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Inst No: 2011017887 07/05/2011
12:55PM Book: 1823 Page: 659 Total Pgs: 6

GAIL WADSWORTH, FLAGLER Co.

**Third Amendment to Master Declaration of Covenants, Conditions
and Restrictions for Cypress Point**

This Third Amendment to Master Declaration of Covenants, Conditions and Restrictions for Cypress Point ("**Third Amendment**") is made and entered into as of the / day of February, 2010, by CYPRESS POINT AT PALM COAST OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**"), whose address is c/o Preferred Management Services Incorporated, 109 South 6th Street, Palm Coast, Florida 32136.

WITNESSETH:

WHEREAS, ITT Community Development Corporation and ITT Land Corporation, both Delaware corporations, previously recorded that certain Master Declaration of Covenants, Conditions and Restrictions for Cypress Point dated as of the 16th day of November, 1994, in Official Records Book 523, page 113 (the "**Original ECR**"); as amended by that certain Supplemental Declaration of Covenants, Conditions and Restrictions for Cypress Point dated the 18th day of December, 1997 and recorded in Official Records Book 601, page 610 (the "**Supplemental Declaration**"), and as further amended by that Second Amendment of Master Declaration, dated the 11th day of January, 2007 and recorded in Official Records Book 1550, page 1768 (the "**Second Amendment**"), all in the public records of Flagler County, Florida (the Original ECR, the Supplemental Declaration and the Second Amendment are herein collectively referred to as the "**ECR**"); and

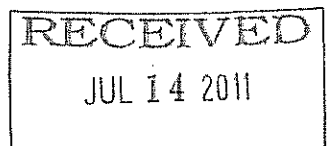
WHEREAS, the Association desires to amend the ECR pursuant to Section 15.15(a) of the Original ECR and hereby executes this Third Amendment to do so; and

WHEREAS, the Association has obtained the approval of this Amendment by the members of the Association in accordance with the terms, conditions and requirements of the Original ECR and the By-Laws of the Association.

NOW, THEREFORE, for and in consideration of the premises, Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Association hereby covenants and agrees, and the ECR is hereby amended and modified as follows:

1. **Definitions.** The recitals set forth above are true and accurate and are incorporated herein by this reference. All terms contained herein with an initialized capital-letter that are not otherwise defined herein shall have the meanings ascribed to them in the ECR.
2. **Building Heights.** Section 2.1 of the Supplemental Declaration is hereby amended by adding the following sentence at the end of said Section 2.1:

Notwithstanding the foregoing or anything contained in this Declaration to the contrary, a building on the Property may exceed the foregoing four (4) story and forty-five foot (45') building height restriction upon the approval



thereof by the City of Palm Coast or other applicable governmental authority; provided, however, that no such building may exceed a total of seventy feet (70') from the finished grade of such lot.

3. Ratification. Except as expressly modified by this Third Amendment, the ECR remains unchanged and in full force and effect.

4. Counterparts. This Second Amendment may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Association has executed this Second Amendment on the respective dates set forth below, but to be effective for all purposes as of the date first above written.

CYPRESS POINT AT PALM COAST OWNERS
ASSOCIATION, INC.

By 

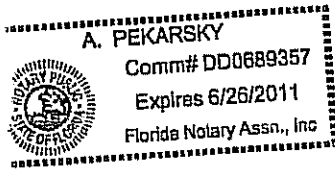
Bhagwan Asnani, President

Attachments:

Certificate of Association President and Secretary

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 1st day of February 2010 by Bhaqwan Asinani, the _____-President of CYPRESS POINT AT BALM COAST OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. He/she is personally known to me or produced DL as identification.



Alina Pekarsky
ALINA PEKARSKY
Print Name
Notary Public, State and County aforesaid
Commission No.: DD 0689357
Commission Expires: 6/26/2011

Certification

Cypress Point at Palm Coast Owner's Association, Inc.

The undersigned, as the President and Secretary of the Cypress Point at Palm Coast Owner's Association, Inc. (the "Association"), hereby certify and affirm, with respect to the foregoing Third Amendment to Master Declaration of Covenants and Conditions for Cypress Point (the "Third Amendment"), as follows:

1. The Third Amendment has been approved by the requisite vote of the Members of the Association, at a duly called and convened meeting of the Members on 2/1, 2010, at the ERA Palm Coast Homes & Land offices at 3 Cypress Branch Way, Palm Coast, Florida 32137.

2. At the meeting of the Members, more than three-fourths (3/4) of the voting power of the Association, represented by Members voting in person or by duly authorized written proxies, approved the Third Amendment in accordance with the requirements of Section 15.15 of the Master Declaration of Covenants, Conditions and Restrictions for Cypress Point dated as of November 16, 1994, as recorded in Official Records Book 523, Page 113 (the "Master Declaration"), as amended by that certain Supplemental Declaration of Covenants, Conditions and Restrictions for Cypress Point dated December 18, 1997, as recorded in Official Records Book 601, Page 610, in the public records of Flagler County, Florida (the "Supplemental Declaration"), and as further amended by that Second Amendment of Master Declaration, dated the 11th day of January, 2007 and recorded in Official Records Book 1550, Page 1768 in the public records of Flagler County, Florida (the "Second Amendment").

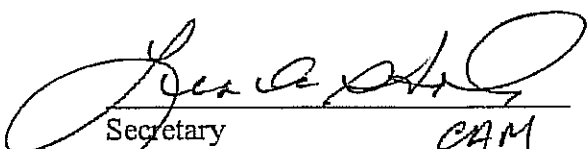
3. The Association has not received any notice from any Mortgagee of any of the lands bound by the Master Declaration and the Supplemental Declaration, exercising or electing any rights or remedies under the Master Declaration as provided in Article 13 (Rights of Lenders) of the Master Declaration, and therefore no Mortgagee was entitled to notice of or opportunity to vote on and/or approve the forgoing Third Amendment.

4. Accordingly, the foregoing Third Amendment has been ratified and approved by the Board of Directors of the Association and duly approved by the affirmative vote or written ballot or written consent of the Members of the Association representing the requisite voting power, all in accordance with the prescribed requirements of the Master Declaration, and that no further consent, approval or ratification are required under the terms of the Master Declaration, or the Supplemental Declaration or the Second Amendment.

IN WITNESS WHEREOF, the undersigned President and Secretary of the Association hereby certify and affirm the foregoing matters with respect to the approval by the Association and its membership of the foregoing Third Amendment this 1 day of February, 2010.

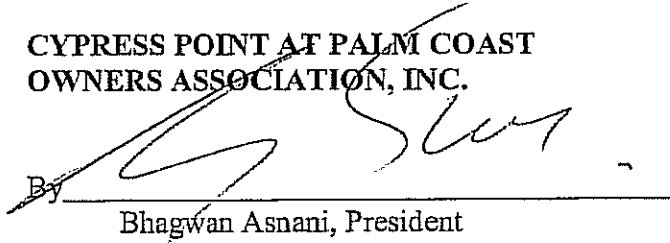
ATTEST:

CYPRESS POINT AT PALM COAST
OWNERS ASSOCIATION, INC.


Secretary

CAM

By

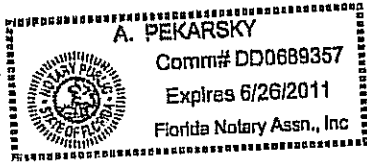

Bhagwan Asnani, President

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 1 day of February 2010 by Bhagwan Asnani, as President and _____ as Secretary of CYPRESS POINT AT PALM COAST OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. He/she is personally known to me or produced Dh as identification.

A. Pekarsky
ALINA PEKARSKY

Print Name
Notary Public, State and County aforesaid
Commission No.: ~~DD0689357~~ DD0689357
Commission Expires: 6/26/2011



Affidavit

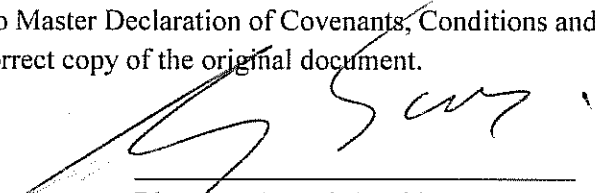
State of Florida

County of Flagler

Before me this day personally appeared Bhagwan Asnani

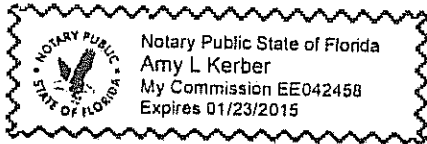
Who, being duly sworn, deposes and says:


The attached copy of the Third Amendment to Master Declaration of Covenants, Conditions and Restrictions for Cypress Point is a true and correct copy of the original document.



Bhagwan Asnani, President

The foregoing Affidavit was acknowledged before me this 21st day of June, 2011,
by Bhagwan Asnani, President of Cypress Point Owner's Association, Inc., Palm Coast Florida.





Notary Public
My commission expires:

61 JUN 22 9:15:13
2011