

RT. Chiuimento

This Document Prepared by:  
William I. Livingston  
1 Corporate Drive, Suite 3A  
Palm Coast, FL 32137-4715

Inst No: 97023976, Date: 12/22/1997  
SYD CROSSBY, FLAGLER COUNTY  
By: M. Stevens D.C. Time: 15:47:1

OFF  
REC 0601 PAGE 0610

SUPPLEMENTAL DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
CYPRESS POINT

This Supplemental Declaration is made  
this 18 day of DEC, 1997, by Palm  
Coast Holdings, Inc., a Florida Corporation  
hereinafter called the "Declarant."

Reserved for Recording Information

WHEREAS, the Declarant is the owner of certain lands in Flagler  
County, Florida, more particularly described in attached Exhibit A  
(hereinafter referred to as the "Property"); and

WHEREAS, it is the Declarant's intention that the Property be made  
a part of the Cypress Point development being developed by Declarant and  
the Property be subject to the Declaration of Covenants, Conditions and  
Restrictions for Cypress Point, as recorded in Official Records Book 523  
at Pages 113 through 158 of the Public Records of Flagler County,  
Florida.

NOW, THEREFORE, the Declarant declares that the Property is held  
and shall be sold by it subject to the Declaration of Covenants,  
Conditions and Restrictions for Cypress Point, as recorded in Official  
Records Book 523 at Pages 113 through 158 of the Public Records of  
Flagler County, Florida (the "Master Declaration"); that the Property is  
Annexed Property as defined in the Master Declaration; that Exhibit E of  
the Master Declaration are hereby supplemented and amended to read as  
shown in the revised Exhibits B attached to this Supplemental  
Declaration to reflect the addition of the Property described in Exhibit  
A attached to the Cypress Point development; and that the following  
supplemental covenants shall also run with the Property (in addition to  
the covenants, conditions and restrictions of the Master Declaration)  
for the same duration and to the same extent as the covenants,  
conditions and restrictions of the Master Declaration.

ARTICLE I

USE OF PROPERTY

Section 1.1 Prohibited Activities and Uses. No activity of any  
kind that is of a noxious, offensive or dangerous nature shall be  
carried on in any part of the Property nor shall anything be done  
thereon which may be or become an annoyance or nuisance to the  
neighborhood by reason of, but not limited to, emission of dust, odor,  
gas, smoke, fumes or noise.

Section 1.2 Temporary Structures Prohibited. Except for a  
reasonable period during the actual development and construction of the  
improvements and appurtenant facilities, not to exceed twelve (12)  
months, no trailer, tent, shack, or other structure shall be erected on  
or used on the land, except with the express written permission of the  
Declarant, and in no event shall such structure(s) be used as living  
quarters.

ARTICLE II

SITE DEVELOPMENT STANDARDS

Section 2.1 Height Limitations. No structures built on the  
Property shall exceed Four (4) stories in height, or be in excess of  
Forty Five (45') feet in height from the crown of the nearest improved  
road.

Section 2.2 Signage.

(a) Each property may have one main entry identification sign facing the primary road frontage. The sign area shall conform to Section 7.03.01 of The Flagler County Land Development Code. Identification signs shall not exceed ten feet (10') in height (as measured from crown of roadway to top of sign). Special consideration for sign placement is necessary to avoid a traffic visibility or hazard problem. The minimum property line setback is ten feet (10'). All setbacks shall meet or exceed County standards.

(b) A second free standing identification sign may be permitted in accordance with County standards for multiple frontage properties.

Section 2.3 Outside Storage and Display. Permanent display or storage of goods or merchandise outside of any building on the Property is prohibited.

ARTICLE III

PROPERTY OWNER'S ASSOCIATION

Section 3.1 Master Association. In order to effectively and efficiently provide for the administration, operation, management and maintenance of the common areas within Cypress Point, the Declarant has formed the Cypress Point Owners Association, Inc., a Florida corporation not-for-profit (the "Master Association"). The Master Association shall administer, operate, manage and maintain the common areas subject thereto and, pursuant to the Master Declaration and this Supplemental Declaration and perform all acts and duties necessary and incident to such duties.

Section 3.2 Parcel Designation. For purposes of the Master Declaration, the Property described in Exhibit C to this Supplemental Declaration is designated as a Parcel.

Section 3.3 Enforcement by Master Association. In order for the Master Association to administer, operate, manage and maintain the common areas within Cypress Point, the Master Association shall have full power and authority to enforce all the provisions of this Supplemental Declaration to the same extent as the Master Declaration.

Section 3.4 Construction and Interpretation. This Supplemental Declaration shall be construed in conjunction with and governed by the terms of the Master Declaration. Unless otherwise defined, terms used in this Supplemental Declaration shall have the same meaning as the same term in the Master Declaration. In the event of a conflict between the requirements of this Supplemental Declaration and the requirements of the Master Declaration, the Master Declaration shall prevail, except that uses permitted by Article I and Site Development Standards imposed by Article II of this Supplemental Declaration shall prevail over any conflicting provisions of the Master Declaration.

IN WITNESS WHEREOF, Palm Coast Holdings, Inc., a Florida corporation, has caused this Supplemental Declaration to be signed in its name by its proper officers and its corporate seal to be affixed thereto, attested by its Secretary this 18 day of Dec, 1997.

Palm Coast Holdings, Inc.

Mary A. McAdams  
David Lacey

By: William I. Livingston  
William I. Livingston, President  
Attest: Eileen Linehan  
Eileen Linehan, Secretary

STATE OF FLORIDA )  
COUNTY OF FLAGLER )

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The foregoing instrument was acknowledged before me on December 18  
1997, by William I. Livingston and Eileen Linehan, the President and  
Secretary, of Palm Coast Holdings, Inc., a Florida corporation, on  
behalf of the corporation. They are known to me and did not take an  
oath.

Myra L. McAdams  
Notary Public

Myra L. McAdams

Print Name

My Commission Expires:



MYRA L. MCADAMS  
My Commission CC560478  
Expires Jun. 10, 2000

The following Legal Description prepared by Clyde W. Roesch, Palm Coast Engineering and Design Services, Inc. 1 Corporate Drive, Palm Coast, Florida.  
Date; February 29, 1996.

Parcel 135, southeast of Plat Palm Coast Section 17.

## DESCRIPTION:

OFF REC 0601 PAGE 0613

A parcel of land lying in Government Section 13, Township 11 South, Range 30 East, and in Government Section 18, Township 11 South, Range 31 East, Flagler County, Florida, being more particularly described as follows;

A POINT OF REFERENCE being the northeast corner of said Government Section 13, Township 11 South, Range 30 East, thence South 00°27'32" East along the East line of Section 13 a distance of 2580.00 feet to the POINT OF BEGINNING of this description, thence North 00°27'32" West a distance of 140.61 feet, thence along the easterly boundary of the Plat Southwest Quadrant Phase II, Map Book 30, Pages 36 through 41, the following courses South 84°56'37" West a distance of 2.07 feet, thence North 59°22'24" West a distance of 52.97 feet, thence North 30°14'30" West a distance of 115.19 feet, thence North 00°24'16" West a distance of 195.66 feet, thence North 35°08'47" East a distance of 145.98 feet, thence North 33°30'00" West a distance of 29.00 feet, thence North 30°41'38" West a distance of 43.14 feet, thence North 35°51'39" West a distance of 48.81 feet, thence North 44°53'25" West a distance of 70.41 feet, thence North 28°45'40" West a distance of 75.96 feet, thence North 21°35'21" West a distance of 78.29 feet, thence North 15°54'03" West a distance of 78.31 feet, thence North 56°33'42" West a distance of 94.60 feet, thence North 40°30'00" East a distance of 29.00 feet, thence North 37°34'16" West a distance of 44.33 feet, thence North 11°19'48" West a distance of 60.40 feet, thence North 13°36'22" East a distance of 41.88 feet, thence North 71°00'00" East a distance of 44.00 feet, thence North 18°34'13" East a distance of 37.93 feet, thence North 13°27'52" West a distance of 31.90 feet, thence South 87°01'47" West a distance of 73.47 feet, thence North 30°00'00" West a distance of 35.00 feet, thence North 52°43'04" West a distance of 44.13 feet, thence North 05°50'05" West a distance of 43.16 feet, thence North 60°40'07" West a distance of 24.47 feet, thence North 60°40'07" West a distance of 80.00 feet, thence North 29°19'53" East a distance of 20.18 feet to a point of curvature, thence 127.88 feet along the arc of a curve to the right (concave southeast) having a central angle of 23°14'04", a radius of 340.00 feet, a chord Bearing of North 40°56'55" East and a chord distance of 136.93 feet to a point of tangency, thence North 46°13'44" West a distance of 54.00 feet, thence South 43°46'16" West a distance of 51.98 feet, thence North 46°13'44" West a distance of 43.54 feet, thence North 00°51'33" West a distance of 35.43 feet, thence departing said Plat Southwest Quadrant Phase II North 89°16'02" East along the limited access right-of-way line of Interstate-95 a distance of 7.51 feet to a point of curvature, thence 266.90 feet along the arc of a curve to the left (concave northerly) having a central angle of 02°37'14", a radius of 5835.58 feet, a chord Bearing of North 87°49'50" East and a chord distance of 266.88 feet, thence South 87°16'02" East a distance of 102.66 feet to a point on a non-tangent curve, concave Southerly, thence easterly a distance of 177.03 feet along the Arc of said curve to the left having a central angle of 01°44'04", a radius of 5847.58 feet, a chord bearing of North 84°39'11" East and a chord distance of 177.02 feet to a point of tangency, thence North 83°47'08" East a distance of 81.54 feet, thence South 80°51'14" East a distance of 215.10 feet, thence South 65°29'35" East a distance of 295.23 feet, thence departing said Limited Access Right-of-way South 47°41'51" West a distance of 50.00 feet, to a point on a non-tangent curve, concave Southwesterly, thence Southeasterly a distance of 224.90 feet along the Arc of said curve to the right having a central angle of 24°46'50", a radius of 520.00 feet, a chord bearing of South 29°54'44" East and a chord distance of 223.15 feet to a point of tangency, thence South 17°31'19" East a distance of 312.91 feet to a point of curvature, concave Northwesterly, thence Southerly a distance of 981.60 feet along the arc of said curve to the right having a central angle of 86°31'32", a radius of 650.00 feet, a chord bearing of South 25°44'27" West and a chord distance of 890.95 feet to the point of intersection with a non-tangent line, thence South 20°59'47" East a distance of 20.00 feet, thence South 69°00'13" West a distance of 177.08 feet to a point of curvature, concave Northerly, thence Westerly a

Parcel 135, con<sup>tinued</sup>  
Page Two

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distance of 242.80 feet along the arc of said curve to the right having a central angle of  $25^{\circ}17'36''$ , a radius of 550.00 feet, a chord bearing of South  $81^{\circ}39'01''$  West and a chord distance of 240.83 feet to the curve's end and the POINT OF BEGINNING.

Parcel containing 31.4414 acres more or less.

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REC 0601 PAGE 0614

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida and locally referenced to the East line of the Northeast Quarter (1/4) of Government Section 13, Township 11 South, Range 30 East, being South  $00^{\circ}27'32''$  East.

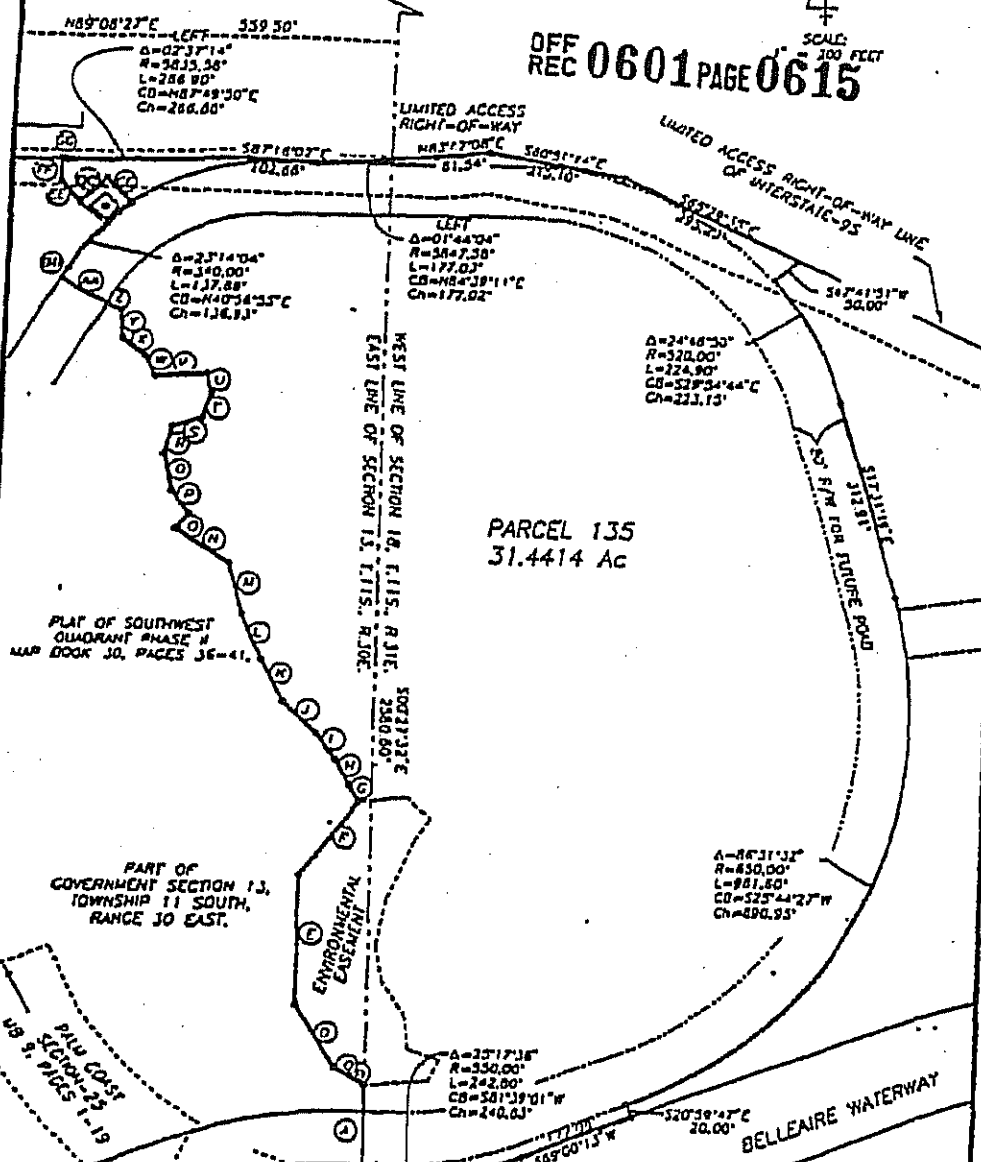
POINT OF REFERENCE  
NORTHEAST CORNER OF  
GOVERNMENT SECTION 13,  
TOWNSHIP 11 SOUTH, RANGE 30 EAST.

12 7  
13 18

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SCALE  
1" = 100 FEET



PARCEL 135  
31.4414 Ac

PART OF  
GOVERNMENT SECTION 13,  
TOWNSHIP 11 SOUTH,  
RANGE 30 EAST.

PART OF  
GOVERNMENT SECTION 10,  
TOWNSHIP 11 SOUTH,  
RANGE 31 EAST,  
FLAGLER COUNTY, FLORIDA.

BOUNDARY TABLE

A	N00°27'31"W	140.61'	R	N11°16'22"E	41.86'
B	S84°34'37"W	2.07'	S	N71°00'00"E	44.00'
C	N39°22'24"W	52.97'	T	N18°24'15"E	37.93'
D	N30°14'30"W	113.18'	U	N13°27'32"W	31.90'
E	N00°24'16"W	193.68'	V	S67°01'42"W	71.47'
F	N13°08'47"E	145.98'	W	N37°00'00"W	35.00'
G	N13°30'00"W	29.00'	X	N57°43'04"W	44.13'
H	N10°41'36"W	43.14'	Y	N03°30'05"W	43.16'
I	N33°51'39"W	48.61'	Z	N60°40'07"W	24.42'
J	N44°33'25"W	70.41'	AA	N60°40'07"W	60.00'
K	N16°43'40"W	75.96'	BB	N27°19'53"E	20.18'
L	N27°35'21"W	78.29'	CC	N46°13'44"W	34.00'
M	N13°54'03"W	78.31'	DD	S43°46'16"W	31.98'
N	N56°33'42"W	94.60'	EE	N46°13'44"W	43.54'
O	N40°30'00"E	28.00'	FF	N00°31'33"W	35.43'
P	N37°34'16"W	44.33'	GG	N09°16'02"E	7.51'
Q	N11°19'46"W	60.40'			

SKETCH OF LEGAL DESCRIPTION  
PARCEL LYING WITHIN GOVERNMENT SECTION 13,  
TOWNSHIP 11 SOUTH, RANGE 30 EAST,  
AND GOVERNMENT SECTION 10,  
TOWNSHIP 11 SOUTH, RANGE 31 EAST,  
FLAGLER COUNTY, FLORIDA.

02/29/96  
LM133SL DMC

EXHIBIT "A" SHEET OF

PARCEL 135

The following legal Description prepared by City W. Roesch, Palm Coast Engineering and Design Services, Inc. 1 Corporate Drive, Palm Coast, Florida.  
 Date; February 29, 1996.

Parcel 136, Southwest Quadrant I-95 and Palm Coast Parkway.

DESCRIPTION:

OFF REC 0601 PAGE 0616

A parcel of land lying in Government Section 18, Township 11 South, Range 31 East, Flagler County, Florida, being more particularly described as follows;

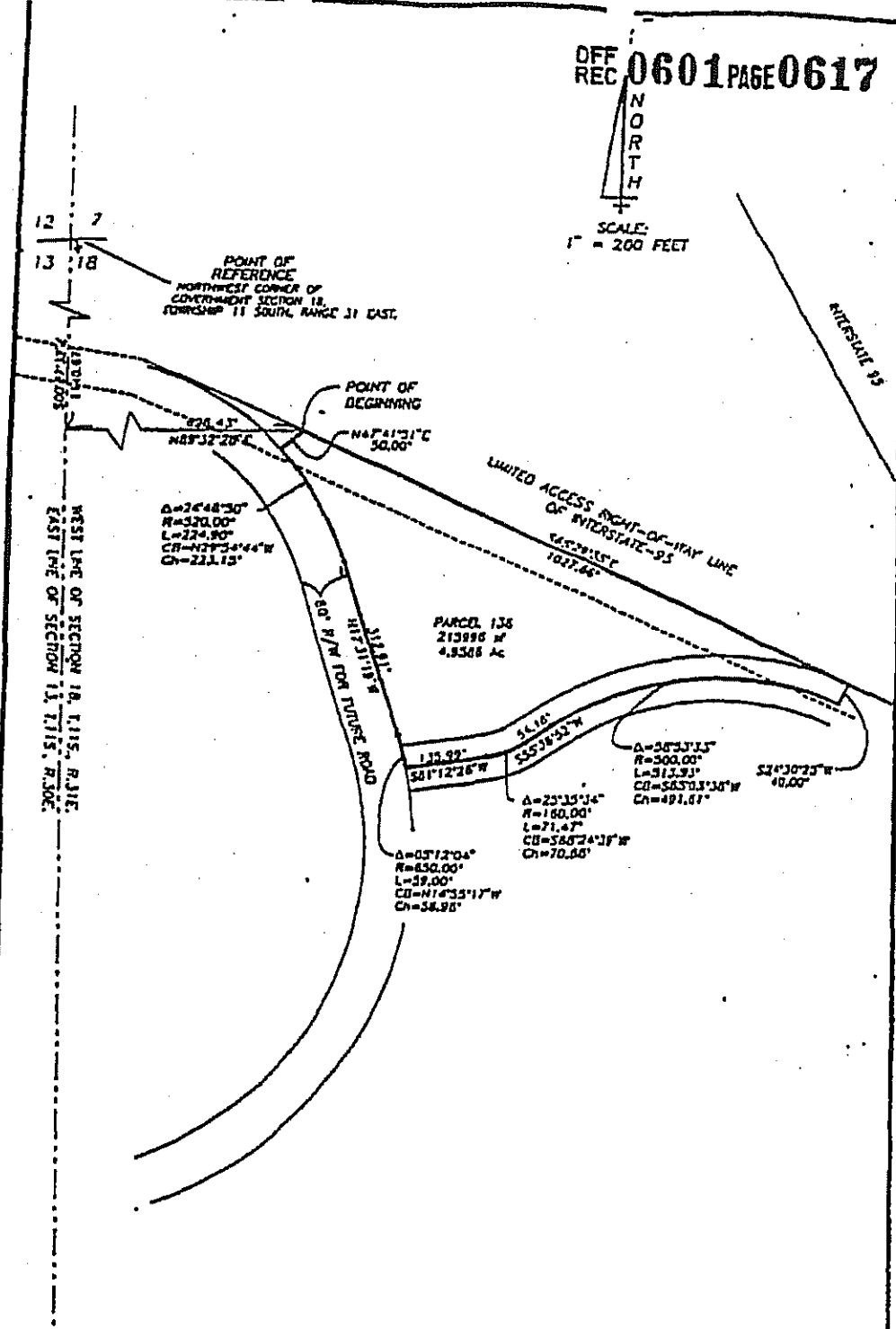
A POINT OF REFERENCE being the northwest corner of said Government Section 18, Township 11 South, Range 31 East, thence South  $00^{\circ}27'32''$  East along the West line of Section 18 a distance of 1140.67 feet, thence departing said West line of Section 18 North  $89^{\circ}32'28''$  East a distance of 626.43 feet to the POINT OF BEGINNING of this description, thence South  $65^{\circ}29'35''$  East along the limited access right-of-way of Interstate-95 a distance of 1027.66 feet, thence departing Interstate-95 South  $24^{\circ}30'25''$  West a distance of 40.00 feet to a point on a curve, thence westerly 513.93 feet along the arc of a curve to the left (concave southerly) having a central angle of  $58^{\circ}53'33''$ , a radius of 500.00 feet, a chord Bearing of South  $85^{\circ}03'38''$  West and a chord distance of 491.61 feet to a point of tangency, thence South  $55^{\circ}36'52''$  West a distance of 54.18 feet to a point of curvature, thence 71.47 feet along the arc of a curve to the right (concave northerly) having a central angle of  $25^{\circ}35'34''$ , a radius of 160.00 feet, a chord Bearing of South  $68^{\circ}24'39''$  West and a chord distance of 70.88 feet to a point of tangency, thence South  $81^{\circ}12'26''$  West a distance of 135.99 feet to a point on a curve, thence northerly 59.00 feet along the arc of a curve to the left (concave westerly) having a central angle of  $05^{\circ}12'04''$ , a radius of 650.00 feet, a chord Bearing of North  $14^{\circ}55'17''$  West and a chord distance of 58.98 feet to a point of tangency, thence North  $17^{\circ}31'19''$  West a distance of 312.91 feet to a point of curvature, thence 224.90 feet along the arc of a curve to the left (concave westerly) having a central angle of  $24^{\circ}46'50''$ , a radius of 520.00 feet, a chord Bearing of North  $29^{\circ}54'44''$  West and a chord distance of 223.15 feet to a point of tangency, thence North  $47^{\circ}41'51''$  East a distance of 50.00 feet to the POINT OF BEGINNING.

Parcel containing 4.9586 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida and locally referenced to the East line of the Northeast Quarter (1/4) of Government Section 13, Township 11 South, Range 30 East, being South  $00^{\circ}27'32''$  East.



SCALE:  
1" = 200 FEET



**SKETCH OF LEGAL DESCRIPTION**

PARCEL LYING WITHIN GOVERNMENT SECTION 18,  
TOWNSHIP 11 SOUTH, RANGE 31 EAST,  
FLAGLER COUNTY, FLORIDA.

02/29/98  
LM136SL.DWG

EXHIBIT "A" SHEET OF

PARCEL 136



The following Legal Description prepared by Clyde W. Roesch, Palm Coast Engineering and Design Services, Inc. 1 Corporate Drive, Palm Coast, Florida.

Date; March 1, 1996.

OFF  
REC 0601 PAGE 0618

Parcel 137, Southwest Quadrant I-95 and Palm Coast Parkway.

DESCRIPTION:

A parcel of land lying in Government Section 18, Township 11 South, Range 31 East, Flagler County, Florida, being more particularly described as follows;

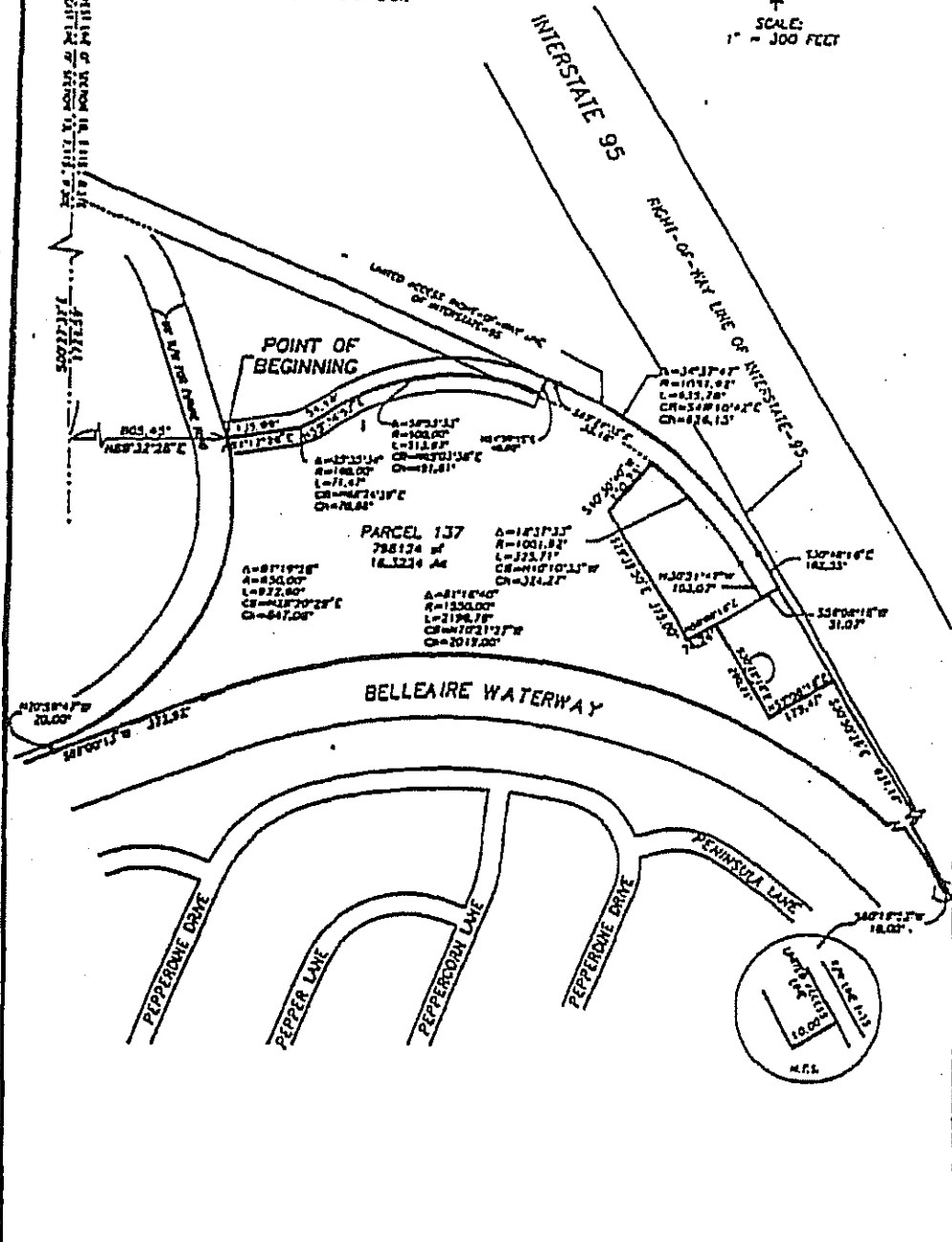
A POINT OF REFERENCE being the northwest corner of said Government Section 18, Township 11 South, Range 31 East, thence South  $00^{\circ}27'32''$  East along the West line of Section 18 a distance of 1724.59 feet, thence departing said West line of Section 18 North  $89^{\circ}32'28''$  East a distance of 805.45 feet to the POINT OF BEGINNING of this description, thence North  $81^{\circ}12'26''$  East a distance of 135.99 feet to a point of curvature, concave Northerly, thence Easterly a distance of 71.47 feet along the arc of said curve to the left having a central angle of  $25^{\circ}35'34''$ , a radius of 160.00 feet, a chord bearing of North  $68^{\circ}24'39''$  East and a chord distance of 70.88 feet to a point of tangency, thence North  $55^{\circ}36'52''$  East a distance of 54.18 feet to a point of curvature, concave Southerly, thence Northeasterly a distance of 513.93 feet along the arc of said curve to the right having a central angle of  $58^{\circ}53'33''$ , a radius of 500.00 feet, a chord bearing of North  $85^{\circ}03'18''$  East and a chord distance of 491.61 feet to the point of intersection with a non-tangent line, thence North  $24^{\circ}30'25''$  East a distance of 40.00 feet to a point on the limited access right-of-way of Interstate-95, thence South  $65^{\circ}29'35''$  East a distance of 35.16 feet to a point of curvature, thence  $635.78$  feet along the arc of a curve to the right (concave southwesterly) having a central angle of  $34^{\circ}37'47''$ , a radius of 1051.92 feet, a chord bearing of South  $48^{\circ}10'42''$  East and a chord distance of 626.15 feet to a point of tangency, thence South  $30^{\circ}48'16''$  East a distance of 102.55 feet, thence departing Interstate-95 South  $59^{\circ}08'16''$  West a distance of 51.07 feet to the southeast corner of the Cable Television Company's land, thence North  $30^{\circ}51'47''$  West a distance of 103.07 feet, to a point of curvature, thence  $325.71$  feet along the arc of a curve to the left (concave southwesterly) having a central angle of  $18^{\circ}37'33''$ , a radius of 1001.92 feet, a chord bearing of North  $40^{\circ}10'33''$  West and a chord distance of 324.27 feet to a point of tangency, thence South  $40^{\circ}30'40''$  West a distance of 150.73 feet, thence South  $29^{\circ}39'50''$  East a distance of 375.00 feet, thence North  $59^{\circ}08'16''$  East a distance of 74.24 feet, thence South  $30^{\circ}48'16''$  East a distance of 260.71 feet, thence North  $59^{\circ}08'16''$  East a distance of 179.47 feet, thence South  $30^{\circ}50'26''$  East a distance of 834.17 feet, thence South  $60^{\circ}16'53''$  West a distance of 10.00 feet to a point on the northerly line of Belle Aire Waterway of the Plat Pine Grove Section-25 Map Book 9, pages 1 through 19 said point being on a curve, concave Southerly, thence Northwesterly a distance of 2198.78 feet along the Arc of said curve to the left having a central angle of  $81^{\circ}16'40''$ , a radius of 1550.00 feet, a chord bearing of North  $70^{\circ}21'27''$  West and a chord distance of 2019.00 feet to a point of tangency, thence South  $69^{\circ}00'13''$  West a distance of 372.92 feet, thence departing Belle Aire Waterway North  $10^{\circ}59'47''$  West a distance of 20.00 feet to a point on a non-tangent curve, concave Northwesterly, thence Easterly a distance of 922.60 feet along the Arc of said curve to the left having a central angle of  $81^{\circ}19'28''$ , a radius of 650.00 feet, a chord bearing of North  $28^{\circ}20'29''$  East and a chord distance of 847.08 feet to the curve's end and the POINT OF BEGINNING.

Parcel containing 18.3224 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida and locally referenced to the East line of the Northeast Quarter (1/4) of Government Section 13, Township 11 South, Range 30 East, being South  $00^{\circ}27'32''$  East.

POINT OF REFERENCE  
NORTHWEST CORNER OF  
GOVERNMENT SECTION 18,  
TOWNSHIP 11 SOUTH, RANGE 31 EAST.

NORTH  
SCALE:  
1" = 300 FEET



SKETCH OF LEGAL DESCRIPTION

PARCEL LYING WITHIN GOVERNMENT SECTION 18,  
TOWNSHIP 11 SOUTH, RANGE 31 EAST,  
FLAGLER COUNTY, FLORIDA.

03/01/96  
LM137SL.DWG

EXHIBIT "A" SHEET OF

PARCEL 137

EXHIBIT "B"

Lot 8	-	1.2913 acres
Lot 9	-	1.2830 acres
Lot 10	-	24.1176 acres
Lot 11	-	2.1768 acres
Lot 12	-	1.8808 acres
Tract E	-	18.3371 acres
Tract F	-	22.9469 acres
Tract G	-	23.7389 acres
Reserve Parcel C	-	1.3067 acres
Parcel 135		31.4414 Acres
Parcel 136		4.9586 Acres
Parcel 137		18.3224 Acres