

Return to:
Gary B. Frese, Esquire
Frese, Nash & Hansen, P.A.
930 S. Harbor City Blvd., #505
Melbourne, FL 32901

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF SOMERSET BAY, A CONDOMINIUM

WESTON REAL ESTATE INVESTMENT CORP., a Florida corporation, hereinafter called "Developer", in accordance with Article XII of the Declaration of Condominium of Somerset Bay, a Condominium (the "Declaration"), dated July 13, 2000, and recorded in Official Records Book 1408, Page 0244, and all amendments thereto, all in the Public Records of Indian River County, hereby amends the Declaration for the primary purpose of adding Phase II.

1. All conditions, restrictions, and easements and other provisions of the Declaration shall apply to the phase being added by this Amendment and the land and improvements comprising said phase, as though such phase was part of the Condominium originally.

2. The Developer does hereby submit the real property described below, together with the improvements thereon, to condominium ownership pursuant to the Declaration, and hereby declares the same to be known and identified as additional properties comprising Somerset Bay, a Condominium, hereinafter referred to as the "Condominium".

PHASE II

A PARCEL OF LAND LYING IN GOVERNMENT LOT 5, SECTION 26, TOWNSHIP 31 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 5, THENCE S88°38'33"W ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 5, 357.51 FEET; THENCE S01°21'27"E, 121.62 FEET TO THE POINT OF BEGINNING; THENCE S57°07'24"E, 183.63 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 44°43'09", A RADIUS OF 148.00 FEET AND AN ARC LENGTH OF 115.51 FEET TO A POINT OF TANGENCY; THENCE S12°24'15"E, 55.02 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE, BEING CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 18°06'12", A RADIUS OF 124.00 FEET, AND AN ARC LENGTH OF 39.18 FEET TO A POINT OF TANGENCY; THENCE S30°30'27"E, A DISTANCE OF 21.39 FEET; THENCE S59°29'33"W A DISTANCE OF 126.90 FEET; THENCE N29°56'34"W, 91.18 FEET; THENCE N13°49'48"W, 34.85 FEET; THENCE N37°08'25"W, 118.35 FEET; THENCE N57°14'11"W, 103.13 FEET; THENCE N32°52'36"E, 121.55 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 1.15 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

COMMENCING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 5, THENCE S88°38'33"W A DISTANCE OF 65.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°38'33"W A DISTANCE OF 976.78 FEET; THENCE S08°21'20"E A DISTANCE OF 32.55 FEET; THENCE S11°01'05"E A DISTANCE OF 47.61 FEET; THENCE N78°58'55"E A DISTANCE OF 10.08 FEET TO A POINT OF CURVE TO THE RIGHT WHICH RADIUS BEARS N78°38'43"E; THENCE ALONG SAID CURVE HAVING A DELTA OF 99°39'38", A RADIUS OF 45.00 FEET AND AN ARC LENGTH OF 78.27 FEET TO A POINT OF TANGENCY; THENCE N88°38'33"E A DISTANCE OF 480.93 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 34°14'03", A RADIUS OF 124.00 FEET AND AN ARC LENGTH OF 74.09 FEET TO A POINT OF TANGENCY; THENCE S57°07'24"E A DISTANCE OF 281.92 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 44°43'09", A RADIUS OF 172.00 FEET AND AN ARC LENGTH OF 134.25 FEET TO A POINT OF TANGENCY; THENCE S12°24'15"E A DISTANCE OF 55.02 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 18°06'12", A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 31.60 FEET TO A POINT OF TANGENCY; THENCE S30°30'27"E A DISTANCE OF 188.23 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 23°20'06", A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 40.73 FEET TO A POINT OF TANGENCY; THENCE S07°10'21"E A DISTANCE OF 179.58 FEET TO A POINT OF CURVE WHICH RADIUS BEARS N82°49'39"E; THENCE ALONG A

CURVE TO THE LEFT HAVING A DELTA OF 62°06'17", A RADIUS OF 70.00 FEET AND AN ARC LENGTH OF 75.88 FEET; THENCE N51°33'21"E A DISTANCE OF 18.08 FEET; THENCE N01°37'02"E A DISTANCE OF 172.88 FEET; THENCE N05°23'01"W A DISTANCE OF 85.18 FEET; THENCE N28°06'14"W A DISTANCE OF 273.86 FEET; THENCE N15°19'27"W A DISTANCE OF 99.58 FEET; THENCE N00°00'00"E A DISTANCE OF 87.50 FEET; THENCE N00°54'49"E A DISTANCE OF 139.98 FEET TO THE POINT OF BEGINNING. CONTAINING 2.70 ACRES MORE OR LESS.

3. The plot plans showing the approximate location of all the existing and proposed buildings and improvements that will be contained in the Condominium, identifying by number each unit within the Condominium, are in Exhibit "B" at Page 18 of the Declaration.

4. The survey of the land comprising Phase II of the Condominium is in Exhibit "B" at Page 14 of the Declaration.

5. Phase II will contain three (3) buildings containing a total of eighteen (18) units with appurtenant improvements as described in the Declaration.

6. The undivided share of the common elements appurtenant to each unit in the Condominium (including Phases I and II), shall be 1/36.

7. The portion of sharing common expenses and owning common surplus for each unit shall be equal and shall be 1/36 (including Phases I and II).

IN WITNESS WHEREOF, the above-stated Developer has caused these presents to be signed and sealed on this 24th day of January, 2003.

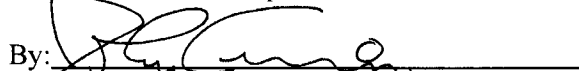
SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

DEVELOPER:


LESLIE K. WEAVER

WESTON REAL ESTATE INVESTMENT
CORP., a Florida corporation


STEPHANIE SATTERFIELD

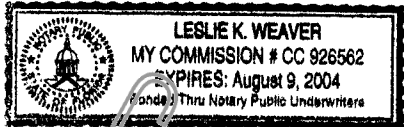
By: 
John Genoni, Sr., President


(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared JOHN GENONI, SR., President of WESTON REAL ESTATE INVESTMENTS CORP., a Florida corporation, personally known to me, and who executed the foregoing and acknowledged the execution thereof to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal in the State and County last aforesaid on this 24th day of January, 2003.




Notary Public
State of Florida at Large

JOINDER OF MORTGAGEE

ATLANTIC STATES BANK, by and through its duly authorized representative, hereby consents to and joins in the Second Amendment to Declaration of Condominium of Somerset Bay, a Condominium, and agrees and consents that the land described therein in which the undersigned has a mortgage interest, shall be submitted to condominium ownership.

Dated this 23rd day of September 2003.

Signed, sealed and delivered in the presence of:

Felicia K. Grey
Witness
Lisa Leger
Witness

ATLANTIC STATES BANK
By: [Signature]

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 23rd day of September, 2003, by Fred B. Ekblaw, as Sr. V. President of ATLANTIC STATES BANK, on behalf of the banking corporation. He/She is personally known to me.

[Signature]
Notary Public
State of Florida
My Commission Expires:

Atlantic Bonding Co., Inc.
Bonds Thru
Expires Sep. 23, 2005
Commission # DD 049487
Felicia K. Grey

 Felicia K. Grey
Commission # DD 049487
Expires Sep. 23, 2005
Bonds Thru
Atlantic Bonding Co., Inc.

JOINDER

JOHN GENONI, TRUSTEE, owns a portion of the lands described in the Declaration of Condominium for Somerset Bay, a Condominium, and hereby consents to the foregoing Second Amendment to Declaration in accordance with Section 718.104 of the Condominium Act.

✓ **IN WITNESS WHEREOF, JOHN GENONI, TRUSTEE** has caused these presents to be signed this 15th day of September, 2003.

✓ Ribeau Courney
Witness

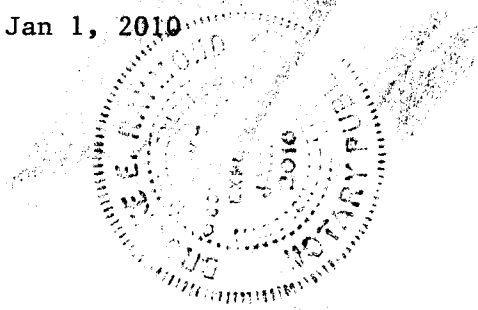
✓ Breche Raymond
Witness

John Genoni, Tr.
JOHN GENONI, TRUSTEE

STATE OF MASSACHUSETTS
COUNTY OF Dukes

The foregoing instrument was acknowledged before me this 15th day of September, 2003, by **JOHN GENONI, TRUSTEE**. He is personally known to me or he has provided a Florida Driver's License as identification.

Breche Raymond
Notary Public
My Commission Expires: Jan 1, 2010



SURVEYOR'S CERTIFICATE
SOMERSET BAY, A CONDOMINIUM
DECLARATION OF CONDOMINIUM
PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA

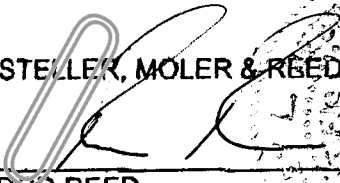
STATE OF FLORIDA
COUNTY OF INDIAN RIVER

BEFORE ME, THE UNDERSIGNED AUTHORITY DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENT, PERSONALLY APPEARED ROD REED, 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 ON OATH AS FOLLOWS, TO-WIT:

I, ROD REED, A DULY LICENSED PROFESSIONAL LAND SURVEYOR, FLORIDA REGISTRATION NO. 3916, HAD THE PROJECT KNOWN AS "SOMERSET BAY, A CONDOMINIUM", SURVEYED UNDER MY DIRECTION, AND I HEREBY CERTIFY, THAT WITH REGARD TO UNITS 201, 202, 301, 302, 401, 402 BUILDING 4, ALL PLANNED IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, LANDSCAPING, UTILITY SERVICES AND ACCESS TO SUCH UNITS, AND COMMON ELEMENT FACILITIES SERVING SUCH UNITS, HAVE BEEN SUBSTANTIALLY COMPLETED AS OF JUNE 18th, 2003.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL, THIS 18th DAY OF JUNE, 2003.

MASTELLER, MOLER & REED, INC.

By: 
ROD REED
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 3916

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 18th DAY OF JUNE, 2003, AS TO ROD REED, WHO IS PERSONALLY KNOWN TO ME.


NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES:



Return to:
Gary B. Frese, Esquire
Frese, Nash & Hansen, P.A.
930 S. Harbor City Blvd., #505
Melbourne, FL 32901