SECOND RESTRICTIVE COVENANT MODIFICATION

This Second Restrictive Covenant Modification (Second Restrictive Covenant Modification) is made and executed this ______ day of ______, 20____, by ________________________ ("Owner").

WITNESSETH:

This Second Restrictive Covenant Modification pertains to that certain Restrictive Covenant Agreement filed ______________ and recorded in Official Records Book ______, Page ______, Public Records of Palm Beach County, Florida (herein the “Restrictive Covenant”) as modified, by the Restrictive Covenant Modification filed ______________ and recorded in Official Records Book _____, Page ____, Public Records of Palm Beach County, Florida (herein the “Restrictive Covenant Modification”). The Restrictive Covenant as modified by the Restrictive Covenant Modification and this Second Restrictive Covenant Modification 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 _______ (owner) intends to construct __________________ (herein the “Project”). After the recording of the Restrictive Covenant Modification, (owner)________ 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, as modified, is hereby further 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 Modification, ORB ______, Page _____, are hereby deleted and replaced with Exhibit “A”, “B” and “C” attached to this Second Restrictive Covenant Modification.

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

SIGNED: _______________________________

ATTEST: _______________________________

COMPANY: _______________________________

TITLE: ________________________________

BY: ________________________________

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 ________________________, as (title of officer/member/partner) for (name of corporation/company/partnership), on behalf of the __________________________, 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

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