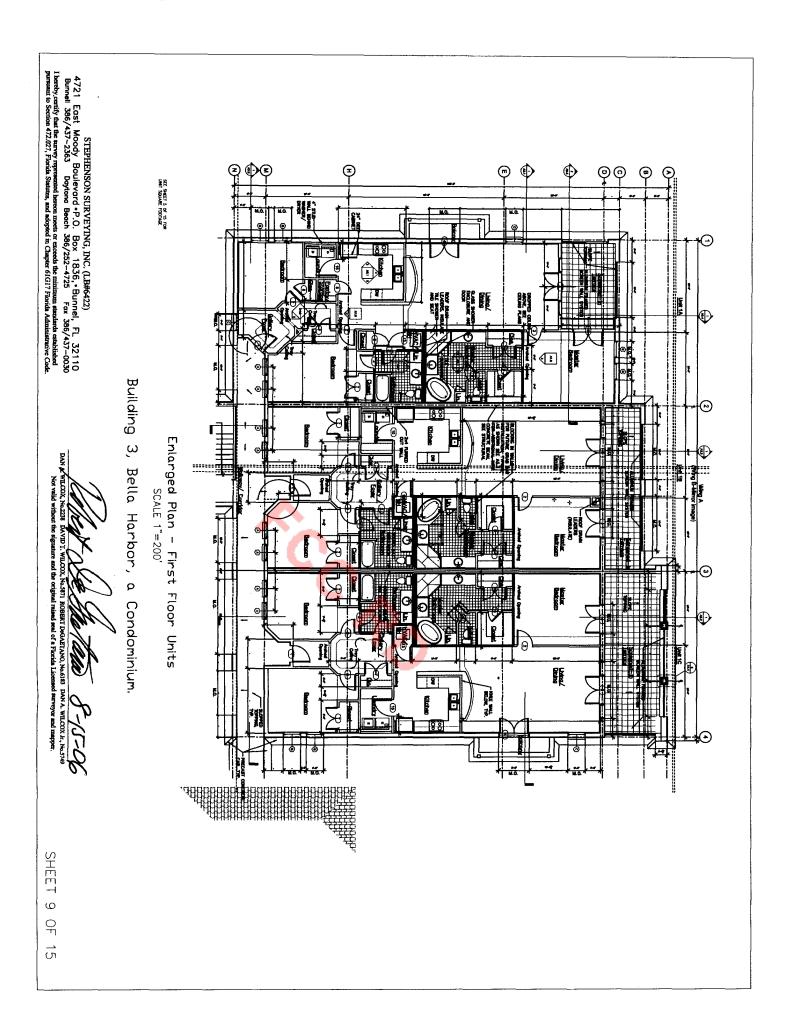


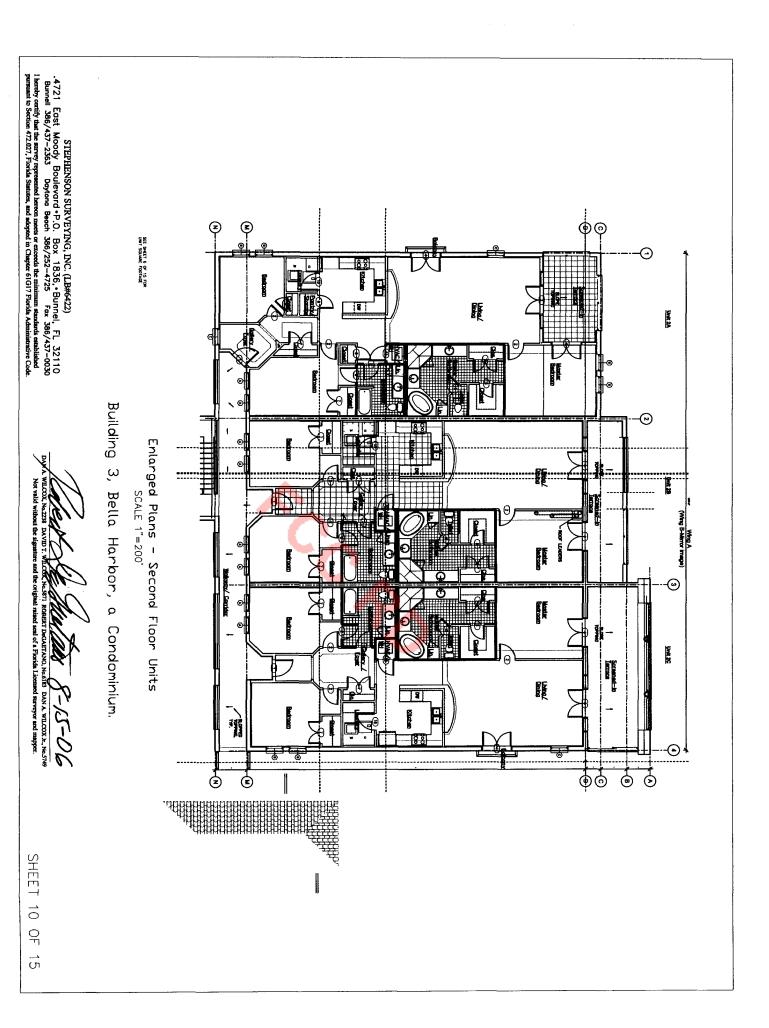


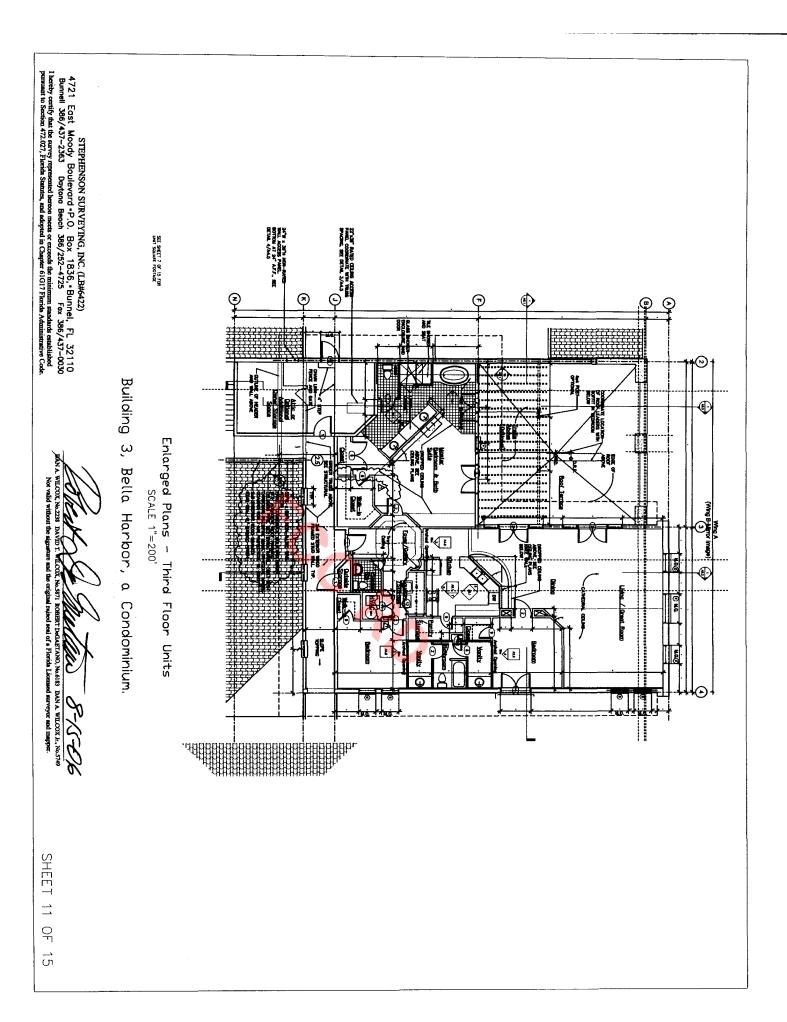


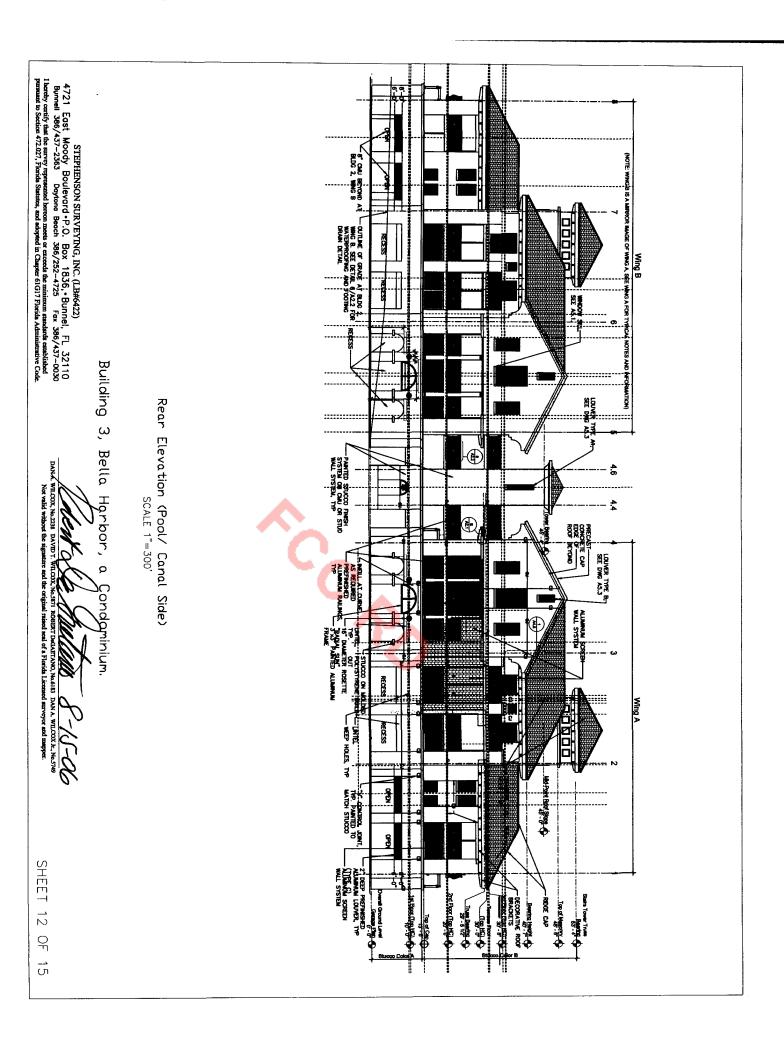


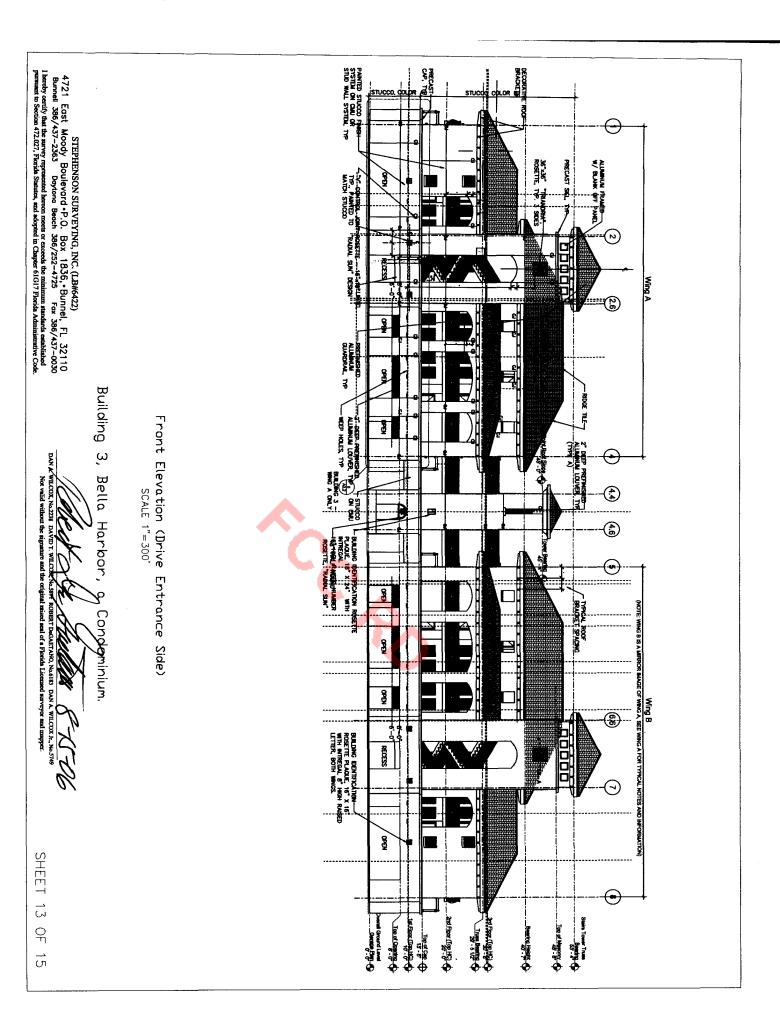












Book: 1476 Page: STEPHENSON SURVEYING, INC. (LB#6422)
4/721 East Moody Boulevard - P.O. Box 1835. Bunnel, FL 32110
Bunnell 386/437-2363 Dayton Beoch 386/252-4725 Fax 386/437-0030
Inberby certify that the survey represented bereon moets or exceeds the minimum stendards established pursuant to Section 4/72/027, Florida Stantes, and adopted in Chapter 61017 Florida Administrative Code. STAIRS BEYOND FLOOR SLAB WALKWAY 36"x36" TRIANDRIA". Building 3, Bella Harbor, a Right Elevation (Courtyard Side)
SCALE 1"=300" DAN A WILCOX, No. 2238 DAVID T. WIL Not valid without the signature of 也山曜日 Wing A IMAGE OF WAYS A SEE WAYS A FOR TYPICAL NOTES AND INFORMATION) THE ROOF SYSTEM, TYP. OI OI WEEP HOLES THE . 2° DEEP PREFINISHED AT FRIST FLOOR ALLMINIM LOWER, THE LEVEL Condominium. EAL TOMORETAMO, No. 6183 DAN A. WILCOX In., No. 5749 seal of a Florida Licensed surveyor and mapper. CAST STONE CAP

Too of Magory

May Pain Bool Stop MALL SYSTEM
WALL SYSTEM Overall Ground Level Top of Opening 1# Floor (Top HC) 2nd Floor (Top HC) 3rd Floor (Togg HC) Beering Height • ***** SHEET 14 OF

15

1476 64 Book: Page: A721 East Moody Boulevard + P.O. Box 18.36, • Bunnel, FL 32110 Bunnell 386/437–2363 Daytona Beach 386/252–4725 Fax 386/437–0030 Iberby certify that its survey represented herora nects or exceeds the minimum standards established pursuant to Section 472.027, Florida Statusa, and adopted in Chapter 61G17 Florida Administrative Code. STRUCTURAL MATESAS TIVIN Building 3, (NOTE: WING B IS A MIRROR MAGE OF WING A, SEE WING A FOR TYPICAL NOTES AND INFORMATION) 980 PARÁPET WALL WITH PARÁPED PRECAST CAP Bella Harbor, a DAN J. WILCOX, No.228 DAVID T. WILCOX, No.5871 DOBERT DOALFLAND, No.6183 DANA, WILCOX R., No.5749

Not walled without the signature and the original raised seal of a Florida Liconsed surveyor and mapper. Left Elevation SCALE 1"=300' -QUILARE OF GOLDE AT BLOC 3, WAS A ALLAMAN LOUVER WATER-OCCURS AND FOOTING DRAW DE ALLAMAN LOUVER DRAW DE ALLAMAN DE ALLA N340 Wing A 7 TILE SYSTEM, Condominium. 00000 36" "TRLANDRIA",
PINEAPPLE GROVE DESIGNS
30 BOOK (TOD HC) Top of Opening Mid-Point Poor! Store -PAINTED PRECAST CAP, TYP. 1st Elpor (Top HC) 20 - 0" 25.2 Beering Height Stairs Tower Trues
Bearing
53 - 4 Trues Bearing 29 - 5 1/2 SHEET 5

OF 15