

**RESTRICTIVE COVENANT MODIFICATION**

This Restrictive Covenant Modification is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (“Owner”).

**WITNESSETH:**

This Modification to Restrictive Covenant pertains to that certain Restrictive Covenant filed \_\_\_\_\_ and recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, Public Records of Palm Beach County, Florida (herein the “Restrictive Covenant”). The Restrictive Covenant pertains to planted littoral shelves located in water management tracts depicted on the plat of certain property owned by \_\_\_\_\_ located in Palm Beach County, Florida upon which \_\_\_\_\_ intends to construct \_\_\_\_\_ (herein the “Project”). After the recording of the Restrictive Covenant, \_\_\_\_\_ submitted and Palm Beach County approved a revision to the proposed plat for the Project which alters the location of the water management tracts and planted littoral shelves which are the subject of the Restrictive Covenant. The purpose of this modification is to modify the Restrictive Covenant so that it restricts the areas in the revised plat that are now going to serve as the water management tracts and planted littoral shelves.

THEREFORE, in consideration of the premises and other good and valuable considerations, the Restrictive Covenant is hereby modified as follows:

1. Exhibits. Exhibits “A”(legal description), “B” (final site plan, master plan, or subdivision plan) and “C” (littoral planting plan) as attached to and depicted on the Restrictive Covenant are hereby deleted and replaced with Exhibit “A”, “B” and “C” attached to this modification.

Except as so modified, all other terms and conditions of the Restrictive Covenant remain the same, are in full force and effect.

**(Owner- use same signature format as on plat, or how title to property is held)**

ATTEST: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
TITLE: \_\_\_\_\_ (Name)  
COMPANY: \_\_\_\_\_  
BY: \_\_\_\_\_  
(Attest as to signature of Corporate Officer or Principal) (Corporate Officer or Principal)  
TITLE: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ (name of person) as (title of officer/member/partner) for (name of corporation/company/partnership), on behalf of the [choose one] corporation/company/partnership, who is  personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

(If there is a mortgage then a Consent and Subordination of Lender is also required to be attached as follows):

**CONSENT AND SUBORDINATION OF LENDER**

The undersigned ("Lender"), being the present holder of that certain \_(Mortgage deed)\_ dated and recorded on \_\_\_\_\_(date)\_\_\_\_\_ in the records of Palm Beach County, Florida in O.R. Book \_\_\_\_\_ and Page \_\_\_\_\_ (the "Mortgage") affecting the real property described in Exhibit "A" hereby consents to and subordinates the Mortgage to the Restrictive Covenant ("Restrictive Covenant") to which this consent is attached.

Lender is executing this document solely to provide its consent and subordination to the Restrictive Covenant as lender only and not as an agent, joint venturer or partner of any of the parties thereto. The consent granted herein is expressly limited to the Restrictive Covenant and shall not be deemed a consent to or as a waiver of any other conditions or requirements in the mortgage or any other documents pertaining to the loan held by the Lender.

Dated: \_\_\_\_\_

Lender

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ (name of person) as \_(title of officer/member/partner)\_ for \_(name of corporation/company/partnership)\_, on behalf of the [choose one] corporation/company/partnership, who is  personally known to me or has produced \_\_\_\_\_(type of identification) as identification.

\_(Signature of Notary Public - State of Florida)\_

\_(Print, Type, or Stamp Commissioned Name of Notary Public)\_

NOTARY'S SEAL OR STAMP