

87063157

This instrument prepared by
PETER M. HODKIN, ESQ.
4901 N.W. 17th Way, Ste. 504
Ft. Lauderdale, FL 33309

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF
MIDDLE RIVER HOMES, A CONDOMINIUM

WHEREAS, the Declaration of Condominium (hereinafter "Declaration") and related exhibits of MIDDLE RIVER HOMES, A CONDOMINIUM were filed for record in the Public Records of Broward County, Florida in Official Records Book 13327, at Page 1, and subsequent pages, on the 15th day of April, 1986; and

WHEREAS, Developer executed the First and Second Amendments to the Declaration which were filed on May 27, 1986 and June 25, 1986, respectively, in Official Records Book 13425, at Page 778 and Official Records Book 13593, at Page 98, respectively, of the Public Records of Broward County, Florida; and

WHEREAS, Developer executed the Third Amendment to the Declaration which was filed on November 6, 1986 in Official Records Book 13882, at Page 251 of the Public Records of Broward County, Florida, which Third Amendment added the Phase II Lands and Improvements to the Condominium; and

WHEREAS, Developer executed the Fourth Amendment to the Declaration which was filed on November 19, 1986 in Official Records Book 13917, at Page 897 of the Public Records of Broward County, Florida; and

WHEREAS, at the time of filing of the Third Amendment, a Surveyor's Certification in accordance with Section 718.104(e), Florida Statutes, was recorded in connection with Exhibit "I" to said Third Amendment in the Public Records of Broward County, Florida, indicating that certain of the buildings containing Units and related improvements in Phase II were substantially completed and that other Units were proposed; and

WHEREAS, at the present time, the construction of additional building(s) and Units in MIDDLE RIVER HOMES, A CONDOMINIUM, Phase II have been substantially completed, to wit: Building Nos. 800 and 2925, all as more particularly depicted in the exhibit attached hereto (the "Substitute As Built Survey for Phase II"); and

WHEREAS, in accordance with its rights pursuant to Section 718.104(4)(e), Florida Statutes, and Section 718.110(2), Florida Statutes, TD ASSOCIATES, a Florida general partnership and record fee simple titleholder to the real property of the Condominium (the "Developer") desires to modify Exhibit "I" to the Third Amendment by substituting the Substitute As Built Survey for

Received and Return to:
PETER M. HODKIN, ESQ.
Hodkin & Levine, P.A.
4901 N.W. 17th Way, Ste. 504

FL. HODKIN & LEVINE, 33309 SPECTRUM BUILDING • SUITE 504 • 4901 N.W. 17TH WAY • FORT LAUDERDALE, FLORIDA 33309 • (305) 493-8100

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REC 1416 PAGE 373

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Phase II attached hereto pursuant to and in accordance with the Condominium Act of the State of Florida.

NOW THEREFORE, pursuant to the Condominium Act of the State of Florida, TD ASSOCIATES, does hereby modify Exhibit "I" to the Declaration by substituting the attached Substitute As Built Survey for Phase II, the same being a survey, plot plan and graphic description of all of the as built improvements, prepared by a surveyor authorized to practice in the State of Florida, with the appropriate Certificate of Surveyor attached thereto.

IN WITNESS WHEREOF, TD ASSOCIATES, a Florida general partnership, has caused these presents to be signed by its general partners this 30th day of January, 1987.

TD ASSOCIATES, a Florida
general partnership

Signed, sealed and delivered
in the presence of:

BY: M R Homes, Inc., a Florida
corporation; general
partner

By: Charles E. Tyler
CHARLES E. TYLER, President

(SEAL)

AND

By: Pine Valley of Palm Beach,
Inc., a Florida
corporation; general
partner

By: Abe Dick
ABE DICK, President

(SEAL)

STATE OF FLORIDA)
)SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day personally appeared before me CHARLES E. TYLER, President of M R HOMES, INC., a Florida corporation and general partner of TD ASSOCIATES, a Florida general partnership, to me known to be the person who signed the foregoing Amendment to Declaration, on behalf of such corporation, acting on behalf of such partnership and he acknowledged the execution thereof to be his free act and deed as such officer for the uses and purposes therein mentioned, that he affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation and said partnership.

WITNESS my hand and official seal at the state and county
last above written, this 31 day of January, 1987.

James M. Smith
Notary Public
State of Florida at Large 01

My commission expires:

Notary Public, State of Florida
My Commission Expires Nov. 20, 1988
Bonded thru TFC Insurance, Inc.

STATE OF FLORIDA)
)SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day personally appeared before
me ABE DICK, President of PINE VALLEY OF PALM BEACH, INC., a
Florida corporation and general partner of TD ASSOCIATES, a
Florida general partnership, to me known to be the person who
signed the foregoing Amendment to Declaration, on behalf of such
corporation, acting on behalf of such partnership and he
acknowledged the execution thereof to be his free act and deed as
such officer for the uses and purposes therein mentioned, that he
affixed thereto the official seal of said corporation, and that
the said instrument is the act and deed of said corporation and
said partnership.

WITNESS my hand and official seal at the state and county
last above written, this 30th day of January, 1987.

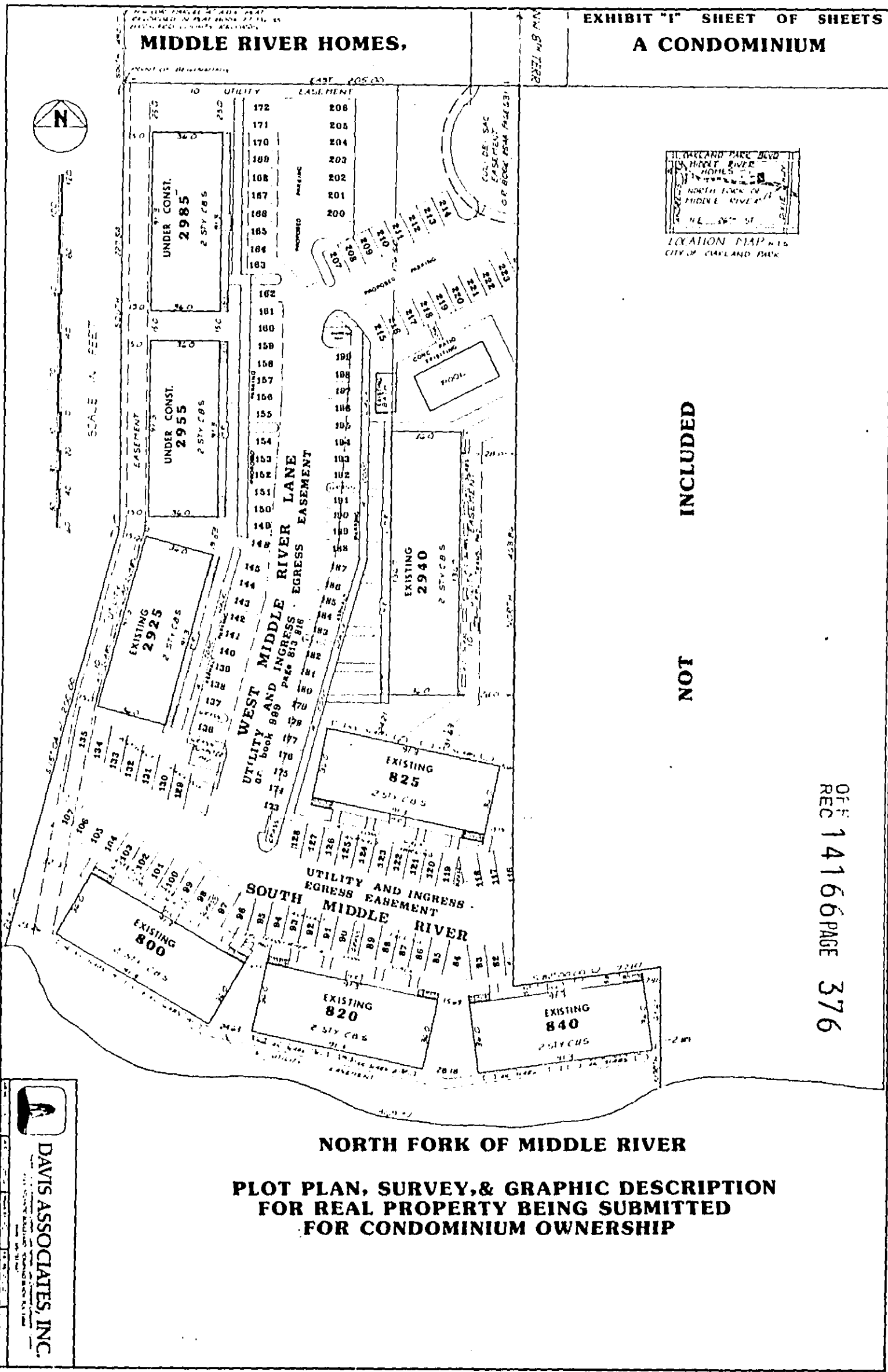
James M. Smith
Notary Public, State of
Florida at Large

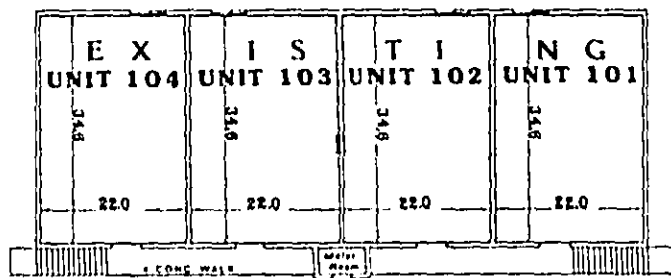
My commission expires:

Notary Public, State of Florida
My Commission Expires Nov. 20, 1988
Bonded thru TFC Insurance, Inc.

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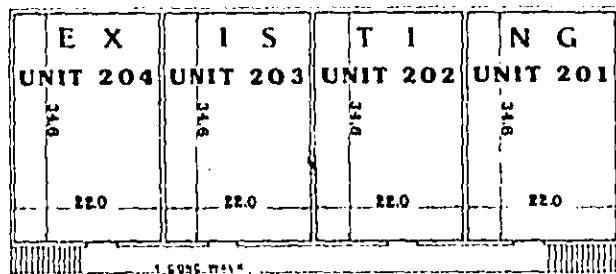
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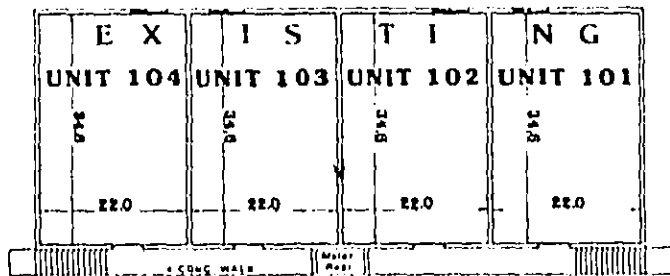
**FLOOR PLAN FIRST FLOOR
BUILDING NO. 825**

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



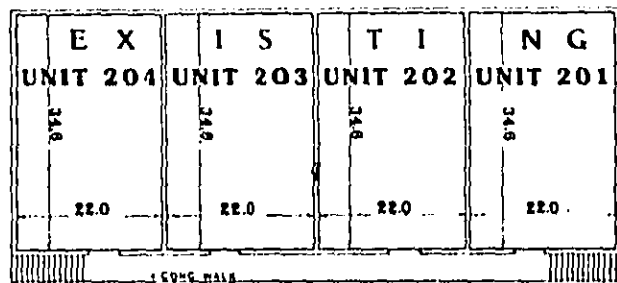
**FLOOR PLAN SECOND FLOOR
BUILDING NO. 825**

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET



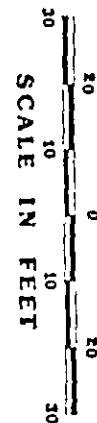
**FLOOR PLAN FIRST FLOOR
BUILDING NO. 800**

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



**FLOOR PLAN SECOND FLOOR
BUILDING NO. 800**

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET



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PHASE II

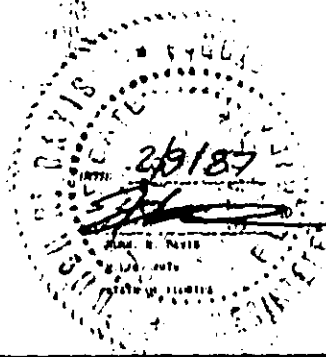
EXHIBIT SHEET OF SHEETS

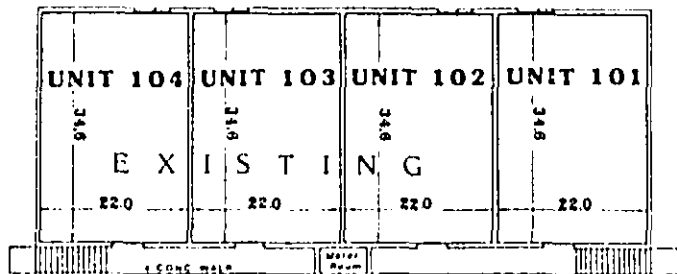
- NOTES:
1. ALL EXISTING DOOR MEAS. WITH 10 MINIMUM CLEARANCE.
 2. ALL EXISTING WINDOW MEAS. WITH 10 MINIMUM CLEARANCE.
 3. ALL WALLS ARE 12.00 FEET HIGH.

**MIDDLE RIVER HOMES,
A CONDOMINIUM**



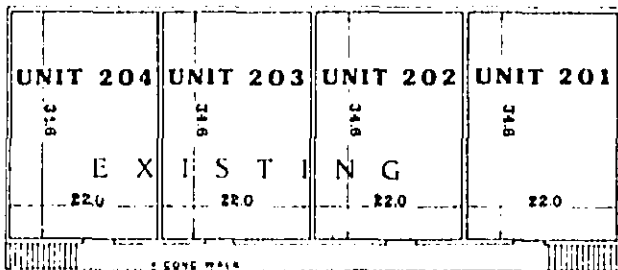
DAVIS ASSOCIATES, INC.





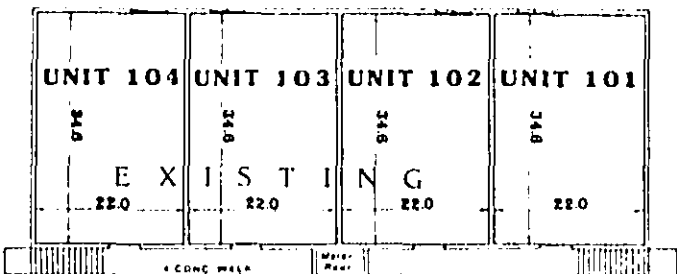
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BUILDING NO. 820**

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



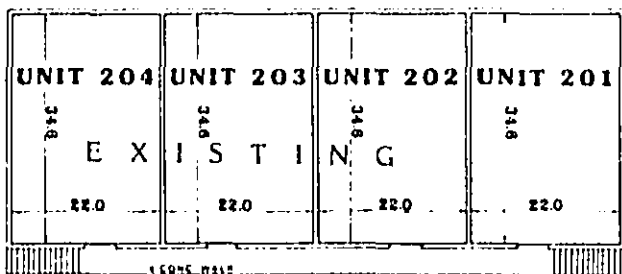
**FLOOR PLAN SECOND FLOOR
BUILDING NO. 820**

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET



**FLOOR PLAN FIRST FLOOR
BUILDING NO. 840**

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



**FLOOR PLAN SECOND FLOOR
BUILDING NO. 840**

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET



SCALE IN FEET
30 20 10 0 10 20 30

OFF 14166 PAGE 378

PHASE II

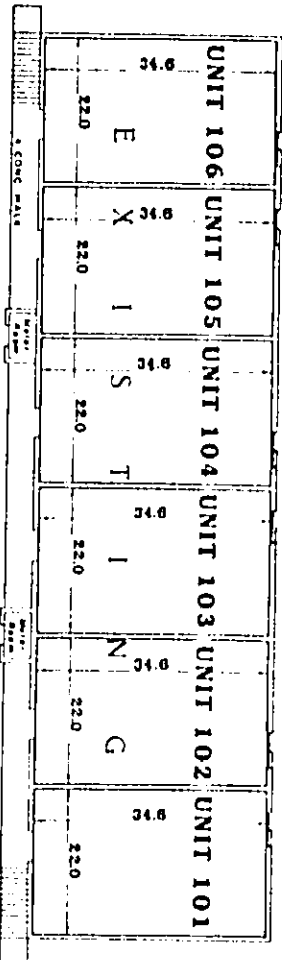
EXHIBIT SHEET OF SHEETS

NOTES:
1. ALL ELEVATIONS SHOWN ARE IN FEET TO NEAREST TENTH.
2. NOT SHOWN DIMENSIONS SHOWN ARE IN FEET AND DECIMALS.
3. ALL WALLS ARE 2.00 FEET WIDE.

MIDDLE RIVER HOMES,
A CONDOMINIUM

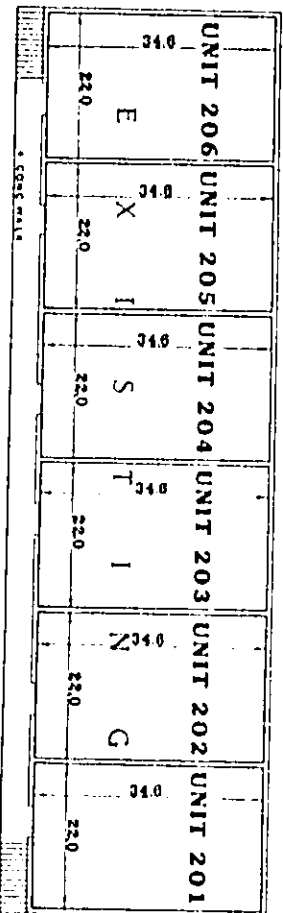
DAVIS ASSOCIATES, INC.
10000 DAVIS DRIVE
DALLAS, TEXAS 75243
(214) 343-1111





FLOOR PLAN FIRST FLOOR
BUILDING NO. 2940

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



FLOOR PLAN SECOND FLOOR
BUILDING NO. 2940

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET

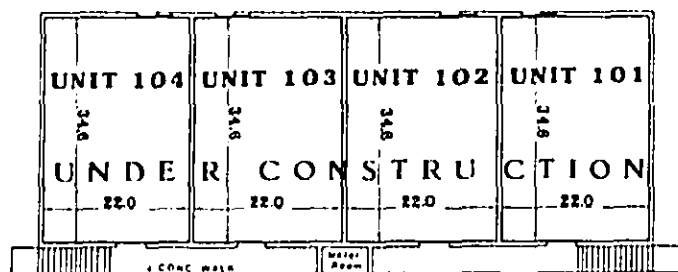


MIDDLE RIVER HOMES,
A CONDOMINIUM

DAVIS ASSOCIATES, INC.
Architects
10000 N. 10th Ave., Suite 100
Phoenix, Arizona 85020
Phone: (602) 998-1100

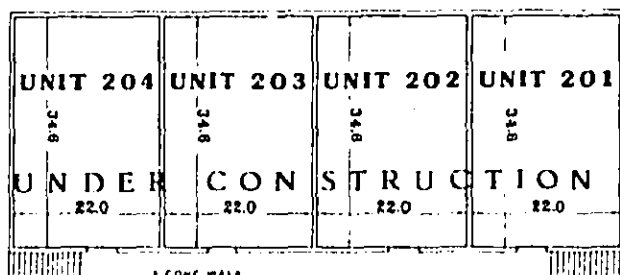
- NOTES:**
1. ALL ELEVATIONS ARE TO NATIONAL SEA LEVEL UNLESS NOTED OTHERWISE.
 2. UNIT SPECIFICATIONS ARE TO BE USED FOR ALL UNITS UNLESS NOTED OTHERWISE.
 3. ALL WALLS ARE 8" THICK UNLESS NOTED OTHERWISE.

DATE: 12/19/87
BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN



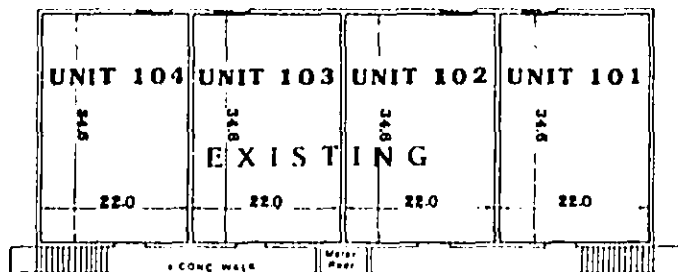
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BUILDING NO. 2955**

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



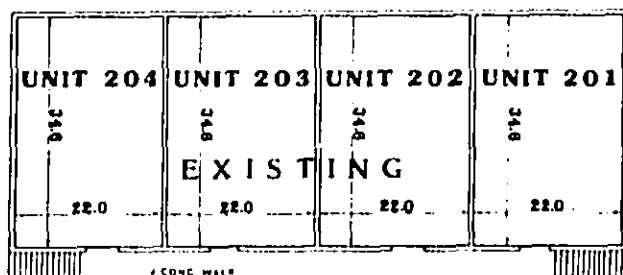
**FLOOR PLAN SECOND FLOOR
BUILDING NO. 2955**

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET



**FLOOR PLAN FIRST FLOOR
BUILDING NO. 2925**

FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



**FLOOR PLAN SECOND FLOOR
BUILDING NO. 2925**

FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET



SCALE IN FEET
0 10 20 30



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PHASE II

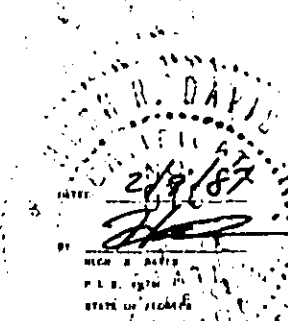
EXHIBIT SHEET OF SHEETS

- NOTES:
1. ALL ELEVATIONS SHOWN ARE REFERRED TO NATIONAL MEAN SEA LEVEL.
 2. UNIT SPECIFICATIONS SHOWN ARE IN FEET AND INCHES AND ARE APPROXIMATE.
 3. ALL WALLS ARE 8 INCH THICK.

**MIDDLE RIVER HOMES,
A CONDOMINIUM**

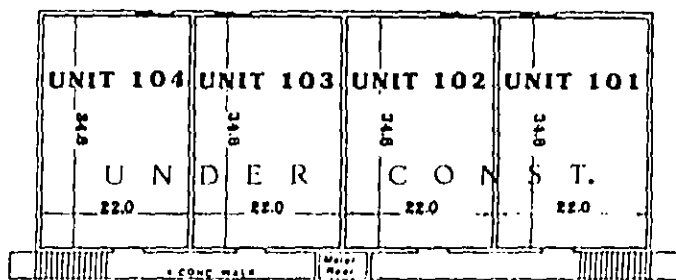


DAVIS ASSOCIATES, INC.

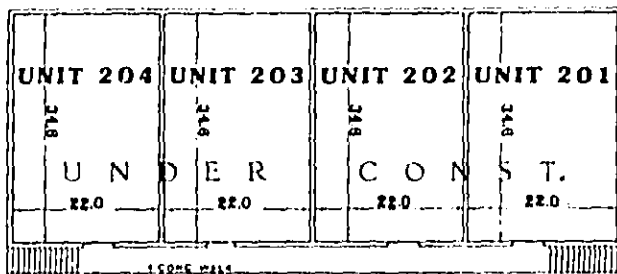




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30 10 10 30
SCALE IN FEET



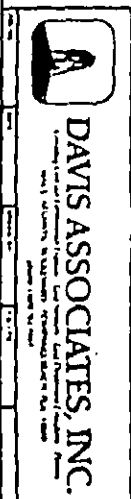
FLOOR PLAN FIRST FLOOR
BUILDING NO. 2985
FINISH FLOOR ELEVATION 7.11 FEET
FINISH CEILING ELEVATION 16.15 FEET



FLOOR PLAN SECOND FLOOR
BUILDING NO. 2985
FINISH FLOOR ELEVATION 16.73 FEET
FINISH CEILING ELEVATION 25.84 FEET

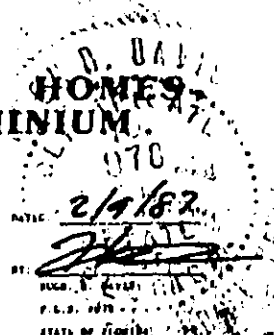
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EXHIBIT SHEET OF SHEETS
PHASE II



- NOTES:
1. ALL ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM.
 2. UNIT BOUNDARY DIMENSIONS SHOWN ARE IN FEET AND DECIMALS AND ARE APPROXIMATE.
 3. ALL WALLS ARE 0.70 FEET THICK.

MIDDLE RIVER HOMES
A CONDOMINIUM



SHEET OF SHEETS

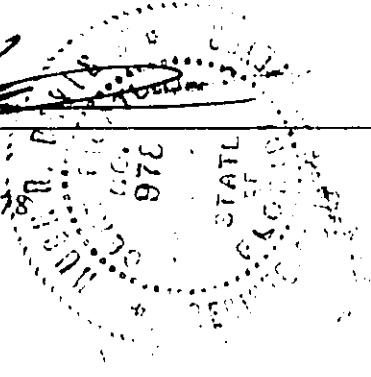
EXHIBIT "I" PHASE II

CERTIFICATE OF SURVEYOR

The undersigned, a licensed and registered Land Surveyor, duly authorized to practice under the laws of the State of Florida, does hereby certify that, notwithstanding that certain buildings in the condominium are not substantially completed, the buildings and units described "EXISTING" herein are completed and that, as to such units and improvements, the construction of the improvements described herein, including but not limited to landscaping, utility services and access to such completed units, and common element facilities serving the completed buildings in which such completed units are located, have been substantially completed so that this Exhibit "I" to the Declaration of Condominium, together with the provisions of the aforesaid Declaration, constitute a correct representation of such completed improvements described herein and, further, that the identification, location and dimensions of the common elements, limited common elements serving such completed units and all of each such completed units may be determined from said materials.

Dated this 9th day of February, 1986.


HUGH R. DAVIS, R.L.S.
Registered Land Surveyor
Florida Registration No. 918



DAVIS ASSOCIATES, INC.

Consulting Civil and Environmental Engineers • Land Surveyors • Land Development Consultants • Planners

1634 E. ATLANTIC BOULEVARD • POMPANO BEACH, FLA. 33060

phone: (305) 782-9447

JOB NO.

DATE

DRAWN BY

P.B./P.G.

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EXHIBIT "I"
PHASE II

LEGAL DESCRIPTION:

Commencing at the N.W. Corner of Parcel "A", "A.D.K. Plat", as recorded in Plat Book 77, Page 35, of the Public Records of Broward County, Florida; thence South along the West Line of said Parcel "A", 490.17 feet to the Point of Beginning; thence continue South along the West Line of said Parcel "A", 227.54 feet; thence S15°04'00"W, along the West Line of said Parcel "A", 223.00 feet, more or less, to a point on the North Bank of the North Fork of Middle River; thence Easterly along the North Bank of the North Fork of Middle River, 369.00 feet, more or less, to a line 115.00 feet West of the East Line of said Parcel "A"; thence North along a line 115.00 feet West of and parallel to the East Line of said Parcel "A", 61.61 feet, more or less, to a point; thence S82°00'00"W, 77.87 feet; thence North 463.86 feet; thence West along a line 490.17 feet, South of and parallel to the North Line of said Parcel "A", 205.00 feet to the Point of Beginning. Said lands situate, lying and being in Broward County, Florida.

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
F. T. JOHNSON
COUNTY ADMINISTRATOR

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DAVIS ASSOCIATES, INC.

Consulting Civil and Environmental Engineers • Land Surveyors • Land Development Consultants • Planners

1634 E. ATLANTIC BOULEVARD • POMPANO BEACH, FLA. 33060

phone: (305) 782-9447

JOB NO. N/A

DATE: 12-30-85

DRAWN BY: PD.

F.B./P.G. N/A