

B3179 P0941

AMENDMENT TO DECLARATION OF CONDOMINIUM  
CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE

WHEREAS, the original Declaration of Condominium of CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE dated July 23, 1979, and recorded at O.R. Book 3103, Page 1573 of the public records of Palm Beach County, Florida, must be amended; and

WHEREAS, the amendments included herein and attached hereto are for the purpose of encompassing Phase 2 and Phase 3 pursuant to the original Declaration and pursuant to the provisions of Florida Statute Section 718.403;

NOW, THEREFORE, Developer hereby amends the original Declaration of Condominium in the following particulars:

A. Page 1 shall be amended in accordance with Exhibit 1 attached.

B. Page 2 shall be amended in accordance with Exhibit 2 attached.

C. Page 3 shall be amended in accordance with Exhibit 3 attached.

D. Article VI entitled "Identification of Condominium Units" in the original Declaration is amended to add paragraph AA which reads as follows:

"As of the date of recording of this Amendment, the lands described in Exhibits A, D & E (as set forth in amended Article III of the Declaration), have been submitted to condominium form of ownership. Accordingly, the Survey exhibits representing Phases 1, 2 & 3 have been certified by a Florida Registered Land Surveyor indicating statutory compliance with Section 718.104(4)(e), Florida Statutes."

E. Article VI of the original Declaration entitled "Identification of Condominium Units" shall also be amended to add paragraph GG which shall read as follows:

"Unit Designation: The Units in Phases 2 & 3 as shown on Exhibit B are 1A, 1B, 2A, 2B, 3A, 3B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14A, 14B, 18A, 18B, 19A, 19B, 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 24A, 24B, 25A, 25B, 26A, 26B, 27A, 27B.

F. The Joinder of Mortgagee attached hereto and executed by Boynton North Land Company is hereby filed and indicates the consent of Boynton North Land Company to the original Declaration of Condominium and this Amendment to the Declaration of Condominium. (Exhibit 4 attached.)

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PREPARED BY:  
JAMES B. CHAPLIN, ESQ.  
Suite 510, 800 E. Broward Boulevard  
Fort Lauderdale, Florida 33301  
467-7744

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G. Exhibit "F" to the original Declaration of Condominium, which Exhibit is entitled "Legal Description of Recreational Facilities Chanteclair Villas Condominium Number One" is hereby amended in accordance with the exhibit attached hereto entitled "Legal Description of Recreation Areas Chanteclair Villas Condominium Number One." (Exhibit 5 attached).

H. Exhibit "H" to the original Declaration of Condominium of Chanteclair Villas Condominium Number One is hereby amended by substitution of the exhibit attached hereto entitled "Certificate of Surveyor, Phases 1, 2 & 3." (Exhibit 6 attached).

I. Exhibit "J" to the original Declaration of Condominium (Articles of Incorporation of Chanteclair Villas Condominium Association Number One, Inc.), is amended to add the following property to Page 1:

"The East 230.00 feet of Tract B, less the South 244.00 feet thereof, also including the West 2.00 feet of Tract C, less the Southerly 244.00 feet thereof, CHARTER WORLD, a subdivision as recorded in Plat Book 31, Page 21, of the public records of Palm Beach County, Florida.

The South 244.00 feet of Tract B, less the North 12.00 feet of the South 244.00 feet of the West 85.00 feet thereof, also less the East 115.50 feet of the West 289.75 of the South 93.00 feet thereof, also including the North 74.50 feet of the South 244.00 feet of the West 2.00 feet of Tract C, also including the West 8.50 feet of the South 169.50 feet of said Tract C, CHARTER WORLD, a subdivision as recorded in Plat Book 31, Page 21, of the public records of Palm Beach County, Florida.

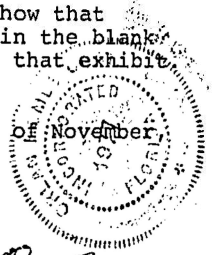
J. Page 1 of Exhibit "L" to the original Declaration entitled "Articles of Incorporation of Chanteclair Villas Recreation Association, Inc." is hereby amended as to Article II to include the legal description of the Recreational Facilities which is set forth on the exhibit to this Amendment entitled "Legal Description of Recreation Areas of Chanteclair Villas Condominium Number One, (Exhibit 5 attached).

K. Exhibit "M" to the original Declaration of Condominium entitled "By-Laws of Chanteclair Villas Recreation Association, Inc." is hereby amended in Article I to include the "Legal Description of Recreation Areas of Chanteclair Villas Condominium Number One." (Exhibit 5 attached).

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L. Exhibit VII to the original Declaration of Condominium entitled "Developer's Commitment to Phase Condominium" is hereby amended to show that the figure 7.38 acres should be inserted in the blank space on the 12th line from the bottom of that exhibit.

1979. WITNESS our hands and seals this 21st day of November



Attest:

*Morris Rickel*  
Morris Rickel, Secretary

ORLAN HOMES CORP.

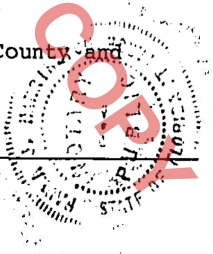
By:  *Paul Orlan*  
Paul Orlan, President

STATE OF FLORIDA  
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Paul Orlan and Morris Rickel, well known to me to be the President and Secretary, respectively, of Orlan Homes Corp., and they severally acknowledged executing the foregoing instrument freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State aforesaid, this 21st day of November, 1979.

*Paula J. Harrington*  
Notary Public  
My Commission Expires:



NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES SEPT. 12 1980  
BONDED TRULY GENERAL INS. UNDERWRITERS

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DECLARATION OF CONDOMINIUM  
OF  
CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE

MADE this 23rd day of July, 1979, by ORLAN HOMES CORP., a Florida corporation (hereinafter referred to as "Developer"), for itself, its successors, grantees and assigns, as fee simple owner of the property described in Article III below, hereby states and declares:

## I

## SUBMISSION STATEMENT

Developer hereby submits to the Condominium form of ownership and use, the fee simple estate in the land described in Article III hereof, the easements and rights appurtenant thereto, pursuant to Chapter 718, Florida Statutes, as presently constituted (the "Condominium Act").

## II

NAME

The name by which the Condominium is to be known and identified is "CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE." All references to CHANTECLAIR VILLAS or CHANTECLAIR VILLAS CONDOMINIUM shall mean CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE.

## III

THE LAND

The land submitted to Condominium ownership (the "Land") is situated in Palm Beach County, Florida, as more particularly described in Exhibits A, D and E attached hereto.

## IV

PHASE CONDOMINIUM

A. Chanteclair Villas is a Phase Condominium with three phases as authorized by Florida Statutes Section 718.403. The first phase will encompass 16 Units. The second phase will encompass 18 Units, and the third phase will encompass 20 Units. The Developer reserves the right to complete Phases 2 and 3, amend this Declaration of Condominium as provided by Florida Statutes and this document, and cause Phases 2 and 3 to share the common elements of this Condominium with Phase 1, as hereinafter set forth. All facilities designed in this project have been sized and are of such quantity so as to accommodate a 54 Unit Condominium which is the total number of Units in Phase 1, 2 and 3. Construction of Phase 1 is completed. Construction of the recreational facilities is scheduled to begin or about November 1, 1979. This Condominium covers 7.38 acres.

Exhibit 1 to Amendment to Declaration

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There will be no impact on Phase 1 when Phases 2 and 3 are completed and form a part of the Condominium excepting only that the share of each Phase 1 Unit Owner in the common elements, common expenses and common surplus will change when Phase 2 is completed from a 1/16th undivided interest to a 1/34th undivided interest and each Unit Owner in Phase 2 will acquire an undivided 1/34th interest in and to the common elements, the common expenses and the common surplus. There will be no impact on Phases 1 and 2 when Phase 3 is completed and forms a part of the Condominium excepting only that the then share of each Phase 1 and 2 Unit Owner in the common elements, common expenses and common surplus will change from a 1/34th undivided interest to a 1/54th undivided interest and each Unit Owner in Phase 3 will acquire an undivided interest in and to the common elements, the common expenses and the common surplus. No additional lands other than those set forth in Exhibit "B" on which Phases 2 and 3 are to be located will be added to the Condominium.

If Phase 2 is not begun within three (3) years from the filing of this Declaration of Condominium in the Public Records of Palm Beach County, Florida, and not completed on or before the fourth (4th) anniversary of said filing date, all of Developer's rights to create Phase 2 of this Condominium project shall terminate and Phase 1 shall then be the entire Condominium with each Unit Owner of Phase 1 permanently having an undivided 1/16th interest in the common elements, common expenses and common surplus. If, after the completion of Phase 2, Phase 3 is not begun after within three (3) years from the filing of this Declaration of Condominium in the Public Records of Palm Beach County, Florida, and completed on or before four (4) years from said filing date, all Developer's rights to create Phase 3 of this Condominium project shall terminate and Phases 1 and 2 shall continue to be the only phases of the Condominium with each Unit Owner in Phase 1 and Phase 2 permanently having an undivided 1/34th interest in the common elements, common expenses and common surplus. The legal description of Phase 2 is attached to this Declaration as Exhibit "D." A survey of all three phases is attached to this Declaration as Exhibit "C." The plot plan of Phases 2 and 3 is included in the plot plan of Phase 1 which is attached to this Declaration as Exhibit "B." The legal description of Phase 3 is attached as Exhibit "E."

When this Declaration of Condominium is filed, the Unit Owners of Phase 1 will each have 1/16th (6.25%) undivided interest in the common elements, common expenses and common surplus, totaling 100%. As Phase 2 is added, each Unit Owner of Phases 1 and 2 will have an undivided 1/34th (approx. 2.94%) interest in the common elements, common expenses and common surplus, totaling 100%. As Phase 3 is added to this Declaration of Condominium at a later date, each Unit Owner of Phases 1, 2 and 3 will have an undivided 1/54th (approx. 1.85%) interest in the common elements, common expenses and common surplus, totaling 100%. As each Phase 2 and Phase 3 is added to this Declaration of Condominium the then existing Unit Owners in prior phases will have their interest in the common elements, common expenses and common surplus reduced as set forth above. All Units after Phase 3 is added will have an undivided 1/54th (approx. 1.85%) interest in the common elements, common expenses and common surplus. There are no phases other than Phases 1, 2 and 3 of this proposed Condominium.

Exhibit 2 to Amendment to Declaration

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All of the recreational facilities serving the Condominium will be owned by Chanteclair Villas Recreation Association, Inc., a Florida corporation not-for-profit, whose members will be all Unit Owners in Chanteclair Villas (all three phases) Condominium and additional condominiums to be developed on Parcels C & D of Charter World, according to the Plat thereof, recorded in Plat Book 31, Page 21 of the public records of Palm Beach County, Florida. The membership of the Recreation Association and the recreational facilities owned by the Recreation Association may be expanded to include Unit Owners and recreational facilities in other adjacent condominiums, other than those listed above, which other condominiums are developed by Orlan Homes Corp. on the original Charter World Subdivision. Each Unit Owner shall be a member of the Condominium Association and shall be a member of the Recreation Association. Each Unit Owner shall be entitled to one vote in each Association. If more than one person owns a Condominium Unit, then that one group of owners shall be entitled to one vote for each Condominium Unit. Therefore, after Phase 1 is completed, there shall be 16 votes to be cast, and after Phase 2 is completed, there shall be 34 votes to be cast, and after Phase 3 is completed, there shall be 54 votes to be cast. Developer reserves the right to go on the Condominium property as necessary and the recreational facilities property owned by the Recreation Association to develop Phase 2 and Phase 3. Upon the completion of development of each additional phase, Developer has the right to amend this Declaration of Condominium to provide to the Unit Owners in subsequent phases the rights, benefits and privileges reserved here for their use and benefit. When this Declaration of Condominium is thus amended, such amendment shall not require the execution thereof or consent thereto by the Unit Owners or persons other than Developer.

## V

DEFINITIONS

The various terms used in this Declaration and its exhibits are defined in accordance with the provisions of Section 718.103 of the Condominium Act and with the following further definitions:

- (a) Developer - The Developer is Orlan Homes Corp., a Florida corporation.
- (b) Unit or Condominium Unit is a Unit as defined in the Condominium Act, referring herein to each of the separate and identified parcels of land delineated in the Survey attached to the Declaration as Exhibit C, and when the context requires or permits, the Unit or Units include its share of the common elements appurtenant thereto. The physical boundaries of each Unit are as delineated in the material aforescribed and are as more particularly described in Article VI of this Declaration.



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LEGAL DESCRIPTION OF RECREATION AREAS  
CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE

## LEGAL DESCRIPTION

A portion of Tract B and C Charter World, as recorded in Plat Book 31, Page 21 of the public records of Palm Beach County, Florida and more particularly as follows:

A - 1

Commencing at the Northwest corner of said Tract B, thence run S 1° 13' 13" W, 135.00 feet to the point of beginning; thence run North 88° 46' 47" E, 140.00 feet; thence run S 44° 29' 31" W, 75.43 feet; thence run S 1° 13' 13" E, 90.00 feet; thence run S 88° 46' 47" W, 36.00 feet; thence run N 1° 13' 13" W, 52.67 feet; thence run S 88° 46' 47" W, 50.00 feet; thence run N 1° 13' 13" W, 90.00 feet to the point of beginning.

A - 2

East 115.50 feet of the West 289.75 feet of the South 93.00 feet of Tract B.

A - 3

Commencing at the Southeast corner of Tract B, thence run S 88° 46' 47" W, a distance of 36.5 feet; thence run N 1° 13' 13" W, 88.00 feet; thence run N 88° 46' 47" E, 36.5 feet to a point on the East line of said Tract B, and the West line of said Tract C; thence continue on the last described course 8.5 feet; thence run S 1° 13' 13" E, 88.00 feet; thence run S 88° 46' 47" W, 8.50 feet to the point of beginning, said point also being the Southwest corner of said Tract C.

Exhibit 5 to Amendment to Declaration



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CERTIFICATE OF SURVEYOR FOR PHASES 1, 2 & 3  
CHANTECLAIR VILLAS CONDOMINIUM NUMBER ONE

	<u>NORTH</u>	<u>EAST</u>		<u>NORTH</u>	<u>EAST</u>
1A.	5605.926	5423.859	1B	5607.019	5475.177
2B	5609.401	5352.239	2B	5610.494	5403.557
3B	5602.879	5280.832	3B	5603.972	5332.15
4A.	5586.923	5146.494	4B	5597.993	5196.616
5A.	5590.275	5069.075	5B	5591.368	5120.393
6A.	5593.75	4997.454	6B	5594.844	5048.773
7A.	5404.09	5140.796	7B	5402.997	5089.478
8A.	5409.612	5212.225	8B	5408.519	5160.906
9A.	5413.306	5338.112	9B	5412.213	5286.793
10A.	5409.830	5409.732	10B	5408.737	5358.414
11A.	5416.353	5481.139	11B	5415.259	5429.821
12A.	5346.275	5431.290	12B	5347.368	5482.609
13A.	5349.751	5359.670	13B	5350.844	5410.989
14A.	5343.228	5288.263	14B	5344.322	5339.581
15A.	5340.577	5164.354	15B	5341.670	5215.672
16A.	5334.055	5092.947	16B	5335.148	5144.265
17A.	5318.752	5023.967	17B	5305.137	5073.458
18A.	5161.211	5066.445	18B	5151.885	5015.969
19A.	5162.561	5138.107	19B	5156.890	5087.092
20A.	5162.462	5207.811	20B	5171.930	5157.362
21A.	5172.385	5344.937	21B	5171.292	5293.619
22A.	5167.009	5415.440	22B	5176.939	5365.079
23A.	5119.269	5437.960	23B	5170.577	5436.866
24A.	5166.545	5017.753	24B	5178.610	5067.645
25A.	5091.516	5304.975	25B	5092.609	5356.294
26A.	5087.719	5126.741	26B	5088.812	5178.059
27A.	5094.442	5024.094	27B	5080.827	5073.586

Exhibit 6 to Amendment to Declaration

RECORD VERIFIED  
PALM BEACH COUNTY, FLA  
JOHN B. DUNKLE  
CLERK CIRCUIT COURT