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MITSEL, MCKINLEY & STERZAGEN PA  
1291 PLACIDA RD., SUITE #104  
ENCLEWOOD, FLORIDA 34223

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM  
FOR  
HIDEAWAY BAY BEACH CLUB CONDOMINIUM

# 34 ★

Whereas on the April 29, 1988, RADNOR GASPARILLA CORPORATION, a Delaware corporation ("the Developer") executed the Declaration of Condominium for HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM ("The Declaration") which Declaration, including all exhibits attached thereto, was recorded April 29, 1988 in O.R. Book 972, Page 725 et seq., first amended April 19, 1990, in O.R. Book 1098 at Page 1855 et seq., second amended May 26, 1992 in O.R. Book 1218, Page 2179, et. seq., third amended December 4, 1992 in O.R. Book 1250, Page 1320, et. seq., fourth amended December 4, 1992 in O.R. Book 1250, Page 1322, et. seq., and corrective fourth amended December 11, 1992 in O.R. Book 1251, Page 1778, et. seq., of the Public Records of Charlotte County, Florida. In addition, the plat of HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM was recorded in Condominium Plat Book 7, Pages 82 et seq., Public Records of Charlotte County, Florida ("the Plat"). The aforesaid Declaration and Plat submitted to condominium ownership the real property described therein; and

Whereas, Paragraph D of Article V of the Declaration permits the Developer to submit additional units to condominium ownership.

Whereas, the Developer desires to submit additional units to condominium by filing this Amendment to the aforesaid Declaration;

NOW, THEREFORE, the aforesaid Declaration is hereby amended by adding the following thereto:

1. The Developer for itself, its successors and grantees, pursuant to Chapter 718, Florida Statutes, declares and submits to condominium in fee simple Phase VI of HIDEAWAY BAY BEACH CLUB CONDOMINIUM as described on Exhibit "A" attached hereto and made a part hereof and the Condominium Plat recorded in Plat Book 7, Page 82 et seq. of the Public Records of Charlotte County, Florida, so that Phase VI shall share in the common elements of HIDEAWAY BAY BEACH CLUB CONDOMINIUM and it shall be subject to the terms, conditions, restrictions, reservations, easements, rights, duties and obligations of the Declaration and Plat of HIDEAWAY BAY BEACH CLUB CONDOMINIUM. Upon recordation of this Fifth Amendment to Declaration, as a result of submission of the Phase VI lands to

RECORD VERIFIED - BARBARA T. SCOTT, CLERK  
BY TAMARA WHISENANT, D.C.

Record Verified: TAMARA WHISENANT, D.C.  
Barbara T. Scott, Clerk of the Circuit Court - Charlotte County  
File Num: 265041  
Recorded: 12/07/93 04:31 P.M.  
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condominium form of ownership, there will be fifty-two (52) units in the condominium and each unit owner will own a 1/52nd share of the common elements as an appurtenance to his/her ownership of a condominium unit.

2. Phase VI shall contain (10) ten units in one two story building, numbered G1 through G10, inclusive as more particularly described in the plat recorded in Condominium Plat Book 7, Page 82 as amended by Surveyors Certificate recorded in ~~CONDOPLAT BOOK~~ <sup>CONDOPLAT BOOK</sup> 10, Page 49A-G, Public Records of Charlotte County, Florida.

3. Except as modified hereby the Declaration establishing HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM, including the Exhibits attached thereto and made a part thereof, shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has executed this Amendment to the Declaration this 15 day of December, 1993.

Witnesses:

[Signature]  
[Signature]

HIDEAWAY BAY PROPERTIES, INC.,  
a Florida corporation

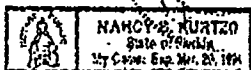
By: [Signature]  
C. Guy Batsel, President

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, C. GUY BATSEL, President of HIDEAWAY BAY PROPERTIES, INC., a Florida corporation, who is personally known to me and who did not take an oath.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Englewood, said County and State, this 15 day of December, 1993.

[Signature]  
Notary Public  
My Commission Expires 11/11/94



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EXHIBIT "A"

PHASE VI

Commence at the Northeast corner of Lot 1 of GASPAR'S HIDEAWAY UNIT ONE, as recorded in Plat Book 15, Page 2, Public Records of Charlotte County, Florida, said point lying on the South line of Tract 7 of GASPARILLA ESTATES SUBDIVISION, as recorded in Plat Book 2, Page 94, Public Records of Charlotte County, Florida; thence run North 61 degrees 40'25" East along said South line of Tract 7, 260.93 feet; thence leaving said South line, run North 28 degrees 19'35" West, 54.69 feet to the Point of Beginning of Phase VI, said point lying on the arc of a curve to the left whose center bears South 29 degrees 59'13" East, 110 feet; thence run in a general westwardly direction along the arc of said curve, having a radius of 110 feet, and a central angle of 24 degrees 45'35", 47.54 feet to the point of tangency; thence South 41 degrees 15'12" West, 31.97 feet to the point of curvature of a curve to the right; thence run in a general southwestwardly direction, along the arc of said curve, having a radius of 190 feet and a central angle of 20 degrees 25'13", 67.72 feet to the point of tangency; thence South 61 degrees 40'25" West, 62.98 feet; thence North 28 degrees 19'35" West, 54.25 feet to the point of curvature of a curve to the right; thence run in a general northeastwardly direction, along the arc of said curve, having a radius of 400 feet and a central angle of 07 degrees 17'05", 50.86 feet; thence run North 56 degrees 25'41" East along a non-radial line, 154.18 feet to the point of curvature of a curve to the right; thence run in a general northeastwardly direction, along the arc of said curve, having a radius of 50 feet and a central angle of 35 degrees 08'55", 30.67 feet to the point of reverse curvature of a curve to the left; thence run in a general eastwardly direction, along the arc of said curve, having a radius of 60 feet and a central angle of 25 degrees 33'49", 26.77 feet; thence run South 23 degrees 59'13" East along a radial line, 75.33 feet to the Point of Beginning and containing 0.49 acres more or less.

