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This instrument prepared by
 CURTIS R. MOSLEY, ESQ.
 Mosley & Wallis, P.A.
 Post Office Box 1210
 Melbourne, Florida 32902-1210

Scott Ellis
 Clerk Of Courts, Brevard County

#Pgs: 7	#Names: 2	Serv: 0.00
Trust: 4.00	Rec: 57.00	Exclse: 0.00
Mtg: 0.00		nt Tax: 0.00

**SIXTH AMENDMENT TO DECLARATION OF
 CONDOMINIUM OF BAYSIDE CONDOMINIUMS**

DAY DEVELOPMENT CORPORATION OF CAPE CANAVERAL, a Florida corporation, pursuant to the authority reserved in Article XIII of the Declaration of Condominium establishing BAYSIDE CONDOMINIUMS, as recorded in Official Records Book 4605, Pages 3849 through 3967, inclusive, as amended by the First Amendment to Declaration of Condominium as recorded in Official Records Book 4821, Page 0767 of the Public Records of Brevard County, Florida, as amended by the Second Amendment to Declaration of Condominium as recorded in Official Records Book 5085, Page 2087 of the Public Records of Brevard County, Florida and the Florida Condominium Act, hereby amends and expands said Declaration above described and submits the following described real property located in the City of Cape Canaveral, Brevard County, Florida, which property is more particularly described as follows, to-wit:

SEE SHEET 46 OF EXHIBIT "B" ATTACHED HERETO WHICH IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF PHASE ~~TWO~~THREE.

together with improvements thereon, containing ~~four (4)~~ one (1) buildings, having a total of ~~nine (9)~~ twenty-four (24) units and other appurtenant improvements more specifically described in Exhibit "B" attached to this amendment to condominium ownership pursuant to the Florida Condominium Act, and hereby declares the same to be known and identified as BAYSIDE CONDOMINIUMS.

DAY DEVELOPMENT CORPORATION OF CAPE CANAVERAL, a Florida corporation, further amends and expands the above-described Declaration of Condominium to include and merge the common and limited common elements and easements of the property submitted to Condominium by this Amendment with the property described in the original Declaration of Condominium recorded in Official Records Book 4605, Pages 3849 through 3967, inclusive, ~~and~~ the First Amendment to Declaration of Condominium as recorded in Official Records Book 4821, Page 0767 of the Public Records of Brevard County, Florida and the Second Amendment to Declaration of Condominium as recorded in Official Records Book 5085, Page 2087 of the Public Records of Brevard County, Florida (the "Declaration").

DAY DEVELOPMENT CORPORATION OF CAPE CANAVERAL, a Florida corporation, hereby amends the Declaration of Condominium as follows:

1.

I

ESTABLISHMENT OF CONDOMINIUM

The Developer is the owner of the fee simple title to that certain real property situate in the City of Cape Canaveral, County of Brevard, and State of Florida, which property is more particularly described as follows; to-wit:

SEE SHEETS 3 ~~AND 4 AND 6~~ OF EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR LEGAL DESCRIPTIONS OF PHASES ONE ~~AND TWO AND THREE~~.

and on which property the Developer owns ~~thirteen (13)~~ fourteen (14) buildings containing a total of ~~fifty-two (52)~~ seventy-six (76) residential units and other appurtenant improvements as hereinafter described. Buildings ~~1 and 15~~ are five (5) story buildings ~~containing each of which contains~~ containing twenty-four (24) units and twenty-four (24) garage parking spaces. The garage parking spaces are located on the first floor. Buildings ~~1 and 15~~ has each contains eight (8) type "A" units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2092 square feet, including balconies and sixteen (16) type "B" units, each of which has three (3) bedrooms, two (2) baths and contains approximately 2032 square feet, including balconies. Buildings 2, 3, 6 and 13 are triplex buildings containing two (2) one (1) story units and one (1) two (2) story unit with each unit containing a two (2) car garage. Buildings 2, 3, 6 and 13 each contain one (1) "C" type unit which has three (3) bedrooms, two (2) baths and contains approximately 2,465 square feet including courtyards; one (1) type "D" unit which has three (3) bedrooms, two (2) baths and contains approximately 3,112 square feet and one (1) type "E" unit which has three (3) bedrooms, two (2) baths and contains approximately 2,215 square feet. Buildings 4, 5, 7, 8, 9, 10, 11 and 12 are duplexes each of which contains one (1) type "F" unit and one type "G" unit. Each unit contains a two (2) car garage. Each type "F" unit has three (3) bedrooms, two (2) baths and contains approximately 2,735 square feet including the courtyard. Each type "G" unit has three (3) bedrooms, two (2) baths and contains approximately 2,501 square feet including the courtyard. The graphic description of each floor of Buildings ~~1 through 13, inclusive, and 15~~ 1 through 13, inclusive, and 15 are shown on Sheets 5 through ~~21~~ 26, inclusive, of Exhibit "A" to the Declaration of Condominium. The Developer reserves the right to designate the garages and storage spaces in Buildings ~~1 and 15~~ 1 and 15 for the exclusive use of the unit owners, and upon such designation, the garages and storage spaces shall become limited common elements. The Developer, Day Development Corporation of Cape Canaveral, a Florida Corporation, may charge a fee for assignment of the garages and storage spaces. For legal description, survey and plot plan of the condominium see Exhibits A and B to the Declaration of Condominium. The Developer estimates that Phase One of the Condominium will be completed on or before December 31, 2003, ~~and that~~ Phase Two will be completed on or before December 31, 2004 ~~and that Phase Three will be completed on or before December 31, 2005~~. The Developer is obligated to construct Phases One, Two ~~and Three~~ of the condominium only.

All other provisions of Article I remain in full force and effect and unchanged by this Amendment.

II

SURVEY AND DESCRIPTION OF IMPROVEMENTS

- A. Attached hereto and made a part hereof, and marked Exhibit "A" consisting of forty-two (42) pages and Exhibit "B" consisting of thirteen (13) pages, are boundary surveys of the entire premises of which Phases One Two, Three and Four are a part, boundary surveys of each phase, a graphic plot plan of the overall planned improvements, and graphic descriptions of the improvements contemplated as comprising Phases One, Two, Three and Four in which units are located, and plot plans thereof, identifying the units, the common elements and the limited common elements, and their respective locations and dimensions.

Said surveys, graphic descriptions and plot plans were prepared by:

CAMPBELL SURVEYING & MAPPING OF BREVARD, INC.

By: John R. Campbell
Professional Land Surveyor
No. 2351, State of Florida

and have been certified in the manner required by the Florida Condominium Act. Each unit is identified and designated by a specific number. No unit bears the same numerical designation as any other unit. The specific numbers identifying each unit are listed on Sheets ~~105~~ 105 through ~~21~~ 26 of Exhibit "A" attached to this Declaration of Condominium.

All other provisions of Article II remain in full force and effect and unchanged by this Amendment.



III

**OWNERSHIP OF UNITS AND APPURTENANT
SHARE IN COMMON ELEMENTS AND COMMON
SURPLUS, AND SHARE OF COMMON EXPENSES**

Each unit shall be conveyed as an individual property capable of independent use and fee simple ownership and the owner or owners of each unit shall own, as an appurtenance to the ownership of each said unit, an undivided ~~one-fifty-second (1/52)~~ one-seventy-sixth (1/76) share of all common elements of the condominium, which includes, but is not limited to, ground support area, walkways, yard area, parking areas, foundations, etc., and substantial portions of the exterior walls, floors, ceiling and walls between units. The space within any of the units and common elements shall not be further subdivided. Any undivided interest in the common property is hereby declared to be appurtenant to each unit and such undivided interest shall not be separate from the unit and such interest shall be deemed conveyed, devised, encumbered or otherwise included with the unit even though such interest is not expressly mentioned or described in the conveyance, or other instrument. Any instrument, whether a conveyance, mortgage or otherwise, which describes only a portion of the space within any unit shall be deemed to describe the entire unit owned by the person executing such instrument and an undivided ~~one-fifty-second (1/52)~~ one-seventy-sixth (1/76) interest in all common elements of the condominium.

The common expenses shall be shared and the common surplus shall be owned in the same proportion as each such unit owner's share of the ownership of the common elements, that is ~~one-fifty-second (1/52)~~ one-seventy-sixth (1/76).

All other provisions of Article III remain in full force and effect and unchanged by this Amendment.

VI.

MEMBERSHIP AND VOTING RIGHTS

There shall be a total of ~~fifty-two (52)~~ seventy-six (76) votes to be cast by the owners of the condominium units. Such votes shall be apportioned and cast as follows: The owner of each condominium unit (designated as such on the exhibits attached to this Declaration) shall be entitled to cast one (1) vote. Where a condominium unit is owned by a corporation, partnership or other legal entity or by more than one (1) person, all the owners thereof shall be collectively entitled to the vote assigned to such unit and such owners shall, in writing, designate an individual who shall be entitled to cast the vote on behalf of the owners of such condominium unit of which he is a part until such authorization shall have been changed in writing. The term, "owner," as used herein, shall be deemed to include the Developer.

All other provisions of Article VI remain in full force and effect and unchanged by this Amendment.

VII

**COMMON EXPENSES, ASSESSMENTS, COLLECTION
LIEN AND ENFORCEMENT, LIMITATIONS**

The Board of Administration of the Association shall propose annual budgets in advance for each fiscal year which shall contain estimates of the cost of performing the functions of the Association, including but not limited to the common expense budget, which shall include, but not be limited to, the estimated amounts necessary for maintenance, and operation of common elements and limited common elements, landscaping, street and walkways, office expense, utility services, replacement and operating reserve, casualty insurance, liability insurance, administration and salaries. Failure of the board to include any item in the annual budget shall not preclude the board from levying an additional assessment in any calendar year for which the budget has been projected.



Each unit owner shall be liable for the payment to the Association of ~~one-fifty-second (1/52)~~ one-seventy-sixth (1/76) of the common expenses as determined in said budget.

All other provisions of Article VII remain in full force and effect and unchanged by this Amendment.

XIV

TERMINATION OF CONDOMINIUM

The distributive share of each unit owner in the net proceeds of sale, though subject to the provisions hereinafter contained, shall be the following portion thereof; to-wit:

AN UNDIVIDED ~~ONE-FIFTY-SECOND (1/52)~~ ONE-SEVENTY-SIXTH (1/76)

All other provisions of Article VII remain in full force and effect and unchanged by this Amendment.

All other terms, provisions and conditions of the Declaration shall remain in full force and effect and unchanged except as set forth herein.

IN WITNESS WHEREOF, the above-stated Developer has caused these presents to be signed and sealed on this 28th day of December, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Nancy K. Montgomery
Print Name: Nancy K. Montgomery
Mandy Parley
Print Name: Mandy Parley

DEVELOPER:

DAY DEVELOPMENT CORPORATION OF
CAPE CANAVERAL, a Florida corporation

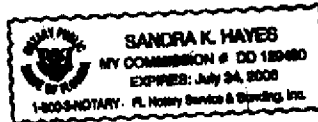
By: *William M. Young*
William M. Young, President

(CORPORATE SEAL)

STATE OF FLORIDA)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this 28th day of December, 2004, by WILLIAM M. YOUNG, President of DAY DEVELOPMENT CORPORATION OF CAPE CANAVERAL, a Florida corporation, on behalf of the Corporation. He is personally known to me or produced known as identification.

Sandra K. Hayes
NOTARY PUBLIC
My Commission Expires:



BAYSIDE CONDOMINIUMS

LEGAL DESCRIPTION: (Phase I)

A portion of land lying in Section 15, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Begin at a point on the South right of way line of Central Boulevard, a 100.00 foot right of way, as described in Official Records Book 3057 at Page 445 of the Public Records of Brevard County, Florida, and the Westerly line of lands described in Official Records Book 3902 at Page 3776 of the Public Records of Brevard County, Florida; Thence run S.37°21'10"E., along the West line of said Official Records Book 3902 at Page 3776 a distance of 686.88 feet; Thence run N.89°27'20"W., a distance of 295.82 feet; Thence run N.00°32'40"E., a distance of 115.00 feet; Thence run N.37°21'10"W., a distance of 62.70 feet; Thence run S.52°37'48"W., a distance of 48.12 feet to the point of curvature of a non-tangent curve to the left having a radius of 20.85 feet, thence Northwesterly along the arc of said curve a distance of 33.82 feet, through a central angle of 92°54'58", whose chord bears S.86°50'45"W., to the point of tangency; Thence run S.52°37'48"W., a distance of 28.65 feet to the point of curvature of a circular curve to the right having a radius of 95.00 feet, thence Southwesterly along the arc of said curve a distance of 62.86 feet, through a central angle of 37°54'52" to the point of tangency; Thence run N.89°27'20"W., a distance of 255.94 feet to the point of curvature of a non-tangent curve to the right having a radius of 198.19 feet, thence Westerly along the arc of said curve a distance of 17.19 feet, through a central angle of 04°58'09", whose chord bears N.77°51'01"E., to a point of curvature of a non-tangent curve to the left, having a radius of 8.88 feet; thence run Westerly along said curve a distance of 6.40 feet through a central angle of 41°15'49", whose chord bears S.54°10'37"W.; Thence run N.66°01'07"W., a distance of 24.44 feet to the point of curvature of a non-tangent curve to the right, having a radius of 6.94 feet, thence Northwesterly along the arc of said curve a distance of 8.00 feet, through a central angle of 66°00'05", whose chord bears N.9°03'38"W., to the point of curvature of a non-tangent curve to the right, having a radius of 96.85 feet, thence run northwesterly along the arc of said curve a distance of 83.42 feet, through a central angle of 49°21'06" whose chord bears N.29°48'37"W., to the point of tangency; Thence run N.00°31'45"E., a distance of 63.80 feet to the point of curvature of a non-tangent curve to the right, having a radius of 145.00 feet, thence run northerly along the arc of said curve a distance of 35.26 feet, through a central angle of 13°55'53", whose chord bears N.7°30'37"E., to the point of curvature of a non-tangent curve to the left, having a radius of 32.93 feet; thence run Northwesterly along the arc of said curve a distance of 31.63 feet, through a central angle of 55°01'44" whose chord bears N.71°09'56"W., to the point of tangency; Thence run N.89°23'56"W., a distance of 119.66 feet; Thence run S.00°13'48"E., a distance of 205.11 feet; Thence run N.89°46'12"E., a distance of 27.97 feet; Thence run S.27°01'44"E., a distance of 35.93 feet; Thence run South a distance of 77.29 feet; Thence run West a distance of 69.27 feet to a point on the Easterly right of way line of Tower Boulevard, (A.K.A. Thurm Boulevard) a 60 foot right of way, as described in Official Records Book 3057 at Page 447, of the Public Records of Brevard County, Florida; said point being on a curve to the right have a radius of 1020.00 feet and whose radius point lies N.70°03'05"E., from said point; Thence run Northerly along said right of way line and along the arc of said curve a distance of 340.03 feet, through a central angle of 19°06'01", to the point of tangency; Thence run N.00°50'54"W., along said East right of way line a distance of 197.33 feet to a point of curvature of a circular curve to the right having a radius of 25.00 feet; Thence run Northeasterly along the arc of said curve a distance of 39.88 feet, through a central angle of 91°23'34", to the point of tangency on the said Southerly right of way line of Central Boulevard; Thence run S.89°27'20"E., along said South right of way line a distance of 555.22 feet to the Point of Beginning. Said parcel contains 7.55 acres more or less.



CFN 2004409548
OR Book/Page: 5402 / 6134

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OF BREVARD, INC.

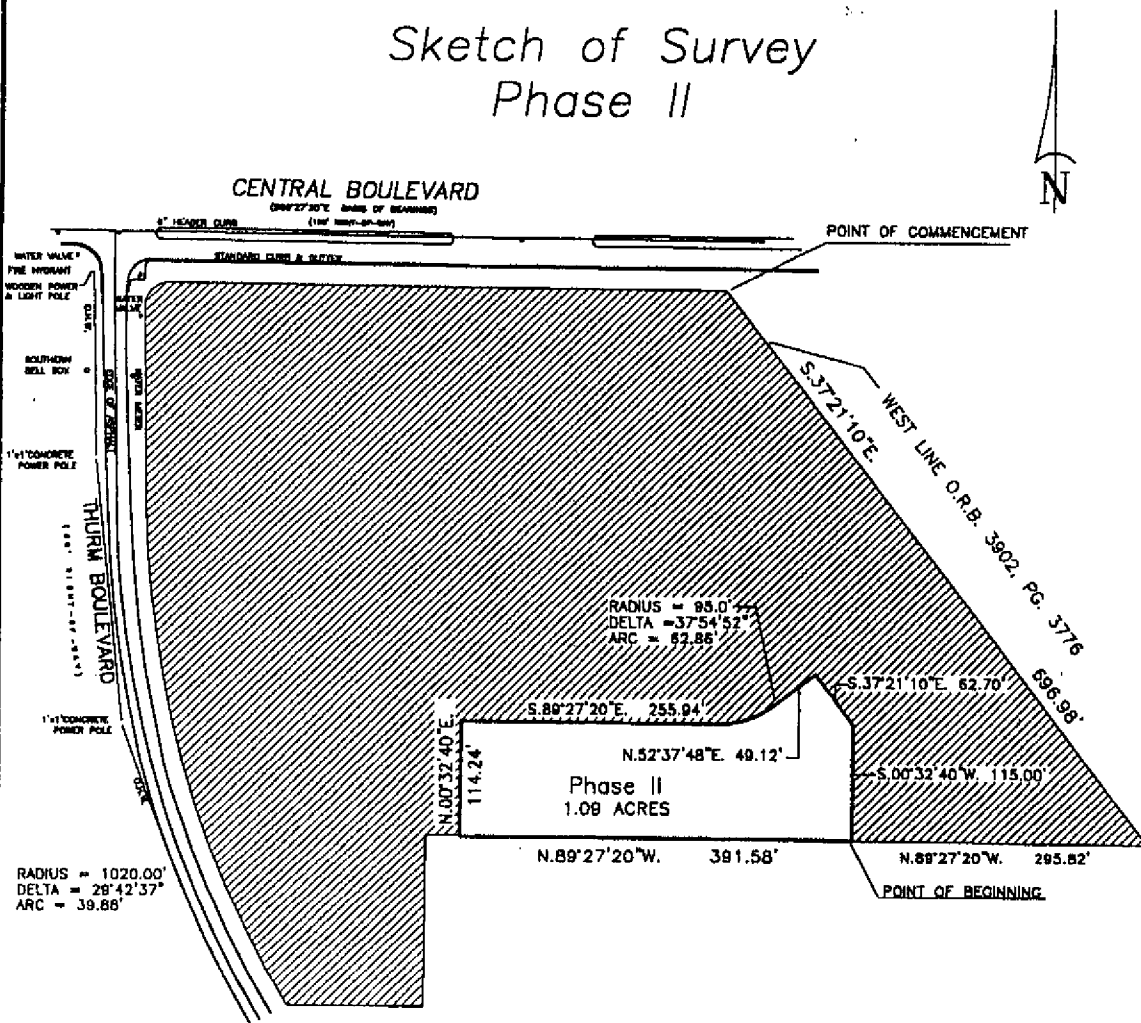
3520 N. COURTENAY PARKWAY - SUITE 1
MAILING ADDRESS: P.O. BOX 542148
MERRITT ISLAND, FL 32954 PHONE (407) 453-5820

EXHIBIT "B"

SHEET 3

BAYSIDE CONDOMINIUMS

Sketch of Survey Phase II



LEGAL DESCRIPTION: (Phase II)

A portion of land lying in Section 15, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at a point on the South right of way line of Central Boulevard, a 100.00 foot right of way, as described in Official Records Book 3057 at Page 445 of the Public Records of Brevard County, Florida, and the Westerly line of lands described in Official Records Book 3902 at Page 3776 of the Public Records of Brevard County, Florida; Thence run S.37°21'10"E., along the West line of said Official Records Book 3902 at Page 3776 a distance of 696.98 feet; Thence N.89°27'20"W., a distance of 295.82 feet to the Point of Beginning of the following described Parcel; Thence continue N.89°27'20"W., a distance of 391.58 feet; Thence run N.00°32'40"E., a distance of 114.24 feet to a point on the South line of Bayside Condominiums Phase I; Thence run S.89°27'20"E., along said South line a distance of 255.94 feet to the point of curvature of a circular curve to the left having a radius of 95.00 feet; thence run Easterly along the arc of said curve a distance of 62.86 feet, through a central angle of 37°54'52", to the point of tangency; Thence run N.52°37'48"E., a distance of 49.12 feet; Thence run S.37°21'10"E., a distance of 62.70 feet; Thence run S.00°32'40"W., a distance of 115.00 feet to the Point of Beginning. Said parcel contains 1.09 acres more or less.

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EXHIBIT "B"

SHEET 4

BAYSIDE CONDOMINIUMS

LEGAL DESCRIPTION: (Phase III)

A portion of land lying in Section 15, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at a point on the South right of way line of Central Boulevard, a 100.00 foot right of way, as described in Official Records Book 3057 at Page 445 of the Public Records of Brevard County, Florida, and the Westerly line of lands described in Official Records Book 3902 at Page 3776 of the Public Records of Brevard County, Florida; Thence run S.37°21'10"E., along the West line of said Official Records Book 3902 at Page 3776 a distance of 696.98 feet; Thence run N.89°27'20"W., a distance of 687.40 feet; Thence run N.00°32'40"E., a distance of 114.24 feet to the point of curvature of a non-tangent curve to the right having a radius of 198.19 feet, thence run Northwesterly along the arc of said curve a distance of 17.19 feet through a central angle of 04°58'09", whose chord bears N.77°51'01"E., to a point of curvature of a non-tangent curve to the left having a radius of 8.88 feet; thence run southwesterly along the arc of said curve a distance of 6.40 feet through a central angle of 41°15'49", whose chord bears S.54°10'37"W., to the Point of Beginning of the following described Parcel; Thence N.66°01'07"W., a distance of 24.44 feet to the point of curvature of a non-tangent curve to the right, having a radius of 6.94 feet, thence Northwesterly along the arc of said curve a distance of 8.00 feet, through a central angle of 66°00'05", whose chord bears N.9°03'38"W., to the point of curvature of a non-tangent curve to the right, having a radius of 96.85 feet, thence run northwesterly along the arc of said curve a distance of 83.42 feet, through a central angle of 49°21'06", to the point of tangency; Thence run N.00°31'45"E., a distance of 63.80 feet to the point of curvature of a circular curve to the right, having a radius of 145.00 feet, thence run northerly along the arc of said curve a distance of 35.26 feet, through a central angle of 13°55'53", whose chord bears N.7°30'37"E., to the point of curvature of a non-tangent curve to the left, having a radius of 32.93 feet; thence run Northwesterly along the arc of said curve a distance of 31.63 feet, through a central angle of 55°01'44", to the point of tangency; Thence run N.89°23'56"W., a distance of 119.66 feet; Thence run S.00°13'48"E., a distance of 205.11 feet; Thence run N.89°46'12"E., a distance of 27.97 feet; Thence run S.27°01'44"E., a distance of 35.93 feet; Thence run East a distance of 102.84 feet to a point of curvature of a circular curve to the left having a radius of 62.00 feet, thence run Northeasterly along the arc of said curve a distance of 69.62 feet through a central angle of 64°20'27", to the point of tangency, Thence run N.34°45'02"E., a distance of 5.52 feet to the Point of Beginning. Said Parcel contains 0.83 acres more or less.



CFN 2004408548

OR Book/Page: 5402 / 6136

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EXHIBIT "B"

SHEET 6