SMITH & CUTLER, PA

Post Office Box 3239

Tampa, Florida 33601-3239

INSTR # 99350064 OR BK 09916 PG 1736

RECORDED 11/12/1999 10:00 AM RICHARD AME CLERK OF COURT HILLSBOROUSH COUNTY DEPUTY CLERK S Meany

## FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR EAGLE GREENS CONDOMINIUM

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR EAGLE GREENS CONDOMINIUM ("First Amendment") is made by WCI Communities, Inc., a Delaware corporation ("WCI")

## WITNESSETH.

WHEREAS, the Condominium was created pursuant to that certain Declaration of Condominium for Eagle Greens Condominium as recorded on July 9, 1999, in Official Records Book 9718, Page 666, public records of Hillsborough 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 Hillsborough County, Florida ("Original Drawings"), and

WHEREAS, WCI is the Developer of the Condominium, and

WHEREAS, as of the date of this First Amendment, WCI remains the owner of one hundred percent of the Units in the Condominium, and

WHEREAS, WCI, as Developer of the Condominium and as owner of 100% of the Units in the Condominium, now desires to amend the Declaration in the manner provided below, and

**WHEREAS**, the consent of the sole mortgagee of the Condominium Property and of the Units is attached hereto and made a part hereof, and

**WHEREAS**, there are unit(s) of Phase I of the Condominium which are now substantially complete and which are ready for conveyancing pursuant to Section 718 104(4)(e), Florida Statutes.

**NOW, THEREFORE**, WCI, 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 11 9 of the Declaration is hereby created to read as follows
  - 11.9 <u>Membership on the Board of Directors</u> Any person to be appointed by the Developer to serve as a director shall be appointed in accordance with the provisions of the By-Laws and this Declaration and need not be a member of the Association. Any person elected to serve as a director shall be elected in accordance with the provisions of the By-Laws and this Declaration and shall be a member of the Association Notwithstanding any provision to the contrary, a person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to



3 Article IV. Section 1 of the By-Laws is hereby amended to read as follows (CODING double-underlined text has been added and strikeout text has been deleted)

Number, Term and Qualifications The affairs of the Association Section 1 shall be governed by a Board of Directors, serving without compensation, composed of not less than 3 nor more than 9 directors. There shall never be less than 3 directors. The term of each director's service shall extend until the next annual meeting of the members. and thereafter until his successor is duly elected and qualified, or until he is removed in the manner provided in Section 3 below All directors shall be members of the Association, provided, however, that all directors that the Developer is entitled to elect or designate need not be members. Notwithstanding any provision to the contrary, a person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for Board membership. The validity of an action by the Board is not affected if it is later determined that a member of the Board is ineligible for Board membership due to having been convicted of a felony All officers of a corporation owning a Unit shall be deemed to be members of the Association so as to qualify each to become a director hereof Transfer of control of the Association from the Developer to the Unit Owners shall be in accordance with the Condominium Act

- The Original Drawings are hereby amended and superseded by those certain drawings recorded in Condominium Book 17, Page 86, public records of Hillsborough County, Florida ("Amended Drawings") Henceforth, any reference to the Original Drawings shall be deemed to relate to the Amended Drawings, and the Amended Drawings shall hereinafter constitute Exhibit No 1 to the Declaration of Condomirium For purposes of reference, a reduced-in-size copy of the Amended Drawings is attached hereto and made a part hereof. Such Amended Drawings shall also serve to certify certain of the Units as substantially complete in accordance with Section 718 104(4)(e), Florida Statutes.
- 5 Except to the extent modified herein, the Declaration remains valid and in full force and effect
- 6 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

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IN WITNESS WHEREOF, this instrument	was executed by the undersigned this /	
day of November 1999 WITNESSES:	WCI COMMUNITIES, INC., a Delaware corporation formerly known as Florida Design Communities, Inc., as Developer of Eagle Greens Condominium and as owner of 100% of the units in Eagle Greens Condominium	
Name Saren M. Castillo Print Name SAREN M. CASTILLO	By R C Beyer, Jr , Vice President	
Name Barbara L Nixon	- (SEAL)	
STATE OF FLORIDA COUNTY OF HILLSBOROUGH		
The foregoing instrument was acknowledged before me this day of		
My Commission Expires 2/8/02	Sylva Kay Leith (Signature)	
(AFFIX NOTARY SEAL)	Name <u>VLVIA KAY KEITH</u> (Legibly Printed)	
SYLVIA KAY KEITH  My Comm Exp 2/8/2002  No CC 714355	Notary Public, State of Florida  CC 7143.55	
hyPersonally Known [] Other I D	(Commission Number, if any)	

## CONSENT OF MORTGAGEE REGARDING RECORDATION OF FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR EAGLE GREENS CONDOMINIUM

BankBoston, N.A., a national banking association, as Agent for the Banks (the "Mortgagee"), the holder of that certain Consolidated, Amended and Restated Mortgage and Security Agreement and Notice of Future Advance dated as of June 29, 1999, and recorded on July 9, 1999, in Official Records Book 9717, Page 523, of the public records of Hillsborough County, Florida (the "Mortgage"), which Mortgage constitutes a lien upon the real property described in the Declaration of Condominium for Eagle Greens Condominium recorded on July 9, 1999, in Official Records Book 9718, Page 666, public records of Hillsborough County, Florida (the "Declaration"), hereby consents to WCI Communities, Inc., a Delaware corporation (the "Developer"), recording the First Amendment to the Declaration and subjecting the real property described in the Declaration to the terms and provisions of such First Amendment

Notwithstanding the execution of this consent, nothing herein shall be construed to render the Mortgagee responsible or liable for the performance of any of the covenants or undertakings of the Developer under the Declaration nor shall this consent affect the priority of the Mortgage lien and interest of the Mortgagee

Dated thisday of	November, 1999
WITNESSES	BankBoston, N.A., a national banking association
Mancy Johns Name NANCY JOHNS	By Steven P Selbo, Director
Veralen Kanier Name Geralyn Kaiser	(SEAL)
STATE OF GEORGIA COUNTY OF EULTON DEKAL B  The foregoing instrument was acknowle of NovemBer, 1999, by Steven P Se  Is personally known to me or □ has produce as identification	
My Commission Expires  (AFFCYANNOTARY SEAL)  Cheryl Geoffrion otary Public State of Georgia Commission Exp. April 30, 2000	Name (Signature)  Notary Public, State of Georgia
•	(Commission Number, if any)

# THIS IS NOTA 09916 PG 1740 CERTIFIED COPY

**AMENDED DRAWINGS** 

# EAGLE GREENS CONDOMINIUM

SECTION 6. TOWNSHE 29 SOUTH PANCE 22 EAST HILLSBOROUGH COLATY, PLOYBLA

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DATE MS/99

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GOLF COURSE

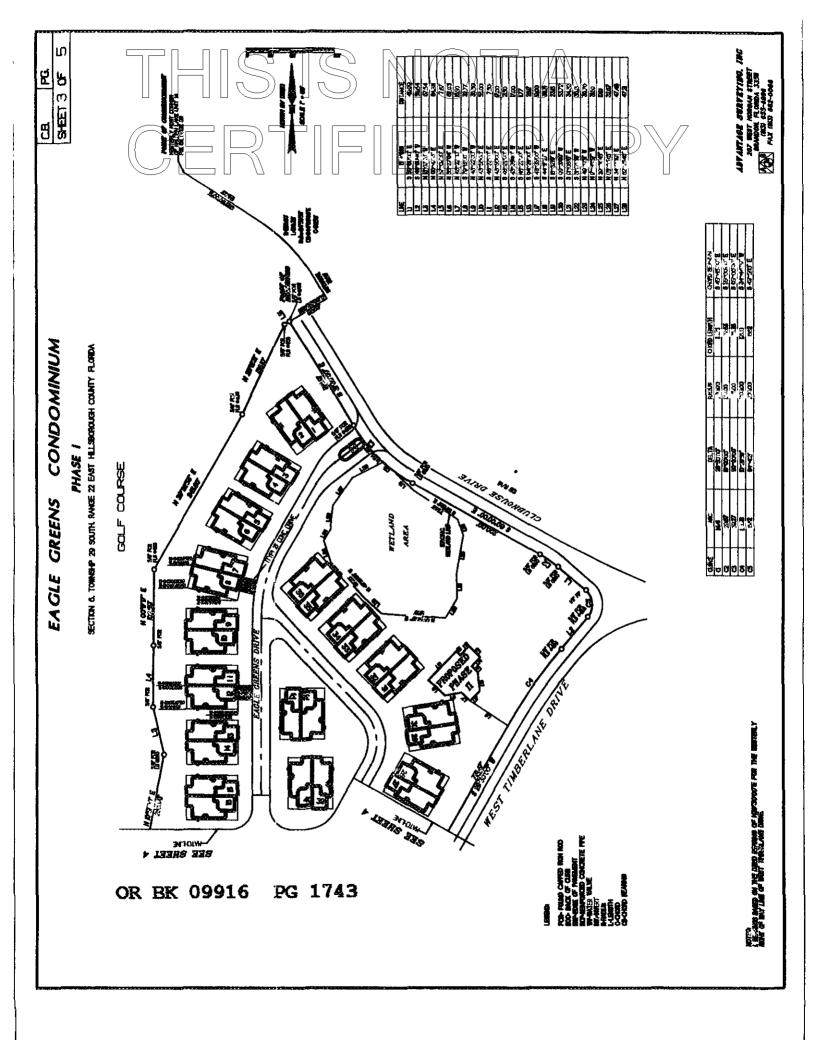


OVERALL PHASING PLAN
SECTION 6, TOWNSE 22 BAST HELSBOROUGH COUNTY FLORDA

EAGLE GREENS CONDOMINIUM

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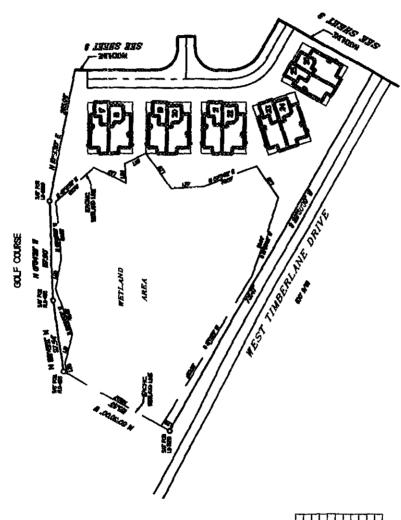
CA PG. SHEET 20F



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PG OR BK 09916

# EAGLE GREENS CONDOMINIUM PHASE I SECTION & TOWNSHE 29 SOUTH RANGE 22 EAST, HILSBOROUGH COUNTY FLORDA



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