

AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF  
MARINA CLUB VILLAGE, A CONDOMINIUM

WHEREAS, the Declaration of Condominium of MARINA CLUB VILLAGE, A CONDOMINIUM, made by Bay Bank & Trust Company, as Trustee ("Trustee"), and Bay Point Yacht & Country Club, a Florida joint venture partnership ("Developer"), is dated the 30th day of April, 1986, and was filed for record on the 30th day of April, 1986, under Clerk's File No. 86-16179 in Official Records Book 1075 beginning at Page 894 of the Public Records of Bay County, Florida, and

WHEREAS, the Declaration of Condominium described above is hereinafter referred to as the "Declaration", and

WHEREAS, the Developer and Trustee reserved in the Declaration the right to expand the condominium by the filing of an amendment ("Amendment") to the Declaration in the Official Records of Bay County, Florida, and

WHEREAS, the Developer and Trustee now desire to exercise said reserved right by filing herewith an Amendment,

NOW, THEREFORE, the Trustee and Developer make the following declarations and file this Amendment in the Official Records of Bay County, Florida.

1. PURPOSE. The purpose of this Amendment is to exercise those rights reserved to the Trustee and the Developer by the Declaration to expand MARINA CLUB VILLAGE, A CONDOMINIUM, by submitting the additional lands described in this instrument and improvements on such lands to the condominium form of ownership and use in the manner provided by the Declaration.

a. The Additional Property. The property which by this instrument is hereby submitted to the condominium form of ownership, by the Trustee and the Developer, as set forth in the Declaration is the property described in Exhibit "A" attached hereto and made a part hereof for all purposes.

b. The Additional Survey. The additional survey of the additional property showing the additional improvements upon the property and surveyor's certificate relating thereto is attached hereto as Exhibit "B" and made a part hereof for all purposes.

c. The Additional Plans. The additional improvements on the additional property are constructed substantially in accordance with the graphic description of the additional improvements including the plans and drawings which are attached to the Declaration as Exhibit "C" thereto.

2. EXPANSION OF DEFINITIONS. As provided by the Declaration, the definitions used in the Declaration are hereby automatically expanded to encompass and refer to the condominium as expanded by this Amendment. Thus, for example, "the Property" shall mean and refer to the real Property described in Exhibit "A-1" to the Declaration plus the additional real property described in Exhibit "A" to this Amendment.

3. AMENDMENT EFFECTIVE TO VEST SHARE OF NEW COMMON ELEMENTS IN OWNERS OF OLD UNITS. The filing of this Amendment hereby automatically vests in the owners of condominium units in the condominium as existed before expansion, the respective undivided interest in the common elements and surplus, including all added as a result of expansion, as more specifically set forth in Exhibit "A" to the Declaration. The recording of this Amendment hereby automatically vests in any mortgagee of any condominium or unit in the condominium as it existed before such expansion, a mortgage or security interest encumbering the

undivided interest in the new common elements added to the condominium as a result of such expansions so acquired by the owner of such condominium unit.

4. AMENDMENT EFFECTIVE TO VEST SHARE OF OLD COMMON ELEMENTS IN OWNERS OF NEW UNITS. The placing of record of this Amendment automatically vests in the owners of condominium units added by such expansion, the respective undivided interest in all of the common elements and surplus of the condominium as it exists after the expansion, including the common elements of the first phase of the condominium as described in the Declaration and exhibits thereto and the common elements of the expanded phase of the condominium as described in this Amendment and exhibits attached hereto.

5. COMPUTATION OF FRACTIONAL UNDIVIDED INTERESTS IN COMMON ELEMENTS. The computation of fractional undivided interest in the common elements and surplus is more particularly set out in Exhibit "A" to the Declaration which is attached and made a part hereof as Exhibit "D" for convenient reference, but generally involves an allocation of such interest to the owners of condominium units in the condominium as expanded as is set forth in Exhibit "A" to the Declaration (Exhibit "D" to the Amendment) in the section entitled "Phase II, Phase III and Phase IV."

IN WITNESS WHEREOF, the Developer and Trustee have executed this Amendment on this 9th day of June, 1987.

Signed, sealed & delivered  
in the presence of:

Sheila M. Smith  
Shirley H. [unclear]  
Witnesses as to TRUSTEE

TRUSTEE

BAY BANK & TRUST COMPANY, As Trustee  
Not Individually  
By Ches L. [unclear]  
Its Vice President and Trust Officer

DEVELOPER

BAY POINT YACHT & COUNTRY  
CLUB, a Florida joint venture  
partnership, by its General  
Partner, MS&S, a Florida  
General Partnership

Sheryl E. [unclear]  
Richard J. [unclear]  
Witnesses as to DEVELOPER

By William F. Spann  
William F. Spann, General  
Partner of MS&S

STATE OF FLORIDA,  
COUNTY OF BAY.

BEFORE ME, the undersigned authority, personally appeared IRVINE L. CURTIS, V.P. AND, as Trust Officer of Bay Bank & Trust Company, a Florida banking corporation, to me well known to be the person described in and who executed the foregoing Amendment to Declaration of Condominium as Trust Officer of Bay Bank & Trust Company, and she acknowledged before me that she executed such Amendment to Declaration of Condominium and affixed thereto the corporate seal of said corporation, and that it was affixed to said Amendment to Declaration of Condominium by due and regular corporate authority, and the said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal this 7<sup>th</sup> day of June, 1987.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 01/30/90

STATE OF FLORIDA,  
COUNTY OF BAY.

BEFORE ME, the undersigned authority, personally appeared William F. Spann, as Managing Partner of Bay Point Yacht & Country Club, a Florida joint venture partnership, to me well known to be the person described in and who executed the foregoing Amendment to Declaration of Condominium as Managing Partner of Bay Point Yacht & Country Club, and he acknowledged before me that he executed such Amendment to Declaration of Condominium and the said instrument is the free act and deed of said partnership.

WITNESS my hand and official seal this 5<sup>th</sup> day of June, 1987.

Richard J. Burch  
NOTARY PUBLIC  
My Commission Expires: 01/30/90

\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1966

EXHIBIT "A"

\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1967

March 20, 1966

Mr. Farrell Wood  
Director of Development  
Bay Point Yacht and Country Club  
Panama City Beach, Fla. 32407

Dear Mr. Wood:

The following is a legal description for a revised Phase II area in the Marina Club Villas.

Commencing at the most Easterly corner of Lot 651, Bay Point Unit One-A according to the Plat recorded in Plat Book 11, pages 70 and 71 in the public records of Bay County, Florida. Thence S.62°30'03"W. along the Southeasterly line of said Lot 651, 219.68 feet; thence S.05°34'40"W., 33.41 feet; thence S.00°21'44"E., 22.00 feet; thence S.35°04'57"W., 50.64 feet; thence S.39°48'24"W., 15.00 feet to the POINT OF BEGINNING: Thence N.64°20'59"E., 96.89 feet; thence Southwesterly and 15.37 feet along the arc of a curve concave Southeasterly, having a radius of 67.00 feet and a central angle of 13°08'25"; thence S.27°57'39"W., 40.70 feet to a point of curve; thence Southwesterly and 15.09 feet along the arc of a curve concave Northwesterly, having a radius of 45.00 feet and a central angle of 19°13'00"; thence S.47°10'39"W., 180.00 feet; thence S.89°10'06"W., 103.98 feet to the edge of Grand Lagoon; thence traversing said Grand Lagoon, N.13°00'50"W., 3.26 feet to a point of curve; thence Northerly and 38.09 feet along the arc of a curve concave Easterly, having a radius of 42.00 feet and a central angle of 51°57'48"; thence N.38°56'58"E., 14.25 feet; thence N.42°55'55"E., 48.96 feet; thence N.43°54'43"E., 46.52 feet; thence N.43°10'42"E., 38.62 feet; thence N.47°19'16"E., 48.94 feet; thence N.43°31'39"E., 37.80 feet; thence N.39°48'24"E., 23.51 feet to the Point of Beginning.

The following is a legal description for a revised Phase III area in the Marina Club Villas.

Commencing at the most Easterly corner of Lot 651, Bay Point Unit One-A according to the Plat recorded in Plat Book 11, pages 70 and 71 in the public records of Bay County, Florida. Thence S.62°30'03"W. along the Southeasterly line of said Lot 651, 105.00 feet to the POINT OF BEGINNING: Thence S.74°29'57"E., 101.10 feet; thence S.41°06'04"W., 233.68 feet; thence S.64°20'59"W., 96.89 feet to the edge of Grand Lagoon; thence traversing the edge of Grand Lagoon, N.39°48'24"E., 15.00 feet; thence N.35°04'57"E., 50.64 feet; thence N.00°21'44"W., 22.00 feet; thence N.05°34'40"E., 33.41 feet; thence N.62°30'03"E. along said Southeasterly line of Lot 651, 114.68 feet to the Point of Beginning.

The following is a legal description for a revised Phase IV area in the Marina Club Villas.

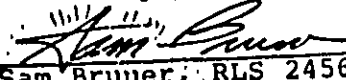
Commencing at the most Easterly corner of Lot 651, Bay Point Unit One-A according to the Plat recorded in Plat Book 11, pages 70 and 71 in the public records of Bay County, Florida. Thence Southeasterly along the Westerly right of way of Bay Point Road which is a curve concave to the Southwest and having a radius of 600.00 feet for an arc distance of 71.58 feet, said arc having a chord of 71.53 feet bearing S.29°19'34"E., thence continue along said right of way, S.19°00'29"E., 52.71 feet to the POINT OF BEGINNING: Thence continue along said right of way, S.19°00'29"E., 30.52 feet; thence Southeasterly and 40.50 feet along the arc of a curve concave North-easterly having a radius of 240.00 feet and a central angle of 09°40'14"; thence S.54°25'16"W., 59.50 feet; thence S.07°45'39"W., 240.00 feet; thence N.78°43'39"W., 24.05 feet; thence Southwesterly and 29.59 feet along the arc of a curve concave Northwesterly, having a radius of 25.00 feet and a central angle of 67°48'41"; thence S.75°34'20"W., 7.67 feet to a point of curve; thence Westerly and 9.68 feet along the arc of a curve concave Northerly, having a radius of 25.00 feet and a central angle of 22°11'19";

(continued on next page)

(Description of Phase IV Marina Club Villas Continued)

thence N.82°14'21"W., 39.34 feet to a point of curve; thence Westerly and 29.55 feet along the arc of a curve concave Southerly, having a radius of 67.00 feet and a central angle of 25°16'08"; thence N.07°45'39"E., 126.08 feet; thence N.27°57'39"E., 30.00 feet; thence N.00°02'50"W., 60.59 feet; thence N.48°53'56"W., 20.00 feet; thence N.41°06'04"E., 150.29 feet; thence N.77°51'42"E., 63.89 feet to the Westerly right of way of said Bay Point Road and the Point of Beginning.

Sincerely yours,

  
Sam Bruner, RLS 2456  
Bruner/Land Surveying, Inc.  
17224 Hutchison Road  
Panama City Beach, Fla. 32407

\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1968

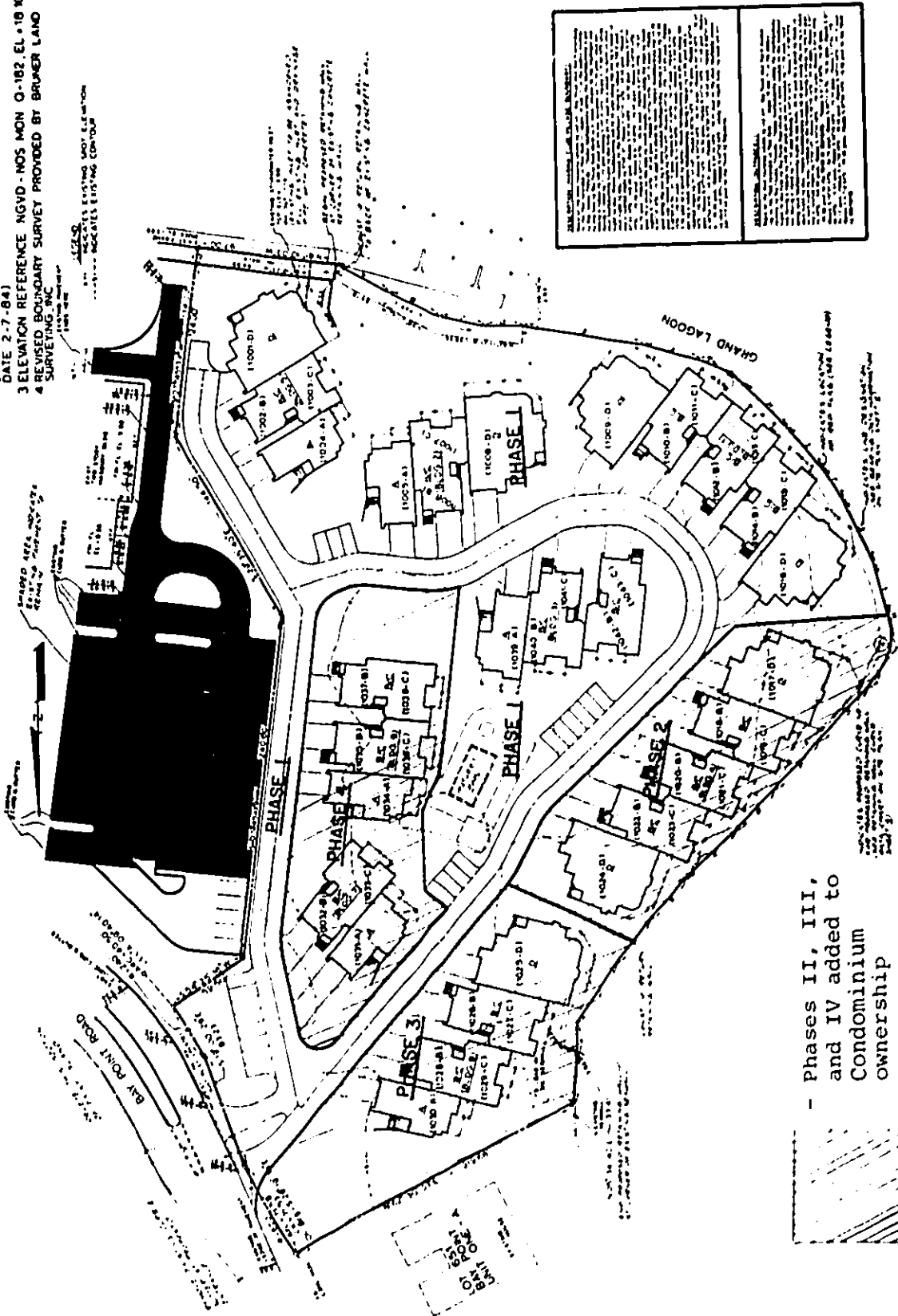
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\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1969

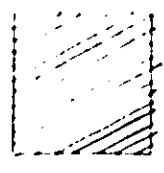
EXHIBIT "B"

Maha Club Village		DATE	BY
CONCRETE WORK		11/70	...
REVISIONS		11/70	...
11		2	...

- NOTES**
1. CONTRACTOR SHALL NOT SCALE THESE DRAWINGS FOR CONSTRUCTION PURPOSES
  2. ORIGINAL BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY BUCHANAN & HARPER, INC. DATED 6-3-62, REVISION DATE 2-7-84
  3. ELEVATION REFERENCE NGVD - NOS MON Q-182, EL. +19.10
  4. REVISED BOUNDARY SURVEY PROVIDED BY BRUNER LAND SURVEYING, INC.



- Phases II, III, and IV added to Condominium ownership



CONSTRUCTION PHASE PLAN




\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1971

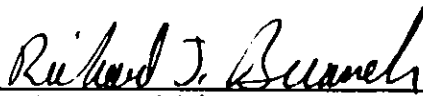
SURVEYOR'S CERTIFICATE

MARINA CLUB VILLAGE,  
A CONDOMINIUM

I, SAM BRUNER, (Registered Land Surveyor No. 2456, State of Florida), a surveyor authorized to practice in the State of Florida, hereby certify that the construction of the improvements described as Phase II, III, and IV in Exhibits B through E of the Declaration of Condominium of MARINA CLUB VILLAGE, A CONDOMINIUM, is substantially complete, so that the material, together with the contents of the Declaration relating to matters of survey describing the condominium property is an accurate representation of the location and of the dimensions of the improvements, and that the identification, location and dimensions of the common elements, limited common elements, and of each unit can be determined from these materials.

  
\_\_\_\_\_  
Sam Bruner  
Registered Land Surveyor

SWORN TO AND SUBSCRIBED before me this 5<sup>th</sup> day of JUNE  
1987.

  
\_\_\_\_\_  
Richard J. Beach  
Notary Public  
My Commission Expires:

MY COMMISSION EXPIRES MARCH 26 1991

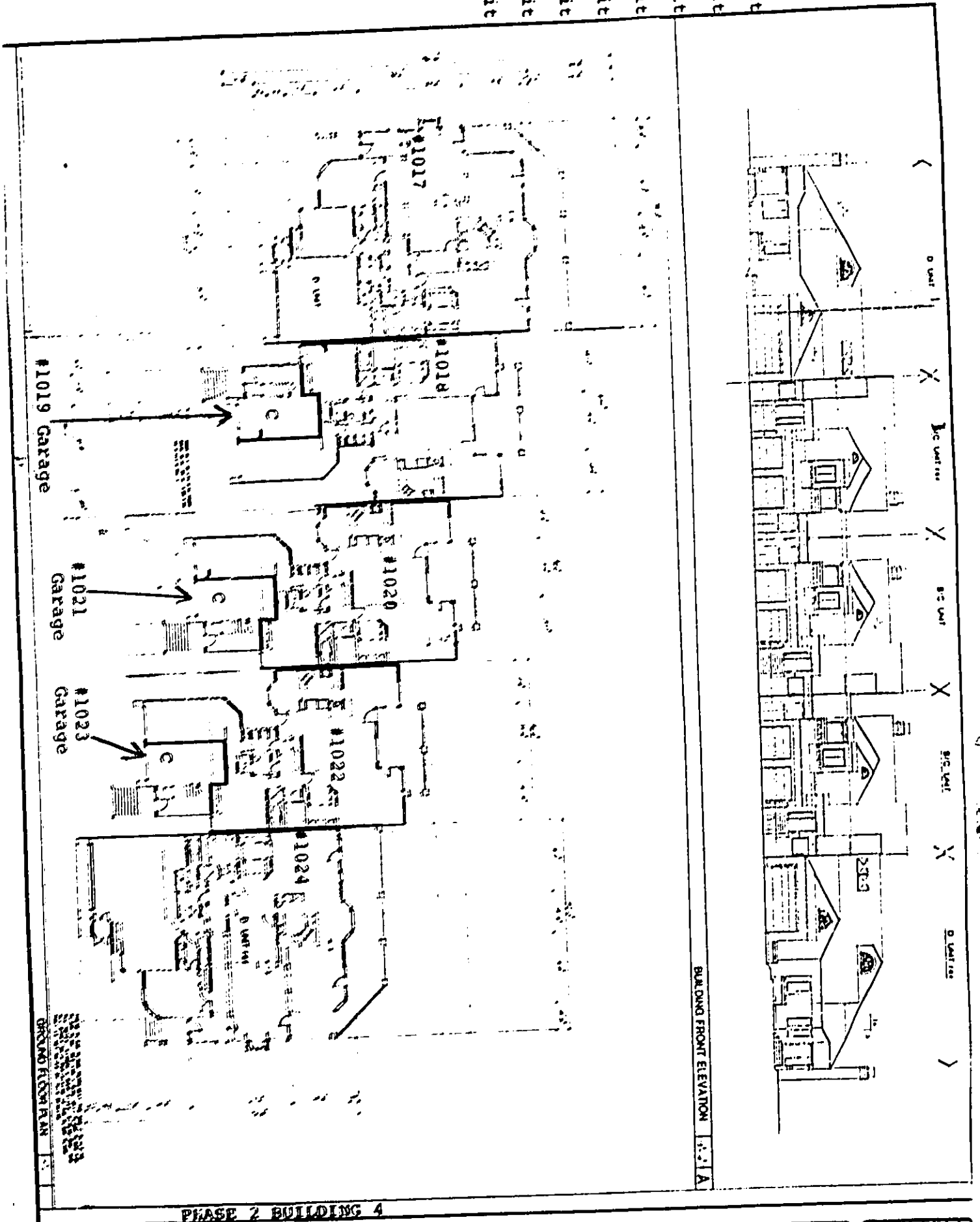
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\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1972

EXHIBIT "C"

OFFICIAL RECORDS  
BK 1135 PG 1973

- PHASE 2  
BUILDING 4  
FIRST FLOOR
- \*1017 - D Unit
  - \*1018 - B Unit
  - \*1019 - C Unit
  - \*1020 - B Unit
  - \*1021 - C Unit
  - \*1022 - B Unit
  - \*1023 - C Unit
  - \*1024 - D Unit



PHASE 2 BUILDING 4

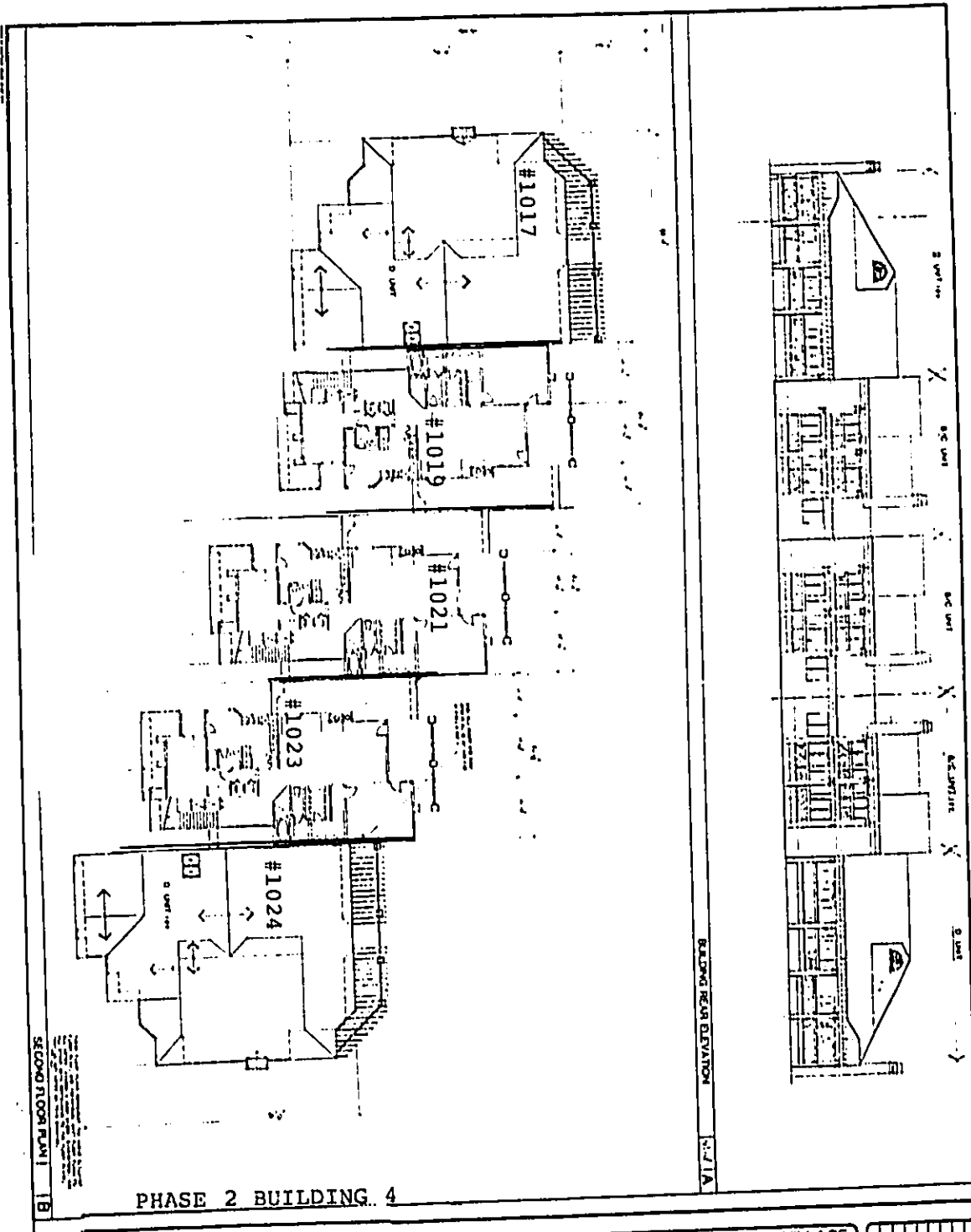
B-1	
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MARINA CLUB VILLAGE  
BAY POINT  
PANAMA CITY, FLORIDA

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B-2	

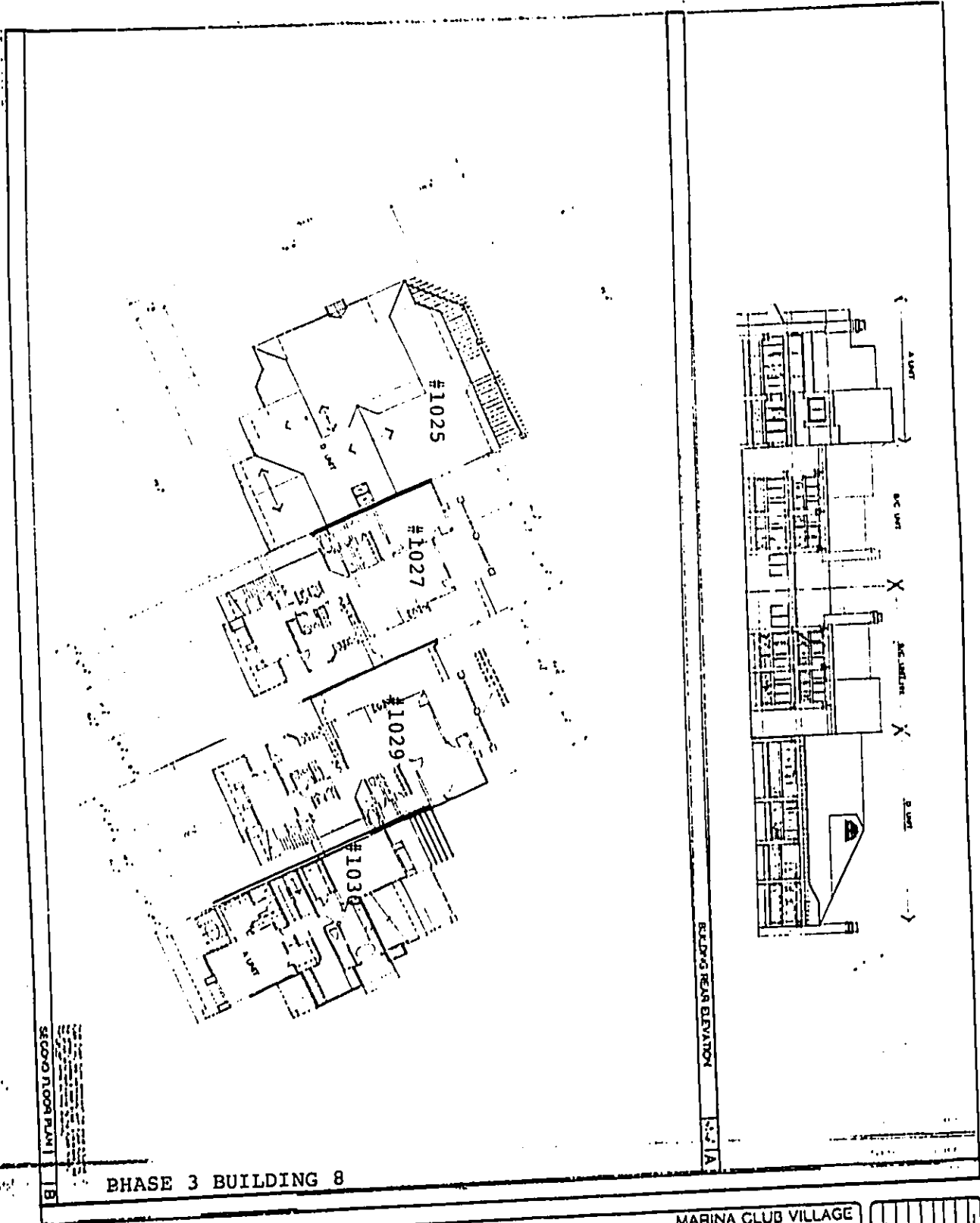
wayne  
boronbaum  
architects llp  
panama city, florida



MARINA CLUB VILLAGE  
BAY POINT  
- PANAMA CITY, FLORIDA -


- PHASE 2, BUILDING 4  
Second Floor  
#1017 - D Unit  
#1019 - C Unit  
#1021 - C Unit  
#1023 - C Unit  
#1024 - D Unit





PHASE 3 BUILDING 8

B-2					
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Wayne  
Baranbaum  
ARCHITECTURE PLANNING & INTERIOR DESIGN  
1111 N. GARDNER ST.  
P.O. BOX 1000  
PANAMA CITY, FLORIDA 32401



MARINA CLUB VILLAGE  
DAY POINT  
PANAMA CITY, FLORIDA

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- PHASE 3
- BUILDING 8
- Second Floor
- #1025 - D Unit
- #1027 - C Unit
- #1029 - C Unit
- #1030 - A Unit

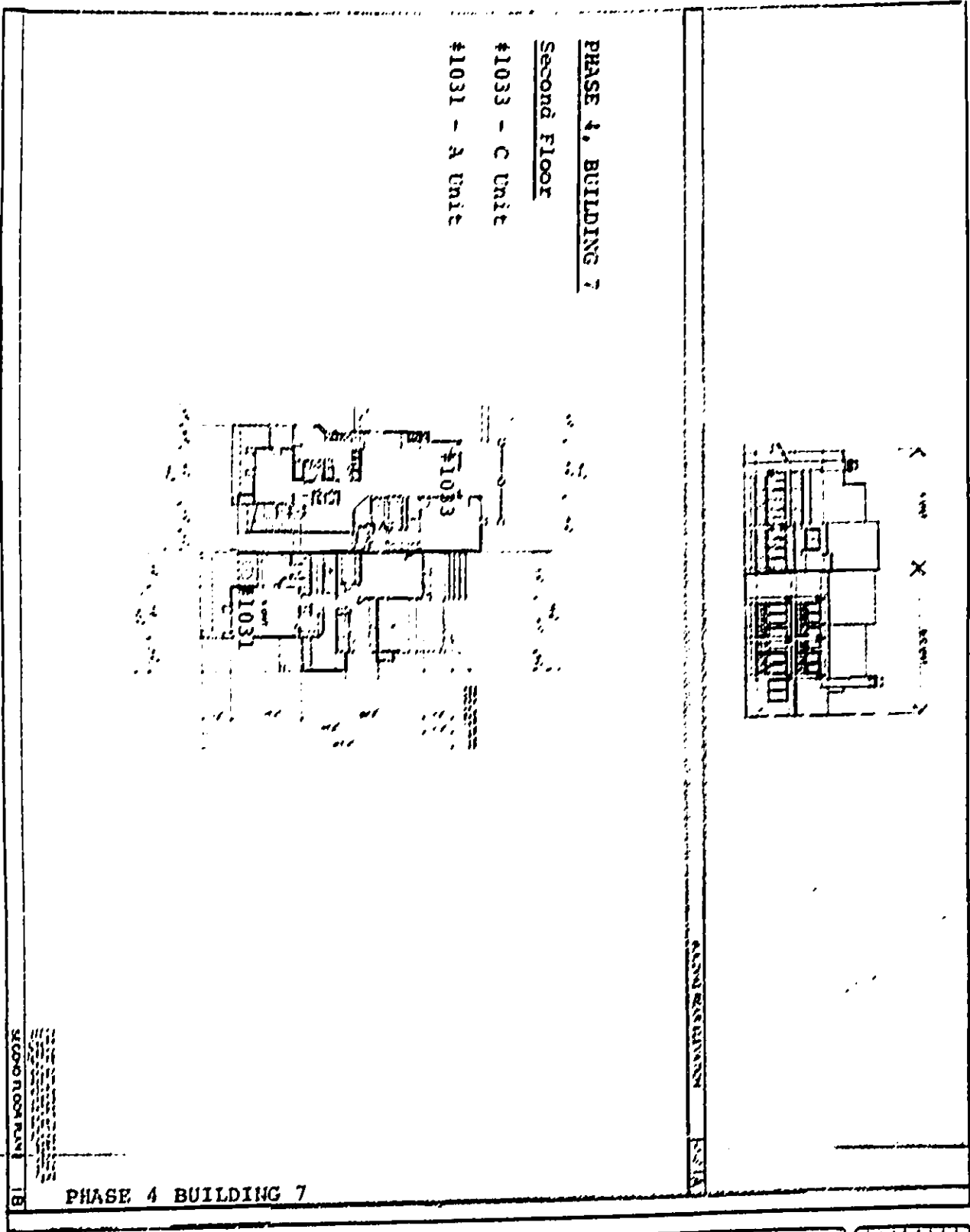








\*\* OFFICIAL RECORDS \*\*  
BK 1135 PG 1980

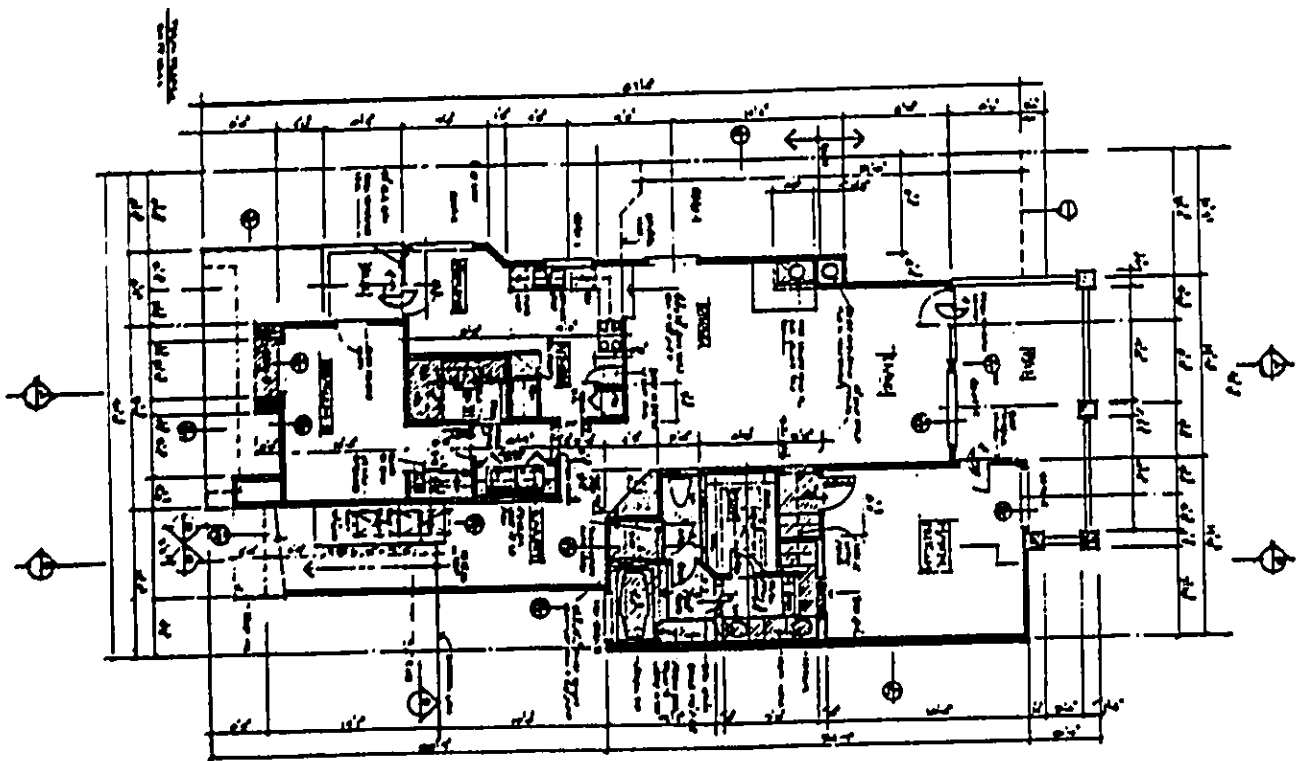


8-2				
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FLORIDA DEPARTMENT OF BUILDING & SAFETY  
STATE OF FLORIDA  
PANAMA CITY BUILDING DEPARTMENT  
PANAMA CITY, FLORIDA







C UNIT SECOND FLOOR PLAN

B/C UNIT  
NOT FOR CONSTRUCTION - BID USE ONLY

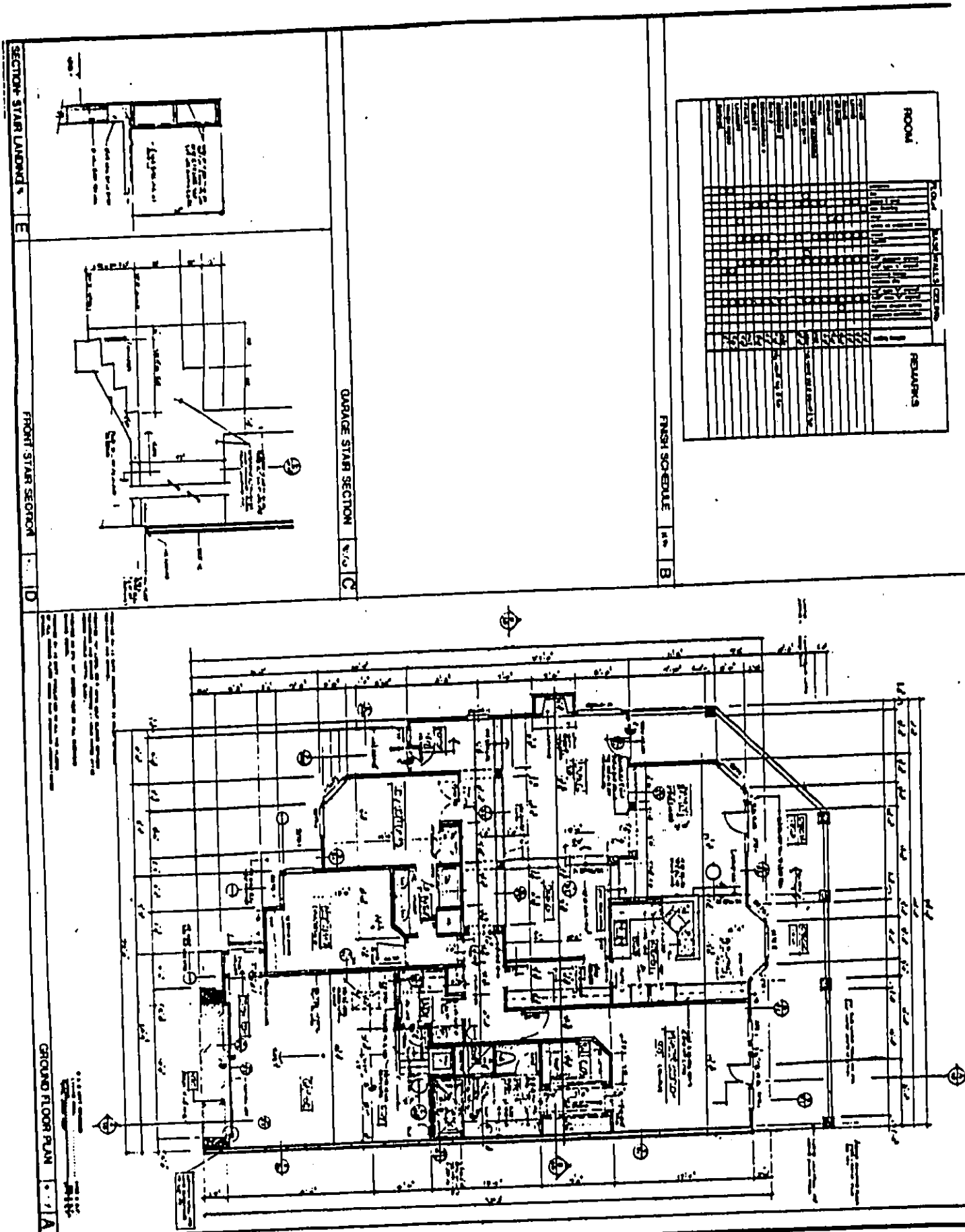
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wayne  
berenbaum  
ARCHITECTS & ENGINEERS  
P.C.



MARINA CLUB VILLAGE  
BAY POINT  
PANAMA CITY, FLORIDA

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**0 UNIT**  
**NOT FOR CONSTRUCTION - BID USE ONLY**

A-10	wayno berenbaum Architecture, Planning & P.E.	<i>BayPoint</i>	MARINA CLUB VILLAGE	PANAMA CITY, FLORIDA
			BAY POINT	



EXHIBIT "A"

THE DECLARATION OF CONDOMINIUM OF  
MARINA CLUB VILLAGE  
A CONDOMINIUM

Schedule of Shares or Percentage of Ownership in Common  
Elements and Common Surplus

PHASE I

<u>Unit Type</u>	<u>Unit Numbers</u>	<u>Percentage of Shares</u>
"A"	1004, 1005, 1039	5.320% each
"B"	1002, 1006, 1010, 1012, 1014, 1040, 1042	3.914% each
"C"	1003, 1007, 1011, 1013, 1015, 1041, 1043	4.446% each
"D"	1001, 1008, 1009, 1016	6.380% each
TOTAL		100%

AFTER COMPLETION OF  
PHASE II

<u>Unit Type</u>	<u>Unit Numbers</u>	<u>Percentage of Shares</u>
"A"	1004, 1005, 1039	3.864% each
"B"	1002, 1006, 1010, 1012, 1014, 1040, 1042, 1018, 1020, 1022	2.839% each
"C"	1003, 1007, 1011, 1013, 1015, 1041, 1043, 1019, 1021, 1023	3.225% each
"D"	1001, 1008, 1009, 1016, 1017, 1024	4.628% each
TOTAL		100%



AFTER COMPLETION OF  
PHASE III

<u>Unit Type</u>	<u>Unit Numbers</u>	<u>Percentage of Shares</u>
"A"	1004, 1005, 1039, 1030	3.200% each
"B"	1002, 1006, 1010, 1012, 1014, 1040, 1042, 1018, 1020, 1022, 1026, 1028	2.354% each
"C"	1003, 1007, 1011, 1013, 1015, 1041, 1043, 1014, 1021, 1023, 1027, 1029	2.674% each
"D"	1001, 1008, 1009, 1016, 1017	3.838% each
"D"	1024, 1025	3.837% each
TOTAL		100%

AFTER COMPLETION OF  
PHASE IV

<u>Unit Type</u>	<u>Unit Numbers</u>	<u>Percentage of Shares</u>
"A"	1004	2.634% each
"A"	1005, 1039, 1030, 1031, 1034	2.635% each
"B"	1002, 1006, 1010, 1012, 1014, 1040, 1042, 1018, 1020, 1022, 1026, 1028, 1032, 1035, 1037	1.938% each
"C"	1003, 1007, 1011, 1013, 1015, 1041, 1043, 1019, 1021, 1023, 1027, 1029, 1033, 1036, 1038	2.201% each
"D"	1001, 1008, 1009, 1016, 1017, 1024, 1025	3.158% each
TOTAL		100%