

**First Supplemental Declaration of
Covenants, Restrictions and Easements for
the Towers of Quayside Homeowners
Association, Inc. (recorded in Official
Records Book 11379 at Page 1572)**

82R 57556 1982 MAR 15 PM 2:39
REC 11379 PG 1572

FIRST SUPPLEMENTAL DECLARATION OF
COVENANTS, RESTRICTIONS AND EASEMENTS FOR
THE TOWERS OF QUAYSIDE

THIS FIRST SUPPLEMENTAL DECLARATION, made this 26TH day of February 1982, by QUAYSIDE ASSOCIATES, LTD., a Florida limited partnership ("Declarant"), and joined by PQD CORPORATION, a Florida corporation ("PQD"), to amend and supplement that certain Declaration of Covenants, Restrictions and Easements recorded in Official Records Book 11316, at Page 1672, et seq., of the Public Records of Dade County, Florida ("the Declaration of Covenants").

W I T N E S S E T H:

WHEREAS, the Declaration of Covenants provides that Declarant may amend and supplement the Declaration of Covenants to add to the Common Properties and to impose further conditions, covenants and restrictions for the operation, protection and maintenance of The Towers of Quayside ("the Complex"); and

WHEREAS, Declarant desires to amend and supplement the Declaration of Covenants; and

WHEREAS, PQD is the owner of that certain parcel of real property more particularly described in Exhibit A-1, attached hereto and made a part hereof, and PQD wishes to submit same as a part of the Common Properties of the Complex subject to the requirements of Article II, Section 8 hereof; and

WHEREAS, PQD covenants to convey the aforesaid parcel to the Association as and when requested by Declarant.

NOW, THEREFORE, Declarant joined by PQD do hereby and herein amend and supplement the Declaration of Covenants, as follows:

1. Article 1, Section 10 entitled "Common Properties," is amended by: (a) deletion of the word "may" in the sixth line thereof; (b) changing the word "include" in the sixth line thereof to read "includes"; and (c) striking the last sentence thereof and inserting in its place and stead, the following:

11379 Pg 1573

"Declarant, joined by PQD, hereby declares the properties described in Exhibits 1, A and A-1 to be the Common Properties."

2. Article II, Section 7, entitled "Title to the Common Properties" is supplemented by the following sentence:

"Notwithstanding any provision of this Section to the contrary, conveyance by Declarant and/or PQD of any and all portions of the Common Properties to the Association shall be only such interest as Declarant and/or PQD then own and enjoy (which may or may not be fee simple title) and shall be subject to the same infirmities, rights, restrictions, and easements under which Declarant and/or PQD hold interest."

3. Article II is further supplemented by the following section:

"Section 8. Lands Described in Exhibit A-1 and Facilities Thereon. The real property described in Exhibit A-1, and the facilities on such property, shall be owned, used and enjoyed subject to the following:

(a) all building and zoning codes, ordinances, laws and regulations of governmental bodies applicable thereto;

(b) all restrictions, limitations, easements and reservations of record;

(c) the restriction that Declarant, PQD, the Association and their respective employees, agents, successors and assigns shall have no liability, either jointly or severally, for any claim(s) for personal injury, property damage and/or other loss made by any owner, guest or other person or entity arising from the use or enjoyment of such property and facilities; and

(d) the requirement that, prior to his use of such property and facilities, each prospective user confirm in writing that he will not make any claim(s) against Declarant, PQD, the Association and/or their respective employees, agents, successors or assigns for personal injury, property damage and/or other loss arising from the use or enjoyment of such property and facilities."

4. Article V is supplemented by the following subsection:

"(h) Make, amend and promulgate rules and regulations for use of common recreation facilities and lease, give concessions and otherwise act as landlord for facilities operated by others on the property described in Exhibit A-1 hereof, or portions of such property."

5. All other provisions of the Declaration remain in full force and effect except where the effect, purpose and intent of this First Supplemental Declaration expresses otherwise.

IN WITNESS WHEREOF, Declarant and PQD have executed this First Supplemental Declaration on the day and year first above written.

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Signed, sealed and delivered
in the presence of:

QUAYSIDE ASSOCIATES, LTD.,
a Florida limited partnership

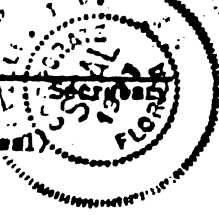
by

LA VILLE, INC.,
a Florida corporation,
a General Partner

Betty R. Smith
Paul R. Smith

By *[Signature]*
Vice President

ATTEST:

[Signature]
(Corporate Seal)


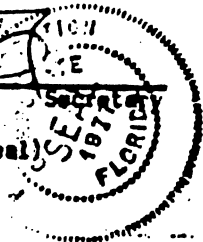
Signed, sealed and delivered
in the presence of:

PQD CORPORATION, a Florida
corporation

Betty R. Smith
Paul R. Smith

By *[Signature]*
President

ATTEST:


[Signature]
(Corporate Seal)


REC 11379 1575

STATE OF FLORIDA
COUNTY OF DADE

Before me personally appeared Ronald K. Lavan and Ben Smith to me well known and known to me to be the individuals described in and who executed the foregoing instrument as Vice President and Secretary of LA VILLE, INC., a Florida corporation, General Partner of QUAYSIDE ASSOCIATES, LTD., a Florida limited partnership, and severally acknowledged to and before me that they executed such instrument as such Vice President and Secretary, respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal, this 26th day of February 1982.


Notary Public
State of Florida at Large


My commission expires: _____

Notary Public, State of Florida at Large
My Commission Expires December 19, 1982

STATE OF FLORIDA
COUNTY OF DADE

Before me personally appeared Ronald K. Lavan and Ben Smith to me well known and known to me to be the individuals described in and who executed the foregoing instrument as President and Secretary of PQD CORPORATION, and severally acknowledged to and before me that they executed such instrument as such President and Secretary, respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal, this 26th day of February 1982.


Notary Public
State of Florida at Large

My commission expires: _____

Notary Public, State of Florida at Large
My Commission Expires December 19, 1982

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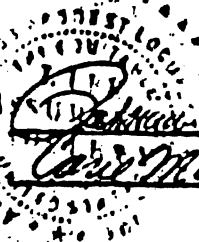
CONSENT AND JOINDER OF MORTGAGEE

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, a New York corporation, being the owner and holder of the mortgage liens encumbering the parcel of real property described in the foregoing First Supplemental Declaration of Covenants, Restrictions and Easements for The Towers of Quayside and in the original Declaration of Covenants, Restrictions and Easements for The Towers of Quayside hereby consents to and joins in the filing of this First Supplemental Declaration of Covenants, Restrictions and Easements for The Towers of Quayside and the original Declaration of Covenants, Restrictions and Easements for The Towers of Quayside as recorded in Official Records Book 11316, commencing at Page 1672 of the Public Records of Dade County, Florida.

This Consent and Joinder of Mortgagee is executed at New York City, New York, this 5th day of March 1982.

Signed, sealed and delivered
in the presence of:

THE EQUITABLE LIFE ASSURANCE SOCIETY
OF THE UNITED STATES, a New York
corporation


Robert A. Bauman
Carl Martin

By: Harold V. Levy
Assistant Vice President

Christina A. Kelly
Christina A. Bauman

ATTEST:
Kerri Kiefe
Assistant Secretary

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS

Before me, the undersigned authority, personally appeared Harold V. Levy and Kerri Kiefe 1st Vice President and Assistant Secretary, respectively, of THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, a New York corporation, being the persons who executed the foregoing Consent and Joinder of Mortgagee, and they acknowledged before me that they executed the same in the name of and for said corporation and that they were authorized to do so.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of March 1982.



My Commission Expires:
March 31, 1983

Mary L. Dunsavage
NOTARY PUBLIC

MARY L. DUNSAVAGE
Notary Public, State of New York #41-182100
Qualified in Dade County
Certificate Filed New York County Clerk
Term Expires March 30, 1983.

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JOINDER AND CONSENT

THE TOWERS OF QUAYSIDE HOMEOWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, hereby agrees to accept all the benefits and all the duties, responsibilities and obligations and burdens imposed upon it by the provisions of this First Supplemental Declaration and exhibits attached hereto, including but not limited to, duty to accept title to the lands described in Exhibit A-1 when conveyed and to maintain, own and enjoy the said lands and facilities thereon in accordance with the provisions of this First Supplemental Declaration.

IN WITNESS WHEREOF, THE TOWERS OF QUAYSIDE HOMEOWNERS ASSOCIATION, INC., has caused these presents to be signed in its name by its proper officers and its corporate seal to be affixed this 26th day of February 1982.

Signed, sealed and delivered
in the presence of:

THE TOWERS OF QUAYSIDE HOMEOWNERS
ASSOCIATION, INC., a Florida not-
for-profit corporation

Butler R. G. Smith
Paul D. Hickey

By:

Ronald K. Lavan
RONALD K. LAVAN, President

ATTEST:

[Signature]
Secretary

STATE OF FLORIDA,
COUNTY OF DADE

Before me personally appeared Ronald K. Lavan and BEN SMITH to me well known and known to me to be the individuals described in and who executed the foregoing JOINDER as Vice President and Secretary of THE TOWERS OF QUAYSIDE HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, and severally acknowledged to and before me that they executed such instrument as such President and Secretary, respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal, this 26th day of February 1982.

[Signature]
Notary Public
State of Florida at Large

My commission expires: _____

Notary Public, State of Florida at Large
My Commission Expires December 19, 1982

EXHIBIT A-1

LEGAL DESCRIPTION:

OFF REC 11379-1578

ALL OF BLOCK 11, "BISCAYNE SHORES UNIT NO. 3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20 AT PAGE 11 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALSO PORTIONS OF EAST DIXIE HIGHWAY AND AUDUBON DRIVE (CLOSED BY RESOLUTION NO. 6247 OF THE COUNTY COMMISSION DATED AUGUST 19, 1953), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BISCAYNE BLVD. (FEDERAL HIGHWAY) AND THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, THE SAME BEING THE WESTERLY MOST CORNER OF TRACT A, "REPLAT OF QUAYSIDE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106 AT PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN N38°48'03"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BISCAYNE BLVD. (FEDERAL HIGHWAY) AND ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT A, "REPLAT OF QUAYSIDE", FOR A DISTANCE OF 212.64 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE RUN N38°48'03"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BISCAYNE BLVD. (FEDERAL HIGHWAY), THE SAME BEING THE WESTERLY BOUNDARY LINE OF BLOCK 11, OF SAID "BISCAYNE SHORES UNIT NO. 3" AND ITS SOUTHWESTERLY PROLONGATION, FOR A DISTANCE OF 368.13 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 25.0 FEET; THENCE RUN NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 51°14'43" FOR A DISTANCE OF 22.36 FEET TO THE POINT OF TANGENCY; THENCE RUN S89°57'14"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF N.E. 107 STREET (HAWTHORN DRIVE), SAID LINE ALSO BEING THE NORTHERLY BOUNDARY LINE OF BLOCK 11, OF SAID "BISCAYNE SHORES UNIT NO. 3" AND ITS EASTERLY PROLONGATION, FOR A DISTANCE OF 329.50 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF EAST DIXIE HIGHWAY, SAID POINT BEING A CORNER OF SAID TRACT A, "REPLAT OF QUAYSIDE"; THENCE RUN S25°05'08"W, FOR A DISTANCE OF 309.46 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 425.0 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 2°22'49" FOR A DISTANCE OF 17.66 FEET TO A POINT, (SAID LAST TWO COURSES BEING COINCIDENT WITH THE WESTERLY BOUNDARY LINE OF SAID TRACT A, "REPLAT OF QUAYSIDE", AND THE CENTERLINE OF EAST DIXIE HIGHWAY); THENCE RUN N89°58'54"W, ALONG A NORTHERLY BOUNDARY LINE OF SAID TRACT A, "REPLAT OF QUAYSIDE", AND ALONG THE CENTERLINE OF AUDUBON DRIVE, FOR A DISTANCE OF 440.68 FEET TO THE POINT OF BEGINNING; CONTAINING 2.66 ACRES MORE OR LESS.

LESS THEREFROM FOR ROAD PURPOSES:

THAT PORTION OF N.E. 107 STREET AS RECORDED IN O.R. BOOK 10737 AT PAGE 1240 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:

OFF REC 11379 PG 1579

PORTIONS OF:

LOTS 1,3,4,5 AND 6, BLOCK 11, "BISCAYNE SHORES UNIT NO.3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20 AT PAGE 11 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA AND EAST DIXIE HIGHWAY (CLOSED BY RESOLUTION NO. 6247 OF THE COUNTY COMMISSION DATED AUGUST 19, 1953), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF EAST DIXIE HIGHWAY AND THE SOUTHERLY RIGHT-OF-WAY LINE OF N.E. 107 STREET, SAID POINT BEING A CORNER OF TRACT A, "REPLAT OF QUAYSIDE," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106 AT PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN N89°57'14"W, ALONG A NORTHERLY LINE OF SAID TRACT A, "REPLAT OF QUAYSIDE" AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID N.E. 107 STREET, FOR A DISTANCE OF 38.63 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N89°57'14"W, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID N.E. 107 STREET, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID BLOCK 11, "BISCAYNE SHORES UNIT NO. 3", AND ITS EASTERLY PROLONGATION, FOR A DISTANCE OF 329.50 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 25 FEET; THENCE RUN SOUTHWESTWARDLY ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 11, "BISCAYNE SHORES UNIT NO. 3", ALONG THE ARC OF SAID 25 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 51°14'43" FOR AN ARC DISTANCE OF 22.36 FEET TO THE POINT OF TANGENCY; THENCE RUN S38°48'03"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BISCAYNE BOULEVARD AND ALONG THE WESTERLY LINE OF SAID BLOCK 11, "BISCAYNE SHORES UNIT NO. 3", FOR A DISTANCE OF 29.49 FEET TO A POINT; THENCE RUN N64°25'25"E FOR A DISTANCE OF 21.62 FEET TO A POINT; THENCE RUN S89°57'14"E, ALONG A LINE PARALLEL TO AND 23 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID N.E. 107 STREET, FOR A DISTANCE OF 205.10 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 485 FEET; THENCE RUN SOUTHEASTWARDLY, ALONG THE ARC OF SAID 485 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°52'38" FOR AN ARC DISTANCE OF 125.93 FEET TO THE POINT OF INTERSECTION WITH A WESTERLY LINE OF SAID TRACT A, "REPLAT OF QUAYSIDE", SAID LINE ALSO BEING THE SOUTHWESTERLY PROLONGATION OF THE CENTERLINE OF SAID EAST DIXIE HIGHWAY; THENCE RUN N25°05'08"E, ALONG THE PREVIOUSLY DESCRIBED LINE FOR A DISTANCE OF 43.33 FEET TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES MORE OR LESS.

AREA SUMMATIONS:

GROSS AREA.....2.66 ACRES
ROAD DEDICATION.....0.20 ACRES

NET AREA.....2.46 ACRES

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED

RICHARD P. BRINKEE,
CLERK CIRCUIT COURT