

KE ★ #1347 Land America/Lawyer's Title

Prepared by and Return to:
Christopher C. Brockman, Esquire
Holland & Knight LLP
200 S. Orange Avenue, Suite 2600
Orlando, FL 32801

**SECOND AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OF
SUNRISE POINTE, A CONDOMINIUM**

THIS SECOND AMENDMENT ("Amendment") is made effective as of the 20th day of March, 2007, by LEMON BAY HORIZONS, L.L.C., a Florida limited liability company ("Developer") and SUNRISE POINTE CONDOMINIUMS ASSOCIATION, INC., a Florida corporation ("Association").

RECITALS:

A. Developer has subjected certain property to the condominium form of ownership as more fully described in the Declaration of Condominium of Sunrise Pointe, a Condominium ("Original Declaration"), recorded in Official Records Book 2718, Page 1575, as amended by that certain First Amendment to the Declaration of Condominium of Sunrise Pointe, a Condominium ("First Amendment"), recorded in Official Records Book 3041, Page 1045, all in the Public Records of Charlotte County, Florida (collectively, the "Declaration").

B. Sunrise Pointe, a Condominium, ("Condominium") is a condominium created under the Declaration pursuant to Chapter 718, Florida Statutes.

C. Association is the condominium association created to manage the Condominium.

D. The Developer and the Association desire to modify the Declaration, as set forth herein.

E. The modifications to the Declaration, set forth herein, have been properly noticed and approved by the Developer and the Association and the requisite Unit Owners, as provided in Section 13 of the Declaration, at its January 22, 2007 meeting, and this Amendment shall serve as the certification of the Association certifying that the amendments to the Declaration referenced herein were duly adopted.

NOW, THEREFORE, in consideration of the premises, the Developer and the Association hereby amend the Declaration as follows:

1. The Addendum to Exhibit "A-1", which was attached to the First Amendment is modified to clarify the unit designations referenced therein, as set forth in the Affidavit Clarifying Building Unit Designation attached hereto and incorporated herein by this

reference. All references to Exhibit "A-1" herein and in the Declaration shall mean and refer to the Exhibit "A-1", as previously amended, contained within the Declaration, together with the Affidavit Clarifying Building Unit Designation attached hereto and made a part hereof.

2. Section 8.4 of the Declaration is hereby deleted in its entirety and replaced with the following:

"8.4. Insurance Trustee; Shares of Proceeds. All proceeds from insurance policies purchased by the Association shall be for the benefit of the Association and the Unit Owners and their Mortgagees, as their interest may appear, and shall provide that all proceeds covering property losses shall be paid to the Association, in trust, or to an insurance trustee, which shall be a bank with trust powers doing business in Charlotte County, Florida, approved by the Board of Directors of the Association (said party to be referred to herein in such capacity as the "Insurance Trustee"); as soon as practicable following a casualty the Board of Directors shall designate whether the Association or a bank with trust powers, as aforesaid, shall act as Insurance Trustee with regard to disbursement of proceeds covering property losses from that event. The Insurance Trustee shall not be liable for payment of premiums nor the renewal or the sufficiency of policies nor for the failure to collect any insurance proceeds. The duty of the Insurance Trustee shall be to receive such proceeds as are paid and hold the same in trust for the purposes elsewhere stated herein and for the benefit of the Unit Owners and their Mortgagees in the following shares, but which shares need not be set forth on the records of the Insurance Trustee."

3. Section 10.18 of the Declaration is hereby amended by adding the following paragraph at the beginning of the Section:

"There is a sovereignty submerged land lease associated with this Condominium. All or a portion of the dock/wet slip/marina (or other water dependent structure) is situated on sovereignty submerged lands which have been leased from the State of Florida. The lease term is five years. The lease may be renewed subject to compliance with lease provisions and applicable law. Neither the sovereignty submerged land, nor the leasehold interest therein, nor the facilities that exist on the leasehold (the Dock, as defined below) are being submitted to condominium ownership"

4. Except as herein amended, the terms and conditions of the Declaration remain in full force and effect.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego }

On July 13, 2007 before me, Kristin Slade, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Michael K. Marks
Name(s) of Signer(s)

- personally known to me
- (or proved to me on the basis of satisfactory evidence)



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature Kristin Slade
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

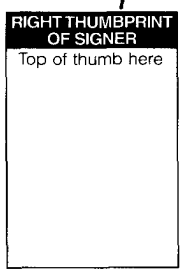
Description of Attached Document

Title or Type of Document: Second Amendment to the Declaration of Condominium of Sunrise Pointe, A Condominium
Document Date: 3/20/07 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

- Signer's Name: Michael K. Marks
- Individual
 - Corporate Officer — Title(s): Secretary
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: Lemon Bay Horizons, LLC

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego }

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Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Michael K. Marks
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to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s); or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature Kristin Slade
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Second Amendment to the Declaration of Condominium of Sunrise Pointe, A Condominium

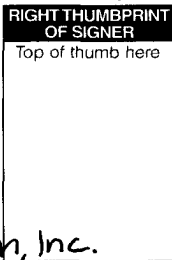
Document Date: 3/20/07 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Michael K. Marks

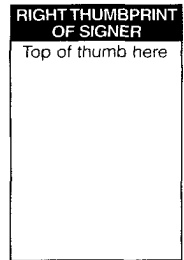
- Individual
- Corporate Officer — Title(s): Secretary
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: Sunrise Pointe Condominium Association, Inc.

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

STRAYER SURVEYING & MAPPING, INC.

AFFIDAVIT CLARIFYING BUILDING UNIT DESIGNATION

BEFORE ME, the undersigned authority, personally appeared ROBERT B. STRAYER, JR. ("Affiant"), who upon being duly sworn according to law, deposes and says:

1. Affiant is a Surveyor and Mapper authorized to practice in the state of Florida, and has personal knowledge of the matters set forth herein, and is authorized to give this affidavit.

2. This Affidavit is being made to clarify the unit numbers for Sunrise Pointe Condominiums on Manasota Key, Florida, as set forth below:

Building 1:

Unit A: #201 is also known as A-1; #301 is also known as A-2; #401 is also known as A-3

Unit B: #202 is also known as B-1; #302 is also known as B-2; #402 is also known as B-3

Unit C: #203 is also known as C-1; #303 is also known as C-2; #403 is also known as C-3

Unit D: #204 is also known as D-1; #304 is also known as D-2; #404 is also known as D-3

Building 2:

Unit A: #201 is also known as A-1; #301 is also known as A-2; #401 is also known as A-3

Unit B: #202 is also known as B-1; #302 is also known as B-2; #402 is also known as B-3

Unit C: #203 is also known as C-1; #303 is also known as C-2; #403 is also known as C-3

Unit D: #204 is also known as D-1; #304 is also known as D-2; #404 is also known as D-3

3. This Affidavit is being made to clarify a discrepancy between the building unit designations contained in Exhibit A-1 of the Declaration of Condominium of Sunrise Pointe,

recorded at Official Records Book 2718, Page 1575, and Addendum to Exhibit A-1 contained in the First Amendment to the Declaration of Condominium of Sunrise Pointe, recorded at Official Records Book 3041, Page 1045, both of the Public Records of Charlotte County, Florida.

FURTHER AFFIANT SAYETH NOT.

[Handwritten Signature]
Robert B. Strayer, Jr. 1/29/07

STATE OF FLORIDA
COUNTY OF ~~ORANGE~~ CHARLOTTE

The foregoing instrument was acknowledged before me this 29th day of January, 2007, by ROBERT B. STRAYER, JR., who is personally known to me or has produced _____ as Identification.

(seal)



[Handwritten Signature]
Shirley D. Jaworski
Notary Public-State of Florida
Commission Number: DD 548419

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