

90387849

THIRD AMENDMENT
TO
DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS
FOR
CHAPEL TRAIL

THIS THIRD AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS FOR CHAPEL TRAIL ("Amendment") is made this 11 day of SEPT. 1990 by CHAPEL TRAIL ASSOCIATES, LTD., a Florida limited partnership ("Associates").

WITNESSETH:

WHEREAS, Associates, on the date hereof, is the owner of a substantial portion of the "Total Property" as described in Exhibit "A" to the original Declaration of Protective Covenants, Restrictions and Easements for Chapel Trail recorded in Official Records Book 15283, Page 283, of the Public Records of Broward County ("County"), Florida ("Declaration"), and

WHEREAS, the First Amendment to the Declaration was recorded in Official Records Book 15979, Page 963 of the Public Records of the County; and

WHEREAS, the Second Amendment to the Declaration was recorded in Official Records Book 17188, Page 740 of the Public Records of the County; and

WHEREAS, the First Supplement to the Declaration was recorded in Official Records Book 15283, Page 352, of the Public Records of the County; and

WHEREAS, the Second Supplement to the Declaration was recorded in Official Records Book 16816, Page 309, of the Public Records of the County; and

WHEREAS, the Corrective Third Supplement to the Declaration was recorded in Official Records Book 17176, Page 283 of the Public Records of the County; and

WHEREAS, the Fourth Supplement to the Declaration was recorded in Official Records Book 17271, Page 500 of the Public Records of the County; and

WHEREAS, the Fifth Supplement to the Declaration was recorded in Official Records Book 17366, Page 644 of the Public Records of the County; and

WHEREAS, the Sixth Supplement to the Declaration was recorded in Official Records Book 17434, Page 180 of the Public Records of the County; and

WHEREAS, the Seventh Supplement to the Declaration was recorded in Official Records Book 17610, Page 731 of the Public Records of the County (the Declaration, First Amendment, Second Amendment, First Supplement, Second Supplement, Corrective Third Supplement, Fourth Supplement, Fifth Supplement,

RECORD AND RETURN TO DAVID WEISMAN, ESQ.
ABRAMS, ANTON, ROBBINS,
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BT 1787PG0926

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Sixth Supplement and Seventh Supplement thereto and any and all other amendments and supplements to the Declaration are hereinafter collectively referred to as the "Declaration"); and

WHEREAS, Chapel Trail, Ltd., a Florida limited partnership, and Paul Koenig, individually and as trustee (collectively, "Original Declarant"), were collectively the "Declarant" (as defined in the Declaration) under the Declaration; and

WHEREAS, the Original Declarant assigned its rights as Declarant under the Declaration to Associates pursuant to an Assignment of Declarant's Rights recorded in Official Records Book 15979, Page 959, of the Public Records of the County; and

WHEREAS, Associates (hereinafter referred to as "Declarant"), under the provisions of Paragraph X.I.3 of the Declaration, has the right to amend the Declaration in order to correct a scrivener's error or other non-material changes until the "Turnover Date" without the consent of the "Members," "Owners" or "Institutional Mortgagees" (as defined in the Declaration); and

WHEREAS, the Turnover Date has not yet occurred; and

WHEREAS, Declarant desires to amend the Sixth Supplement to the Declaration to correct a scrivener's error as more particularly set forth herein;

NOW, THEREFORE Declarant hereby declares that the Declaration is hereby amended to provide as follows:

1. The foregoing recitations are true and correct and are incorporated herein by reference.
2. The legal description and sketch of the property set forth on Sheets 4 and 5 of Exhibit A and Exhibit A-2 to the Sixth Supplement inadvertently provides an arc distance measurement of 75.03 in the ninth line of the second paragraph of the legal description when the correct measurement is 37.58. Therefore, Sheets 4 and 5 of Exhibit A to the Sixth Supplement are hereby deleted in their entirety and in their place are inserted a revised legal description and sketch attached hereto as Exhibit A.
3. Exhibit A-2 to the Sixth Supplement is hereby deleted in its entirety and in its place is inserted a revised legal description and sketch attached hereto as Exhibit B.

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IN WITNESS WHEREOF, Declarant has executed this Amendment on the date set forth below.

Signed, sealed and delivered in the presence of:

DECLARANT:

CHAPEL TRAIL ASSOCIATES, LTD.,
a Florida limited partnership

By: CHAPEL TRAIL, LTD., a Florida limited partnership, and general partner

By: SAJIK CORP., a Florida corporation, and general partner

Graciela West
Real Estate

By: Michael Koenig
Michael Koenig,
Vice President

Dated: 9/11/90

THIS IS NOT AN OFFICIAL COPY

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized and acting, MICHAEL KOENIG, the Vice President of SAJIK CORP., a Florida corporation, and general partner of CHAPEL TRAIL, LTD., a Florida limited partnership, which is the general partner of CHAPEL TRAIL ASSOCIATES, LTD., a Florida limited partnership, to me known to be the person who signed the foregoing instrument as such person, and acknowledged the execution thereof to be the act and deed of said corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal in the state and county last aforesaid this 11 day of September, 1990.

Graciela West (REAL)
Notary Public
State of Florida at Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 21, 1993
BONDED THRU GENERAL INS. CO.

BK 1787PG0928

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EXHIBIT A

DESCRIPTION:

A PORTION OF PARCEL R1.1 "CHAPEL TRAIL REPLAT SECTION ONE" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID "CHAPEL TRAIL REPLAT SECTION ONE"; THENCE SOUTH 01°46'02" EAST, ALONG THE WEST LINE OF SAID "CHAPEL TRAIL REPLAT SECTION ONE" A DISTANCE OF 734.33 FEET; THENCE NORTH 88°13'58" EAST, A DISTANCE OF 839.98 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. THENCE NORTH 01°46'02" WEST, A DISTANCE OF 94.23 FEET TO A POINT, SAID POINT BEARING SOUTH 03°02'58" EAST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE, THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 921.96 FEET, A CENTRAL ANGLE OF 02°20'07" AND AN ARC DISTANCE OF 37.58 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 39.00 FEET, A CENTRAL ANGLE OF 93°37'02" AND AN ARC DISTANCE OF 63.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01°46'02" EAST, A DISTANCE OF 56.91 FEET; THENCE SOUTH 88°13'58" WEST, A DISTANCE OF 19.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, CONTAINING 7213 SQUARE FEET MORE OR LESS.

THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 01°46'02" EAST, ALONG THE WEST LINE OF PARCEL R1.1, AS SHOWN ON SAID "CHAPEL TRAIL REPLAT SECTION ONE".

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO CHAPTER 21KH-6.06(1), MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS ADOPTED BY THE DEPARTMENT OF PROFESSIONAL REGULATION, BOARD OF LAND SURVEYORS, IN SEPTEMBER 1981, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CRAVEN-THOMPSON & ASSOCIATES, INC.

THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYOR'S SEAL.

THOMAS C. BRAMAN
PROFESSIONAL LAND SURVEYOR NO. 4387
STATE OF FLORIDA

SHEET 1 OF 2 SHEETS
77-0497E
DT9-6/5
JULY 18, 1989
REVISED: 6/4/90

BK 7787Pg0929

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HOLLYWOOD, FLORIDA 33022-9010



CRAVEN · THOMPSON & ASSOCIATES INC.

ENGINEERS · PLANNERS · SURVEYORS

5901 NW 31 AVENUE · FORT LAUDERDALE · FLORIDA 33309 · (305) 971-7770
OFFICES FORT LAUDERDALE, WEST PALM BEACH

FOR: CHAPEL TRAIL

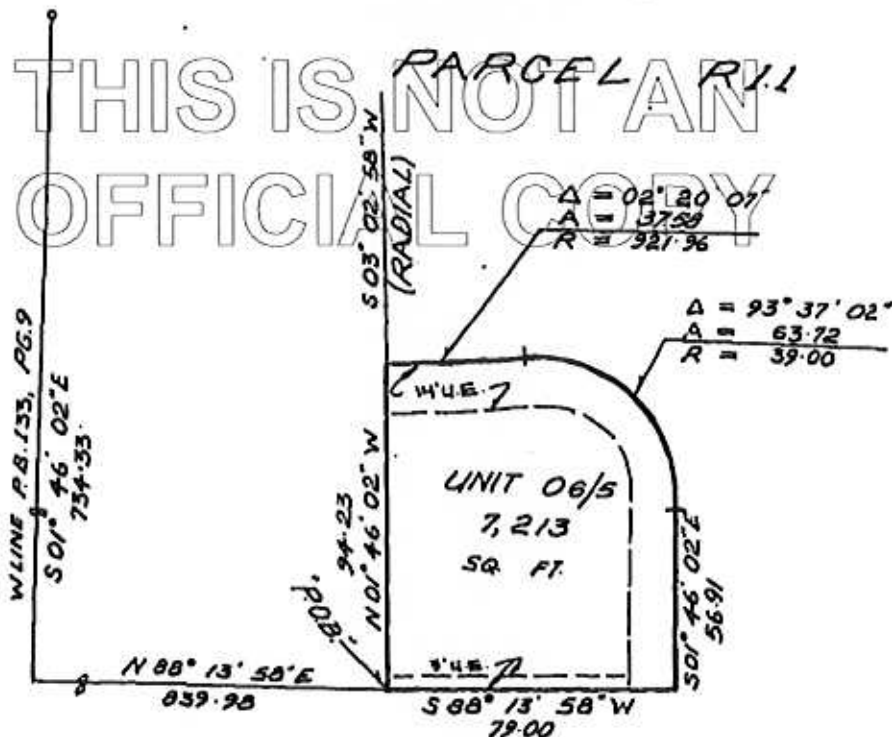
NOTE
THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION THEREIN. THERE HAS BEEN NO FIELD WORK, MEASUREMENT OF THE SUBJECT PROPERTY, OR MEASUREMENT SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION THEREON.



SCALE: 1" = 40'

'P.O.C.'
N.W. CORNER
CHAPEL TRAIL REPLAT
SECTION ONE
P.B. 133, PG. 9 (B.C.R.)

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U.E. DRAWS Utility EASEMENTS

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SKETCH TO ACCOMPANY

DESCRIPTION

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RESNICK & SCHNEIDER, P.A.
POST OFFICE BOX 229010
HOLLYWOOD, FLORIDA 33022-9010

DATED: JULY 15, 1989

SHEET 2 OF 2 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D
ADD EME	5-2-89	JL	JH
REVISE AC DISTANCE	6-2-89	JD	TJ

NOTE: The undersigned and CRAVEN · THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected herein pertained to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth at such matters. Such information should be obtained and confirmed by others through appropriate title verification.

NOTE: Lends shown hereon were not abstracted for right-of-way and/or easements of record.

JOB NO. 77-0497E	DRAWN BY: WR	CHECKED BY: T.C.	CODE 077-06/5	FILE NO
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CY 11011

DESCRIPTION:

A PORTION OF PARCEL R1.1 "CHAPEL TRAIL REPLAT SECTION ONE" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SAID "CHAPEL TRAIL REPLAT SECTION ONE"; THENCE SOUTH 01°46'02" EAST, ALONG THE WEST LINE OF SAID "CHAPEL TRAIL REPLAT SECTION ONE" A DISTANCE OF 734.33 FEET; THENCE NORTH 88°13'58" EAST, A DISTANCE OF 839.98 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. THENCE NORTH 01°46'02" WEST, A DISTANCE OF 94.23 FEET TO A POINT, SAID POINT BEARING SOUTH 03°02'58" EAST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE, THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 921.96 FEET, A CENTRAL ANGLE OF 02°20'07" AND AN ARC DISTANCE OF 37.58 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 39.00 FEET, A CENTRAL ANGLE OF 93°37'02" AND AN ARC DISTANCE OF 63.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01°46'02" EAST, A DISTANCE OF 56.91 FEET; THENCE SOUTH 88°13'58" WEST, A DISTANCE OF 79.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, CONTAINING 7213 SQUARE FEET MORE OR LESS.

THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 01°46'02" EAST, ALONG THE WEST LINE OF PARCEL R1.1, AS SHOWN ON SAID "CHAPEL TRAIL REPLAT SECTION ONE".

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CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO CHAPTER 21HH-6.06(1), MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS ADOPTED BY THE DEPARTMENT OF PROFESSIONAL REGULATION, BOARD OF LAND SURVEYORS, IN SEPTEMBER 1981, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Craven-Thompson & Associates, Inc.
THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE IN AN EMBOSSED SURVEYOR'S SEAL
Thomas C. Shahan
THOMAS C. SHAHAN
PROFESSIONAL LAND SURVEYOR NO. 4387
STATE OF FLORIDA

SHEET 1 OF 2 SHEETS
77-0497E
D79-6/5
JULY 18, 1989
REVISED: 6/4/90

BK 7787P60931

MEMO: Legibility of writing. Typing or printing unsatisfactory in this document when microfilmed

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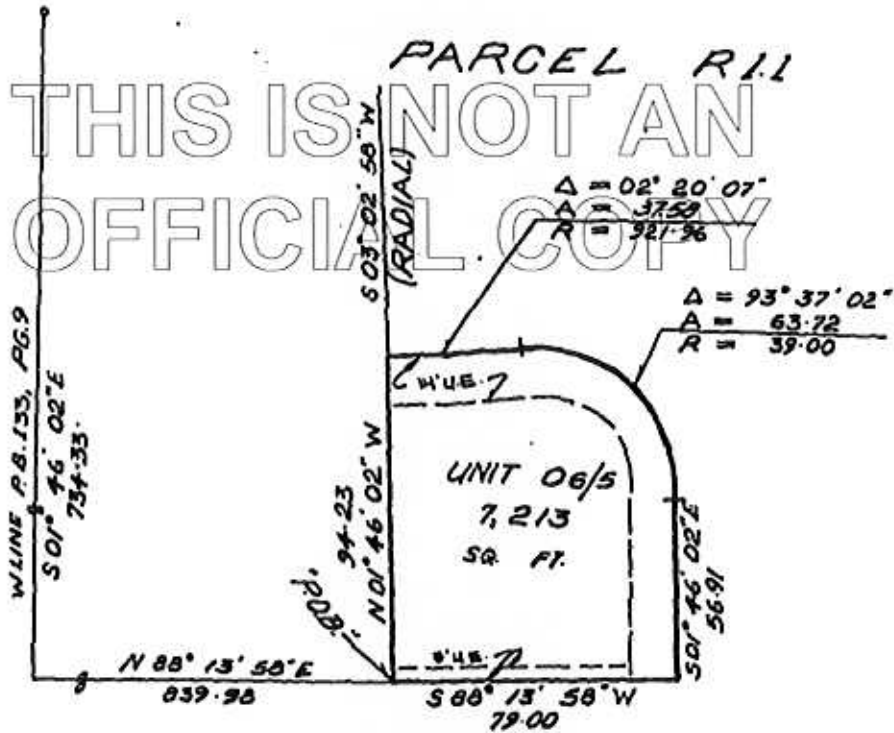
FOR: CHAPEL TRAIL

NOTE
THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC REPRESENTATION OF THE DESCRIPTION
HEREON. THERE HAS BEEN NO FIELD WORK, MEASURING OF THE TRAPED SURFACE, OR
MEASUREMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN
HEREON.



SCALE: 1" = 40'

'P.O.C.'
N.W. CORNER
CHAPEL TRAIL REPLAT
SECTION ONE
P.B. 133, PG. 9 (B.G.R.)



USE DIMENSIONS Utility EMBARKERS

MEMO: Legibility of writing
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SKETCH TO ACCOMPANY
DESCRIPTION

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ABRAMS, ANTON, ROBBINS,
RESNICK & SCHNEIDER, P.A.
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HOLLYWOOD, FLORIDA 33022-9010

DATED: JULY 15, 1989

SHEET 2 OF 2 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D
ADD END	25.12.89	JL	TH
REVISE Arc Distance	6.6.90	JD	TL

NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no
representations or guarantees as to the information reflected hereon pertaining to
easements, rights-of-way, set back lines, reservations, agreements and other similar
matters, and further, this instrument is not intended to reflect or set form of such
matters. Such information should be obtained and confirmed by others through
appropriate title verification.

NOTE: Lends shown hereon were not abstracted for right-of-way and/or
easements of record.

JOB NO. 77-0497E

DRAWN BY: W.R.

CHECKED BY: T.S.

CODE 079-06/3

FILE NO

BK 7787P60932

JOINDER OF MORTGAGE

FIRST UNION NATIONAL BANK OF FLORIDA, a national banking association ("Mortgagee"), the owner and holder of a Mortgage and Security Agreement executed by CHAPEL TRAIL ASSOCIATES, LTD., a Florida limited partnership, dated November 22, 1988, recorded November 23, 1988, in Official Records Book 15979, Page 967, as modified by that certain Mortgage Modification and Future Advance Agreement recorded in Official Records Book 16472, Page 433, and Second Amendment to Mortgage and Security Agreement and Loan Agreement and First Amendment to Assignment of Rents and Leases, Assignment of Sales Contract and Note recorded January 10, 1990 in Official Records Book 17076, Page 931 (all of the foregoing collectively referred to as the "Mortgage"), all of the Public Records of Broward County, Florida, hereby joins in and consents to the Third Amendment to Declaration of Protective Covenants, Restrictions and Easements for Chapel Trail.

EXECUTED, this 24th day of August, 1990.

FIRST UNION NATIONAL BANK OF FLORIDA,
a national banking association

By: Albert Fils

Attest: Laura Forbes (SEAL)

[Signature]
[Signature]

STATE OF FLORIDA)
COUNTY OF Palm Beach) SS:

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared Albert Fils and Laura Forbes, as Vice President and _____ of FIRST UNION NATIONAL BANK OF FLORIDA, a national banking association, and acknowledged the foregoing in their capacity as same for the purposes herein described on behalf of FIRST UNION NATIONAL BANK OF FLORIDA, this 24th day of August, 1990.

RECORDED IN THE OFFICIAL RECORDS BOOK OF BROWARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR

My Commission Expires:

[Signature] (SEAL)
Notary Public
State of Florida at Large
My Commission Expires Dec. 5, 1991

7/12/88M/1

Record and Return To:
Abrams, Anton, Robbins,
Resnick & Schneider, P.A.
P.O. Box 229010
Hollywood, Florida 33022

DW/mcm

RECORD AND RETURN TO DAVID WEISMAN, ESQ.
ABRAMS, ANTON, ROBBINS,
RESNICK & SCHNEIDER, P.A.
POST OFFICE BOX 229010
HOLLYWOOD, FLORIDA 33022-9010

BR 1787P60933