

This instrument prepared by
and should be returned to:
Dennis M. Solomon Esquire
1555 Palm Beach Lakes Blvd.
Suite 1100
West Palm Beach, FL 33401

FIFTH AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR MONTEREY POINTE

THIS FIFTH AMENDMENT to the Declaration of Covenants, Restrictions and Easements for Monterey Pointe is made this 19 day of November, 1993, by EAGLETON HOMES VENTURE, LTD., a Florida limited partnership (hereinafter referred to as the "Developer").

WITNESSETH:

WHEREAS, the Developer has heretofore executed and recorded that certain document entitled "Declaration of Covenants, Restrictions and Easements for Monterey Pointe," recorded on June 9, 1992, in Official Records Book 7276, Page 729, Public Records of Palm Beach County, Florida, as previously amended by various recorded documents (hereinafter referred to as the "Declaration") including the Third Amendment to Declaration dated May 12, 1993, and recorded in O.R. Book 7713, Page 1230, Public Records of Palm Beach County, Florida ("Third Amendment") adding the real property referred to therein to the Declaration: and

WHEREAS, this Amendment is made pursuant to recital G., which permits all or a portion of the Property to be removed from the lien and operation of the Declaration and Article XVII, Section 4.A.2) and 3) of the Declaration.

WHEREAS, the Developer desires to amend the Declaration as set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the Declaration is hereby further amended as set forth below.

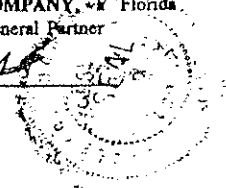
1. **RECITALS.** The foregoing recitals are true and correct and form a part hereof.
2. **AMENDMENT.** The real property described in the Third Amendment is hereby deleted from the Declaration, ab initio. There is no conveyance of units constructed upon such property. The Third Amendment is hereby null and void, ab initio, and of no further force or effect.
3. **BINDING EFFECT.** This Amendment shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.
4. **NO OTHER CHANGES.** Except as specifically modified hereby and as previously modified, the Declaration shall remain in full force and effect as originally written.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Kathy C. Oates
Sheryl Teresi

EAGLETON HOMES VENTURE, LTD., a Florida
Limited Partnership
BY: EAGLETON HOMES COMPANY, a Florida
Corporation, its Managing General Partner
BY: *E. Llwyd Ecclestone, III*
E. Llwyd Ecclestone, III
President



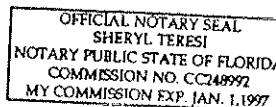
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of November, 1993, by E. Llwyd Ecclestone, III, as the President of Eagleton Homes Company, a Florida corporation, as Managing General Partner of Eagleton Homes Venture, Ltd., a Florida limited partnership, on behalf of the limited partnership. He is personally known to me and did not take an oath.

Sheryl Teresi
NOTARY PUBLIC

(Notary Seal)

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Serial # _____