

REC FEE \$ 45.00 REC'D PAYMENT AS  
 DOC ST. \$ \_\_\_\_\_ INDICATED FOR CLASS  
 INT TAX \$ \_\_\_\_\_ "C" INTANGIBLE & DOC  
 SER. CHG. \$ 1.00 STAMP TAXES SIGNED  
 REFUND \$ \_\_\_\_\_  
 Clerk Circuit Court, Brevard Co., Florida *Accompanied* ✓

This instrument prepared by and return to Michael M. Wallis of Wolfe, Kirschenbaum & Mosley, P.A., P. O. Box 757, Cocoa Beach, FL 32931.

AMENDMENT TO DECLARATION OF CONDOMINIUM

BCS DEVELOPMENT CORPORATION, a Florida corporation, pursuant to the authority reserved in Article II and Article XIII of the Declaration of Condominium establishing BOARDWALK, A CONDOMINIUM, as recorded in Official Records Book 2542, Page 1603, as amended by Amendment recorded in Official Records Book 2545, Page 0092, as amended by Amendment recorded in Official Records Book 2558, Page 0834, and as amended by Amendment recorded in Official Records Book 2593, Page 0668, all of the Public Records of Brevard County, Florida, and The Florida Condominium Act hereby amends and expands said Declaration above described and submits the following described real property:

SEE SHEET 2 OF EXHIBIT E ATTACHED HERETO WHICH IS INCORPORATED  
 HEREIN BY REFERENCE

together with improvements thereon, containing one (1) three-story apartment building, having a total of twenty-four (24) units and other appurtenant improvements more specifically described in Exhibit F attached hereto and made a part hereof, to condominium ownership pursuant to the Florida Condominium Act, and hereby declares the same to be known and identified as BOARDWALK, A CONDOMINIUM.

BCS DEVELOPMENT CORPORATION, a Florida corporation further amends and expands said Declaration above-described to include and merge the common and limited common elements and easements of the property covered by this Amendment with the property in the original Declaration of Condominium described in Official Records Book 2542, Page 1603, as amended in Official Records Book 2545, Page 0092, as amended in Official Records Book 2558, Page 0834, and as amended in Official Records Book 2593, Page 0668, of the Public Records of Brevard County, Florida.

BCS DEVELOPMENT CORPORATION, a Florida corporation, amends Article II of the Declaration of Condominium by deleting the first and third paragraphs and substituting therefor the following first and third paragraphs:

II

SURVEY AND DESCRIPTION OF IMPROVEMENTS

A. Attached hereto and made a part hereof, and marked as Exhibit A consisting of twelve (12) pages, and Exhibit E consisting of nine (9) pages and Exhibit F consisting of nine (9) pages, are surveys of the land and graphic descriptions of the improvements in which apartments of Phase One, Phase Two and Phase Three are located, and plot plan thereof, identifying the apartments, the common elements and the limited common elements, and their respective locations and dimensions.

Said surveys, graphic descriptions and plot plans were prepared by:

ALLEN ENGINEERING, INC.  
 BY: John F. Van Lear, Jr.  
 Professional Land Surveyor  
 No. 3038, State of Florida

and have been certified in the manner required by the Florida Condominium Act. Each apartment is identified and designated by a specific number. No apartment bears the same numerical designation or other designation as any other apartment. Said specific numbers identifying each apartment are listed on Sheets 5 through 10 of Exhibit A, Sheets 5, 6 and 7 of Exhibit E, and Sheets 5, 6 and 7 of Exhibit F, to this Declaration of Condominium.

BCS DEVELOPMENT CORPORATION, a Florida corporation, amends Article III of the Declaration of Condominium by deleting one-sixty-ninth (1/69) throughout paragraph one and substituting one-ninety-third (1/93) therefor.

BCS DEVELOPMENT CORPORATION, a Florida corporation, amends Article IV of the Declaration of Condominium by deleting the first sentence in the paragraph and substituting therefor:

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The apartments of the condominium consist of that volume of space which is contained within the decorated or finished exposed interior surfaces of the perimeter walls, floors (excluding carpeting and other floor coverings) and ceiling of the apartments, the boundaries of which are more specifically shown on Sheets 5 through 10 of Exhibit A, Sheets 5, 6 and 7 of Exhibit E, and Sheets 5, 6 and 7 of Exhibit F, attached hereto.

BCS DEVELOPMENT CORPORATION, a Florida corporation, amends XIV of the Declaration of Condominium by deleting one-sixty-ninth (1/69) from paragraph four and substituting one-ninety-three (1/93) therefor.

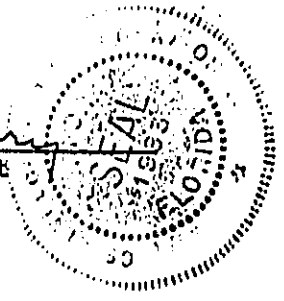
IN WITNESS WHEREOF, the above stated Developer has caused these presents to be signed and sealed this 5<sup>th</sup> day of November, 1985.

Signed, sealed and delivered  
in the presence of:

BCS DEVELOPMENT CORPORATION

Michael Wallis

BY: Richard E. Biery  
Richard E. Biery, President



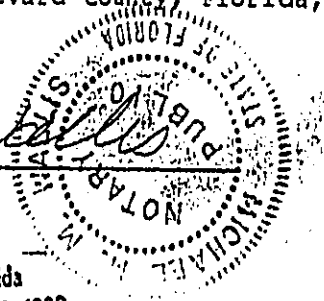
Sharon M. MacEntee

STATE OF FLORIDA  
COUNTY OF BREVARD

I HEREBY CERTIFY, that on the 5<sup>th</sup> day of November, 1985, before me, personally appeared, RICHARD E. BIERY, President of BCS DEVELOPMENT CORPORATION, a Florida corporation, to me known to be the person described in and who executed the foregoing and acknowledged the execution thereof to be his free act and deed as such officer for the purposes therein mentioned, and that he affixed thereto the official seal of said corporation and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Cocoa Beach, Brevard County, Florida, the day and year last aforesaid.

Michael Wallis  
Notary Public



My Commission Expires: \_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires Sept. 24, 1989  
Created by Notary Public, State of Florida

0009r

SURVEYOR'S CERTIFICATE  
FOR  
BOARDWALK, A CONDOMINIUM  
PHASE THREE

STATE OF FLORIDA  
COUNTY OF BREVARD

BEFORE ME, THE UNDERSIGNED AUTHORITY DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED JOHN F. VAN LEAR, JR., BY ME WELL KNOWN, AND KNOWN TO ME TO BE THE PERSON HEREINAFTER DESCRIBED, WHO AFTER BEING BY ME FIRST DULY CAUTIONED AND SWORN, DEPOSES AND SAYS ON OATH AS FOLLOWS, TO-WIT:

I HEREBY CERTIFY THAT THE CONSTRUCTION OF THE IMPROVEMENTS SHOWN AND DESCRIBED ON THE ATTACHED EXHIBIT "F" IS SUBSTANTIALLY COMPLETE SO THAT THE MATERIAL DESCRIBED AND SHOWN ON THE ATTACHED EXHIBIT "F" TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM ESTABLISHING BOARDWALK, A CONDOMINIUM PHASE THREE IS AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS, AND THAT THE IDENTIFICATION, LOCATIONS AND DIMENSIONS OF THE COMMON ELEMENTS AND OF EACH UNIT CAN BE DETERMINED FROM THESE MATERIALS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL, THIS 15TH DAY OF JULY, 1985 A.D.

ALLEN ENGINEERING, INC.

BY: John F. Van Lear, Jr.  
JOHN F. VAN LEAR, JR.  
PROFESSIONAL LAND SURVEYOR  
NO. 3038, STATE OF FLORIDA

SWORN TO AND SUBSCRIBED BEFORE ME  
AS TO "JOHN F. VAN LEAR, JR." THIS  
15TH DAY OF JULY, 1985 A.D.

Blonia S. M. Leroy  
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES: AUGUST 23, 1985

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EXHIBIT "F" (PAGE)

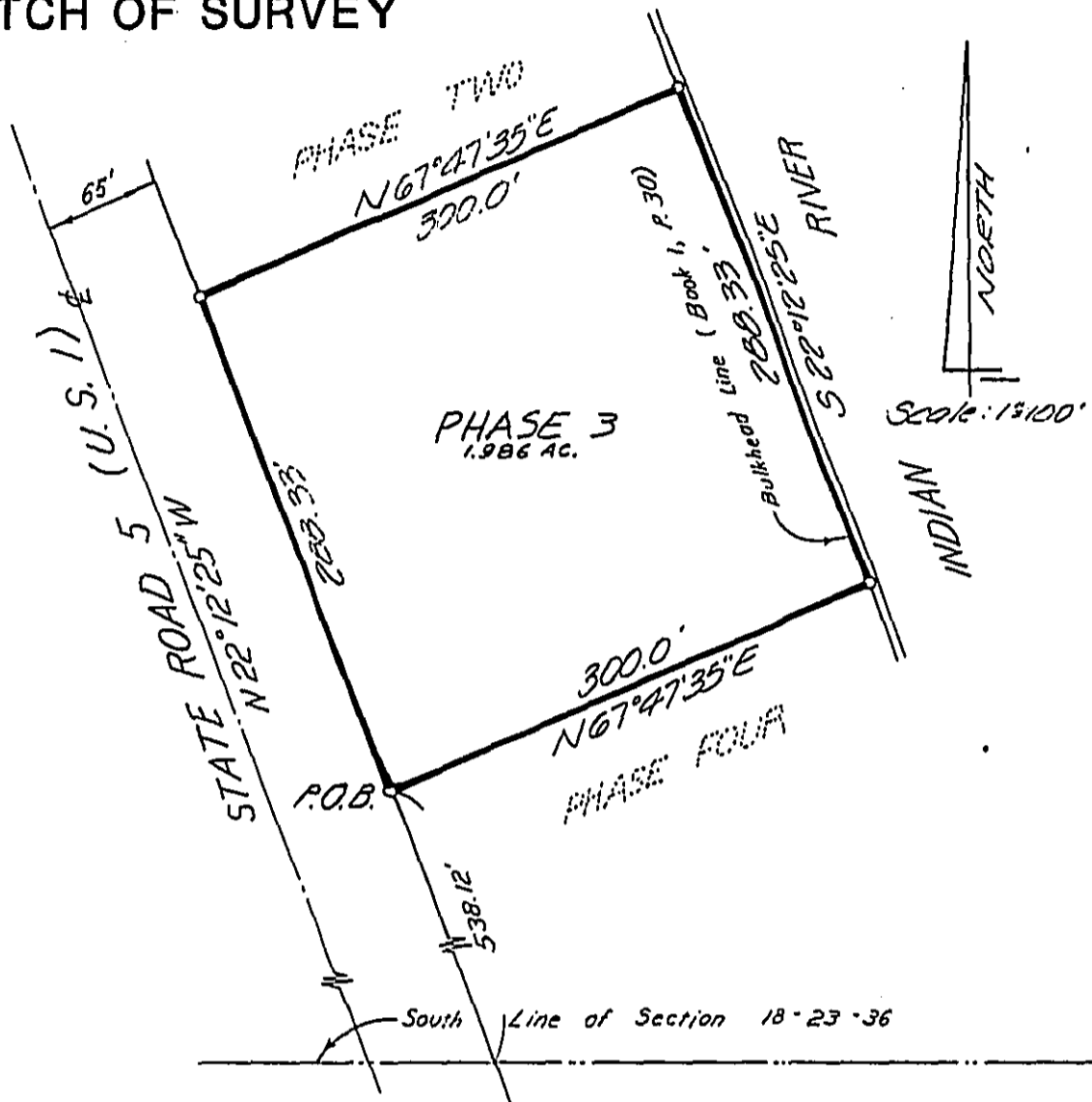
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SHEET 1

# BOARDWALK, A CONDOMINIUM

## PHASE THREE

### SKETCH OF SURVEY



#### LEGAL DESCRIPTION PHASE 3

A PARCEL OF LAND LYING IN FRACTIONAL SECTION 18, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 18, WITH THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 5 (HIGHWAY 1) AS SAID RIGHT OF WAY EXISTED ON DECEMBER 18, 1956; THENCE RUN N22°12'25"W ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 538.12 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N22°12'25"W ALONG SAID EASTERLY RIGHT OF WAY FOR 288.33 FEET; THENCE RUN N67°47'35"E FOR 300.00 FEET TO A POINT ON THE BULKHEAD LINE AS SHOWN IN BULKHEAD LINE BOOK 1 AT PAGE 30 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S22°12'35"E ALONG SAID BULKHEAD LINE FOR 288.33 FEET; THENCE RUN S67°47'35"W FOR 300.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 1.986 ACRES MORE OR LESS.

**NOTE:**

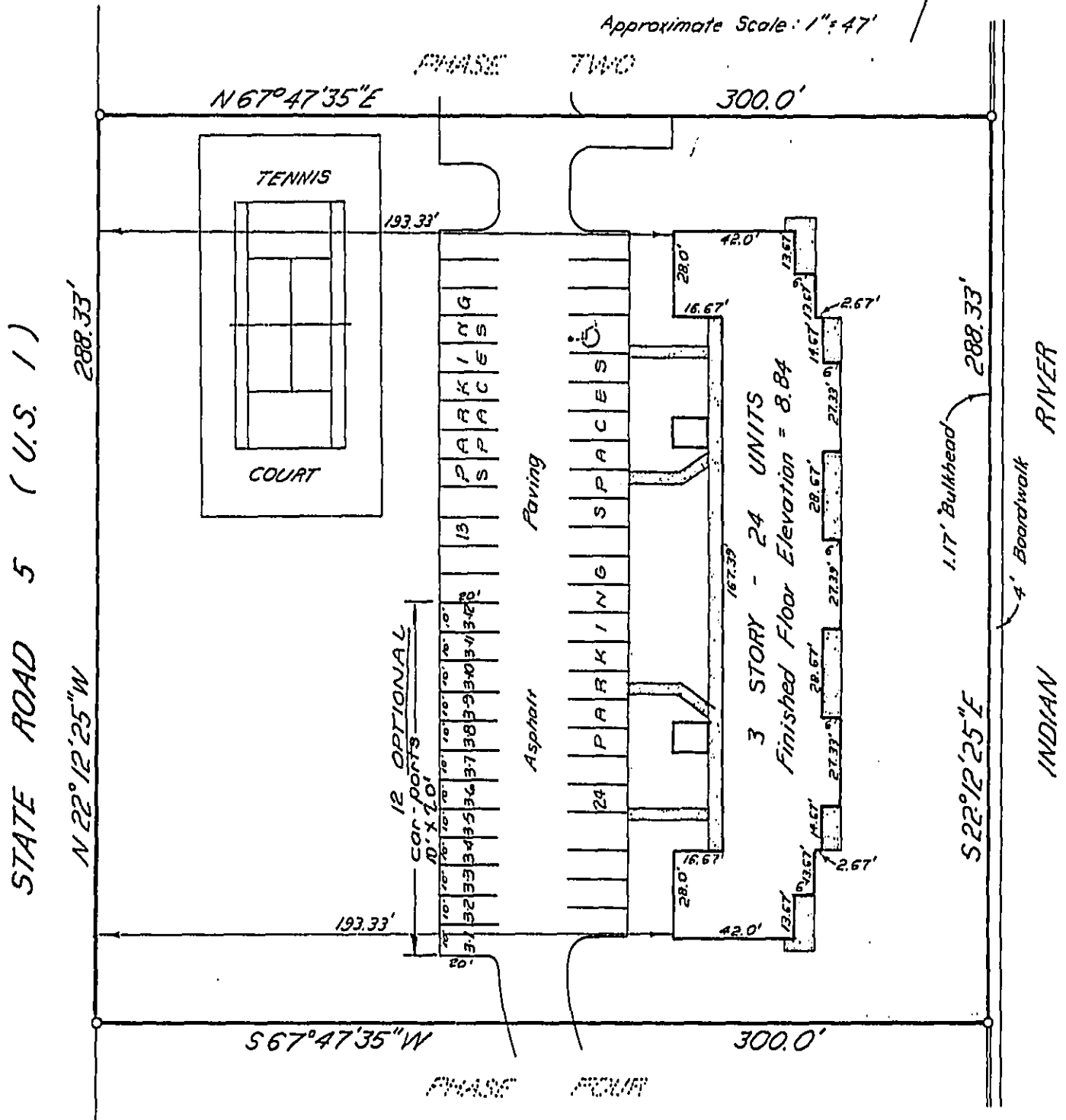
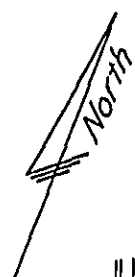
SEE SHEET 4 FOR THE SURVEYOR'S CERTIFICATION.

# BOARDWALK, A CONDOMINIUM

## PHASE THREE

### GRAPHIC PLOT PLAN

Approximate Scale: 1" = 47'



NOTE:

SEE SHEET 4 FOR SURVEYOR'S NOTES CONCERNING THIS GRAPHIC PLOT PLAN.

# BOARDWALK, A CONDOMINIUM

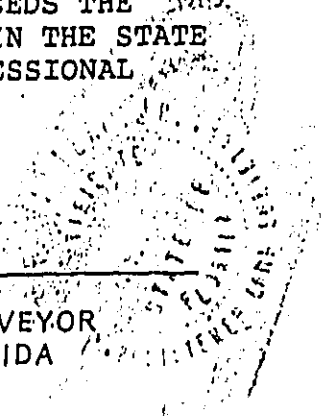
## PHASE THREE

### SURVEYOR'S NOTES:

1. BOARDWALK, A CONDOMINIUM, PHASE THREE SHALL CONTAIN 24 UNITS IN ONE 3-STORY BUILDING. SAID BUILDING IS APPROXIMATELY 33 FEET IN HEIGHT.
2. THE BALANCE OF THE IMPROVEMENTS IN PHASE THREE SHALL CONSIST OF DRIVEWAYS, PARKING AREAS, WALKWAYS, A TENNIS COURT, AND OPEN AREAS.
3. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS. SOME AREAS SUCH AS PATIOS AND BALCONIES ARE COMMON ELEMENTS LIMITED TO THE USE OF CERTAIN UNITS. REFER TO THE FLOOR PLANS FOR THE LOCATION AND SIZE OF THESE LIMITED COMMON ELEMENTS.
4. THIS GRAPHIC PLOT PLAN WAS PREPARED BY ALLEN ENGINEERING, INC.
5. THE ELEVATIONS SHOWN ARE BASED ON N.G.V. DATUM OF 1929.
6. THE CARPORTS SHOWN ON SHEET 3 MAY BE CONSTRUCTED AT THE OPTION OF THE DEVELOPER. THE DEVELOPER IS NOT REQUIRED TO CONSTRUCT THESE CARPORTS, IN THE EVENT THAT SAID CARPORTS ARE CONSTRUCTED, THEIR USE, MAINTENANCE AND REPAIR SHALL BE GOVERNED BY THE DECLARATION OF CONDOMINIUM.

### CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF SURVEY IS A TRUE REPRESENTATION OF AN ACTUAL SURVEY MADE ON THE GROUND. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS ADOPTED BY THE DEPARTMENT OF PROFESSIONAL REGULATION, BOARD OF LAND SURVEYORS.

  
*John F. Van Lear, Jr.*  
JOHN F. VAN LEAR, JR.  
PROFESSIONAL LAND SURVEYOR  
NO. 3038, STATE OF FLORIDA

ALLEN ENGINEERING, INCOFF: REC.  
COCOA BEACH, FLORIDA  
REVISED JULY 15, 1985 2647

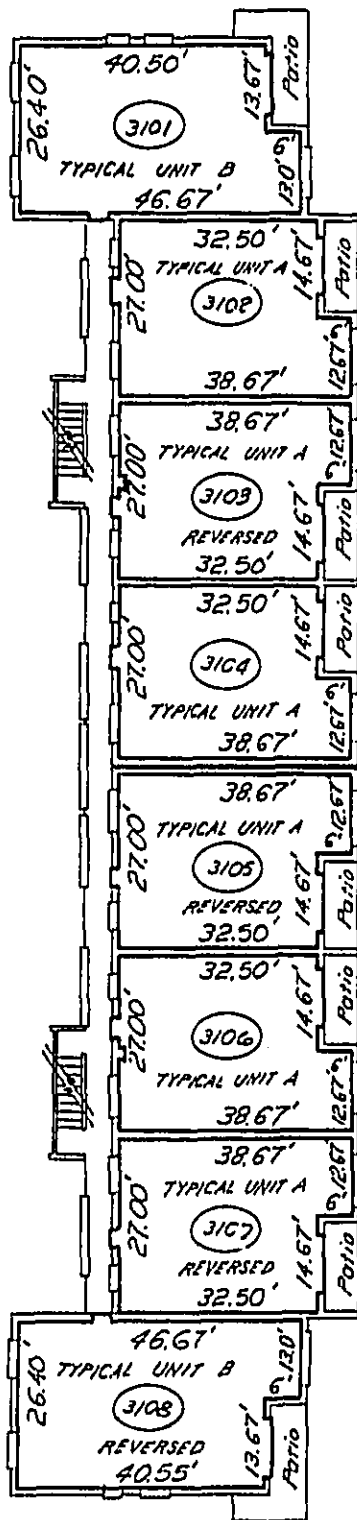
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EXHIBIT "F" 2408

SHEET 4

# BOARDWALK, A CONDOMINIUM

## PHASE THREE



### FIRST FLOOR PLAN

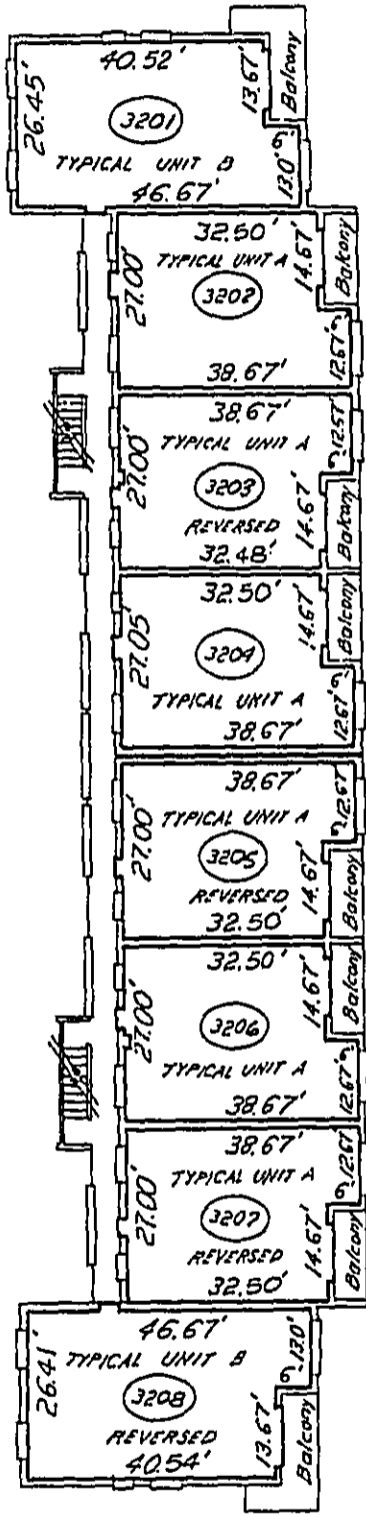
#### SURVEYOR'S NOTES:

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 8.84 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 16.84 FEET.
3. (3101) INDICATES THE UNIT NUMBER DESIGNATION.
4. ——— INDICATES THE LIMITS OF THE UNIT.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE PATIOS SHOWN ARE COMMON ELEMENTS OF THE CONDOMINIUM WHOSE USE IS LIMITED TO THE ADJACENT UNIT.
7. THE ELEVATIONS SHOWN ARE BASED ON N.G.V. DATUM OF 1929.
8. SEE SHEETS 8 AND 9 FOR TYPICAL UNIT PLANS.

BUILDING NO. 3

# BOARDWALK, A CONDOMINIUM

## PHASE THREE



### SECOND FLOOR PLAN

SURVEYOR'S NOTES:

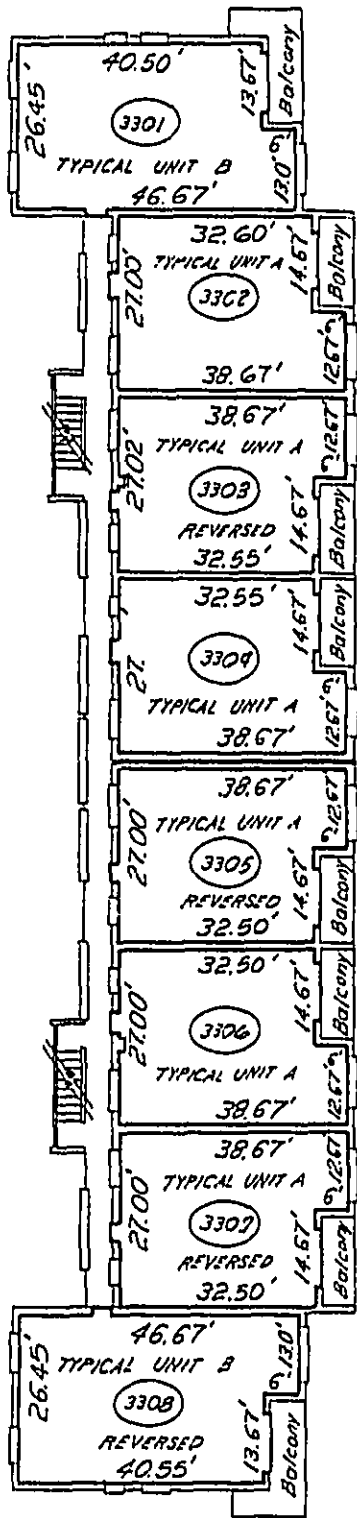
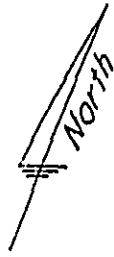
1. THE SECOND FLOOR FINISHED FLOOR ELEVATION IS 17.51 FEET.
2. THE SECOND FLOOR FINISHED CEILING ELEVATION IS 25.51 FEET.
3. (320x) INDICATES THE UNIT NUMBER DESIGNATION.
4. ——— INDICATES THE LIMITS OF THE UNIT.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE PATIOS SHOWN ARE COMMON ELEMENTS OF THE CONDOMINIUM WHOSE USE IS LIMITED TO THE ADJACENT UNIT.
7. THE ELEVATIONS SHOWN ARE BASED ON N.G.V. DATUM OF 1929.
8. SEE SHEETS 8 AND 9 FOR TYPICAL UNIT PLANS.

BUILDING NO. 3



# BOARDAWK, A CONDOMINIUM

## PHASE THREE



### THIRD FLOOR PLAN

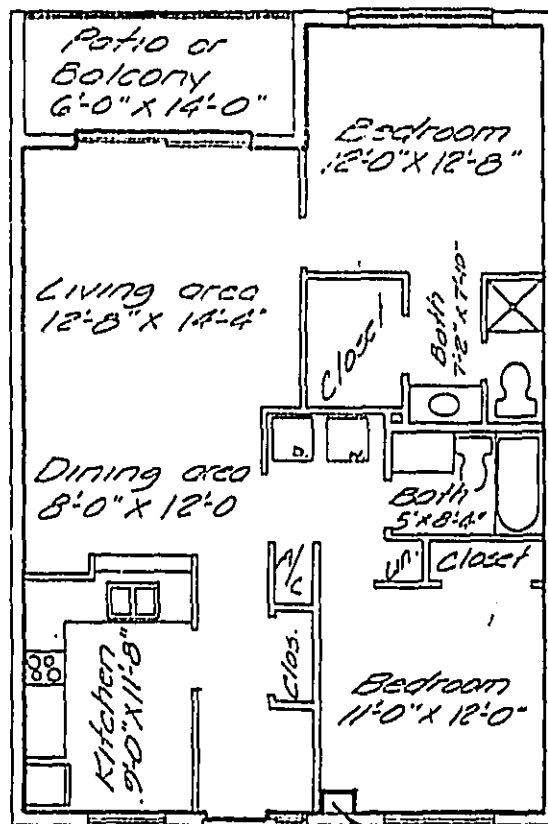
#### SURVEYOR'S NOTES:

1. THE THIRD FLOOR FINISHED FLOOR ELEVATION IS 26.17 FEET.
2. THE THIRD FLOOR FINISHED CEILING ELEVATION IS 34.17 FEET.
3. **3302** INDICATES THE UNIT NUMBER DESIGNATION.
4. ——— INDICATES THE LIMITS OF THE UNIT.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE PATIOS SHOWN ARE COMMON ELEMENTS OF THE CONDOMINIUM WHOSE USE IS LIMITED TO THE ADJACENT UNIT.
7. THE ELEVATIONS SHOWN ARE BASED ON N.G.V. DATUM OF 1929.
8. SEE SHEETS 8 AND 9 FOR TYPICAL UNIT PLANS.

BUILDING NO. 3

# BOARWALK, A CONDOMINIUM


## PHASE THREE



Plumbing Chase.

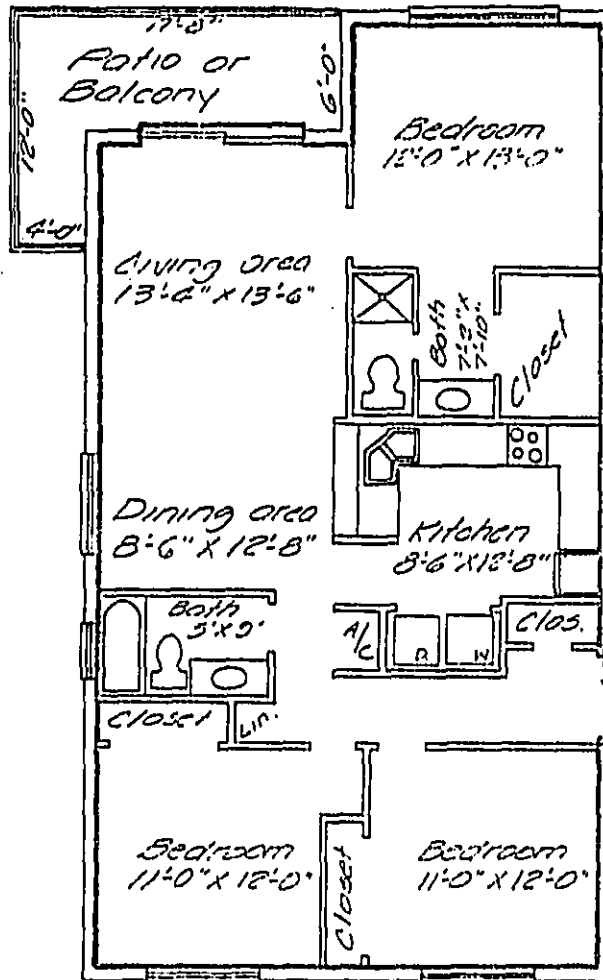
### TYPICAL UNIT "A"

#### SURVEYOR'S NOTES:

1. THIS UNIT IS TYPICAL OF SOME OF THE UNITS WITHIN THE CONDOMINIUM. SEE THE BUILDING FLOOR PLANS FOR ITS LOCATION WITHIN THE BUILDING.
2.  INDICATES THE LIMITS OF THE UNIT.
3. ALL AREAS NOT INCLUDED IN THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
4. SOME UNITS MAY BE REVERSED OR A MIRROR IMAGE OF THE UNITS SHOWN.
5. THE PATIO OR BALCONY IS A COMMON ELEMENT WHOSE USE IF LIMITED TO THE ADJACENT UNIT.
6. STAND PIPE PLUMBING CHASE IN ROOMS 3103, 3106, 3203, 3206, 3303 AND 3306. PLUMBING CHASE NO INCLUDED IN LIMITS OF EACH UNIT.

# BOARDWALK, A CONDOMINIUM

## PHASE THREE



TYPICAL UNIT "B"

SURVEYOR'S NOTES:

1. THIS UNIT IS TYPICAL OF SOME OF THE UNITS WITHIN THE CONDOMINIUM. SEE THE BUILDING FLOOR PLANS FOR ITS LOCATION WITHIN THE BUILDING.
2. ——— INDICATES THE LIMITS OF THE UNIT.
3. ALL AREAS NOT INCLUDED IN THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
4. SOME UNITS MAY BE REVERSED OR A MIRROR IMAGE OF THE UNIT SHOWN.
5. THE PATIO OR BALCONY IS A COMMON ELEMENTS WHOSE USE IS LIMITED TO THE ADJACENT UNIT.