

FILE NUM 20060545304 OR

BOOKPAGE

20883/0643 DATE: 09/22/2006 14:38:11 Pgs

AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE VILLAS AT EMERALD DUNES, A CONDOMINIUM TO ADD THE PROPOSED PHASE

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE VILLAS APEMERALD DUNES, A CONDOMINIUM TO ADD THE PROPOSED PHASE ("Amendment"), made this ______ day of ________, 2006, by THE VILLAS APEMERALD DUNES, LLC, a Florida limited liability company (hereinafter referred to as "Doveloper")

WHEREAS, pursuant to the Condominium Act, Chapter 718, Florida Statutes, as amended through the date of recordation of the "Declaration" (as hereinafter defined) ("Act"), the Developer has established The Villas at Emerald Dunes, a Condominium ("Condominium"), according to the Declaration of Condominium ("Declaration") thereoff recorded in Official Records Book 19924, Page 132, of the Public Records of Palm Beach County, Florida; and

WHEREAS, the Condominium is a "phase condominium", as contemplated by Section 718.403 of the Act and as set forth in the Declaration; and

WHEREAS, the Declaration provides for the submission to condominium ownership of the Initial Phase and also provides for submission to condominium ownership of the Proposed Phase, as described in the Declaration; and

WHEREAS, the Developer desires to add the Proposed Phase as part of the Condominium;

NOW, THEREFORE, the Developer, as the owner in fee simple of the real property constituting the Proposed Phase (the "Proposed Phase Land"), as hereinafter defined, hereby states and declares:

- 1. All terms used and not defined herein shall have their meaning as defined in the Declaration.
- 2. The real property constituting the Proposed Phase Land more particularly described on the legal description (attached hereto as Exhibit 1-B) and the Survey; Floor Plans; Plot Plan and Graphic Description of Improvements for the Proposed Phase (attached hereto as Exhibit 2-B) and the improvements located thereon, and all easements intended for use in connection with the Condominium are hereby submitted to condominium ownership and added as a part of the Condominium pursuant to Sections 6.6 and 23 of the Declaration. The Proposed Phase Land, together with improvements now or hereinafter located thereon and all appurtenances thereto, all as set forth on Exhibit 2-B attached hereto, shall constitute the Proposed Phase and the Proposed Phase Land shall constitute part of the Land under the Condominium. The attached Exhibits 1-B, 2-B and 3 shall be substituted for such exhibits as contained in the Declaration.
- 3. The share in the Common Elements of each Unit (which is the same share for the manner of sharing Common Expenses and owning Common Surplus), including Units in the Initial Phase of the Condominium shall be as reflected on attached Exhibit "3."
- 4. This Amendment shall become effective upon recording amongst the Public Records of Palm Beach County, Florida. The effect of this Amendment shall be that the Proposed Phase, together with the Initial Phase, shall be, and the same shall constitute, the Condominium.

IN WITNESS WHEREOF, the Deve on the day and year first above written.	eloper has hereunto set its hand and official seal
Signed in the presence of:	THE VILLAS AT EMERALD DUNES, LLC, a Florida limited liability company
Name: / Williams	By: The Villas at Emerald Dunes Corp., a Florida corporation, its sole managing member
Name: EUSS M. OND-VILLAMIR	Per:Allen B. Greenwald, President
	Aller Radioenwald, Fresident
	[CORPORATE SEAL]
AT EMERALD DUNES CORP., a Florida	acknowledged before me, this day of IR. GREENWALD, as President of THE VILLAS corporation and sole Managing Member of THE orida limited liability company. He is personally as identification. Name: Notary Public, State of Florida Commission No.: [NOTARIAL SEAL]
	Expires September 27 2008

JOINDER

THE VILLAS AT EMERALD DUNES 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 the Declaration as amended by the Amendment and Exhibits attached hereto.

ame: N MINAU. Mer R. Greenwald, President [CORPORATE SEAL]

STATE OF FLORIDA) : ss: COUNTY OF MIAMI-DADE)

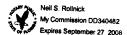
My Commission expires:

The foregoing joinder was acknowledged before me, this day of 200 b, by ALLEN R. GREENWALD, as President of THE VILLAS AT EMERALD DUNES CONDOMINIUM ASSOCIATION, INC., a Floring corporation not-for-profit, on behalf of said corporation. He/she (1) is personally known to me, or (1) produced

Name: Notary Public, State of Florida

Commission No.:_

[NOTARIAL SEAL]



{FG/202707.0055/M1515467_1/6/19/2006 12:02 PM}

MORTGAGEE'S JOINDER, CONSENT AND SUBORDINATION

THIS CONSENT is given as of the day of September, 2006, by Mellon United National Bank, a national banking association, located at 1111 Brickell Avenue, 30th Floor, Miami, Florida 33131 ("Mortgagee"), being the owner and holder of the mortgage described in, and as amended by, that certain Modification of Mortgage and Spreader Agreement recorded in Official Records Book 2088, Page 630 of the Public Records of Palm Beach County, Florida ("Mortgage") given by The Villas at Emerald Dunes, LLC, a Florida limited liability company ("Mortgagor").

Mortgagor has requested, and Mortgagee has agreed, to consent, in accordance with the provisions of Florida Statutes, Chapter 718, to the recording of the Amendment to Declaration of Condominium to add the Proposed Phase (the "Amendment") of The Villas at Emerald Dunes, a Condominium, recorded in Official Records Book 19924, Page 132 of the Public Records of Palm Beach County, Florida ("Declaration") and Mortgagee agrees that the Mortgage shall be subject and subordinate to the terms of the Declaration as amended by the Amendment on the terms described below.

Mortgagee makes no warranty or any representation of any kind or nature concerning the Declaration as amended by the Amendment, any of its terms or provisions, or the legal sufficiency thereof, and disavows any such warranty or representation as well as any participation in the development of The Villas at Emerald Dunes, a Condominium (the "Condominium"), and does not assume and shall not be responsible for any of the obligations or liabilities of the developer contained in the Declaration, as amended by the Amendment or the prospectus (or other documents issued in connection with the promotion of the Condominium). None of the representations contained in the prospectus 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. Except only as expressly provided in this Consent, this Consent does not affect or impair the rights and remedies of Mortgagee as set forth in the Mortgage or in the Declaration as amended by the Amendment.

Signed, sealed and delivered

in the presence of:

Print Name: Nancy Francy

Sign: Mulay Muses Print Name: MilAbass Ksoniau=7 MELLON UNITED NATIONAL BANK, a

national banking association

Name: Karen E. Richardson Title: Vice President

{FG/202707.0055/M1515377_2}

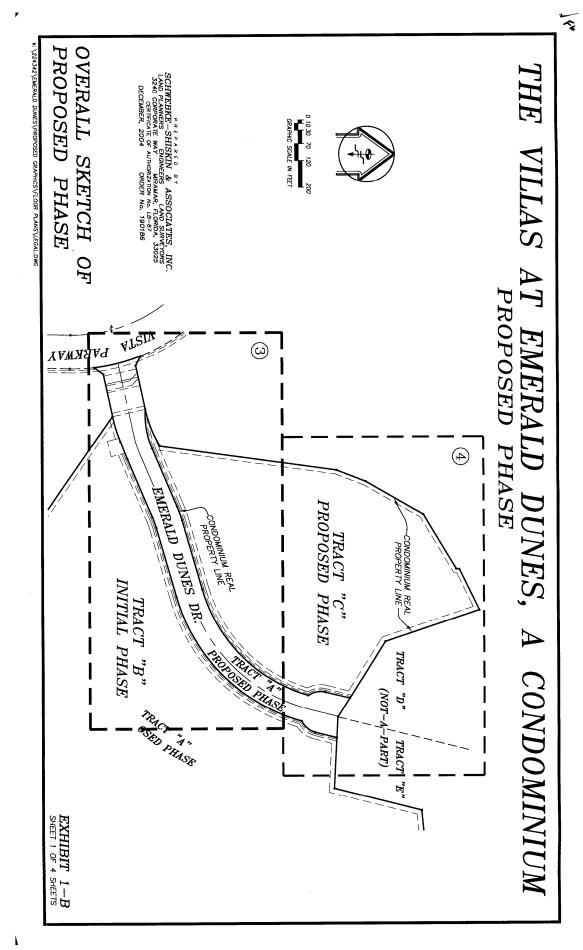
STATE OF FLORIDA	:
	: SS
COUNTY OF MIAMI-DADE	:
	was acknowledged before me this day of
<u>September</u>	, 2006, by Karen E. Richardson, as Vice President of
MELLON UNITED NATIONAL	BANK, a national banking association, on behalf of
the association. He/She is person	ally known to me or has produced a Florida driver's



license as identification.

(Print Name of Notary Public)
(NOTARIAL SEAL)
Notary Public - State of Florida
My commission expires
Commission Number

{FG/202707.0055/M1515377_2}



THE VILLAS AT EMERALD DUNES, PROPOSED PHASE CONDOMINIUM

PAGES 140 THROUGH 142 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN THE SOUTH 1/2 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. TRACT "A", "FAIRFIELD AT EMERALD DUNES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99, AT

TOGHETHER WITH

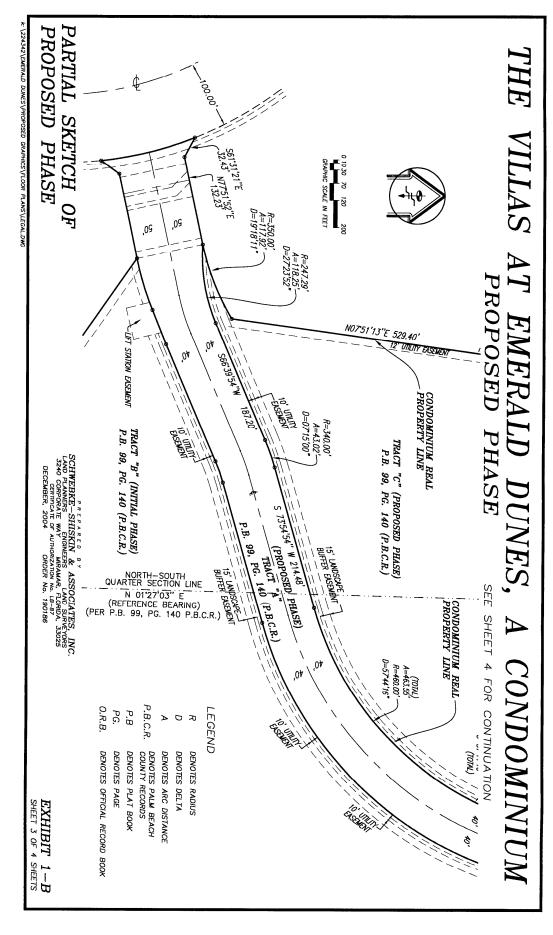
1/2 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. PAGES 140 THROUGH 142 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN THE SOUTH TRACT "C", "FAIRFIELD AT EMERALD DUNES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99, AT

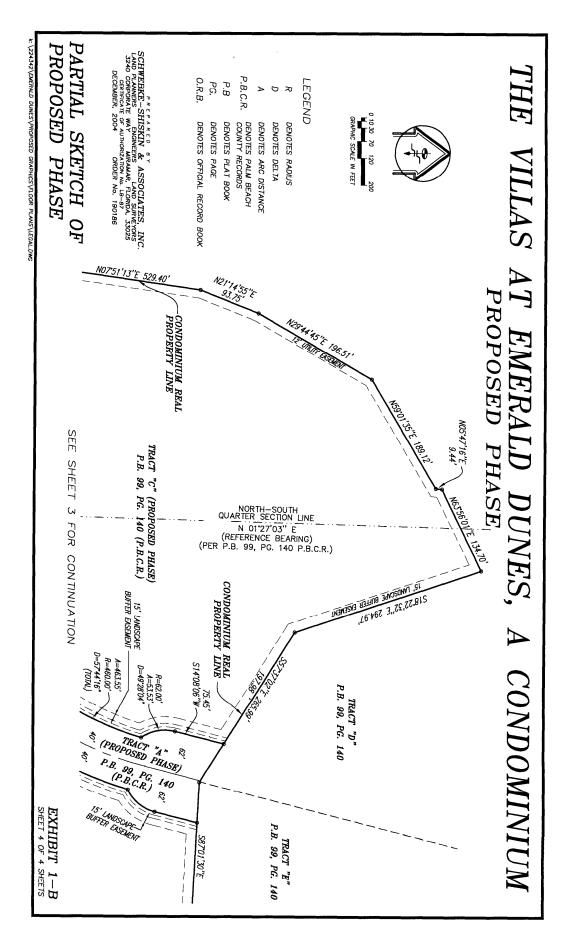
LEGAL DESCRIPTION
OF PROPOSED PHASE

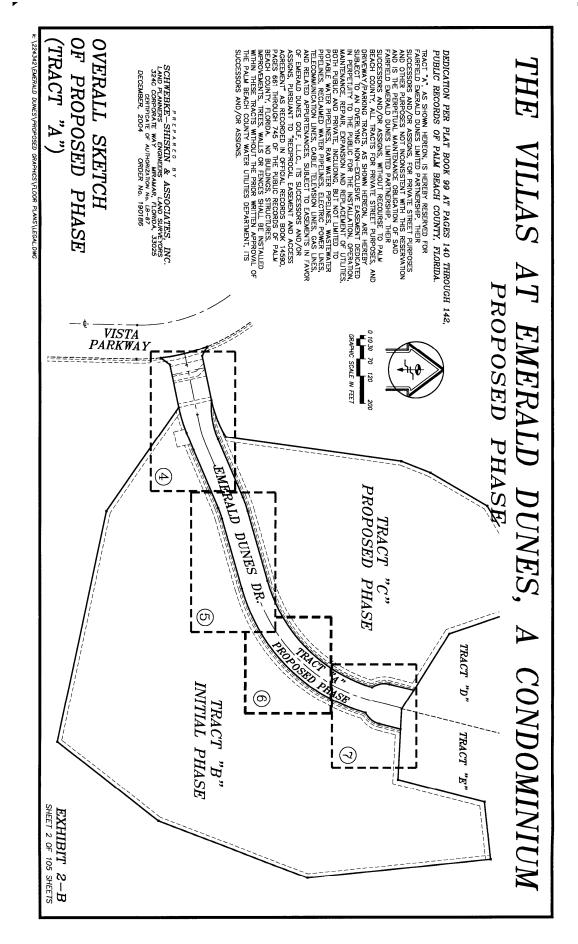
\224342\EMERALD DUNES\PROPOSED GRAPHICS\FLOOR PLANS\LEGAL.DWG

SCHWEBKE, SEPHISKIN & ASSOCIATES, J AND PLANNERS ENGNEERS LAND SURVEYO 340 OGREDARITE MY MIRAMAR, FLORIDA, 330 SERIFICATE OF AUTHORIZATION No. 18–87

EXHIBIT 1-B SHEET 2 OF 4 SHEETS







THE VILLAS AT EMERALD DUNES, PROPOSED PHASE CONDOMINIUM

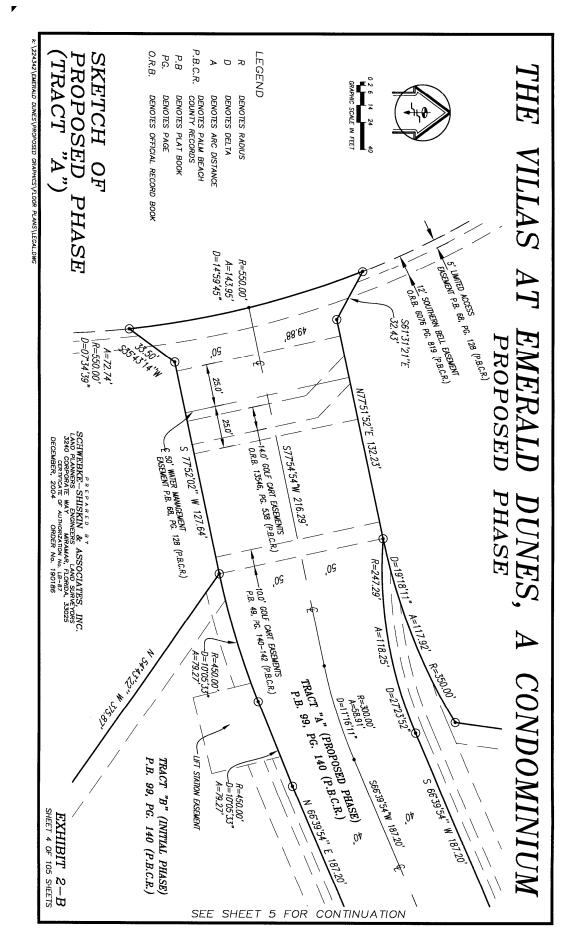
PAGE 140 TROUGHT 142, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLCRIDA, LYING AND BEING IN THE SOUTH TRACT "A", "FAIRFIELD AT EMERALD DUNES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99,

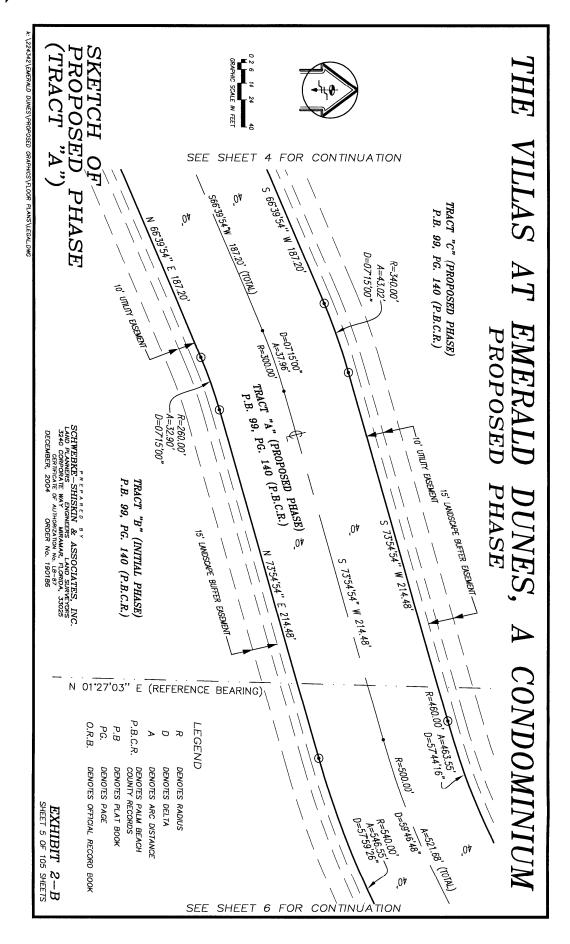
1/2 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

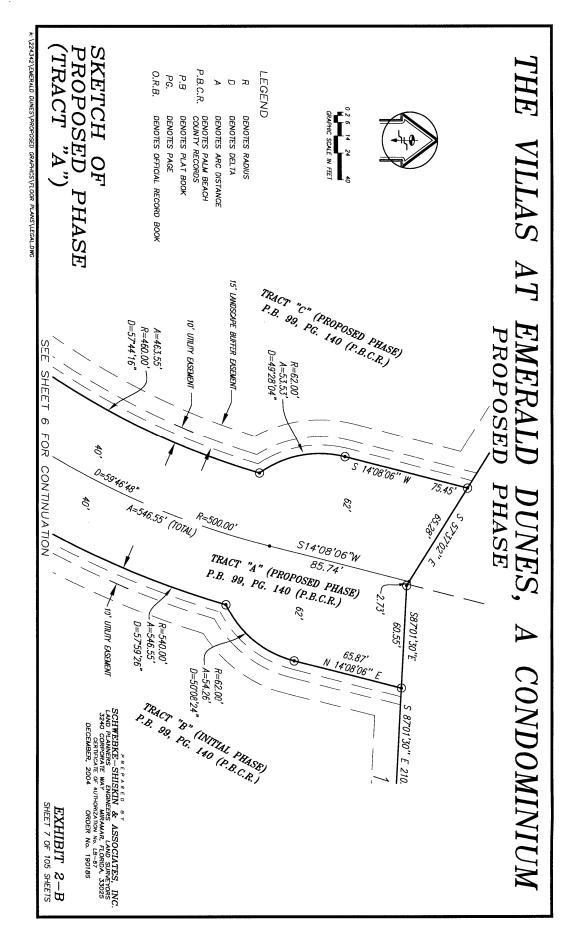
LEGAL DESCRIPTION OF PROPOSED PHASE (TRACT "A")

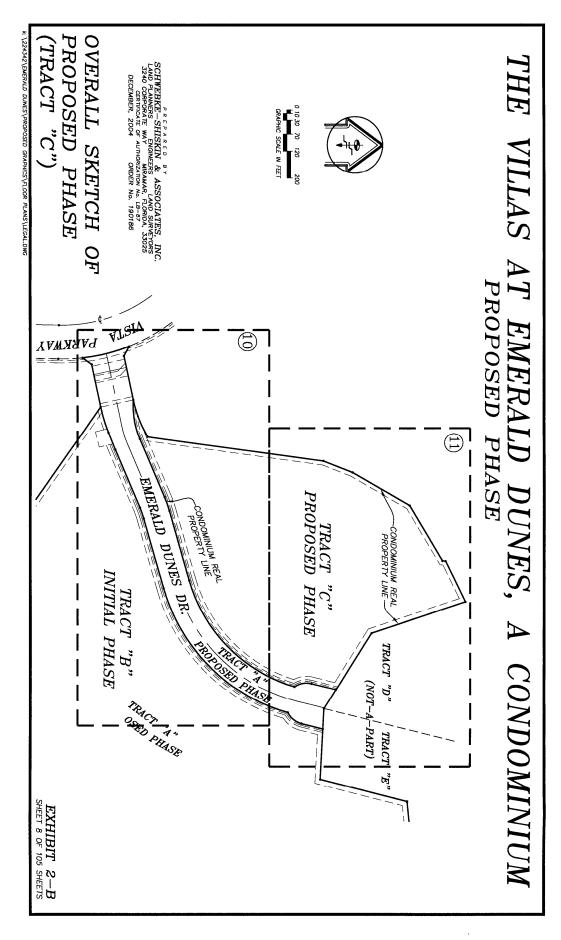
SCHWEBKE—SHISKIN & ASSOCIATES, LAND FLANNERS ENGINEERS LAND SURVE 3240 CORPORATE MY MIRAMAR, FLORIDA, SAND CERTIFICATE OF AUTHORIZATION NO. LB-87 DEFECTACE 2004

EXHIBIT 2-B SHEET 3 OF 105 SHEETS









THE VILLAS AT EMERALD DUNES, PROPOSED PHASE A CONDOMINIUM

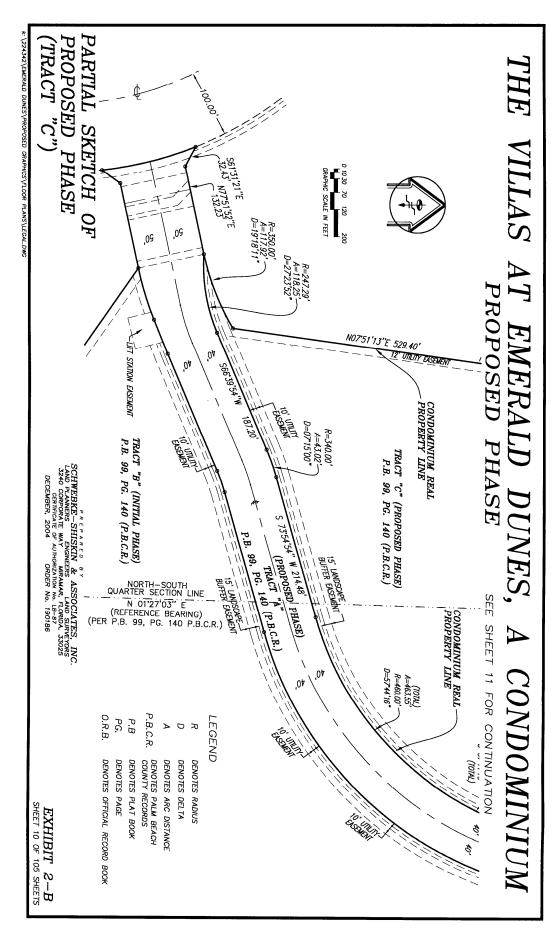
99, AT PAGES 140 THROUGH 142 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN THE SOUTH 1/2 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. TRACTS "A" AND "C", "FAIRFIELD AT EMERALD DUNES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK

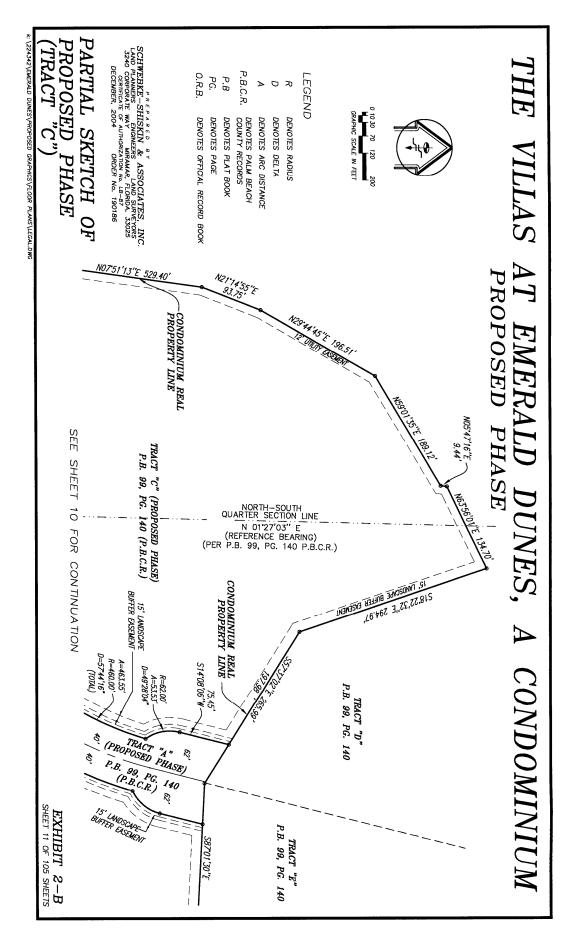
LEGAL DESCRIPTION OF PROPOSED PHASE (TRACT "C")

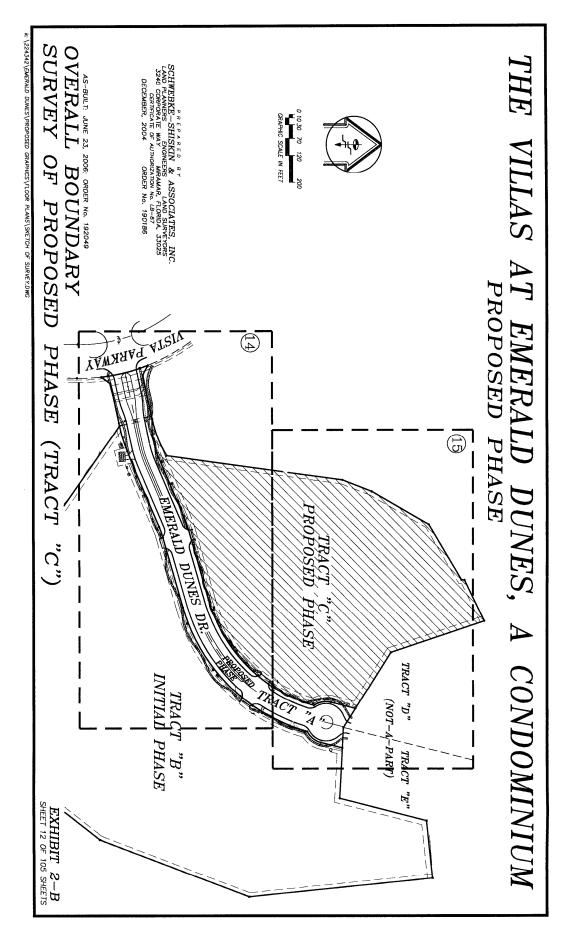
\224342\EMERALD DUNES\PROPOSED GRAPHICS\FLOOR PLANS\LEGAL.DWG

SCHWEBKE—SHISKIN & ASSOCIATES, J LAND PLANNERS ENGINEERS LAND SURFEYO 3240 CORPORATE MY MIRAMAR, FLORIDA, 330 DECEMBER, 2004 ORDER NO. 190186

EXHIBIT 2-B SHEET 9 OF 105 SHEETS







LEGAL DESCRIPTION 1/2 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. PAGES 140 THROUGH 142 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN THE SOUTH TRACT "C", "FAIRFIELD AT EMERALD DUNES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99, AT

:\224342\EMERALD DUNES\PROPOSED GRAPHICS\FLOOR PLANS\SKETCH OF SURVEY.DWG

OF PROPOSED PHASE

SCHWEBKE-SHISKIN & ASSOCIATES, INC.
LAND PLANNERS ENGINEERS LAND SURVEYORS
3240 CORPORATE WAY MIRAMAR, FLORIDA, 33025
CERTIFICATE OF AUTHORIZATION N. 18-87
DECEMBER, 2004 ORDER No. 190186

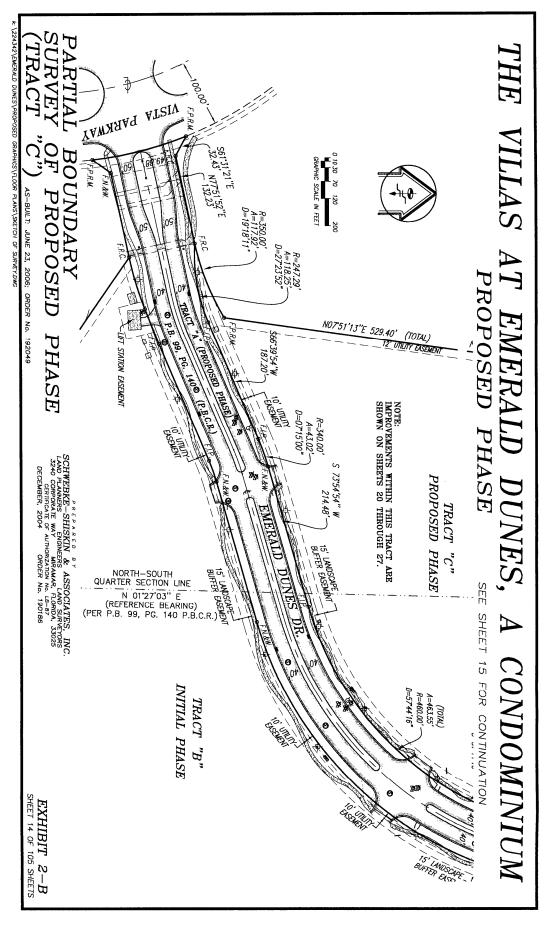
EXHIBIT 2—B SHEET 13 OF 105 SHEETS

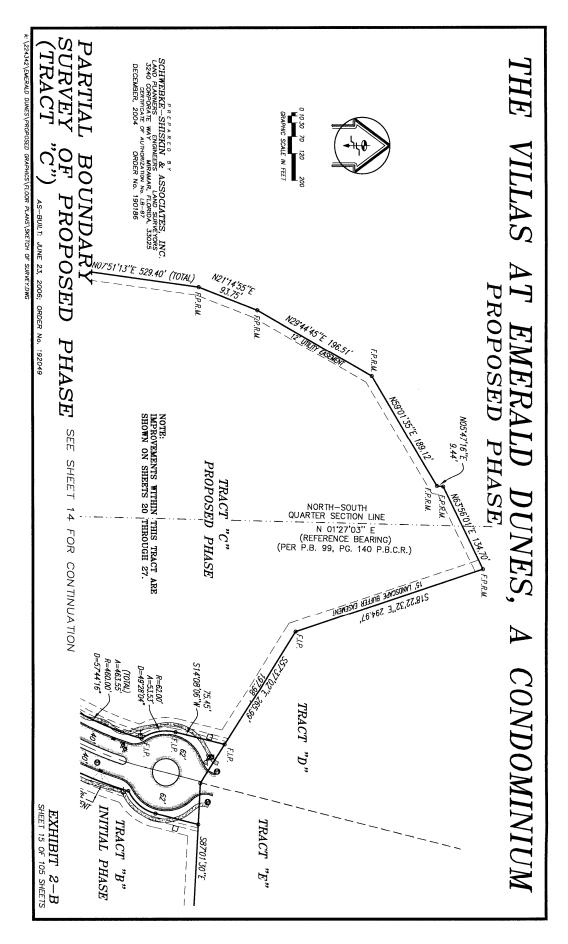
TRACT "C")

THE VILLAS AT EMERALD DUNES,

PROPOSED PHASE

A CONDOMINIUM





THE VILLAS AT EMERALD DUNES, PROPOSED PHASE CONDOMINIUM

TECEND:	JD:	 	DENOTES CENTER LINE
THEOREM	5.	# # F	DENOTES FOUND PERMANENT REFERENCE MINNIMENT
0	DENOTES SIGN	F.4	Principal of the second of the
Э	DENOTES SOUTHERN BELL MANHOLE	S.I.P.	DENOIES SET 1/2 IRON PIPE # LB-8/ CAP
9 (DENOTES GREASE TRAP MANHOLE	S.N.D.	DENOTES SET NAIL & DISC # LB-87
O	DENOTES F.P.L MANHOLE	S.D.H.	DENOTES SET DRILL HOLE
Γ,	DENOTES ANCHOR	F.R.C.	DENOTES FOUND REBAR & CAP
ф-	DENOTES LIGHT POLE	F.N.& W.	DENOTES FOUND NAIL & WASHER
-	DENOTES CONCRETE POWER POLE	P.B.	DENOTES PLAT BOOK
E		PG.	DENOTES PAGE
X	DENOIS MAIER MENE	O.R.B.	DENOTES OFFICIAL RECORDS BOOK
(# <u>K</u>	DENOIES WAIER MEIER	C.B.S.	DENOTES CONCRETE BLOCK STRUCTURE
q	DENOTES FIRE HYDRANT	E	DENOTES MEASURED
	DENOTES CATCH BASIN	(R)	DENOTES RECORD
Θ	DENOTES STORM DRAINAGE MANHOLE	Þø	DENOTES RADIUS
Ø	DENOTES SANITARY SEWER MANHOLE	A	DENOTES ARC LENGTH
00	DENOTES SANTARY SEWER CLEANOUT	D	DENOTES DELTA OF CURVE
2 0 (DENOTES SEWER SERVICE		DENOTES EXISTING CONCRETE
0	DENOTES GUARD POST		DENOTES EXISTING ASPHALT

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION. THIS SURVEY COMPUES WITH THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 61617-6, FLORIDA ADMINISTRATIVE CODE.

SCHWERKE-SHISKIN & ASSOCIATES, INC.

RONALD A. FRITZ, ASSISTANT VICE-PRESIDENT PROFESSIONAL LAND SURVEYOR No. 2767 STATE OF FLORIDA

SURVEYOR'S CERTIFICATION

\224342\EMERALD DUNES\PROPOSED GRAPHICS\FLOOR PLANS\NOTES AND LEGEND.DWG

ANDLEGEND as-built: June 23, 2006; Order No. 192049

NOTES:

- BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF N 01'27'03" E, ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, AS SHOWN ON THE HEREIN REFERENCED PLAT OF "FAIRFIELD AT EMERALD DÜNES".
- 2) LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
- 3) PROPERTY AS SHOWN HEREON CONTAINS: TRACT "C": 9.91± ACRES
- 4) UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
- 5) ORDERED BY: THE VILLAS AT EMERALD DUNES, L.L.C.
- 6) THIS BOUNDARY SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
- 8) VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND ITEMS. 7) PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD ZONE B, PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 120192 0 150A, OF MAP DATED FEBRUARY 1, 1979.
- 9) DISTANCES ALONG BOUNDARY OF SUBJECT PROPERTY ARE RECORD AND MEASURED UNLESS OTHERWISE STATED.
- 10) THIS SURVEY IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY THAT WOULD BE REFLECTED ON A SEARCH OF TITLE OF THE SUBJECT LANDS
- 11) THIS IS A "BOUNDARY SURVEY".

SCHWEBKE—SHISKIN
LAND PLANNERS ENGINEE
3240 CORPORATE WAY

THE PART BY ASSOCIATES, INC.

SKE-SHISKIN & ASSOCIATES, INC.

NUTERS LAND SURFCYORS

REDORATE WAY

MIRRAMAR, FLORIDA, 33025

REPERATE OF AUTHORIZATION NO. LB-87

SHEET 16 OF 105 SHEETS EXHIBIT 2-B

THE VILLAS AT EMERALDPROPOSED DUNES,PHASEA CONDOMINIUM

- 1) Elevations shown are average elevations to the interior undecorated finished surface of the floor and ceiling of the Unit (Horizontal Boundary).
- The Terrace/Balcony adjacent to a Unit is a Limited Common Element of the Unit to which it is appurtenant, subject to the provisions, conditions and restrictions of the Declaration of Condominium.
- 3) Elevations shown herein are subject to normal construction tolerances and are subordinate to the actual constructed limits of the Horizontal Boundary.
- 4) Areas within a Unit containing Conduits, Wiring, Ducts, Plumbing, Bearing Walls, Structural Supports and other such items serving Common Elements and/or other Units in addition to the Unit in which the area is located, together with the contents therein, regardless of location, constitute parts of the Common Elements to the exterior undecorated finish surface of said areas and have been omitted from this Exhibit 2—B for the purpose of graphical clarity.
- 5) All lands and all improvements within the Condominium Real Property Line, but not within a Unit (unless otherwise specified) or not designated as a Limited Common Element are parts of the Common Elements
- 6) Refer to the Declaration of Condominium of "THE VILLAS AT EMERALD DUNES, A CONDOMINIUM", to which this Exhibit 2—B is attached and made a part of, for further definitions and explanations of the various parts of the said Condominium.
- 7 Bearings shown herein for the Condominium Real Property Line Information are based on an assumed bearing of North 01 Degrees 27 Minutes 03 Seconds East, along the North—South Quarter Section line of Section 22, Township 43 South, Range 42 Eats, as shown on the plat of "FAIRFIELD AT EMERALD DUNES" as recorded in Plat Book 99 at Pages 140 through 142 of the Public Records of Palm Beach County, Florida.

SURVEYOR'S NOTES

::\224342\EMERALD DUNES\PROPOSED GRAPHICS\FLOOR PLANS\NOTES AND LEGEND.DWG

SCHWEBKE—SHISKIN & ASSOCIATES, INC LAND PLANNERS ENGINEERS LAND SURFEYORS 3240 CORPORATE WAY MIRAMAR, FLORIDA, 33025 CERTIFICATE OF AUTHORIZATION NO. LB—87 DECEMBER, 2004

EXHIBIT 2-B

THE VILLAS AT EMERALD PROPOSED PHASEDUNES, A CONDOMINIUM

- The subject property falls within Federal Flood Zone B, per the Federal Insurance Rate Map, Community Panel Number 120192 0 150A, dated February 1, 1979.
- 9 The Elevations shown herein refer to National Geodetic Vertical Datum of 1929 and are expressed in feet
- 10) This Exhibit 2—B is subject to all easements, rights—of—way, emcumbrances, restrictions, and/or any other matters which have not been reflected in this Exhibit 2—B but may be disclosed in a Search of Title of the Subject Property.
- 11) This Exhibit 2—B was compiled from graphical representation based on electronic media and architectural plans prepared by Marc Wiener, A.R.#0010416, entitled "Emerald Dunes Apartments" under Project Number 01196, Dated April 04, 2004, and received by this firm on October 10, 2004.
- 12) This Exhibit 2—B was ordered by THE VILLAS AT EMERALD DUNES, L.L.C.
- 13) The Garage attached to a Building which includes the Parking Space located directly in front of the Garage ("Attached Garage") (both designated with the prefix "A"), the Detached Garage (designated with the prefix "D"), the Parking Carport (designated with the prefix "C") and the Uncovered Parking Space (designated with the prefix "U"), as shown within this Exhibit 2—B, are Common Elements or Limited Common Elements subject to assignment in accordance with the provisions, conditions and restrictions of the Declaration of Condominium.
- 14) All capitalized terms used and not defined herein shall have the meaning attributed in the Declaration of Condominium

SCHWEBKE-SHISKIN & ASSOCIATES, INC.
LAND PLANNERS ENGINEERS LAND SURVEYORS
3240 CORPORATE MY MIRAMAR, FLORIDA, 33025
CERTIFICATE OF AUTHORIZATION No. 169-87
DECEMBER, 2004

EXHIBIT 2—B

\224342\EMERALD DUNES\PROPOSED GRAPHICS\FLOOR PLANS\NOTES AND LEGEND.DWG

