

Rec 15.00

\*\*\*\*\*

BARBARA T. SCOTT, CLERK  
CHARLOTTE COUNTY  
DE BOOK 1681 PAGE 0696  
RECORDED IN PUBLIC RECORDS OF CHARLOTTE COUNTY  
FILE NUMBER 881731  
RECORDING FEE 15.00

**NINTH AMENDMENT TO DECLARATION OF  
FOR  
HIDEAWAY BAY BEACH CLUB CONDOMINIUM**

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 11, 1992 in O.R. Book 1251, Page 1778, et. seq., fifth amended December 7, 1993 in O.R. Book 1313, Page 1172, et. seq., sixth amended May 2, 1994 in O.R. Book 1344, Page 388, et. seq., corrective seventh amendment dated April 13, 1995 recorded at O.R. Book 1398, Page 1800, and eighth amendment dated March 24, 1997 recorded at O.R. Book 1521, Page 835 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, Chapter 718, Florida Statutes and the Declaration permit 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 V 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 V 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 Ninth Amendment to Declaration, as a result of submission of the Phase V lands to condominium form of ownership, there will be ninety-two (92) units in the condominium and each unit owner will own a 1/92nd share of the common elements as an appurtenance to his/her ownership of a condominium unit.

2. Phase V shall contain ten (10) units in one two story building, numbered H1 through H10, inclusive, as more particularly described in the plat recorded in Condominium Plat Book 7, Page 82 as amended.

IMAGED  
RB

★  
Bated #134



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 25 day of March, 1998.

Witness:

HIDEAWAY BAY PROPERTIES, INC., a Florida corporation

*Justin J. Hanley*  
*Justin J. Hanley*  
*Justin J. Hanley*  
JUSTIN J. HANLEY

*C. Guy Batsel*, President  
C. Guy Batsel, President

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of March, 1998, by C. GUY BATSEL, President of HIDEAWAY BAY PROPERTIES, INC., a Florida corporation, who is personally known to me.

*[Signature]*

Notary Public  
My Commission Expires:

12237601



Christine E. Gordon  
MY COMMISSION # 00069811 EXPIRES  
October 6, 1999  
BONHOMME TRUST COMPANY, INC.

*Return to:*

THIS INSTRUMENT WAS PREPARED BY  
C. GUY BATSEL  
BATSEL, MCKINLEY & ITTERSAGEN P.A.  
ATTORNEYS AT LAW  
1881 PLACIDA RD., STE. 104  
ENGLEWOOD, FL 34223

EXHIBIT "A"

PHASE V

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, 260.93 feet; thence leaving said South line, run North  $28^{\circ}19'35''$  West, 54.69 feet to the Point of Beginning of Phase V, said point lying on the arc of a curve to the right whose center bears South  $23^{\circ}59'13''$  East, 110 feet; thence run in a general Eastwardly direction along the arc of said curve, having a radius of 110 feet, and a central angle  $24^{\circ}07'02''$ , 46.30 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 50 feet and a central angle of  $70^{\circ}42'23''$ , 61.70 feet to the Point of Tangency; thence North  $19^{\circ}25'26''$  East, 118.93 feet to the Point of Curvature of a curve to the left; thence run in a general Northeastwardly direction, along the arc of said curve, having a radius of 115 feet and a central angle of  $16^{\circ}11'32''$ , 32.50 feet; thence run South  $87^{\circ}55'29''$  West along a non-radial line, 127.02 feet to a point lying on the arc of a curve to the right whose center bears South  $81^{\circ}37'46''$  West, 150 feet; thence run in a general Southwardly direction, along the arc of said curve, having a radius of 150 feet and central angle of  $32^{\circ}26'43''$ , 84.94 feet to the Point of Compound Curvature of a curve to the right; thence run in a general Southwestwardly direction, along the arc of said curve, having a radius of 60 feet and a central angle of  $41^{\circ}56'18''$ , 43.92 feet; thence run South  $23^{\circ}59'13''$  East along a radial line, 75.33 feet to the Point of Beginning.

