This instrument was propared by:
Curtis R. Mosley, Esquire
Mosley & Wallis, P.A.
1220 East New Haven Avenue
P.O. Box 1210
Melbourne, FL 32902-1210

CFN 2006242301

08-15-2006 11:41 am

OR Book/Page: 5685 / 2501

Scott Ellis

Clerk Of Courts, Brevard County

Trust: 19.50 Rec: 3

Rec: 305.00 Serv: 0.00

Mtg: 0.00

Excise: 0.00 Int Tax: 0.00

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM OF ISLAND POINTE, A CONDOMINIUM

TOWNE DEVELOPMENT OF ISLAND POINTE, INC., a Florida corporation ("Developer"), pursuant to the authority reserved in Article XIII of the Declaration of Condominium establishing ISLAND POINTE, A CONDOMINIUM, as recorded in Official Records Book 5374, Page 2577 through 2667, and as re-recorded in that certain Amended and Restated Declaration of Condominium recorded in Official Records Book 5388, Page 2563 through 2656 as amended by Amendment to Declaration of Condominium recorded in Official Records Book 5438, Page 1365, as amended by Restated Amendment to Declaration of Condominium recorded in Official Records Book 5482, Page 5208, and as amended by Second Amendment to Declaration of Condominium recorded in Official Records Book 5482, Page 5232, all of the Public Records of Brevard County, Florida, (the "Declaration") and the Florida Condominium Act, hereby amends and expands said Declaration above described and submits the following described real property located in Merritt Island, Brevard County, Florida, which property is more particularly described as follows, to wit:

SEE SHEET 45 OF EXHIBIT FQ ATTACHED HERETO WHICH IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF PHASE 162.

together with improvements thereon, containing one (1) <u>eight (8)nine (9)</u> story building, having a total of <u>thirty-four (34)seventy-eight (78)</u> units and other appurtenant improvements more specifically described in Exhibit <u>EG</u> attached to this Amendment, to Condominium ownership pursuant to the Florida Condominium Act, and hereby declares the same to be known and identified as ISLAND POINTE, A CONDOMINIUM.

TOWNE DEVELOPMENT OF ISLAND POINTE, INC., a Florida corporation further amends and expands the above-described Declaration of Condominium to include and merge the common and limited common elements and easements of the property submitted to Condominium by this Amendment with the property described in the original Declaration of Condominium recorded in Official Records Book 5374, Pages 2577 through 2667 and restated in Official Records Book 5388 Page 2563 through 2656 as amended by Amendment to Declaration of Condominium recorded in Official Records Book 5438, Page 1365 as amended by Restated Amendment to Declaration of Condominium recorded in Official Records Book 5482, Page 5208, and as amended by Second Amendment to Declaration of Condominium recorded in Official Records Book 5482, Page 5232, all of the Public Records of Brevard County, Florida, (the "Declaration").

1

ESTABLISHMENT OF CONDOMINIUM

Developer is the owner of the fee simple title to that certain real property situate in Merritt Island, County of Brevard, and State of Florida, which property is more particularly described as follows, to-wit:

SEE SHEET 2 OF EXHIBIT "A" ATTACHED TO THE ORIGINAL DECLARATION, SHEET 4 OF EXHIBIT "E".—AND SHEET 4 OF EXHIBIT "F" AND SHEET 5 OF EXHIBIT "G" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF PHASES 1A,1B AND. IC AND 2.

The Condominium consists of three (3) four (4) buildings containing a total of one-hundred seven (107) one-hundred eighty-five (185) residential units and other appurtenant improvements as hereinafter described. Building 1A is an eight (8) story building containing forty-nine (49) units and forty-nine (49) enclosed garage parking spaces located on the first floor. Building 1B is an eight (8) story building containing thirty-four (34) residential units and thirty-five (35) enclosed garage parking spaces including one (1) handicapped garage parking space located on the first floor. Building 1C is a seven (7) story building withcontaining twenty-four (24) residential units and twenty-five (25) enclosed garage parking spaces including one (1) handicapped garage parking space located on the first floor. Building 2A is a nine (9) story building containing seventy-eight (78) residential units with one (1) commercial unit, and fifty-five (55), enclosed garage parking spaces located on the first and second floors. Building 2B is a one (1) story building with twenty-five (25) enclosed garage parking spaces and thirty-four (34) covered parking spaces, four (4) covered handicapped parking spaces located on the first floor and two (2) tennis courts and a basketball court located on the second level or roof. Building 2C is a one (1) story cabana building. There are fortynine (49) garage parking spaces located on the first floor of Building 1A, thirty-five (35) garage parking spaces located on the first floor of Building ID and twenty five (25 garage parking spaces located on the first floor of Building IC. In addition, there are one hundred-sixteen (116)onehundred eighty-one (181) parking spaces including five (5) twelve (12) handicapped parking spaces located on the Condominium property. In Building 1A Floors 2 through 8 inclusive, each contain seven (7) units per floor. In Building 1B floors 2 through 7 inclusive, each contain five (5) units per floor and floor 8 contains four (4) units. In Building 1C floors 2 through 7 inclusive, each contain four (4) units per floor. In Building 2A floors 2 through 8, inclusive, each contain ten (10) units per floor and Floor 9 contains eight (8) units. There are seven (7) Type A units each of which has three (3) bedrooms, three (3) baths with a den/study and contains approximately 2.530 square feet excluding balconies. There are fourteen (14) Type "A!" units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,511 square feet, excluding balconies. There are six (6) Type A2 units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,470 square feet excluding balconies. There are twenty-eight (28)thirty-five (35) Type "B1" units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,065 square feet in Buildings 1A, 1B and 1C and approximately 2,275 square feet in Building 2A, excluding balconies. There are twelve (12)mineteen (19) Type B2 units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,065 square feet in Buildings JA. JB and JC and approximately 2,275 square feet in Building 2A, excluding balconies. There are twelve (12) mineteen (19) Type B3 units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,048 square feet in Buildings 1A, 1B and 1C and approximately 2,270 square feet in Building 2A. excluding balconies. There are thirteen (13) twenty (20) Type "C" units, each of which has three (3) bedrooms, two (2) baths with a den/study and contains approximately 2,122 square feet in Buildings 1A. 1B and 1C and approximately 2.324 square feet in Building 2A, excluding balconies. There are seven (7) Type D units each of which has three (3) bedrooms, two (2) baths and contains approximately 1,893 square feet excluding balconies. There are twelve (12) Type D1 units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,279 square feet excluding balconies. There are six (6) Type D2 units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,227 square feet excluding balconies. There are two (2) Type "E" units, each of which has three (3) bedrooms, three and one-half (3 1/2) baths, study and laundry room and contains approximately 3,201 square feet excluding balconies. There are eight (8) Type E1 units each of which has three (3) bedrooms, two (2) baths with a den/study and contains approximately 2,528 square feet, excluding balconies. There are eight (8) Type E2 units each of which has three (3) bedrooms, two (2) baths with a den/study and contains approximately 2.504 square feet. excluding balconies. There are eight (8) Type E3 units each of which has three (3) bedrooms, two (2) baths with a den/study and contains approximately 2,504 square feet, excluding balconies. There are eight (8) Type F units each of which has three (3) bedrooms, three (3) baths and contains approximately 2.693 square feet, excluding balconies. There are two (2) Type F1 units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2,230 square feet excluding balconies. There is one (1) Type G unit which has four (4) bedrooms and three and one-half (3 1/2) baths and contains approximately 3,655 square feet, excluding balconies. There is one (1) Type H unit which has four (4) bedrooms and three and one-half (3 1/4) baths and contains approximately 3,365 square feet, excluding balconies. There is one (1) Type J unit which has three (3) bedrooms and three and one-helf (3 %) baths and contains approximately 3.408 square feet, excluding balconies. There is one (1) Type K unit which has four (4) bedrooms and three (3) baths and contains approximately 3.125 square feet, excluding balconies. There is one (1) commercial unit, Unit C-1, as shown on Sheet 7 of Exhibit "G" to the Declaration of Condominium. Unit C-1 shall remain part of the common elements of the Condominium. The Association shall have the power to lease Unit C-1 to third parties who are not Unit Owners in the Condominium upon terms and conditions acceptable to the Association. The Association has leased Unit C-1 to Island Pointe Marina LLC by land lease recorded in Official Records Book 5432. Page 6794. Public Records of Brevard County, Florida. Unit C-1 is intended to be used as a Dock Master's office for the Marina to be located adjacent to the Condominium along the southern and western boundaries of Phase Two of the Condominium Property. Any tenant in Unit C-1, their guests, invitees and employees shall have an easement of ingress and egress by vehicle or on foot, to and from Myrtice Avenue on and across the existing roadway and sidewalks, if any, presently located along the southern boundary of the Condominium Property to and from Unit C-1 and the parking lot located along the southern boundary of the Condominium Property as such roads and sidewalks presently exist or as they may. be relocated in the future. Tenant, employees of tenant, suests and invitees of tenant shall park in the parking spaces designated for Unit C-1 by the Association and shall not otherwise park on the Condominium Property. A parking lot for the tenant, its employees, guests and invitees is located on the southwestern portion of the Condominium Property adjacent to the Marina. The graphic description of each floor is shown on Sheets 6 through 13 inclusive, of Exhibits A and E. Sheets 6 through 1312 inclusive of Exhibit "EF" and Sheets 67 through 1215, inclusive, of Exhibit "FG" to the Declaration of Condominium. Developer reserves the right to designate the garages for the exclusive use of the unit owner ("Unit Owner"), and upon such designation, the garages shall become limited common elements. For legal description, survey and plot plan of the Condominium, see Exhibits "A", "E" and "F" and "G" to the Declaration of Condominium. Phases 1A, 1B and 1C of the Condominium have been completed. The Developer is obligated to construct Phases 1A. 1B and 1Call Phases of the Condominium only.

All other provisions of Article I shall remain in full force and effect and unchanged by this Amendment

2.

11

SURVEY AND DESCRIPTION OF IMPROVEMENTS

A. Attached to the original Declaration and made a part hereof, Exhibit "A", consisting of sixteen (16) pages and Exhibit "B" consisting of eight (8) pages, and attached hereto and made a part hereof, Exhibit "E" consisting of eighteen (18) pages and Exhibit "F" consisting of fifteen (15) pages and Exhibit "G" consisting of thirty-two (32) pages, are boundary surveys of the entire premises of which Phases 1A, 1B, and 1C and 2 are a part, boundary surveys of each phase, a graphic plot plan of the overall planned improvement, and graphic descriptions of the improvements in which unites are located, and plot plans thereof, identifying the units, 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: Robert M. Salmon Professional Land Surveyor No. 4262, State of Florida

And have been certified in the manner required by the Florida Condominium Act. Each unit is identified and designated by a specific number. No unit bears the same numerical designation as any other unit. The specific numbers identifying each unit are listed on Sheets 7 through 13 of Exhibit "A" Sheets 7 through 13 of Exhibit "E" and Sheets 7 through 12 of Exhibit "F" and Sheets 7 through 15 of Exhibit "G".

All other provisions of Article II shall remain in full force and offers and unchanged by this Amendment

3

m

OWNERSHIP OF UNITS AND APPURTENANT SHARE IN COMMON ELEMENTS AND COMMON SURPLUS, AND SHARE OF COMMON EXPENSES

Each unit shall be conveyed as an individual property capable of independent use and fee simple ownership and the owner or owners of each unit shall own, as an appurtenance to the ownership of each said unit, an undivided one-hundred seventh (107) one-one-hundred eighty-fifth (1/185) share of all common elements of the Condominium, which includes, but is not limited to, ground support area, walkways, yard area, parking areas, foundations, etc., and substantial portions of the exterior walls, floors, ceiling and walls between units. The space within any of the units and common elements shall not be further subdivided. Any undivided interest in the common property is hereby declared to be appurtenant to each unit and such undivided interest shall not be separate from the unit and such interest shall be deemed conveyed, devised, encumbered or otherwise included with the unit even though such interest is not expressly mentioned or described in the conveyance, or other instrument. Any instrument, whether a conveyance, mortgage or otherwise, which describes only a portion of the space within any unit shall be deemed to describe the entire unit owned by the person executing such instrument and an undivided one-hundred seventh (107) one-one-hundred eighty-fifth (1/185) interest in all common elements of the Condominium.

The common expenses shall be shared and the common surplus shall be owned in the same proportion as each such unit owner's share of the ownership of the common elements, that is one-hundred seventh (107)one-one-hundred eighty-fifth (1/185).

All other provisions of Article III shall remain in full force and effect and unchanged by this Amendment.

4.

IV

UNIT BOUNDARIES, COMMON ELEMENTS, AND LIMITED COMMON ELEMENTS

The units 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 ceilings of the units. The boundaries of the units are more specifically shown in Exhibits "A", "E" and "F" and "G". The dark solid lines on the floor plans hereinabove mentioned represent the perimetrical boundaries of the units, while the upper and lower boundaries of the units, relating to the elevations of the units, are shown in notes on said plan.

There are limited common elements appurtenant to each of the units in this Condominium, as shown and reflected by the floor and plot plans. These limited common elements are reserved for the use of the units appurtenant thereto, to the exclusion of other units, and there shall pass with a unit, as an appurtenance thereto, the exclusive right to use the limited common elements so appurtenant. In addition, there are one-hundred seventh (197)one-hundred eighty-seven (187) enclosed garage parking spaces and eighteen (18) storage spaces as shown on Sheet 6 of Exhibits "A", "E" and "F" and Sheets 6.7 and 30 of Exhibit "G" to the Declaration of Condominium. These enclosed garage parking spaces and storage spaces are common elements for which the Developer reserves the right to designate the unit which shall be entitled to exclusive use of the enclosed garage parking space and storage space. After such designation the enclosed garage parking space and storage space shall be appurtenant to the unit and shall become a limited common element.

C-1, the commercial unit, is a one (1) story ground level unit that is located adjacent to the

southwest corner of Building 2A. Unit 101 is a residential unit located on the second floor of Building 2A which is located at the southern end of Building 2A immediately east and above of Unit C-1. The roof of Unit C-1 is located directly west of the balcony of Unit 101 at approximately the same level or height as the balcony of Unit 101. The Developer reserves the right to designate the exterior or outer surface of the roof of Unit C-1 as a limited common element for Unit 101. After such designation Unit 101 shall be entitled to exclusive use of the exterior or outer surface of the roof of Unit C-1 which shall be appurtenant to Unit 101 and shall become a limited common element. The right to designate shall not create any obligation of the Developer to designate the exterior or outer surface of the roof of Unit C-1 as a limited common element for the exclusive use of Unit 101 and such designation shall be in the sole discretion of the Developer. In the event the Developer shall designate the exterior or outer surface of the roof of Unit C-1 as a limited common element then, in that event, the owner of Unit 101 shall bear the cost and be responsible for the maintenance, repair and replacement, as the case may be of the exterior or outer surface of the roof of Unit C-1. All of Unit C-1 other than the exterior or outer surface of the roof of the unit shall remain a common element and the Association shall bear the cost and be responsible for the maintenance, repair and replacement as the case may be, of Unit C-1 except for the exterior or outer surface of the roof which shall be the responsibility of the owner of Unit 101. This paragraph does not create any obligation or responsibility of the Developer to change the exterior or outer surface of the roof of Unit C-1 or to make the exterior or outer surface of the roof of Unit C-1 a limited common element for the exclusive use of Unit 101.

This section grants the Developer the right to designate the exterior or outer surface of Unit C-1 as a limited common element of Unit 101 in its sole and absolute discretion but does not create any obligation to make such designation.

All other provisions of Article IV shall remain in full force and effect and unchanged by this Amendment

5.

VI.

MEMBERSHIP AND VOTING RIGHTS

There shall be a total of one-hundred seven (107) one-hundred eighty-five (185) votes to be cast by the owners of the condominium units. Such votes shall be apportioned and cast as follows: The owner of each condominium unit (designated as such on the exhibits attached to this Declaration) shall be entitled to cast one (1) vote. Where a unit is owned by a corporation, partnership or other legal entity or by more than one (1) person, all the owners thereof shall be collectively entitled to the vote assigned to such unit and such owners shall, in writing, designate an individual who shall be entitled to cast the vote on behalf of the owners of such condominium unit of which he is a part until such authorization shall have been changed in writing. The term, "owner," as used herein, shall be deemed to include the Developer.

All other provisions of Article VI shall remain in full force and affect and unchanged by this Amendment

6.

VII

COMMON EXPENSES, ASSESSMENTS, COLLECTION LIEN AND ENFORCEMENT, LIMITATIONS

The Board of Administration of the Association shall propose annual budgets in advance for each fiscal year which shall contain estimates of the cost of performing the functions of the Association, including but not limited to, the estimated amounts necessary for maintenance and operation of common elements and limited common elements, landscaping, streets and walkways,

office expenses, utility services, replacement and operating reserve, casualty insurance, liability insurance, administration and salaries. Failure of the Board to include any item in the annual budget shall not preclude the Board from levying an additional assessment in any calendar year for which the budget has been projected. Each Unit Owner shall be liable for the payment to the Association of one-hundred seventh/197)one-one-hundred eighty-fifth (1/185) of the common expenses as determined in said budget.

All other provisions of Article VII shall remain in full force and effect and unchanged by this Amendment.

7.

XIV

TERMINATION OF CONDOMINIUM

The distributive share of each Unit Owner in the net proceeds of sale, though subject to the provisions hereinafter contained, shall be the following portion thereof, to-wit:

AN UNDIVIDED ONE HUNDRED SEVENTH (197) ONE-ONE HUNDRED EIGHTY-FIFTH (1/185)

All other provisions of Article XIV shall remain in full force and effect and unchanged by this Amendment.

IN WITNESS WHEREOF, the above-stated Developer has caused these presents to be signed and sealed on this 14th day of August, 2006.

DEVELOPER

TOWNS DEVELOPMENT OF ISLAND POINTE, INC. a Florida

Kohn Bennett, Vice President

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Print Name: TARELA I Jones

Print Name: 3111e so Gentry

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14 to day of 12057, 2006, by Kohn Bennett, Vice President of TOWNE DEVELOPMENT OF ISLAND POINTE, INC., a Florida corporation, on behalf of the corporation. He is personally known to me or produced

as identification.

My Commission Expires: 03/31/2010

Y

Notary Public State of Florida Bitlie Jo Gentry My Commission DD522886 Expires 03/31/2010

SURVEYOR'S CERTIFICATE FOR ISLAND POINTE, A CONDOMINIUM PHASE 2

STATE OF FLORIDA COUNTY OF BREVARD

BEFORE ME, THE UNDERSIGNED AUTHORITY DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, PERSONALLY APPEARED "ROBERT M. SALMON", 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 AN OATH AS FOLLOWS, TO-WIT:

I HEREBY CERTIFY THAT THE CONSTRUCTION OF THE IMPROVEMENTS SHOWN AND DESCRIBED ON THE ATTACHED EXHIBIT "Ye" IS NOT SUBSTANTIALLY COMPLETE; HOWEVER, THESE DRAWINGS ARE SUFFICIENTLY DETAILED SO THAT THE MATERIAL DESCRIBED AND SHOWN ON THE ATTACHED EXHIBIT "O" TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM ESTABLISHING ISLAND POINTE, A CONDOMINIUM, PHASE 2, IS AN ACCURATE REPRESENTATION OF THE LOCATIONS 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 11th DAY OF JULY, 2005 A.D.

BOSERV M. PROFESSIONAL LAND

LAND SURVEYOR STATE OF FLORIDA, NO. 4262

THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11th DAY OF JULY, 2005 BY ROBERT M. SALMON, WHO IS PERSONALLY KNOWN AND WHO DID TAKE AN OATH.

JILL B. NICKEL NOTARY PUBLIC-STATE OF FLORIDA MY COMMISSION EXPIRES: JULY 5, 2006 MY COMMISSION NO IS: DD124038

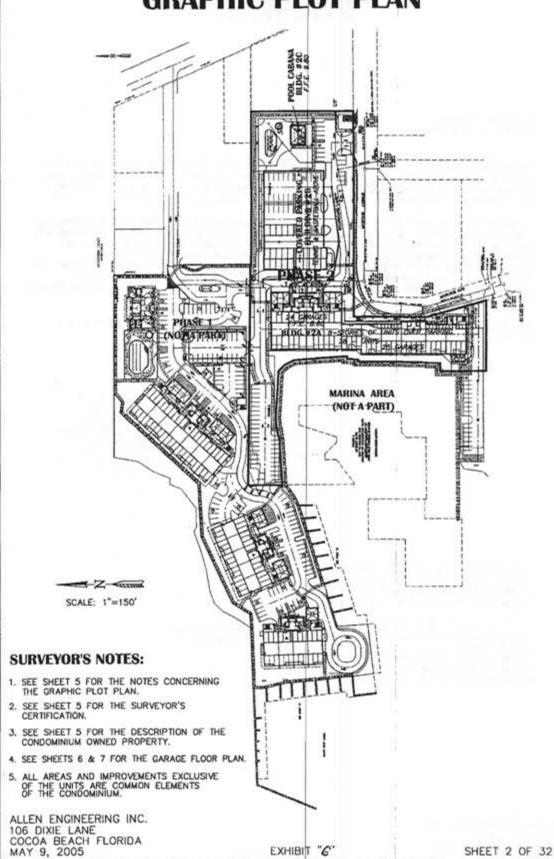
My Commission DD124036 Expires July 05, 2006

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA JULY 11, 2005

EXHIBIT "G"

SHEET 1 OF 32

ISLAND POINTE, A CONDOMINIUM PHASE 2 GRAPHIC PLOT PLAN



ISLAND POINTE, A CONDOMINIUM PHASE 2 SKETCH OF BOUNDARY SURVEY PARENT PARCEL SCALE: 1"=150" MARINA AREA (NOT A PART) INDIAN RIVER LAGOON INDIAN RIVER LAGOON SURVEYOR'S NOTES: SEE SHEET 5 FOR THE NOTES CONCERNING THE SKETCH OF SURVEY. SEE SHEET 5 FOR THE SURVEYOR'S CERTIFICATION. ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "G"

SHEET 3 OF 32

106 DIXIE LANE COCOA BEACH FLORIDA

JANUARY 30, 2006

ISLAND POINTE, A CONDOMINIUM PHASE 2 LINE TABLE SCALE: 1"=150" BEARING NORTH TROPICAL TRAIL L1 N73'47'45"E 1.51 L2 N40'33'10"W 3.38 L3 N00'38'21"W 31.68 L4 N01'42'37"E 8.66 PAGE 248 L5 N19'45'13"E 3.56 PLAT OF J. DARDONVILLE'S DIVISION DIVISION AND BOOK I, MICE 79 L6 N49'06'45"E 4.60 L7 N59'38'09"E 379. 11.99 500'04'44'E 210.08' L8 N72'39'23"E 4.47 L9 N88'57'24"E 112.51 L10 N8016'27"E 15.20 TRACT 'A'-L11 S89"35"32"E 35.45 (NOT A PART) L12 S86"28'53"E 10.91 O.R.B. 397, PG. 413 L13 N01*55'56"W 41.93 L14 N52'30'36"E 3.55 L15 N89'56'20"E 12.10 L16 N00'30'41"E 37.88 L17 N01"19"58"E 76.89 L18 N00'26'28"E 42.64 LOT 2 L19 N35"01"56"E 5.31 SUNNYSIDE TRACT N04'37'48"E 30.22 L21 N50'34'45"E 3.91 PHASE 2 \$15'54'22'E 585 107 19261 PHASE 1 INDIAN COVE LAGOON MARINA AREA (NOT A PART) 70.28' W FREE OF META, SHEET PAIN BALANCIO & L22 N00'08'10"E 29.33 L23 N00'43'44"W 26.72 L24 N03'03'21"W 9.61 L25 N11'28'36"W 9.82 L26 N12'15'12"W 9.52 L27 N18'27'43"W 2.87 L28 N2315'06"W 7.36 L29 N23'44'54"W 11.75 L30 N29"55"59"W 3.57 L31 N46"25"13"W 11.17 L32 S8513'37"W 4.10 L33 N87"13"04"W 89.01 L34 S81'27'12"W 20.73 L35 S77"58'19"W 20.50 L36 S8612'19"W 92.25 L37 S57'03'18"W 47.58 L38 S72'51'24"W 170.98 INDIAN RIVER LAGOON SURVEYOR'S NOTES: \$73°08'18"W 89.80 L40 S04"55"12"E 63.17 REFER TO BOUNDARY SURVEY L41 57817'28"W 17.26 OF THE PARENT PARCEL FOR THE L42 LOCATION OF THE EXISTING IMPROVEMENTS AND ENCROACHMENTS \$8316'03"W 93.87 L43 N07'00'13"W 3.46 ON THIS SITE. L44 N83'08'11"E 107.38 L45 N04'23'45"W 63.45 2. SEE SHEET 5 FOR THE DESCRIPTION OF 1.46 N72'52'00"E 93.85 THE CONDOMINIUM OWNED PROPERTY. L47 N01'25'45"E 10.55 L48 N72"52"00"E ALLEN ENGINEERING INC. 164.90

L49

EXHIBIT "G"

N59'39'04"E

52.19"

SHEET 4 OF 32

SURVEYOR'S NOTES CONCERNING SKETCH OF SURVEY:

- The bearings shown hereon are based on an assumed bearing for the North line of Lot 2, PLAT OF J. DARDONVILLE'S DIVISION, bearing EAST.
- 2. According to the National Flood Insurance Program, Flood Insurance Rate Map (F.LR.M.) for Brevard County, Florida and incorporated Areas, Panel 355 of 727, this property is located in community number 125092 and lies within Special Flood Hazard Area AE, Base Flood Elevation 6; Special Flood Hazard Area AE, Base Flood Elevation 5; and Other Area Zone X. Special Flood Hazard Area AE is defined on the F.LR.M. as "AREAS INUNMAY 9, 20050 BY 100—YEAR FLOOD", Other Area Zone X is defined as "AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN".
- 3. The wetland greas shown were reviewed in the field by Mary Kutz and Courtney Lowrance, on January 14, 2002.
- 4. The site is currently zoned P.U.D. by Brevard County, Florida.
- The access to the site is via North Tropical Trail (paved) and maintained by Brevard County and are open to the public.

SURVEYOR'S NOTES CONCERNING THE GRAPHIC PLOT PLAN:

- Island Pointe, A Condominium, Phase 2, contains Building 2A, a one (1) 8-story, 78 residential unit building with 1 commercial unit, 55 garage parking spaces; Building 2B, a one (1) 2-story building with 25 garage parking spaces, 34 covered regular parking spaces, 4 covered handicap parking spaces, tenis court and basketball court; Building 2C, a one (1) 1-story beach cabana building; and swimming pool. It also contains 58 regular parking spaces and 3 handicap parking spaces; for a total of 179 parking spaces (172 regular parking spaces and 7 handicap parking spaces).
- 2. The balance of improvements constructed by the developer consists of driveways, walkways, parking and open landscaped
- 3. All areas and improvements exclusive of the units are common elements of the condominium, as set forth in the Declaration of Condominium.
- The graphic plot plan was prepared under the direction of Robert M. Salmon, Professional Land Surveyor, No. 4262, State of Florida, from an Engineering Site and Striping Plan, prepared by Allen Engineering, Inc.

ISLAND POINTE, A CONDOMINIUM, PHASE 2

A portion of Lot 2, ISLAND POINTE, P.U.D. occording to the plat thereof as recorded in Plat Book 52, Page 34 through 36 of the Public Records of Brevard County, Florida, being more particularly described as follows:

of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Lot 2; thence S89'56'05" W, along the South line of said Lot 2, a distance of 346.92 feet, to the face of a metal sheet pile bulkhead and the Mean High Water Line of the Indian River Lagoon; thence the following 43 courses along said Mean High Water Line: (1) N73'47'45", a distance of 1.51 feet: (2) N40'33'10"W, a distance of 3.36 feet; (3) N00'38'21"W, a distance of 31.88 feet: (4) N01'42'37"E, a distance of 8.66 feet; (5) N19'45'13"E, a distance of 3.35 feet; (6) N49'05'45"E, a distance of 4.60 feet; (7) N59'38'09"E, a distance of 11.99 feet; (8) N72'39'23"E, a distance of 4.47 feet: (9) N88'55'24"E, a distance of 11.99 feet; (10) N80'15'25"E, a distance of 15.51 feet; (10) N80'15'25"E, a distance of 15.55 feet; (12) S86'28'53"E, a distance of 10.91 feet; (13) N01'55'55"W, a distance of 4.26 feet; (14) N52'30'35"E, a distance of 3.55 feet; (15) N89'36'20"E, a distance of 12.10 feet; (16) N00'30'41"E, a distance of 3.7.88 feet; (17) N01'19'58"E, a distance of 76.89 feet; (18) N00'26'28"E, a distance of 42.64 feet; (19) N35'0'55"E, a distance of 9.33 feet; (23) N00'43'44"W, a distance of 9.62.7 feet; (24) N03'03'21"W, a distance of 9.61 feet; (25) N11'28'36"W, a distance of 9.82 feet; (26) N12'15'12"W, a distance of 9.52 feet; (27) N18'27'43"W, a distance of 9.52 feet; (28) N23'15'08"W, a distance of 9.82 feet; (28) N12'15'12"W, a distance of 11.75 feet; (31) N46'25'13"W, a distance of 9.83 feet; (29) N23'35'08"W, a distance of 9.82 feet; (28) N12'15'12"W, a distance of 4.10 feet; (31) N46'25'13"W, a distance of 9.53 feet; (31) N46'25'13"W, a distance of 9.53 feet; (32) S85'12'19"W, a distance of 9.53 Feet; (35) S85'12'19"W, a distance of 9.87 feet; (35) S85'12'19"W, a distance of 9.88 feet; (40) S04'55'12"E, a distance of 6.317 feet; (41) S75'72'4"W, a distance of 17.98 feet; (39) S7308'18"W, a distance of 9.3.87 feet; (30) S7308'18"W, a distance of 18.80 feet; (41) S75'72'4"W,

SURVEYOR'S CERTIFICATION:

I hereby certify to the best of my knowledge and belief the Sketch of Survey shown on Sheet 3 is an accurate representation of a survey made under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Gode, Pursuant to Chapter 472.027, Florida Statutes.

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. ALLEN ENGINEERING, INC

1

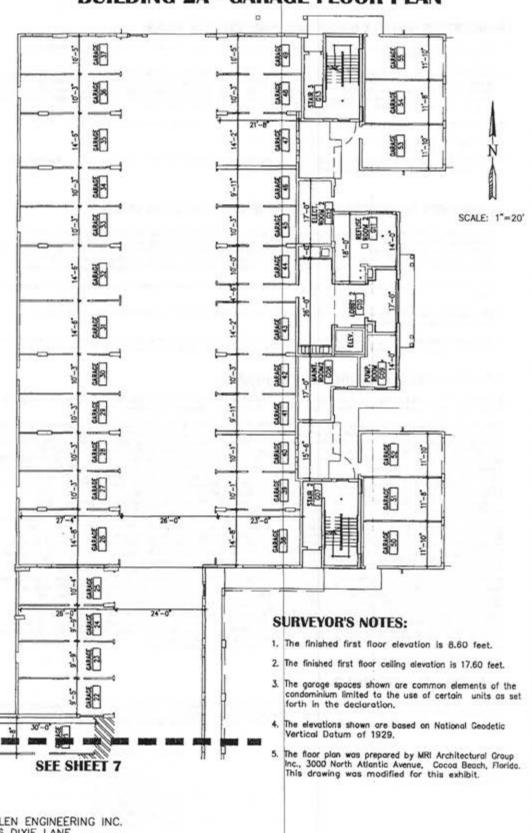
ROBERT M. SALMON Professioned Serveyor & Mapper Florida Registration No. 4262

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA JANUARY 30, 2006

EXHIBIT "&"

SHEET 5 OF 32

BUILDING 2A - GARAGE FLOOR PLAN



ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT '6"

SHEET 6 OF 32

BUILDING 2A - GARAGE FLOOR PLAN

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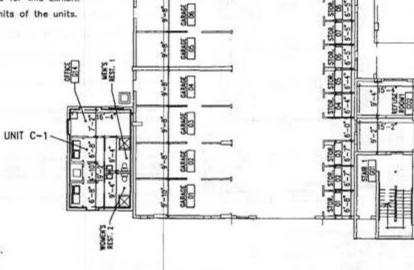
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SEE SHEET (



SURVEYOR'S NOTES:

- 1. The finished first floor elevation is 8.60 feet.
- 2. The finished first floor ceiling elevation is 17.60 feet.
- The garage spaces shown are common elements of the condominium limited to the use of certain units as set forth in the declaration.
- The elevations shown are based on National Geodetic Vertical Datum of 1929.
- The floor plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.
- 6. Indicates the limits of the units.

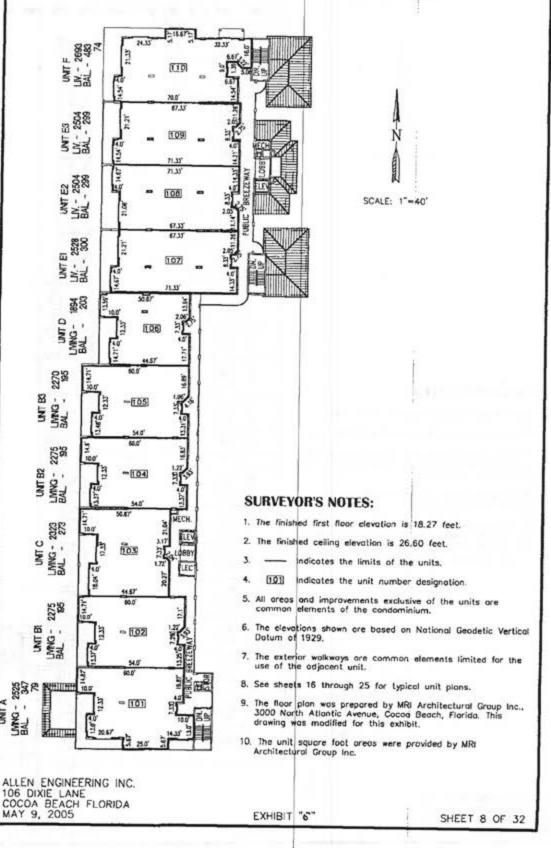


ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

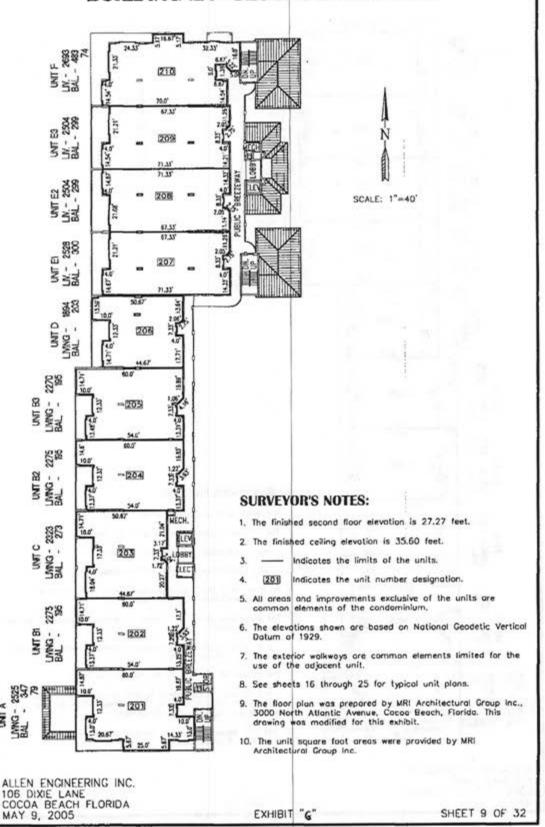
EXHIBIT "6"

SHEET 7 OF 32

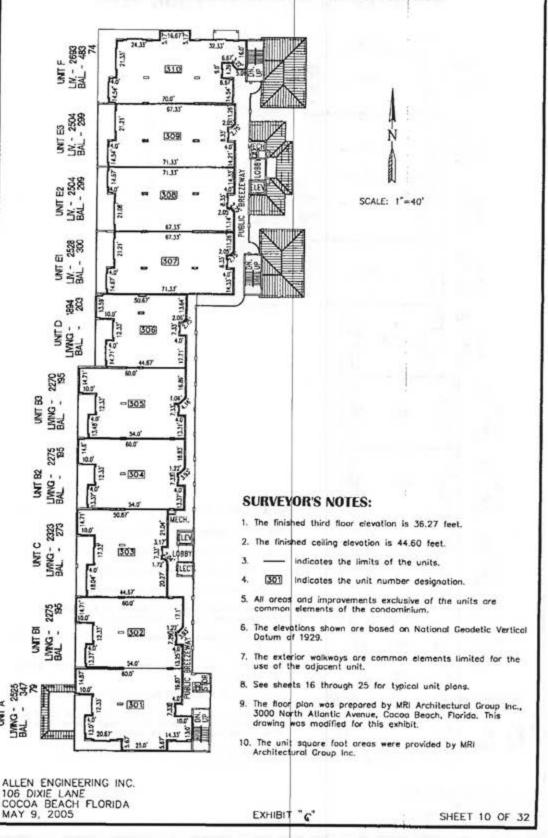
BUILDING 2A - FIRST FLOOR PLAN



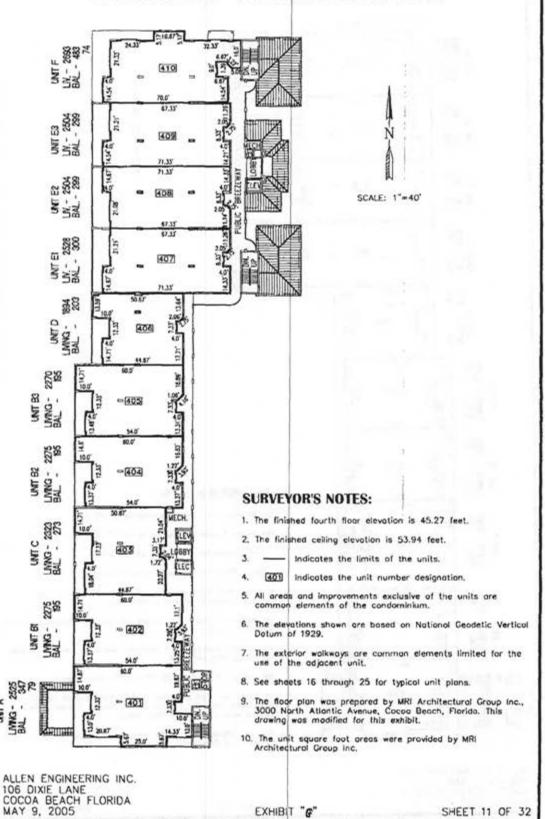
BUILDING 2A - SECOND FLOOR PLAN



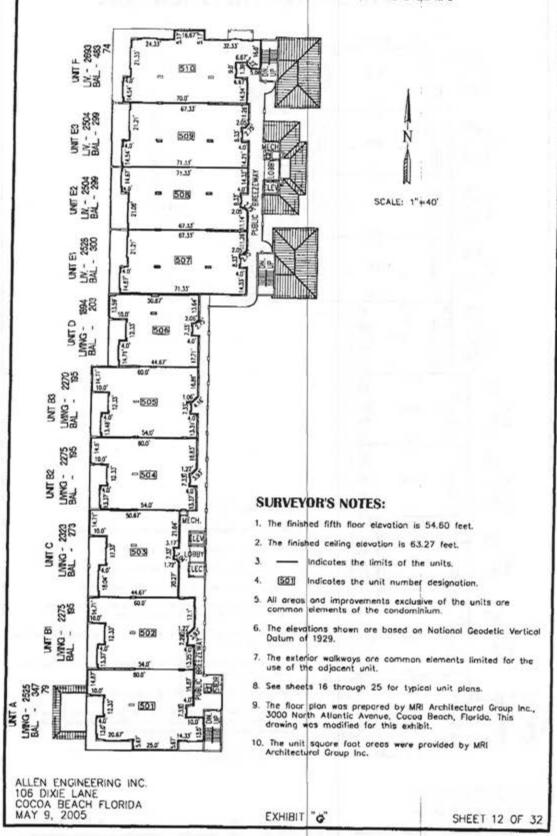
BUILDING 2A - THIRD FLOOR PLAN



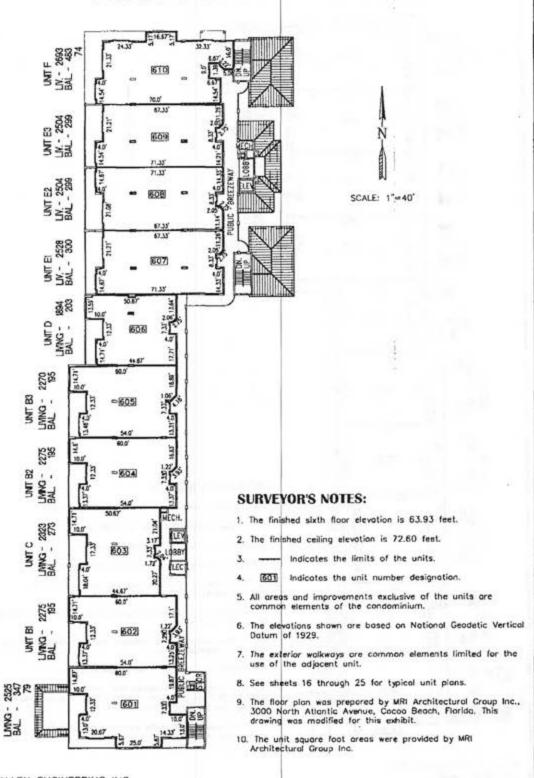
BUILDING 2A - FOURTH FLOOR PLAN



BUILDING 2A - FIFTH FLOOR PLAN



BUILDING 2A - SIXTH FLOOR PLAN



ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

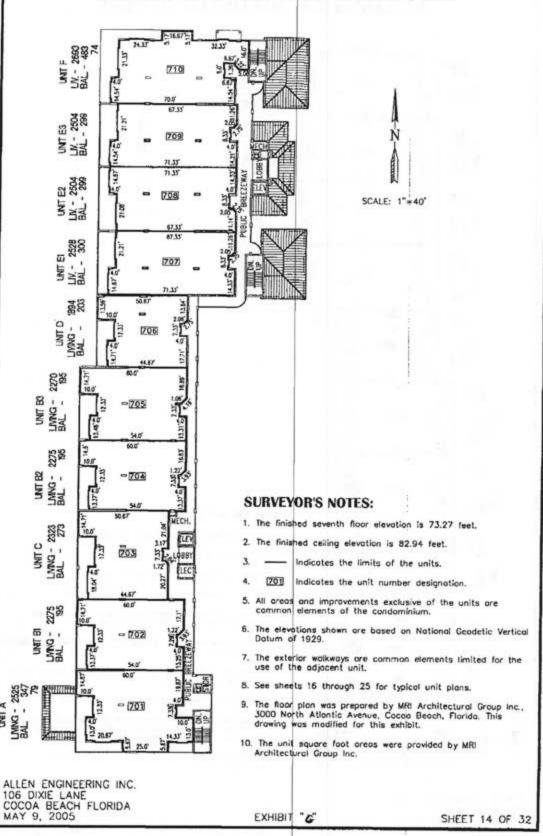
EXHIBIT "6"

SHEET 13 OF 32

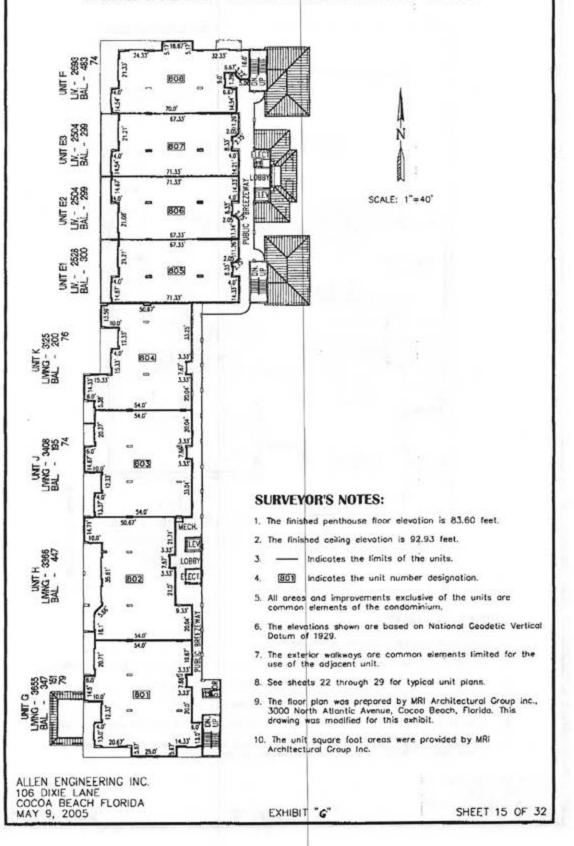
UNITA

ISLAND POINTE, A CONDOMINIUM PHASE 2

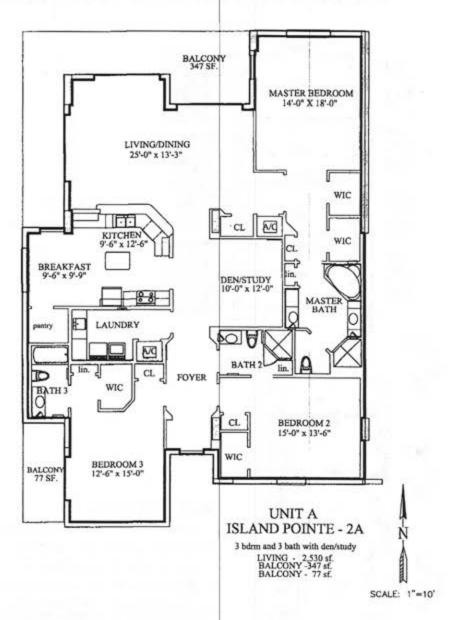
BUILDING 2A - SEVENTH FLOOR PLAN



BUILDING 2A - PENTHOUSE FLOOR PLAN



BUILDING 2A - UNIT PLAN A



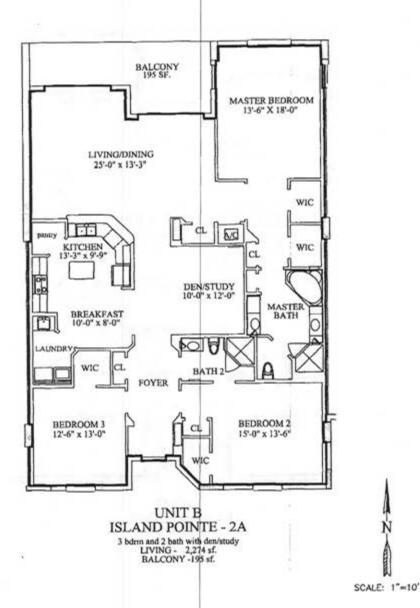
SURVEYOR'S NOTES:

- Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 14 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Fiorida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

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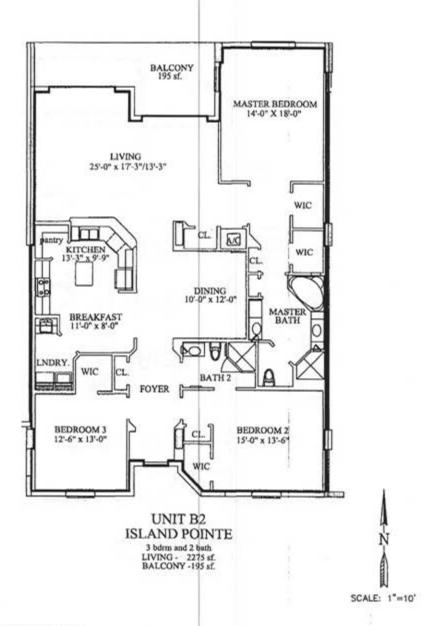
BUILDING 2A - UNIT PLAN B1



SURVEYOR'S NOTES:

- Indicates the limits of the unit.
- 2. All greas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 14 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

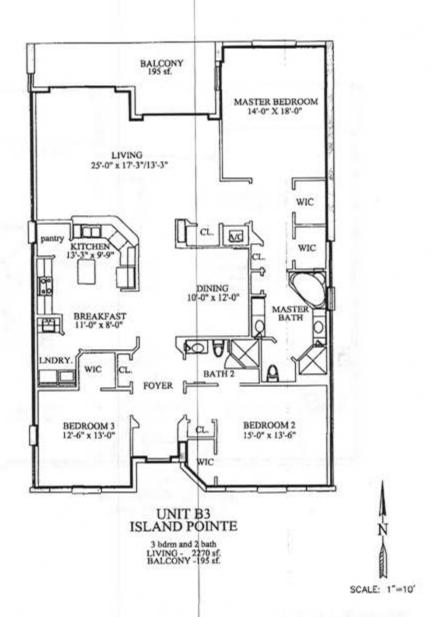
BUILDING 2A - UNIT PLAN B2



SURVEYOR'S NOTES:

- 1. Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 14 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2A - UNIT PLAN B3



SURVEYOR'S NOTES:

- 1. Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 14 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cacoa Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2A - UNIT PLAN C



SURVEYOR'S NOTES:

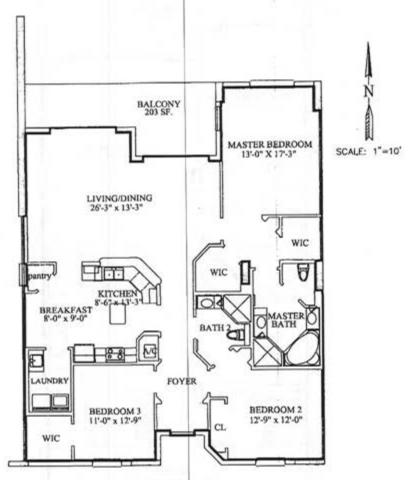
- Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 14 for the location of this unit within the building,
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoo Beach, Fiorida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "G"

SHEET 20 OF 32

BUILDING 2A - UNIT PLAN D

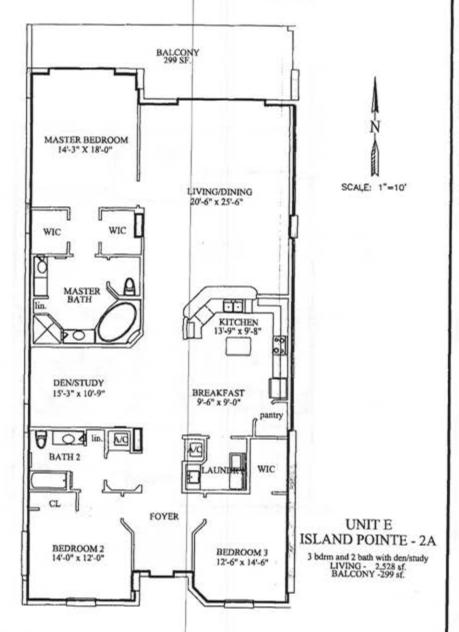


UNIT D ISLAND POINTE - 2A 3 bdrm and 2 hath LIVING - 1,893 sf. BALCONY -203 sf.

SURVEYOR'S NOTES:

- Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 14 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoo Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2A - UNIT PLAN E1



SURVEYOR'S NOTES:

- 1. Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- The unit plan shown is representational. The dimensions shown may vary.
- Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

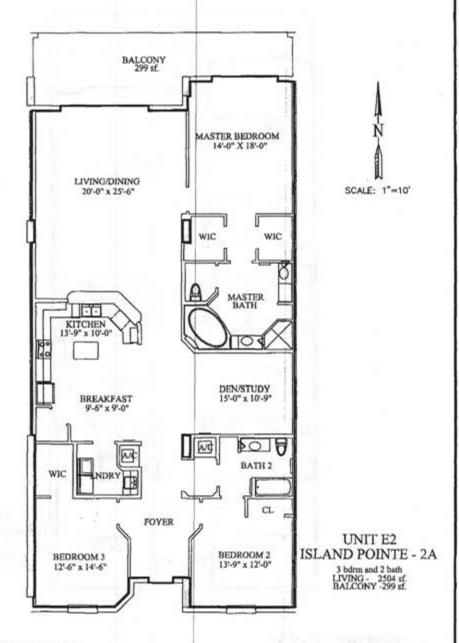
ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "G"

SHEET 22 OF 32

Page - DIGS (Opposition) of Assert Protect Protection (Section Section Section

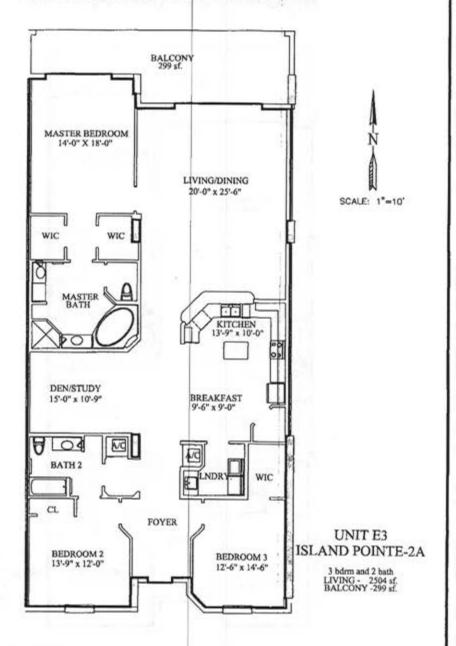
BUILDING 2A - UNIT PLAN E2



SURVEYOR'S NOTES:

- 1. Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2A - UNIT PLAN E3



SURVEYOR'S NOTES:

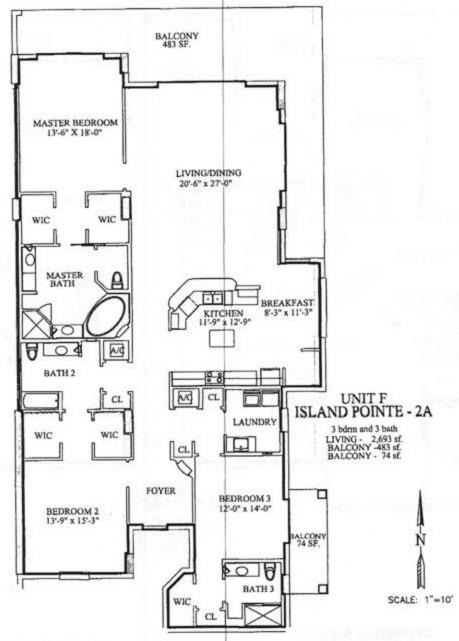
- Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 15 fpr the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "6"

SHEET 24 OF 32

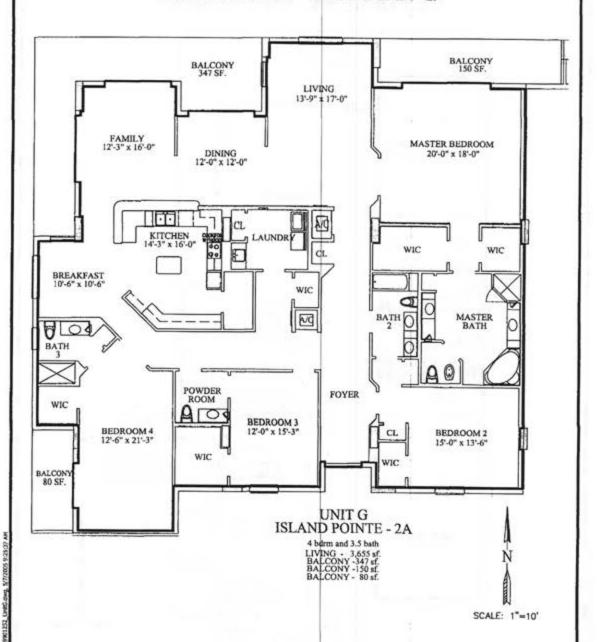
BUILDING 2A - UNIT PLAN F



SURVEYOR'S NOTES:

- 1. Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheets 8 through 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocca Beach, Florida. This drawing was modified for this exhibit.

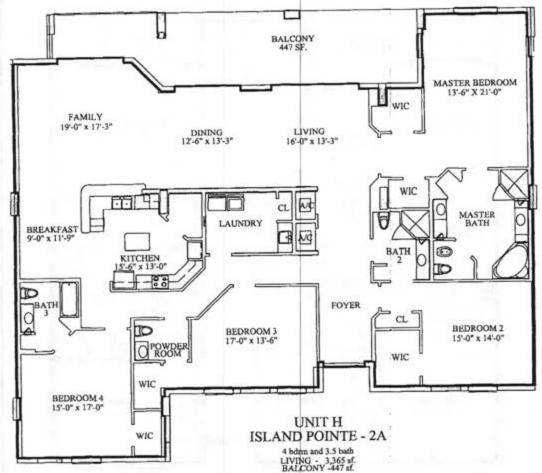
BUILDING 2A - UNIT PLAN G



SURVEYOR'S NOTES:

- Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheet 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2A - UNIT PLAN H



N SCALE: 1"=10"

SURVEYOR'S NOTES:

- . Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheet 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cacoa Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2A - UNIT PLAN J



UNIT J ISLAND POINTE - 2A

4 bdrm and 3.5 bath LIVING - 3,408 sf. BALCONY -195 sf. BALCONY - 74 sf.



SURVEYOR'S NOTES:

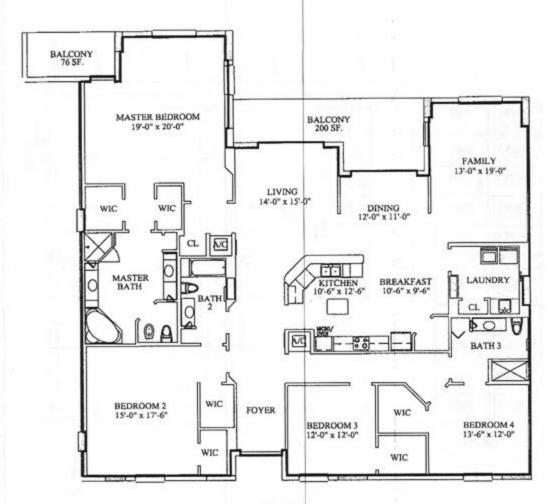
- Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheet 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "G"

SHEET 28 OF 32

BUILDING 2A - UNIT PLAN K



UNIT K ISLAND POINTE - 2A

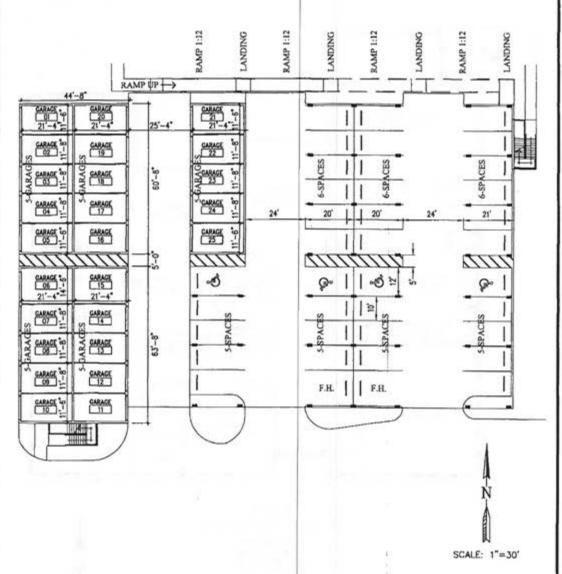
4 bdrm and 3 bath LIVING - 3,125 sf. BALCONY -200 sf. BALCONY - 76 sf.



SURVEYOR'S NOTES:

- 1. Indicates the limits of the unit.
- 2. All areas and improvements exclusive of the unit are common elements of the condominium.
- 3. The unit plan shown is representational. The dimensions shown may vary.
- 4. Some units may be reversed or a mirror image of the plan shown.
- 5. Refer to the floor plan on sheet 15 for the location of this unit within the building.
- The unit plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

BUILDING 2B - FIRST LEVEL PLAN



SURVEYOR'S NOTES:

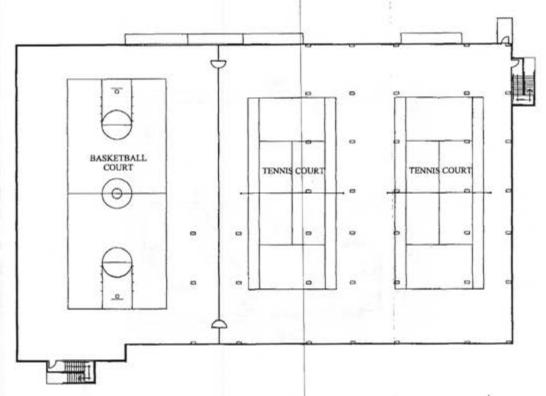
- 1. The parking garage first level finished floor elevation varies.
- 2. Celling elevations for the parking areas will vary based on final architectual plans.
- 3. Parking areas are common areas of condominium.
- 4. See sheet 2 for the location of this parking garage within Phase 2.
- 4. The elevations shown are based on National Geodetic Vertical Datum of 1929.
- The plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "G"

SHEET 30 OF 32

BUILDING 2B - SECOND LEVEL PLAN



N SCALE: 1=30'

SURVEYOR'S NOTES:

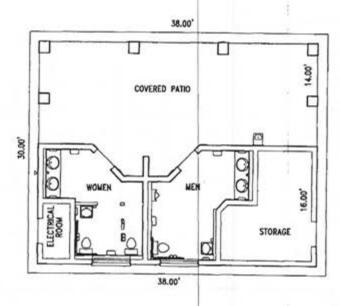
- 1. The finished floor elevation for the second level deck will vary based on final architectual plans.
- 2. See sheet 30 for the First Level Plan of the Parking Garage.
- The plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "G"

SHEET 31 OF 32

BUILDING 2C - BEACH CABANA BUILDING PLAN





SURVEYOR'S NOTES:

- 1. The finished floor elevation is 9.80 feet.
- 2. All recreation facilities are common elements of the condominium.
- 3. See sheet 2 for the location of this building within Phase 2.
- 4. The elevations shown are based on National Geodetic Vertical Datum of 1929.
- The plan was prepared by MRI Architectural Group Inc., 3000 North Atlantic Avenue, Cocoa Beach, Florida. This drawing was modified for this exhibit.

ALLEN ENGINEERING INC. 106 DIXIE LANE COCOA BEACH FLORIDA MAY 9, 2005

EXHIBIT "6"

SHEET 32 OF 32