

15 REC

H34 ★

BATSEL, MCKINLEY, ITTERSAGEN,
GUNDERSON & BERNHSSON, P.A.
1851 PLACIDA ROAD, SUITE 104
ENGLEWOOD, FL 34223

SIXTH AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR
HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM

Whereas on 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 1008 at Page 1855 et seq., second amended May 26, 1992 in O.R. Book 1216, 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., corrective fourth amended December 11, 1992 in O.R. Book 1251, Page 1778, et. seq., fifth amended December 7, 1993 in O.R. Book 1313, Page 1172, all in 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 phases (units) to condominium ownership.

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

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

1. The Developer for itself, its successors, assigns and grantees, pursuant to Chapter 718, Florida Statutes, declares and submits to condominium in fee simple Phase VII of HIDEAWAY BAY BEACH CLUB, A 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 VII shall share in the common elements of HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM, and it shall be subject to the terms, conditions, restrictions, reservations, easements, rights, duties and obligations of the Declaration and

Recording # 15.00
Rec'd Verified: CAROLYN ATWELL, D.C.

File: 295118 OR BOOK/PAGE: 1344 / 388
Recorded: 05/18/94 03:52 P.M.
Barbara T. Scott, Clerk of the Circuit Court - Charlotte County

Plat, as amended, of HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM. Upon recordation of this Sixth Amendment to Declaration, as a result of submission of the Phase VII lands to condominium form of ownership, there will be sixty-two (62) units in the condominium and each unit owner will own a 1/62nd share of the common elements as an appurtenance to his/her ownership of a condominium unit.

2. Phase VII shall contain (10) ten units in one (1) two (2) story building, numbered C1 through C10, inclusive, as more particularly described in the plat recorded in Condominium Plat Book 7, Page 82 as amended by Surveyors Certificate recorded in Condominium Plat Book 10, Page 56A to G, Public Records of Charlotte County, Florida.

3. Except as modified hereby the Declaration establishing HIDEAWAY BAY BEACH CLUB, A CONDOMINIUM, as amended, 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 2nd day of May, 1994.

Witnesses:

Nancy Commonsly
J. Robert

HIDEAWAY BAY PROPERTIES, INC.,
a Florida corporation

By: C. Guy Batsel
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 2nd day of May, 1994.

Nancy Commonsly
Notary Public
My Commission



11194#03

PHASE VII

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 $51^{\circ} 40' 25''$ East along said South line of Tract 7, 758.34; thence leaving said south line, run North $28^{\circ} 19' 35''$ West, 25' to the point of beginning of Phase VII; thence South $41^{\circ} 40' 25''$ West, 45.03' to the point of curvature of a curve to the right; thence run in a general westwardly direction, along the arc of said curve, having a radius of 45' and a central angle of $43^{\circ} 36' 15''$, 49.47' to the point of tangency; thence North $76^{\circ} 45' 20''$ West, 67.98' to the point of curvature of a curve to the right; thence run in a general northwestwardly direction, along the arc of said curve, having a radius of 130' and a central angle of $60^{\circ} 43' 20''$, 137.77; thence run North $76^{\circ} 00' 00''$ East, along a radial line, 125.88' to a point lying on the arc of a curve to the left whose center bears North $49^{\circ} 27' 10''$ East, 75'; thence run in a general eastwardly direction, along the arc of said curve, having a radius of 75' and a central angle of $85^{\circ} 14' 07''$, 111.62'; thence South $12^{\circ} 02' 10''$ East, 105.73' to the point of beginning and containing 0.55 acres more or less.

11252e05

EXHIBIT "A"

