

Bk: 8145
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08/04/95
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HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 100.50

Prepared by and
Record and Return to:

Gary I. Christian, Esq.
Rumph, Stoddard & Christian
Suite 101, 3100 Building
3100 University Boulevard South
Jacksonville, Florida 32216

**SECOND AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS FOR LIGHTHOUSE POINTE**

This Amendment, made and entered into this 31st day of July, 1995, by **WINDSONG PLACE, INC.**, a Florida corporation, the principal address for which is 2139 Lavaca Road, Jacksonville, Florida 32217, ("**Declarant**").

WITNESSETH:

WHEREAS, on February 14, 1989, Lighthouse Pointe, a Florida joint venture ("**Original Declarant**"), executed and caused to be recorded that certain **Declaration of Easements, Covenants, Conditions and Restrictions for Lighthouse Pointe Community Association, Inc.**, being recorded in Official Records Volume 6656, page 1376, of the current public records of Duval County, Florida (the "**Declaration**"); and

WHEREAS, Lighthouse, Inc., a Florida corporation ("**Lighthouse**") became successor to all of the rights of the Original Declarant, pursuant to its acquisition of all unsold lots and common properties within Lighthouse Pointe by virtue of that certain deed recorded on January 15, 1993, in Official Records Volume 7497, Pages 1260 through 1263, of the current public records of Duval County, Florida, entitling Lighthouse to become vested with and to all rights of the Original Declarant under the said Declaration; and

WHEREAS, Lighthouse conveyed to Windsong Place, Inc. ("**Declarant**") all of Lighthouse's interest in and to the Property which is the subject of the Declaration, with the exception of the Dock Property, as hereinafter defined, and has further assigned all of its rights as declarant to Windsong Place, Inc., as Successor Declarant herein in accordance with that certain Assignment of Declarant's Rights recorded on May 18, 1994, in Official Records Volume 7854, Pages 13-15, of the current public records of Duval County, Florida; and

WHEREAS, with respect to Lots 1B, 1C, 1D, 1E, 6A, 6B, 6C, 6D, 7A, 7B, 7C, and 7D (herein collectively referred to as the "**Affected Lots**"), the buildings and improvements upon all such Affected Lots are or will be subject to encroachments thereupon, by reason of the fact that in order to enhance the aesthetics of Lighthouse Pointe, the buildings upon said Affected Lots are or will be located thereon in such a way that the party walls within the quadruplex buildings located or to be located thereon are not, or when constructed, will not be located precisely upon the platted property lines, but rather shall be approximately as shown on the survey drawings attached hereto as **Composite Exhibit "A"** made a part hereof; and

WHEREAS, under and pursuant to Article III, Section 5 of the Declaration, the Declarant desires to confirm that an easement exists for the benefit of each and every such Affected Lot, so as to allow the said encroachments; and

WHEREAS, Declarant further desires to enter into this Amendment for the purpose of removing certain undeveloped lands from the application and effect of the said Declaration, the said lands being herein referred to as the "**Outparcel**," being as shown on and more particularly described in **Exhibit "B"** attached hereto and made a part hereof, so that the said Outparcel shall no longer be subject to the terms and conditions of the said Declaration, as amended; and

WHEREAS, Declarant now desires to enter into the terms and conditions set forth herein, and hereby adopt the same as the Second Amendment to the Declaration, as fully and completely a part of the said Declaration as if originally contained therein, under and pursuant to the authority contained in the Declaration for the Declarant or its successors to amend the Declaration, for the purpose of eliminating any cloud on title created by the said encroachments, and removing the said Outparcel from the application and effect of the said Declaration; and

WHEREAS, attached hereto as Exhibit "C" are consents from owners of not less than seventy-five percent (75%) of all Lots within Lighthouse Pointe, evidencing their concurrence with and consent to the adoption of this Second Amendment, as well as to the adoption of the First Amendment to the Declaration previously adopted, having been recorded on May 18, 1994, in Official Records Volume 7854, Pages 0016-0024, of the current public records of Duval County, Florida.

NOW THEREFORE, for and in consideration of Ten Dollars, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby makes and declares this to be the Second Amendment to the Declaration, which shall run with title to the Property, as described herein, and every portion thereof, and which shall be binding upon all parties having any right, title, or interest in the Property or any part thereof, and their respective heirs, successors, and assigns, and which shall inure to the benefit of each such owner thereof.

The Declaration is hereby amended as follows:

1. Each and all of Lots 1B, 1C, 1D, 1E, 6A, 6B, 6C, 6D, 7A, 7B, 7C, and 7D (*the "Affected Lots"*) are or will be subject to encroachments thereupon, by reason of the fact that the party walls within the quadruplex buildings located or to be located thereon are not or will not be located precisely upon the platted property lines, but rather shall be approximately as shown on the survey drawings attached hereto as Exhibit "A". Under and pursuant to Article III, Section 5 of the Declaration, the Declarant hereby confirms that an easement so as to allow each such encroachment for the benefit of each and every such Affected Lot.

2. Article VII, Section 1(a) of the Declaration is hereby modified and amended so that, as amended, the adjustments of the boundary lines of the Affected Lots which are contemplated hereunder, so as to make the said boundary lines consistent with the respective center line of the party walls within buildings as constructed, shall be and is hereby deemed to be permitted and allowed hereunder, and the resulting legal descriptions to be used for the Affected Lots shall not constitute a re-subdivision which is otherwise prohibited hereunder.

3. The description of the lands within Lighthouse Pointe as contained in the original Declaration, is hereby modified and amended so as to exclude therefrom that certain parcel of undeveloped land being referred to herein as the "*Outparcel*," being as shown on and more particularly described in Exhibit "B" attached hereto and made a part hereof. From and after the date of recording hereof, the said Outparcel shall be, and is hereby deemed to be, no longer subject in any way to the terms and conditions of the said Declaration, as previously amended.

4. This amendment is hereby made and approved under and pursuant to Article IX, Section 10, Subsection (b) of the said Declaration, and in addition, has been consented to by the owners of not less than seventy-five per cent (75%) of all Lots within Lighthouse Pointe, evidencing their concurrence with and consent to the adoption of this Second Amendment, as well as evidencing their concurrence with and consent to the adoption of the First Amendment to the Declaration previously adopted, having been recorded on May 18, 1994, in Official Records Volume 7854, Pages 0016-0024, of the current public records of Duval County, Florida. By their consent, each such owner acknowledges that both of said Amendments shall be, and are hereby deemed to be, binding and enforceable upon each and all of the Lots within the Property, and the owners thereof, and their respective heirs, successors, and assigns, as fully and completely as if contained in the Declaration as originally written.

5. In the event of any inconsistency between the terms hereof and the terms of the Declaration as originally written or as previously modified, the terms hereof shall control. To the extent that the original Declaration is not amended or affected by the terms and conditions contained herein, the same shall remain in full force and effect as originally written. If any portion or term of the foregoing instrument is held or deemed to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining terms and conditions hereof shall continue unabated, in full force and effect as originally written.

SECOND AMENDMENT TO DECLARATION FOR LIGHTHOUSE POINTE

PAGE 2

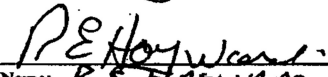
IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed, and to be effective on the day and year first above written.

Signed, sealed, and delivered
in the presence of:

WINDSONG PLACE, INC.
"Declarant"


[Name: GARY I. CHRISTIAN]

By: 
Its President


[Name: R. E. HAYWARD]
As to Declarant

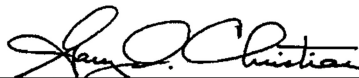


STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing Second Amendment to Declaration of Easements, Covenants, Conditions, and Restrictions for Lighthouse Pointe was acknowledged before me this 31st day of July, 1995, by D. G. Granger, the President of WINDSONG PLACE, INC., a Florida corporation, on behalf of the said corporation, who is personally known to me and who did take an oath.




[Print Name: GARY I. CHRISTIAN]
Notary Public, State of Florida at Large

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: Nov. 26, 1995.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

LIGHTHOUSELAND

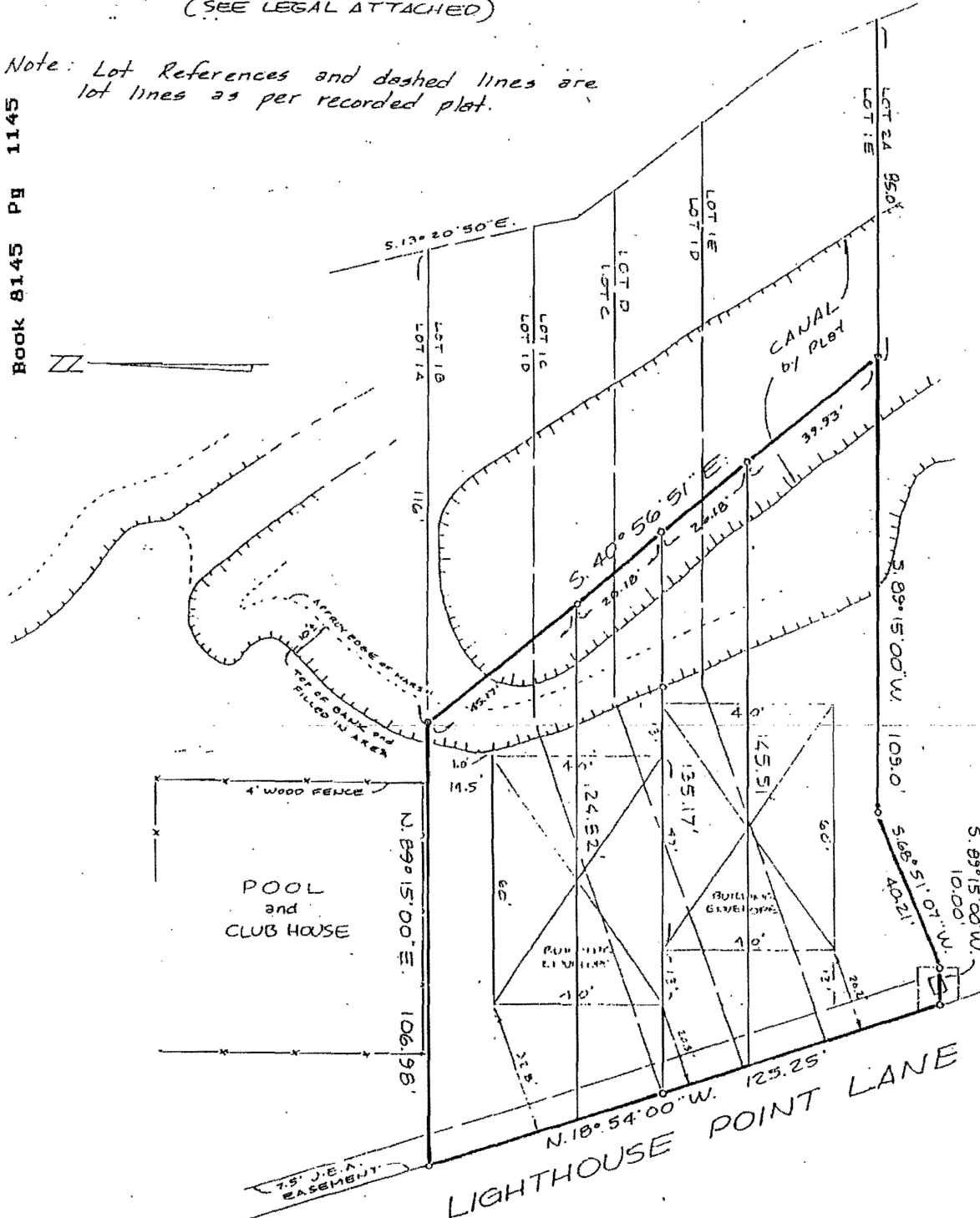
MAP SHOWING SURVEY OF

SURVEYS OF AFFECTED LOTS

A PORTION OF LOTS 18, 19, 10 AND 11, LIGHTHOUSE POINT, E
AS RECORDED IN PLAT. BOOK 44, PAGES 68 AND 68A OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
(SEE LEGAL ATTACHED)

Note: Lot References and dashed lines are
lot lines as per recorded plat.

Book 8145 Pg 1145



NOTES:

1. Bearings are based on EASTERN R/W LINE LIGHTHOUSE POINT LAKE.
2. This is a BOUNDARY survey.
3. Elevations shown thus (15.0) refer to N.G.V.D. of 1929.
4. Subject property lies within Zone AE (ELC) as shown on F.I.A. Flood Hazard Boundary Map 0243E, Community No. 120277, dated 8/15/89.
5. Unless otherwise noted, any portion of the subject parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.
6. There may be Restrictions or Easements of Record evidenced by title examination that have not been shown hereon.

SECOND AMENDMENT TO DECLARATION FOR LIGHTHOUSE POINT

PAGE 4

LEGEND

- DENOTES CONCRETE MONUMENT
- DENOTES FENCE
- DENOTES IRON PIPE SET
- DENOTES IRON PIPE FOUND
- ✕ DENOTES CROSS CUT

DATE NOV. 17, 1994
SCALE 1" = 30'
JOB NO. 30607/30124

Richard A. Miller & Associates, Inc.
Professional Land Surveyors
6701 Beach Blvd., Suite #200
Jacksonville, Florida 32216
(904) 721-1226

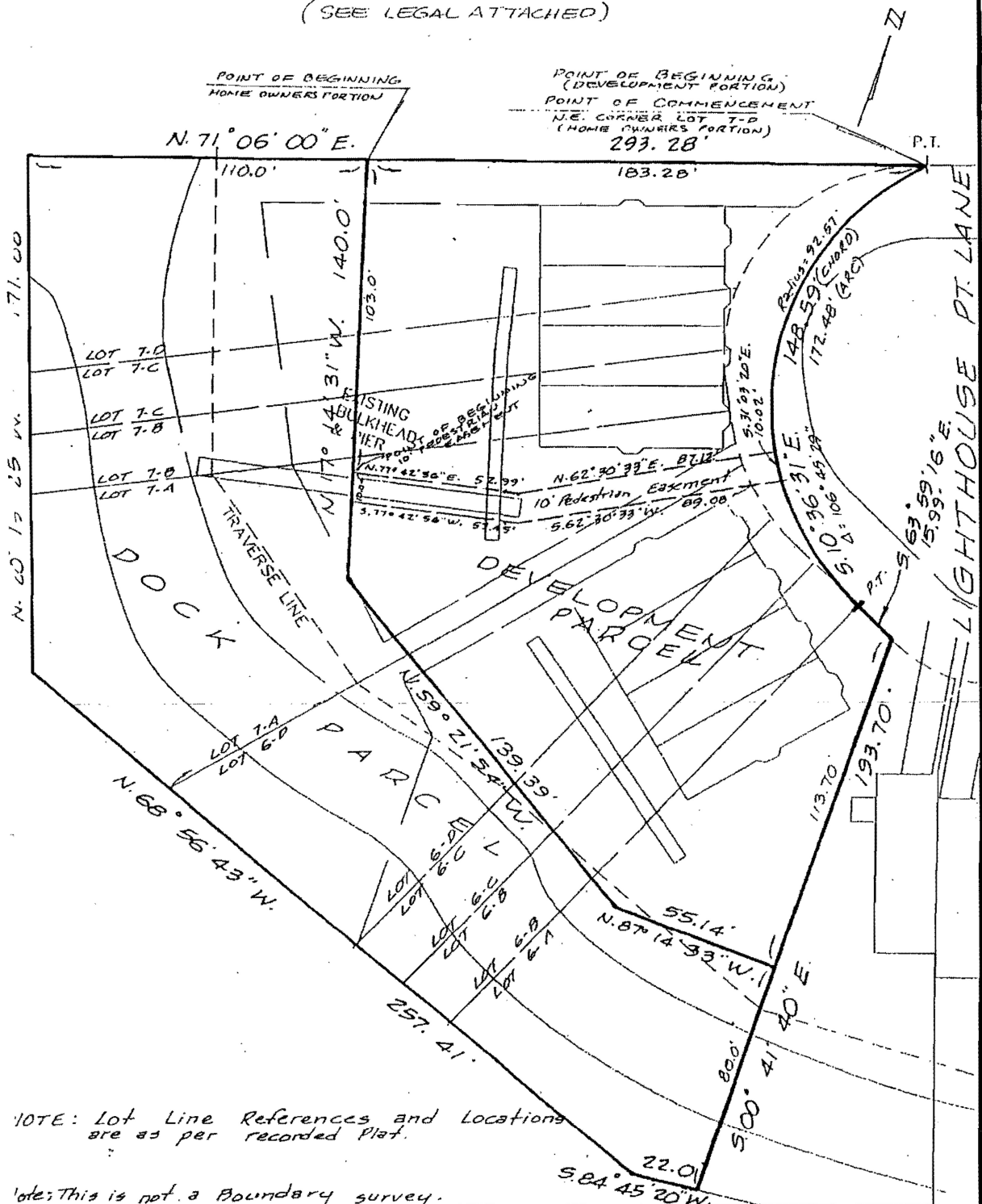
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM
TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND
SURVEYORS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES

Richard A. Miller
RICHARD A. MILLER, P.L.S. CERT. NO. 3848

MAP SHOWING SURVEY OF

LOTS 6 AND 7, LIGHTHOUSE POINTE, AS RECORDED IN PLAT BOOK 44, PAGES 68 AND 68A, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

(SEE LEGAL ATTACHED)



NOTE: Lot Line References and Locations are as per recorded Plat.

NOTE: This is not a Boundary survey.

NOTES:

- Bearings are based on RECORD PLAT.
 This is a (SPECIFIC PURPOSE) sketch of survey.
 Elevations shown thus (15.0) refer to N.G.V.D. of 1929.
 Subject property lies within Zone as shown on F.I.A. Flood Hazard Boundary Map dated , Community No. .
 Unless otherwise noted, any portion of the subject parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.
 There may be Restrictions or Easements of Record evidenced by title examination that have not been shown hereon.

SECOND AMENDMENT TO DECLARATION FOR LIGHTHOUSE POINTE
 PAGE 5

LEGEND

- DENOTES CONCRETE MONUMENT
- x-x DENOTES FENCE
- DENOTES IRON PIPE SET
- DENOTES IRON PIPE FOUND
- x DENOTES CROSS CUT

DATE APRIL 13, 1994
 SCALE 1" = 40'
 JOB NO. 25724

Richard A. Miller & Associates, Inc.
 Professional Land Surveyors
 6701 Beach Blvd., Suite #200
 Jacksonville, Florida 32216
 (904) 721-1226

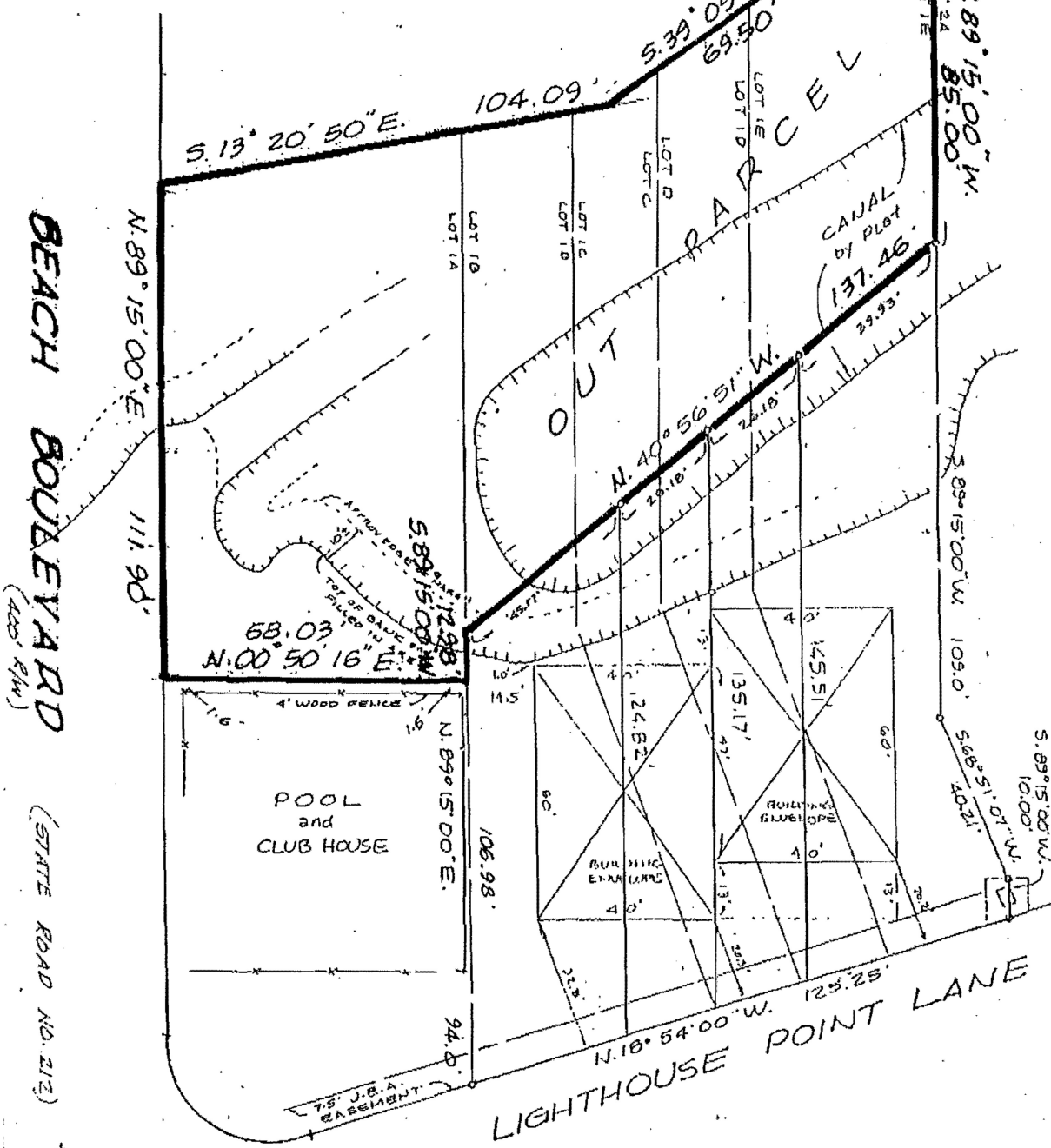
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Richard A. Miller
 RICHARD A. MILLER, P.L.S. CERT. NO. 3648

MAP SHOWING SURVEY OF

A PORTION OF LOTS 1A, 1B, 1C, 1D AND 1E, LIGHTHOUSE POINT E
AS RECORDED IN PLAT. BOOK 44, PAGES 68 AND 68A OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
(SEE LEGAL ATTACHED)

Note: Lot References and dashed lines are the
lot lines as per recorded plat.



Note: This is not a boundary survey.

NOTES:

- Bearings are based on EASTERLY R/W LINE LIGHTHOUSE POINT LANE.
- This is a SKETCH OF OF survey.
- Elevations shown thus (15.0) refer to N.G.V.D. of 1929.
- Subject property lies within Zone AE (B.C.) as shown on F.I.A. Flood Hazard Boundary Map dated 02/17/87 Community No. 120077.
- Unless otherwise noted, any portion of the subject parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.
- There may be Restrictions or Easements of Record evidenced by title examination that have not been shown hereon.

LEGEND

- DENOTES CONCRETE MONUMENT
- XX DENOTES FENCE
- DENOTES IRON PIPE SET
- DENOTES IRON PIPE FOUND
- X DENOTES CROSS CUT

DATE NOV. 17, 1994
SCALE 1" = 30'
JOB NO. 30207/30208

Richard A. Miller & Associates, Inc.

Professional Land Surveyors
0701 Beach Blvd., Suite 1200
Jacksonville, Florida 32216
(904) 721-1228

I HEREBY CERTIFY THAT THE WORK SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Richard A. Miller
RICHARD A. MILLER, P.L.S. CERT. NO. 3848

EXHIBIT "B"
Sheet 2 of 2

OUTPARCEL LEGAL DESCRIPTION

A portion of Lots 1A, 1B, 1C, 1D, and 1E, Lighthouse Pointe, as recorded in Plat Book 44, Pages 68 and 68A of the Current Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 1A; thence South 13 degrees 20 minutes 50 seconds East, along the Easterly line of said Lots 1A, 1B, and 1C, a distance of 104.09 feet; thence South 39 degrees 09 minutes 10 seconds East, continuing along the Easterly line of said Lot 1C and along the Easterly line of Lots 1D and 1E, a distance of 69.50 feet; thence continue along said Easterly line of Lot 1E, South 23 degrees 19 minutes 15 seconds East, a distance of 18.36 feet to the Southeast corner thereof; thence South 89 degrees 15 minutes 00 seconds West, along said Southerly line of said Lot 1E, a distance of 85.00 feet; thence North 40 degrees 56 minutes 51 seconds West, a distance of 137.46 feet to the North line of said Lot 1B; thence South 89 degrees 15 minutes 00 seconds West, along said North line of Lot 1B, a distance of 12.98 feet; thence North 00 degrees 50 minutes 16 seconds East 68.03 feet to the Southerly right of way line of Beach Boulevard (as shown on said plat); thence North 89 degrees 15 minutes 00 seconds East along said Southerly right of way line, 111.90 feet to the Point of Beginning.
