

RECORD AND RETURN TO:

Name: LEOPOLD, KORN & LEOPOLD, P.A.
Address: 20801 Biscayne Blvd., #501
Aventura, FL 33180

THIS INSTRUMENT PREPARED BY:

Name: GARY A. KORN, Esquire
LEOPOLD, KORN & LEOPOLD, P.A.
Address: 20801 Biscayne Blvd., #501
Aventura, FL 33180

CFN 20040155076
OR BK 16697 PG 1676
RECORDED 03/22/2004 12:29:11
Palm Beach County, Florida
Dorothy H Wilken, Clerk of Court

[Space above line reserved for recording office use]

AMENDMENT TO DECLARATION OF CONDOMINIUM

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM (the "Amendment") is made and entered into this 19th day of March, 2004 by HYPOLUXO COVE DEVELOPMENT LLC, a Florida limited liability company (the "Developer") and by HYPOLUXO'S MARINER'S CAY CONDOMINIUM ASSOCIATION, INC., f/k/a MARINER'S COVE OF HYPOLUXO CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association").

WITNESSETH:

WHEREAS, HYPOLUXO'S MARINER'S CAY f/k/a MARINER'S COVE OF HYPOLUXO, a Condominium (the "Condominium") was created by the recordation of the Declaration of Condominium (the "Declaration") for the Condominium on July 28, 2003 in Official Records Book 15590, at Page 1782 of the Public Records of Palm Beach County, Florida; and

WHEREAS, the Declaration was amended and modified by the Developer and by the Association pursuant to the terms and provisions contained within the Amendment to Declaration of Condominium dated August 18, 2003 (the "Amendment"), which Amendment was filed for record on September 16, 2003 in Official Records Book 15851, at Page 1349, of the Public Records of Palm Beach County, Florida; and

WHEREAS, in accordance with the terms and provisions of the Amendment, the Association became obligated to take all steps necessary to cause the Association to be named as the Obligor under each of the Bonds (as said term is defined within the Amendment) placed with, among other entities, the South Florida Water Management District; and

WHEREAS, the South Florida Water Management District, as a condition precedent to the Association being named as the Obligor under the Bond placed with the South Florida Water Management District requires that certain provisions relating to the South Florida Water Management District (the "South Florida Water Management District Provisions") be added to, and be incorporated within, the Declaration; and

WHEREAS, it was a scrivener's error not to have included the South Florida Water Management District Provisions within the Amendment, at the time of the execution and recordation of the Amendment; and

WHEREAS, the Developer and the Association have elected, pursuant to the provisions contained within Article VIII, Paragraph C of the Declaration, to correct the scrivener's error in not causing the South Florida Water Management District Provisions to be included within the Amendment, at the time of the execution and recordation of the Amendment;

NOW, THEREFORE, the Developer and the Association hereby amend the Declaration as follows:

1. The following provisions (i.e. the South Florida Water Management District Provisions) are hereby added to, and incorporated within, the Declaration:

Water Management and Drainage: It is acknowledged that the surface water management and drainage system for the Condominium Property is one integrated system and accordingly shall be deemed a common element of the Condominium, and an easement is hereby created over the Condominium Property for water drainage and for the installation and maintenance of the water

LEOPOLD, KORN & LEOPOLD, P.A.

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management and drainage system for the Condominium Property, provided however that such easement shall be subject to all improvements as may be constructed within the Condominium Property as permitted by controlling governmental authorities from time to time. The water management and drainage system of the Condominium Property shall be developed, operated, and maintained in conformance with the requirements of the South Florida Water Management District ("SFWMD"), or any controlling governmental authority. A copy of SFWMD Permit No. 50-04492-P (the "Permit") is attached hereto and made a part of the Declaration as Exhibit "G", and copies of the Permit and any future SFWMD actions shall be maintained by the Association's registered agent for the benefit of the Association. The Association shall maintain as a common expense of the Condominium the entire water management and drainage system for the Condominium Property, which may include but not be limited to all lakes, canals, swale areas, retention areas, culverts, pipes, pumps, catch basins, and related appurtenances, regardless of whether or not same are within the Condominium Property or are owned by the Association. Such maintenance shall be performed in conformance with the requirements of controlling governmental authority, and an easement for such maintenance is hereby created. Such maintenance responsibility on the part of the Association shall be deemed to include the maintenance of the banks of any lake or canal, and the maintenance of all landscaping within the Condominium Property which is a common element of the Condominium. The Association has the obligation to maintain any portion of the surface water management and drainage system for the Condominium Property which is owned and/or maintained by any controlling governmental authority, or which is outside of the Condominium Property. The Condominium Property shall be required to accept surface water drainage from any other property pursuant to the requirements of any controlling governmental authority, and in connection therewith the Association has the right, but not the obligation, to maintain any portion of the surface water management system for such other property reasonably required in connection with the maintenance or operation of the surface water management system for the Condominium Property. The SFWMD has the right to take enforcement action, including a civil action for an injunction and penalties against the Association to compel it to correct any outstanding problems with the surface water management system facilities or in mitigation or conservation areas under the responsibility or control of the Association. Any amendment to this Declaration which would adversely affect the surface water management systems, including the water management portions of the common elements of the Condominium, must have the prior approval of the SFWMD.

2. Except to the extent that the Declaration is amended and modified herein (and except to the extent that the Declaration has previously been amended and modified), each and every one of the terms and provisions contained within the Declaration shall remain unmodified and shall continue in full force and effect.

IN WITNESS WHEREOF, the Developer and the Association have executed this Amendment to Declaration of Condominium this 19th day of March, 2004.

Signed, sealed and delivered
in the presence of:

Print Name: Court A. Korn

Print Name: Elia Gonzalez

Print Name: Court A. Korn

Print Name: Elia Gonzalez

HYPOLUXO COVE DEVELOPMENT LLC, a Florida limited liability company

By: [Signature]
HARVEY BIRDMAN, Managing Member

Address: 307 South 21st Avenue
Hollywood, Florida 33020

HYPOLUXO'S MARINER'S CAY CONDOMINIUM ASSOCIATION, INC., f/k/a MARINERS COVE OF HYPOLUXO CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation

By: [Signature]
HARVEY BIRDMAN, President

Address: 307 South 21st Avenue
Hollywood, Florida 33020

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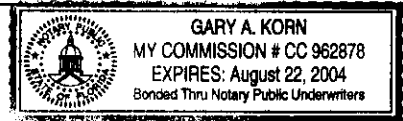
STATE OF FLORIDA)
):SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19th day of March, 2004, by HARVEY BIRDMAN, as Managing Member of HYPOLUXO COVE DEVELOPMENT LLC, a Florida limited liability company, who is personally known to me.

My Commission Expires: _____

Notary Public, State of Florida

Print Name: _____



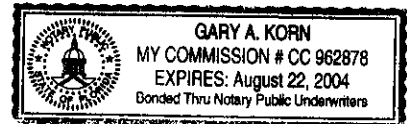
STATE OF FLORIDA)
):SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19th day of March, 2004, by HARVEY BIRDMAN, as President of HYPOLUXO'S MARINER'S CAY CONDOMINIUM ASSOCIATION, INC., f/k/a MARINER'S COVE OF HYPOLUXO CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation, who is personally known to me.

My Commission Expires: _____

Notary Public, State of Florida

Print Name: _____



NOT A CERTIFIED COPY

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**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 50-04492-P**

Form #0941
08/95

DATE ISSUED: January 20, 2000

PERMITTEE: HYPOLUXO COVE LIMITED PARTNERSHIP
65 N.W. 168TH STREET
NORTH MIAMI BEACH, FL 33169

PROJECT DESCRIPTION: A SURFACE WATER MANAGEMENT SYSTEM SERVING 16.11 ACRE(S) OF
RESIDENTIAL DEVELOPMENT KNOWN AS HYPOLUXO COVE.

PROJECT LOCATION: PALM BEACH COUNTY, SECTION 10 TWP 45S RGE 43E

PERMIT DURATION: Five years from the date issued to complete construction of the
surface water management system as authorized herein. See attached
Rule 40E-4.321. Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for
Permit Application No. 981209-13, dated December 9, 1998. This action is taken
pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

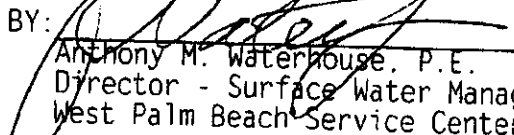
Based on the information provided, District rules have been adhered to and an
Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached General Conditions.
3. the attached 26 Special Conditions, and
4. the attached 21 Exhibit(s).

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 20th day of January, 2000, in accordance with Section 120.60(3), Florida Statutes.

BY: 
Anthony M. Waterhouse, P.E.
Director - Surface Water Management
West Palm Beach Service Center

Certified Mail No. Z 082 064 876

Enclosures