

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: _____
(Name)

ATTEST: _____

COMPANY: _____

TITLE: _____
(Attest as to signature of Corporate Officer or Principal)

BY: _____
(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