

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



CFN:2005009652 01-11-2005 08:59 am
OR Book/Page: 5407 / 6123

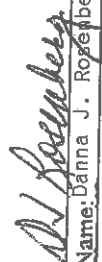
**FIFTH AMENDMENT TO DECLARATION OF
CONDOMINIUM OF SOLANA ON THE RIVER, A CONDOMINIUM**

SOLANA ON THE RIVER, LLC, a Florida limited liability company, pursuant to the authority reserved in Article XIII of the Declaration of Condominium establishing SOLANA ON THE RIVER, A CONDOMINIUM, as recorded in Official Records Book 5316, Pages 5489 through 5581 as amended by First Amendment to Declaration of Condominium recorded in Official Records Book 5335, Page 1495 as amended by Second Amendment to Declaration of Condominium recorded in Official Records Book 5356, Page 2241, as amended by Third Amendment to Declaration of Condominium recorded in Official Records in Official Records Book 5356, Page 2257 and as amended by Fourth Amendment to Declaration of Condominium recorded in Official Records Book 5385, Page 0001 of the Public Records of Brevard County, Florida, and the Florida Condominium Act, hereby amends said Declaration above described and submits the following described real property located in Cape Canaveral, Brevard County, Florida, which property is more particularly described as follows to wit:

1. Delete Exhibit "G" to the Declaration of Condominium as recorded in Official Records Book 5385, Pages 0006 through 0018, inclusive, Public Records of Brevard County, Florida in its entirety and substitute revised Exhibit "G" attached hereto therefor.

IN WITNESS WHEREOF, the above-stated Developer has caused these presents to be signed and sealed on this 9th day of December, 2004.

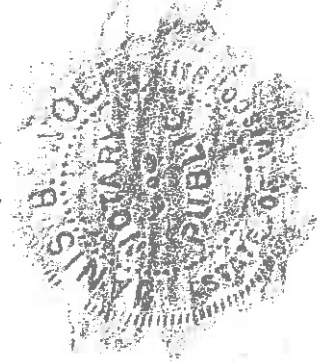
SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


Print Name: Danna J. Rosenberg


Print Name: Jana Cervantes

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this 9th day of December, 2004, by James B. Young, Vice President of TOWNE REALTY, INC., a Wisconsin corporation, the sole member of SOLANA ON THE RIVER, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me ~~or produced~~ as identification




NOTARY PUBLIC

My Commission Expires: 10/9/05

1
Fifth Amendment to Declaration

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 14 #Names: 2
Trust: 7.50 Rec: 113.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

**SURVEYOR'S CERTIFICATE
FOR
SOLANA ON THE RIVER,
A CONDOMINIUM
PHASE 3**

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, THE UNDERSIGNED AUTHORITY DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED "ROBERT M. SALMON", BY ME WELL KNOWN, AND KNOWN TO ME TO BE THE PERSON HEREINAFTER DESCRIBED, WHO AFTER BEING BY ME FIRST DULY CAUTIONED AND SWORN, DEPOSES AND SAYS AN OATH AS FOLLOWS, TO-WIT:

I HEREBY CERTIFY THAT THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS SHOWN AND DESCRIBED ON THE ATTACHED EXHIBIT "G" IS SUBSTANTIALLY COMPLETE; THE MATERIAL DESCRIBED AND SHOWN ON THE ATTACHED EXHIBIT "G" TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM ESTABLISHING SOLANA ON THE RIVER, A CONDOMINIUM, IS AN ACCURATE REPRESENTATION OF THE LOCATIONS AND DIMENSIONS OF THE IMPROVEMENTS, AND THAT THE IDENTIFICATION, LOCATIONS AND DIMENSIONS OF THE COMMON ELEMENTS AND OF EACH UNIT CAN BE DETERMINED FROM THESE MATERIALS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL,
THIS 6TH DAY OF DECEMBER 2004, A.D.

ALLEN ENGINEERING, INC.

BY:


ROBERT M. SALMON
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO 4262

THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS 6TH DAY OF DECEMBER, 2004
BY ROBERT M. SALMON, WHO IS PERSONALLY
KNOWN AND WHO DID TAKE AN OATH.




CFN:2005009652

OR Book/Page: 5407 / 6124



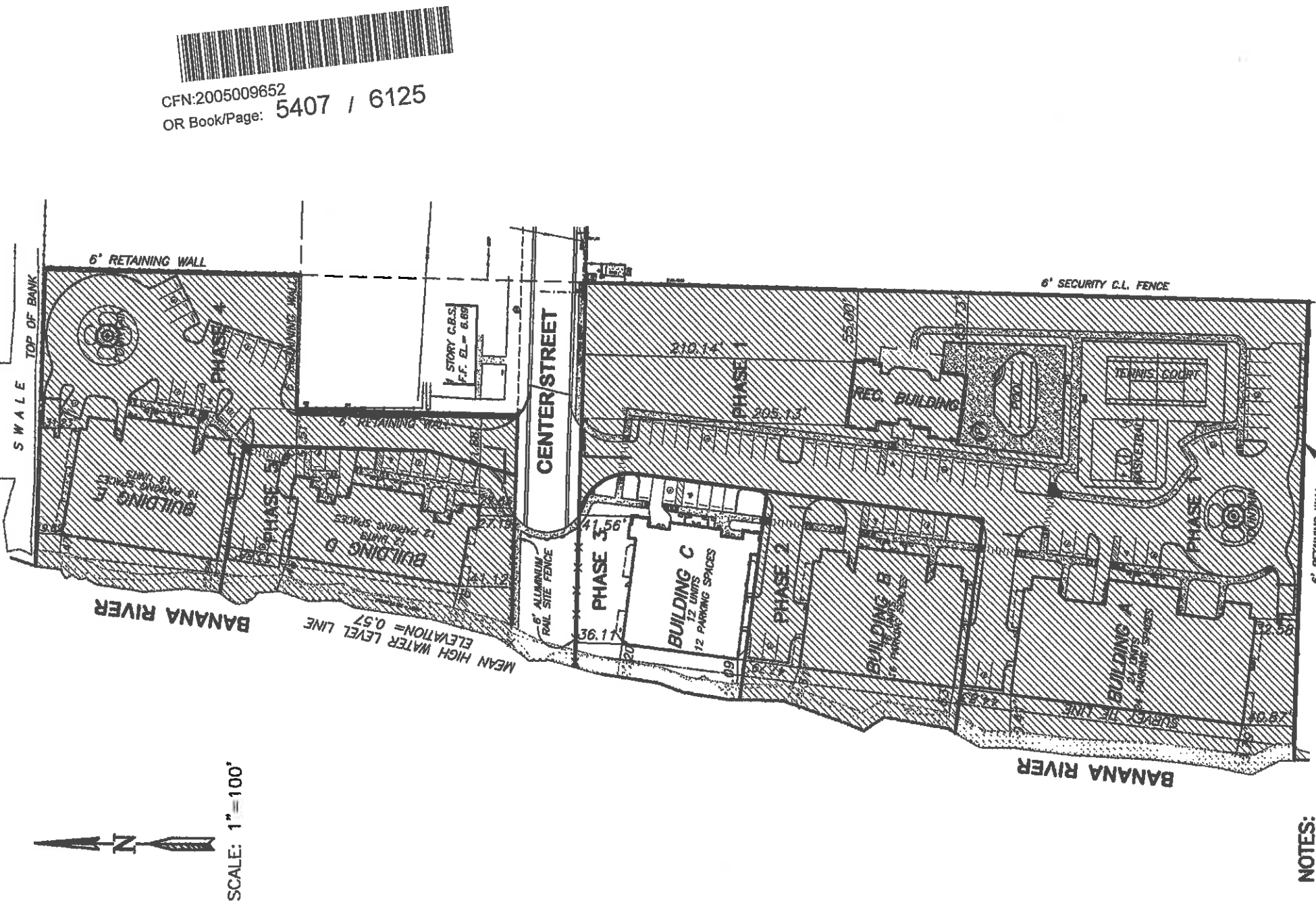
Jill B Nickel
My Commission DD124038
Expires July 05, 2006


JILL B. NICKEL
NOTARY PUBLIC--STATE OF FLORIDA
MY COMMISSION EXPIRES: JULY 5, 2006
MY COMMISSION NO IS DD124038

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3

GRAPHIC PLOT PLAN OF PROPOSED IMPROVEMENTS




SCALE: 1"=100'

CFN:2005009652
OR Book/Page: 5407 / 6125



NOTES:

1. REFER TO SHEET 2 FOR THE SURVEYOR'S CERTIFICATION, SURVEYOR'S NOTES AND NOTES CONCERNING THE GRAPHIC PLOT PLAN.
2.  = HATCHED AREAS ARE NOT A PART.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3



CFN:2005009652

OR Book/Page: 5407 / 6126

SURVEYOR'S NOTES CONCERNING THE GRAPHIC PLOT PLAN :

1. Solana On The River, A Condominium Phase 3, contains Building "C" a 5--story Building with a total of 12 living units; 12 garage parking spaces. Phase 3 shall also contain driveways, walkways, parking areas and open landscaped areas.
2. All areas and improvements exclusive of the units are common elements of the condominium, as set forth in the declaration of condominium.
3. The graphic plot plan was prepared from an Engineering Site Plan, prepared by Allen Engineering, Inc.

SURVEYOR'S NOTES:

1. The elevations shown hereon are based on United States Coast and Geodetic monument "L-206," published elevation = 5.807 feet, National Geodetic Vertical Datum of 1929.
2. The Mean High Water Level Line of the Banana River shown hereon was determined to be at an elevation of 0.57 feet, National Geodetic Vertical Datum of 1929, based on the extension of published tidal datum from Tide Station 872-1609, Port Canaveral Locks.
3. Only above ground indications of utilities were located by this survey.
4. The bearings shown hereon are based on an assumed bearing of N01°06'48"E along the East line of Section 22.
5. According to the National Flood Insurance Program, Flood Insurance Rate Map (F.I.R.M.) for Brevard County, Florida and Incorporated Areas, Panel 313 of 727, this property is located in community number 125094 and lies within Special Flood Hazard Area AE, Base Flood Elevation 6; Special Flood Hazard Area AE, Base Flood Elevation 4; Other Flood Area, Zone X and Other Area Zone X. Special Flood Hazard Area AE is defined on the F.I.R.M. as "AREAS INUNDAED BY 100-YEAR FLOOD." Other Flood Area X is defined as "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS OF LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100 YEAR FLOOD"; Other Area Zone X is defined as "AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN".

ABBREVIATION	DEFINITION	ABBREVIATION	DEFINITION
BLDG.	BUILDING	O.R.B.	OFFICIAL RECORDS BOOK
C.B.	CONCRETE BLOCK	P.	PLAT
C.B.S.	CONCRETE BLOCK STRUCTURE	PED XING	PEDESTRIAN CROSSING
CCCL	COASTAL CONSTRUCTION CONTROL LINE	PG.	PAGE
CONC.	CONCRETE	RCP	REINFORCED CONCRETE PIPE
DNR	DEPARTMENT OF NATURAL RESOURCES	SANITARY MH	SANITARY MANHOLE
DRAINAGE MH	DRAINAGE MANHOLE	VCP	VITRIFIED CONCRETE PIPE
F.I.R.M.	FLOOD INSURANCE RATE MAP	WM	WATER METER

NOTES:

1. SEE SHEET 3 FOR THE PARENT PARCEL LEGAL DESCRIPTION.
2. SEE SHEET 1 FOR THE GRAPHIC PLOT PLAN.

CERTIFICATION:

I hereby certify the Sketch of Survey shown on Sheet 5 of 12 is an accurate representation of a survey performed under my direction and completed on November 23, 2004 in accordance with the "Minimum Technician Standards" for Land Surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes

Not valid without the signature
and the original raised seal of
a Florida licensed Surveyor and
Mapper

ALLEN ENGINEERING, INC.

BY: 
ROBERT M. SALMON
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4262

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM

DESCRIPTION - PARENT PARCEL:

PARCEL N:

A tract of land situated in Section 22, Township 24 South, Range 37 East, Brevard County, Florida more particularly described as follows: From the Southeast corner of said Section 22, run North 01 degrees 05'19" East along the East line of said Section 22, a distance of 1226.50 feet; thence North 88 degrees 53' West, parallel with the South line of said Section 22 a distance of 40.0 feet to the Point of Beginning of the parcel herein described; thence North 01 degrees 05'19" East parallel with the East line of said Section 22 a distance of 560.30 feet; thence North 88 degrees 53' West, a distance of 304 feet more or less to the shoreline of the Banana River; thence Southerly meandering said shoreline a distance of 561 feet more or less to the intersection of a line which is 1226.50 feet North of and parallel with the South line of said Section 22; thence South 88 degrees 53' East along said line a distance of 335 feet more or less to the Point of Beginning.

AND

PARCEL P

A tract of land situated in Section 22, Township 24 South, Range 37 East, Brevard County, Florida being more particularly described as follows: From the Southeast corner of said Section 22 run North 01 degrees 05'19" East along the East line of said Section 22 a distance of 1836.8 feet; thence North 88 degrees 53' West parallel with the South line of said Section 22 a distance of 151.81 feet to the Point of Beginning of the parcel herein described; thence North 0 degrees 59'31" East along the West line of the Radio Realty Property 170.1 feet; thence North 88 degrees 53' West, 131 feet more or less to the shoreline of the Banana River; thence Southerly meandering the shoreline of Banana River a distance of 175 feet more or less to the intersection of a line which is 1836.80 feet North of and parallel with the South line of said Section 22; thence South 88 degrees 53' East along said line 178 feet more or less to the Point of Beginning.

AND

PARCEL P-1

A portion of Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 1,837.14 feet, to the North right of way line of Center Street as described in Official Records Book 826, Page 725, of the Public Records of Brevard County Florida; thence N88°58'13"W, along said North right of way line extended westerly a distance of 143.00 feet, to the West line of that parcel described in Official Records Book 3472, Page 1644 and the POINT OF BEGINNING of the herein described parcel; thence N88°58'13"W, along said North right of way line a distance of 8.70 feet, to the East line of Parcel P, as shown and described on map titled "PLAT OF SURVEY FOR LOMA LINDA UNIVERSITY", as recorded in Survey Book 1, Page 106, of said Public Records; thence N01°03'40"E, along the East line of said Parcel P, a distance of 170.07 feet, to the Northeast corner thereof, said point also being on the South line of Parcel Q as shown on said map; thence S84°58'13"E, along said South line, a distance of 8.85 feet, to the Northerly extension of the West line of that parcel described in Official Records Book 3472, Page 1644; thence S01°06'48"W, along said West line, a distance of 170.07 feet, to the POINT OF BEGINNING; Containing 0.03 acres, more or less.

AND

PARCEL Q

A tract of land situated in Section 22, Township 24 South, Range 37 East, Brevard County, Florida being more particularly described as follows: From the Southeast corner of said Section 22 run North 01 degrees 05'19" East along the East line of said Section 22 a distance of 2006.9 feet; thence North 88 degrees 53' West parallel with the South line of said Section 22 a distance of 40.0 feet to the Point of Beginning of the parcel herein described; thence North 01 degrees 05'19" East parallel with the West (East) line of said Section 22 a distance of 196.87 feet; thence North 88 degrees 45'30" West a distance of 230 feet more or less to the shoreline of the Banana River; thence Southerly meandering the said shoreline a distance of 197 feet more or less to the intersection of a line which is 2006.9 feet North of and parallel with the South line of said Section 22; thence South 88 degrees 53' East along said line a distance of 243 feet more or less to the Point of Beginning.

NOTES:

1. REFER TO SHEET 4 OF 12 FOR THE BOUNDARY TO ACCOMPANY THIS LEGAL DESCRIPTION.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004



SOLANA ON THE RIVER, A CONDOMINIUM

PHASE 3

SKETCH OF BOUNDARY SURVEY - PARENT PARCEL

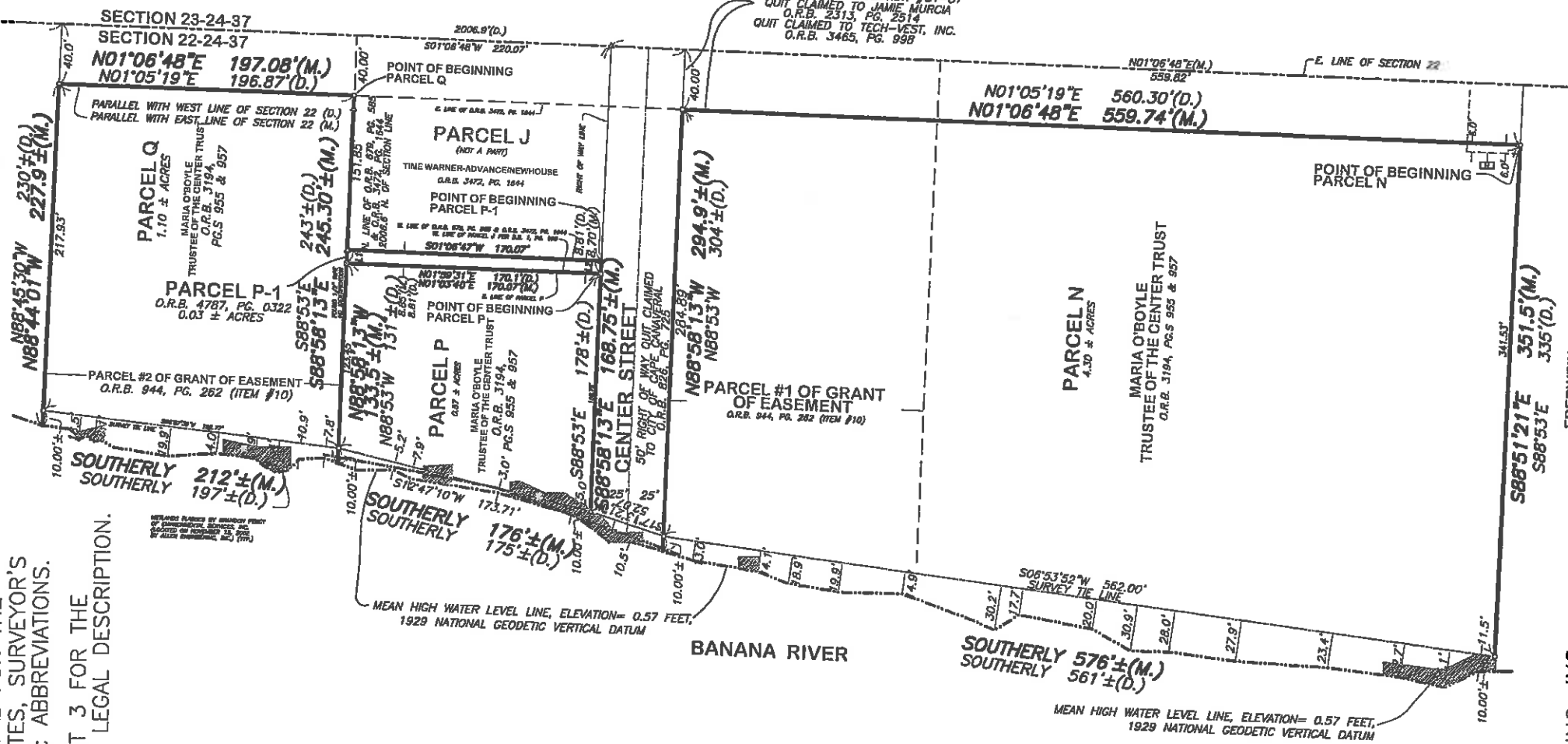
SURVEYOR'S NOTES:

1. REFER TO SHEET 2 FOR THE SURVEYOR'S NOTES, SURVEYOR'S CERTIFICATION & ABBREVIATIONS.

2. REFER TO SHEET 3 FOR THE PARENT PARCEL LEGAL DESCRIPTION.

JOHNSON CONTROL
WORLD SERVICES, INC.
O.R.B. 2815, PAGE 1487

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DECEMBER 6, 2004

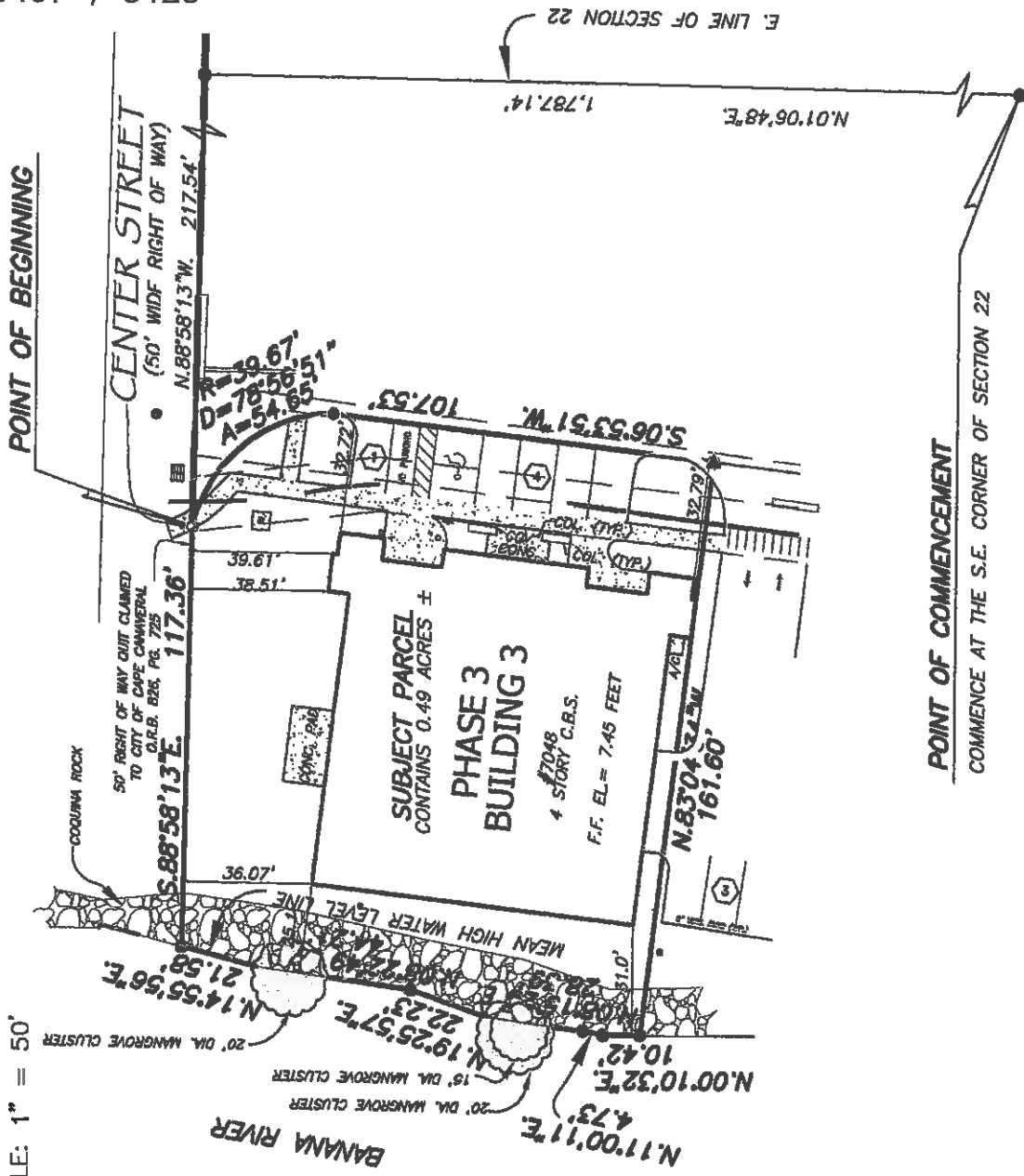
EXHIBIT "G"

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3



SCALE: 1" = 50'

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OR Book/Page: 5407 / 6129



POINT OF COMMENCEMENT

COMMENCE AT THE S.E. CORNER OF SECTION 22

Description: Solana On The River - Phase 3

A portion of Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 1,787.14 feet, to a point on the South right of way line of Center Street (a 50.00 foot wide right of way); thence N88°58'13"W, along said South right of way line, a distance of 217.54 feet, to the POINT OF BEGINNING of the herein described parcel, and a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 39.67 feet and a central angle of 78°56'51"; thence Southeasterly, along the arc of said curve to the right, a distance of 54.65 feet (said arc subtended by a chord bearing S38°46'14"E, a distance of 50.43 feet), to a point of intersection with a non-tangent line; thence S06°53'51"W, a distance of 107.53 feet; thence N83°04'34"W, a distance of 161.60 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 6 courses along said Mean High Water Level Line: (1) N00°10'32"E, a distance of 10.42 feet; (2) N11°00'11"E, a distance of 4.73 feet; (3) N08°15'25"E, a distance of 44.21 feet; (4) N19°25'57"E, a distance of 22.23 feet; (5) N08°22'49"E, a distance of 28.39 feet; (6) N14°55'56"E, a distance of 21.58 feet, to a point on the South right of way line of said Center Street; thence S88°58'13"E, along said South right of way line, a distance of 117.36 feet, to the POINT OF BEGINNING; Containing 0.49 acres, more or less.

NOTES:

- REFER TO THE BOUNDARY SURVEY OF THE PARENT PARCEL ON SHEET 4 FOR THE LOCATION OF THE EXISTING IMPROVEMENTS & ENCROACHMENTS ON THE SITE.

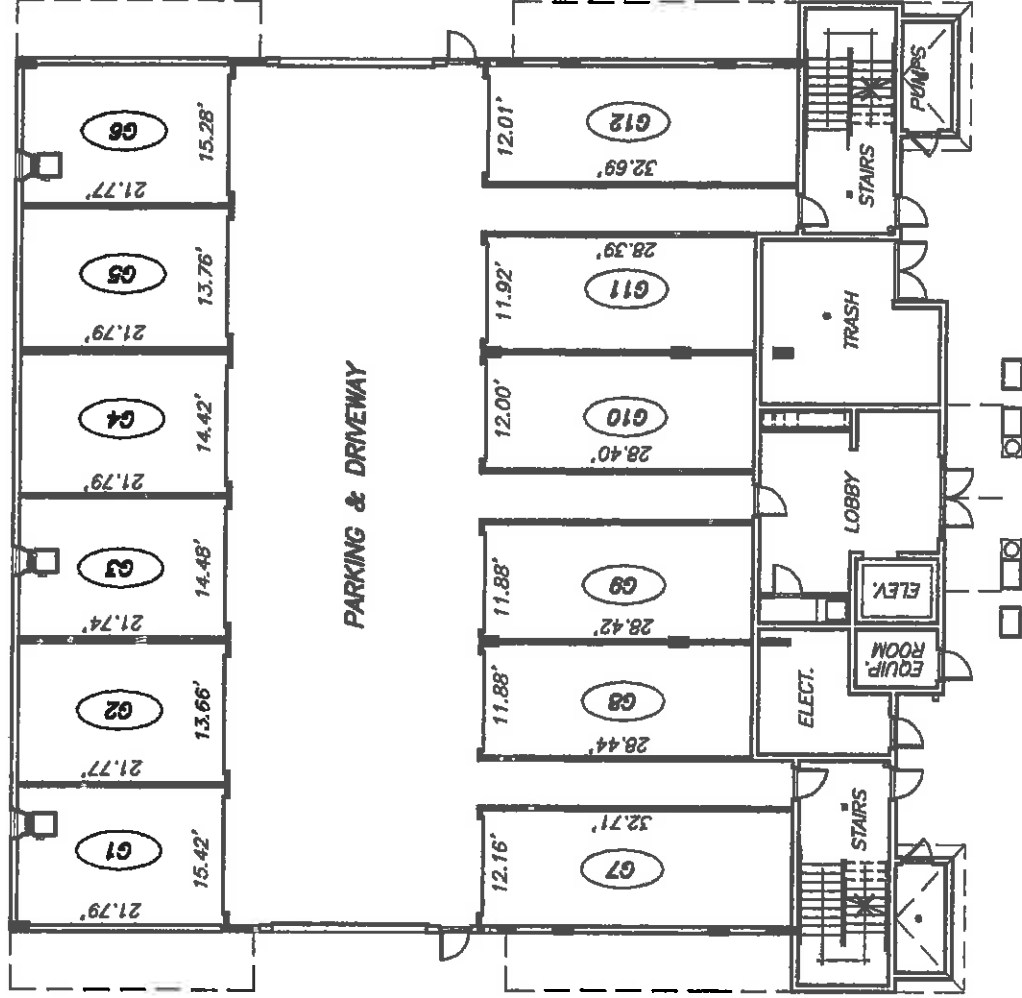
ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 - BUILDING "C" FIRST FLOOR PLAN

SCALE: 1"=20'



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OR Book/Page: 5407 / 6130



SURVEYOR'S NOTES:

1. THE FIRST FLOOR FINISHED FLOOR ELEVATION IS 7.44 FEET.
2. THE FIRST FLOOR FINISHED CEILING ELEVATION IS 16.42 FEET.
3. **G2** INDICATES THE GARAGE SPACE DESIGNATION.
4. ALL AREAS AND IMPROVEMENTS ON THE FIRST FLOOR ARE COMMON ELEMENTS OF THE CONDOMINIUM. THE PARKING SPACES SHOWN ARE COMMON ELEMENTS OF THE CONDOMINIUM WHOSE USE IS LIMITED TO CERTAIN UNITS AS SET FORTH IN THE DECLARATION OF CONDOMINIUM.

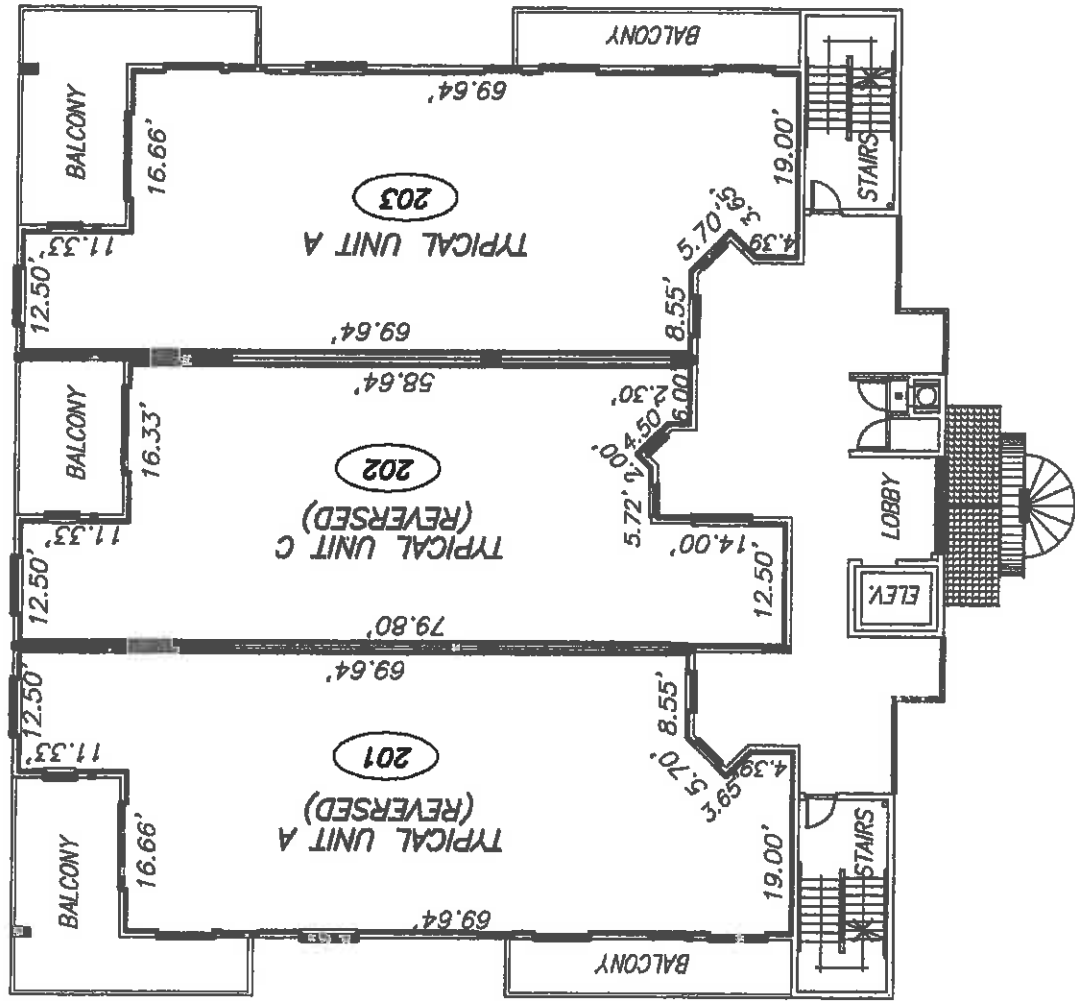
ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 - BUILDING "C" SECOND FLOOR PLAN



CFN:2005009652
OR Book/Page: 5407 / 6131

SCALE: 1"=20'



SURVEYOR'S NOTES:

1. THE SECOND FLOOR FINISHED FLOOR ELEVATION IS 17.22 FEET.
2. THE SECOND FLOOR FINISHED CEILING ELEVATION IS 25.14 FEET.
3. — INDICATES THE LIMITS OF THE UNITS.
4. (201) INDICATES THE UNIT NUMBER DESIGNATION.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE BALCONIES ARE COMMON ELEMENTS LIMITED FOR THE USE OF THE ADJACENT UNIT.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

EXHIBIT "G"

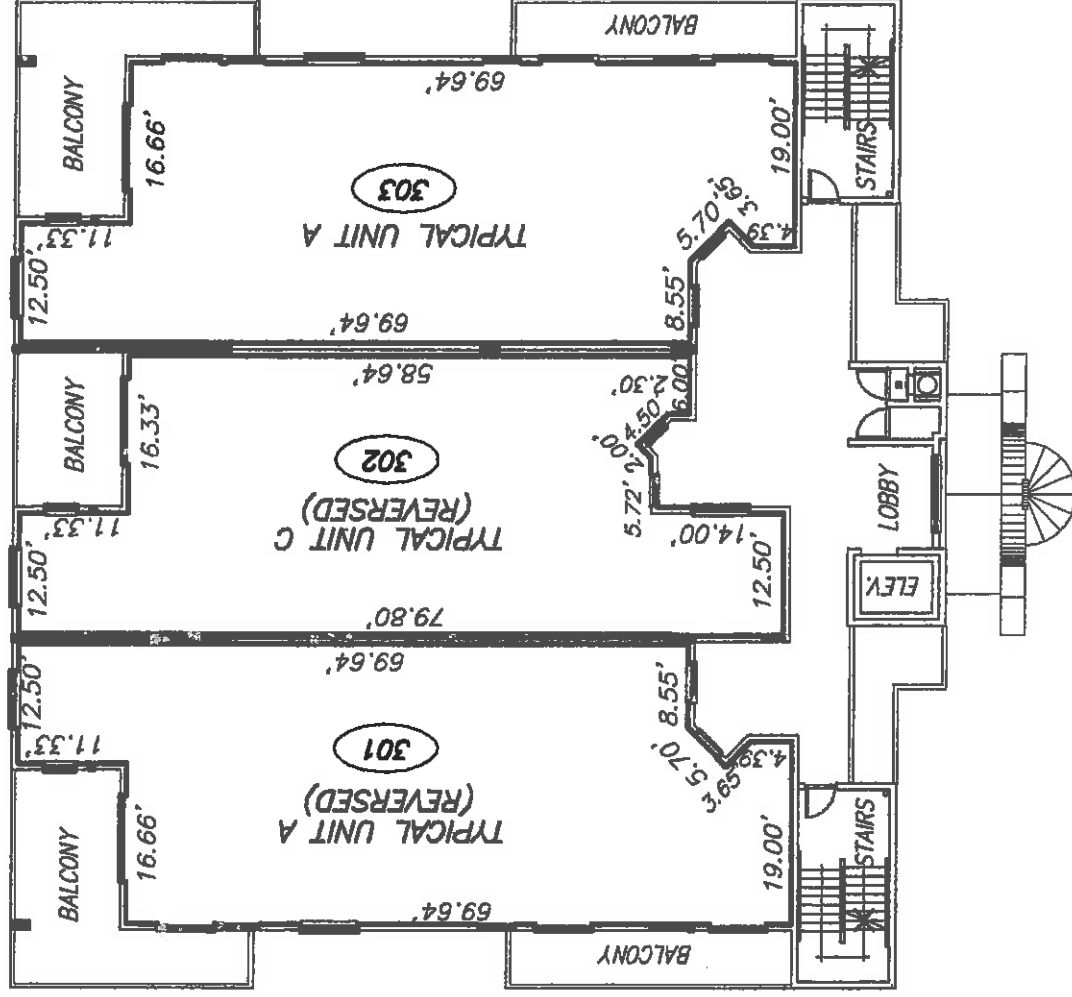
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SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 - BUILDING "C" THIRD FLOOR PLAN



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OR Book/Page: 5407 / 6132

SCALE: 1"=20'



SURVEYOR'S NOTES:

1. THE THIRD FLOOR FINISHED FLOOR ELEVATION IS 25.86 FEET.
2. THE THIRD FLOOR FINISHED CEILING ELEVATION IS 33.78 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (301) INDICATES THE UNIT NUMBER DESIGNATION.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE BALCONIES ARE COMMON ELEMENTS LIMITED FOR THE USE OF THE ADJACENT UNIT.

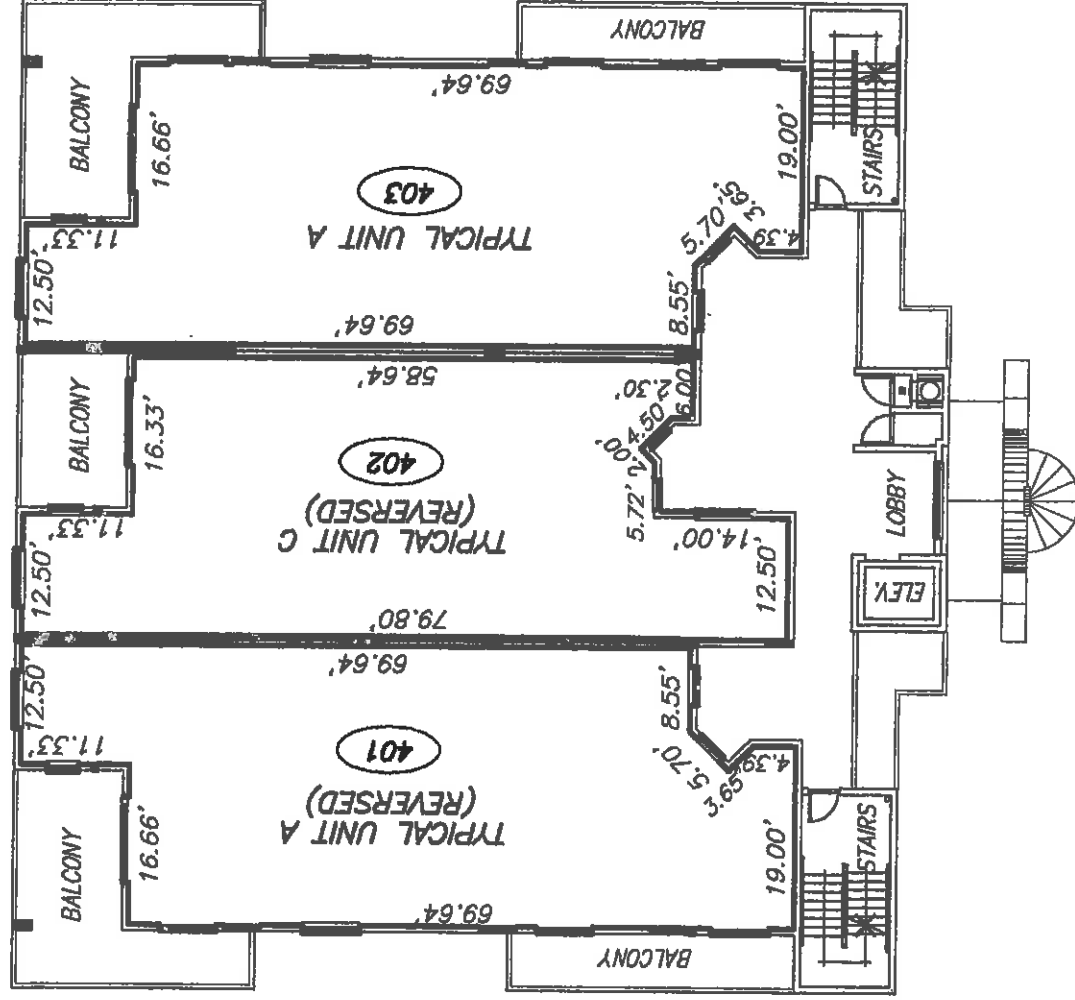
ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 - BUILDING "C" FOURTH FLOOR PLAN

CFN:2005009652
OR Book/Page: 5407 / 6133



SCALE: 1"=20'



SURVEYOR'S NOTES:

1. THE FOURTH FLOOR FINISHED FLOOR ELEVATION IS 34.51 FEET.
2. THE FOURTH FLOOR FINISHED CEILING ELEVATION IS 42.53 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (401) INDICATES THE UNIT NUMBER DESIGNATION.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE BALCONIES ARE COMMON ELEMENTS LIMITED FOR THE USE OF THE ADJACENT UNIT.

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COCOA BEACH, FLORIDA
DECEMBER 6, 2004

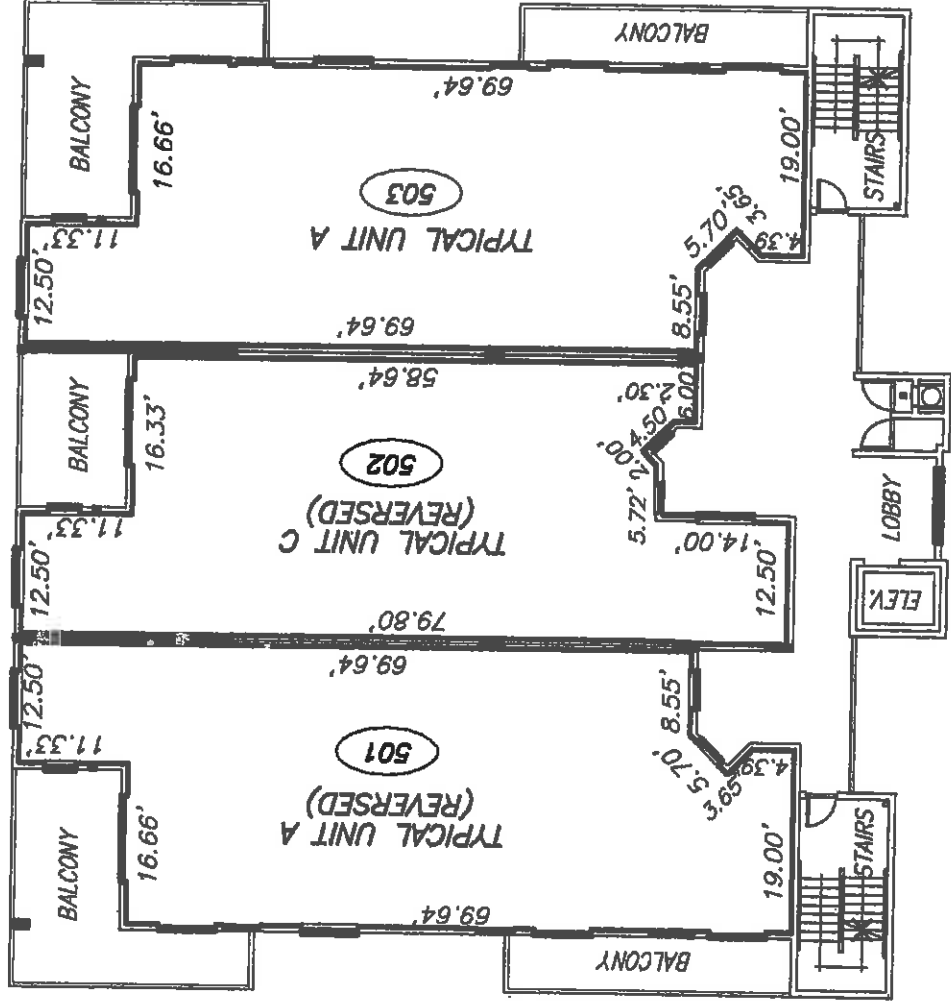
SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 - BUILDING "C" FIFTH FLOOR PLAN

SCALE: 1"=20'



CFN:2005009652

OR Book/Page: 5407 / 6134



SURVEYOR'S NOTES:

1. THE FIFTH FLOOR FINISHED FLOOR ELEVATION IS 43.22 FEET.
2. THE FIFTH FLOOR FINISHED CEILING ELEVATION IS 51.85 FEET.
3. ——— INDICATES THE LIMITS OF THE UNITS.
4. (501) INDICATES THE UNIT NUMBER DESIGNATION.
5. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNITS ARE COMMON ELEMENTS OF THE CONDOMINIUM.
6. THE BALCONIES ARE COMMON ELEMENTS LIMITED FOR THE USE OF THE ADJACENT UNIT.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

EXHIBIT "C"

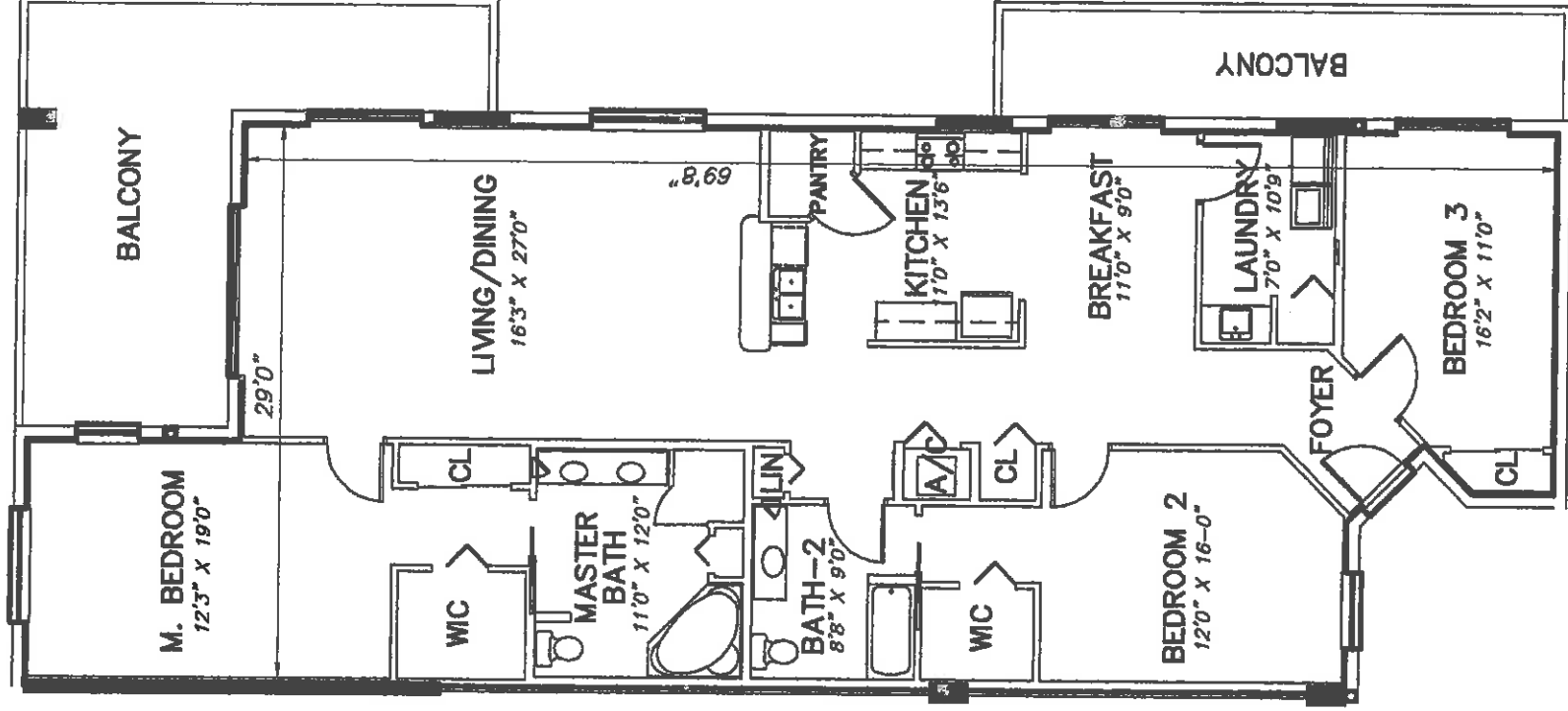
SHEET 10 OF 12

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SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 UNIT A

SCALE: 1" = 10'

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NOTES:

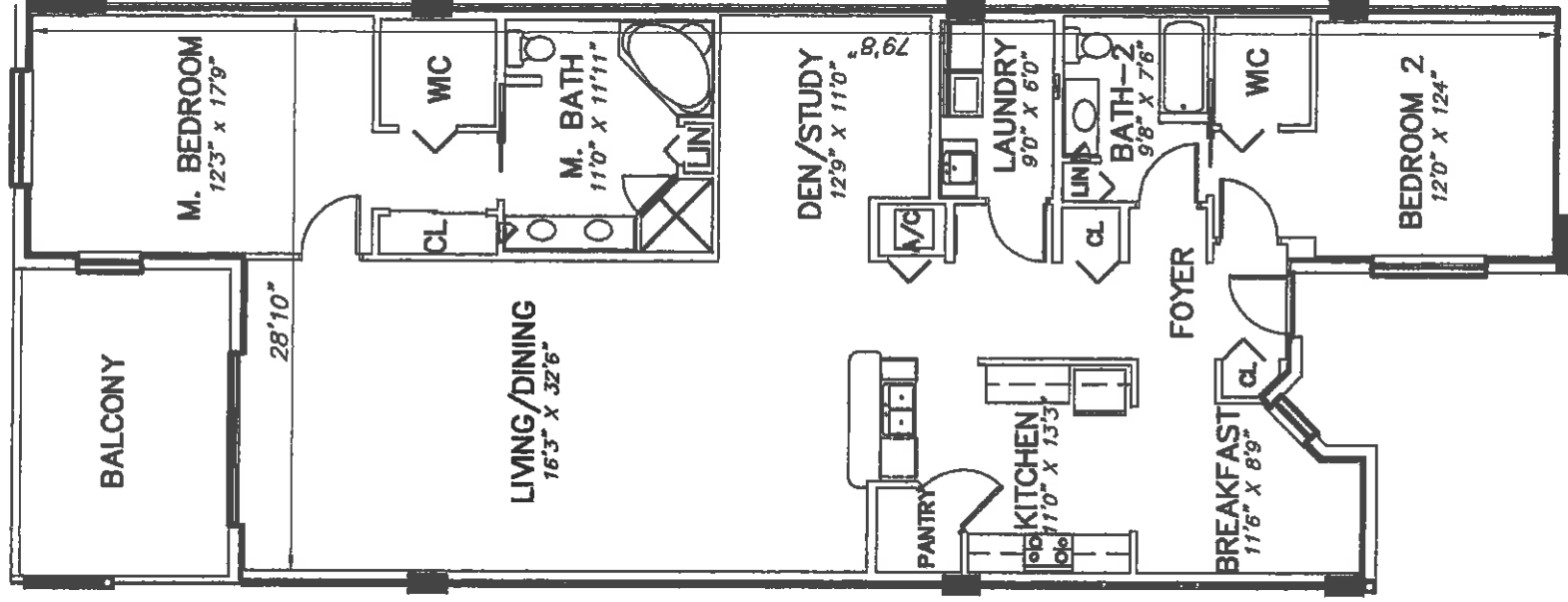
1. ——— INDICATES THE LIMITS OF THE UNIT.
2. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
3. THE BALCONY IS A COMMON ELEMENT LIMITED TO THE USE OF THE ADJACENT UNIT.
4. THE UNIT PLAN SHOWN IS REPRESENTATIONAL. THE DIMENSIONS MAY VARY SLIGHTLY.
5. SOME UNITS MAY BE REVERSED OR A MIRROR IMAGE OF THE PLAN SHOWN.
6. REFER TO THE FLOOR PLAN ON SHEETS 7 - 10 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004

SOLANA ON THE RIVER, A CONDOMINIUM PHASE 3 UNIT C

SCALE: 1" = 10'

CFN:2005009652
OR Book/Page: 5407 / 6136



NOTES:

1. ——— INDICATES THE LIMITS OF THE UNIT.
2. ALL AREAS AND IMPROVEMENTS EXCLUSIVE OF THE UNIT ARE COMMON ELEMENTS OF THE CONDOMINIUM.
3. THE BALCONY IS A COMMON ELEMENT LIMITED TO THE USE OF THE ADJACENT UNIT.
4. THE UNIT PLAN SHOWN IS REPRESENTATIONAL. THE DIMENSIONS MAY VARY SLIGHTLY.
5. SOME UNITS MAY BE REVERSED OR A MIRROR IMAGE OF THE PLAN SHOWN.
6. REFER TO THE FLOOR PLAN ON SHEETS 7 - 10 FOR THE LOCATION OF THIS UNIT WITHIN THE BUILDING.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
DECEMBER 6, 2004