

Prepared By and To Be Returned To: **ROBERT S. FREEDMAN, ESQUIRE** BK 1613 PG 3566 DKT# 1293938 1 of 3  
**CARLTON, FIELDS, WARD, EMMANUEL,  
SMITH & CUTLER, P.A.**  
Post Office Box 3239  
Tampa, Florida 33601-3239

## FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR FAIRWAY TRACE CONDOMINIUM

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR FAIRWAY TRACE CONDOMINIUM ("First Amendment") is made by Fru-Con Ocean Golf Park, Ltd., a Florida limited partnership ("Fru-Con").

WITNESSETH:

**WHEREAS**, the Condominium was created pursuant to that certain Declaration of Condominium for Fairway Trace Condominium as recorded on October 5, 1999, in Official Records Book 1611, Page 6717, public records of Manatee County, Florida (the "Declaration"); and

**WHEREAS**, the survey, plot plan and graphic depiction of the proposed improvements of the Condominium which constitute the Condominium drawings were recorded in Condominium Book 17, Page 69, public records of Manatee County, Florida ("Condominium Drawings"); and

**WHEREAS**, Fru-Con is the Developer of the Condominium; and

**WHEREAS**, as of the date of this First Amendment, Fru-Con remains the owner of one hundred percent of the Units in the Condominium; and

**WHEREAS**, the Condominium Drawings properly depicted and evidenced 10 Units in the Condominium, while the Declaration improperly indicated that the Condominium would consist of 12 Units; and

**WHEREAS**, Fru-Con, as Developer of the Condominium and as of the owner of 100% of the Units in the Condominium, now desires to amend the Declaration to correct the number of Units that will exist in the Condominium;

**NOW, THEREFORE**, Fru-Con, for itself and its successors, grantees and assigns, as Developer of the Condominium, hereby declares as follows:

1. The foregoing recitals are true and correct and are hereby incorporated herein as if fully set forth hereinafter.
2. Section 3.1 of the Declaration is hereby amended to read as follows (CODING: double-underlined text has been added and ~~strikeout text~~ has been deleted):

3.1 Identification of Units. Each such Unit is identified by a separate numerical designation as shown on the Condominium Plat, which exists as Exhibit No. 1 hereto, consisting of a survey of the Land including the Units, a graphic description of the improvements located thereon, and a plot plan thereof. A reduced-in-size copy of the Condominium Plat as recorded in the Condominium Book and Page identified on the first (1st) page hereof together with a copy of the legal description contained on the

Condominium Plat is attached to this Declaration for convenience. The Condominium Plat, together with this Declaration, is sufficient in detail to identify the Common Elements and each Unit and their relative locations and dimensions. There shall pass with a Unit as appurtenances thereto: (a) an undivided share in the Common Elements and Common Surplus; (b) the exclusive right to use such portion of the Common Elements as may be the Limited Common Elements for such Unit; (c) membership in the Association with the full voting rights appurtenant thereto; and (d) other appurtenances as may be provided by this Declaration or the Act.

The Condominium shall contain 10 ~~42~~ Units and shall not be a condominium developed in phases. Subject to unforeseen delays beyond the control of the Developer, the estimated latest date of completion of constructing, finishing and equipping the Condominium is December 31, 2001. The date of completion of this Condominium is an estimate only and subject to sales performance or building delays.

Time-share estates or interests will not be created with respect to any of the Units in the Condominium.

3. Section 5.1 of the Declaration is hereby amended to read as follows (CODING: double underlined text has been added and ~~strikeout text~~ has been deleted):

5.1 Ownership Shares. The undivided share in the Common Elements and Common Surplus appurtenant to each Unit, as well as the undivided share of the Common Expenses to be paid with respect to each Unit, shall be computed on an equal fractional basis. Accordingly, each Unit shall have attributable thereto an undivided share in the Common Expenses and ownership of the Common Elements and the Common Surplus equal to one-tenth (1/10th) ~~one-twelfth (1/12th)~~ of 100%.

4. Except to the extent modified herein, the Declaration remains valid and in full force and effect.

5. In the event of a conflict between the terms and provisions of the Declaration and this First Amendment, the terms and provisions of this First Amendment shall control.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed in its name by its general partner this 13<sup>th</sup> day of October, 1999.

WITNESSES:

Name: *Cheryl Lynne*  
Print Name: Cheryl E. Lyne

Name: *Mary C. Stein*  
Print Name: MARY C. STEIN

FRU-CON OCEAN GOLF PARK, LTD., a Florida limited partnership, by its sole general partner, The Fru-Con Projects, Inc., a Florida corporation, formerly known as Fru-Con Ocean Golf Park Corporation

By: *Gregory H. Morris*  
Name: Gregory H. Morris  
Title: Vice President

(SEAL)

BK 1613 PG 3568 FILED AND RECORDED 10/21/99 9:31AM 3 of 3  
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of October, 1999, by Peggy H. MORRIS, as Vice President, of The Fru-Con Projects, Inc., a Florida corporation, formerly known as Fru-Con Ocean Golf Park Corporation, the sole general partner of FRU-CON OCEAN GOLF PARK, LTD., a Florida limited partnership, as the Developer of Fairway Trace Condominium. He/She either is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires: MARCH 23, 2001

(AFFIX NOTARY SEAL)



**KATHERINE L. TRAUTMAN**  
**NOTARY PUBLIC STATE OF MISSOURI**  
**FRANKLIN COUNTY**  
**MY COMMISSION EXP MARCH 23, 2001**

*Katherine L. Trautman*  
(Signature)

Name: KATHERINE L. TRAUTMAN  
(Legibly Printed)

Notary Public, State of Missouri

(Commission Number, if any)