

In the event any court shall hereafter determine that any provisions of this Declaration of Condominium, as originally drafted or as amended, violates the rule against perpetuities or any other rules of law because of the duration of the period involved, the period specified in the Declaration shall not thereby become invalid but, instead, shall be reduced to the maximum period allowed under such rules of law and for such purpose measuring lives shall be those of the incorporators of the Association.

21. INTERPRETATION

The provisions of this Declaration of Condominium shall be liberally construed to effectuate its purposes of creating a uniform plan for the operation of a condominium in accordance with the laws made and provided for same; i.e., *Chapter 718, Florida Statutes*, as amended.

22. ASSOCIATION CONTROL

When unit owners other than the Developer own 15 percent more of the units in a condominium that will be operated ultimately by an Association, the unit owners other than the Developer shall be entitled to elect no less than one-third of the members of the board of administration of the Association. Unit owners other than the Developer are entitled to elect not less than a majority of the members of the board of an Association:

22.1 Three years after 50 percent of the units that will be operated ultimately by the Association have been conveyed to purchasers;

22.2 Three months after 90 percent of the units that will be operated ultimately by the Association have been conveyed to purchasers;

22.3 When all the units that will be operated ultimately by the Association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the Developer in the ordinary course of business;

22.4 When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business; or

22.5 Seven years after recordation of the Declaration, whichever occurs first.

Transfer of Association Control shall be in accordance with *Florida Statute 718.301*.

IN WITNESS WHEREOF, the Developer has caused the execution of this Declaration of Condominium, this 7th day of January, 2008.

WITNESSES:

W. C. Hart
Name: W. C. HART
Kathleen M. Cano
Name: Kathleen M. Cano

DEVELOPER:

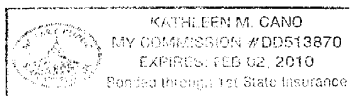
FORT WALTON DEVELOPMENT, LLC,
a Delaware limited liability company

By: James M. Rester
James M. Rester, President

[CORPORATE SEAL]

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 7 day of January, 2008, by **James M. Rester, as President** of Fort Walton Development, LLC, a Delaware limited liability company, on behalf of said company. He is personally known to me.



Kathleen M. Cano
NOTARY PUBLIC
(Affix Seal and commission expiration)

**JOINDER OF MORTGAGEE
OF
DECLARATION OF CONDOMINIUM**

Bank of America ("Mortgagee"), the owner and holder of a mortgage encumbering the land described in Exhibit A, attached to the Declaration of Condominium of Waterscape, a Condominium, according to the Declaration thereof to which this Joinder is attached, hereby consents to and joins in the said Declaration thereof and agrees that the lien of its mortgage, to the extent of the encumbrance upon the land described in Exhibit A attached to the Declaration of Condominium shall be upon all of the condominium parcels of Waterscape, a Condominium, according to the Declaration thereof, together with all of the appurtenances, including, but not limited to, any common elements appurtenant to the condominium parcels so encumbered and to the undivided shares of the common elements.

Nothing contained herein shall be deemed to or in any way limit or affect the mortgage held by Mortgagee or the priority of the lien created thereby and the sole purpose of this Joinder is to acknowledge the consent of said Mortgagee to the Declaration of Condominium as hereinabove provided.

This instrument is executed by the undersigned for the purpose of complying with and pursuant to Florida Statute 718.104(4)(m).

EXECUTED this 7th day of January, 2008.

BANK OF AMERICA
Mortgagee

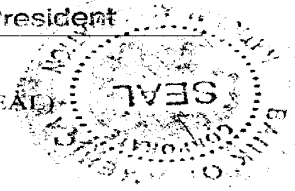
WITNESSES:

Shelby M Pearson
Name: Shelby M Pearson

Carolyn R Champion
Name: Carolyn R. Champion

By: Kay P. Ostwalt
Name: Kay P. Ostwalt
Its: Asst. Vice President

(BANK SEAL)

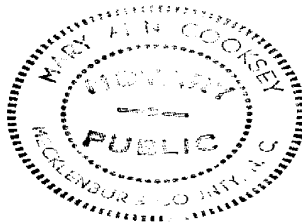


STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing Joinder of Mortgagee of Declaration of Condominium was acknowledged before me this 7th day of January, 2008, by Kay P. Ostwalt, the AVP of Bank of America on behalf of said Bank. She/He is personally known to me.

Mary Ann Cooksey
NOTARY PUBLIC

Mary Ann Cooksey
(PRINT/TYPE NAME)
(NOTARY SEAL)
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER:



SURVEYOR'S CERTIFICATE

WATERSCAPE A CONDOMINIUM

I, Jon A. Prohaska, Registered Land Surveyor No. 4450, State of Florida, a surveyor authorized to practice in the State of Florida, on behalf of Choctaw Engineering, Inc., hereby certify that the construction of the improvements described in Exhibit "A" of the Declaration of Condominium of Waterscape, a Condominium attached hereto, consisting of 24 pages, is substantially complete so that the material, together with the provisions of the Declaration relating to matters of survey describing the condominium property is an accurate representation of the location and dimensions of the improvements, and that the identification, location and dimensions of the common elements, limited common elements, and of each unit can be determined from these materials and that improvements, including but not limited to, landscaping, utility services and access to the unit and common element facilities have been substantially completed.

CHOCTAW ENGINEERING, INC,
LB #1532
112 Truxton Avenue
Fort Walton Beach, Florida 32547

By: 

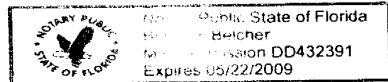
Jon A. Prohaska

Registered Land Surveyor No.: 4450
State of Florida

(SEAL)



Sworn to and subscribed before me this 4th day of January, 2008.




NOTARY PUBLIC

BECKY E. BELCHER

(PRINT/TYPE NAME)

(NOTARY SEAL)

MY COMMISSION EXPIRES: 05/22/2009

MY COMMISSION NUMBER: DD 432391

EXHIBIT “A”
TO
DECLARATION OF CONDOMINIUM
WATERSCAPE

INDEX

A-1	NARRATIVE DESCRIPTION
	<i>Unit numbers cross referenced to type</i>
A-2	LEGAL DESCRIPTION
A-3	FINAL SURVEY CERTIFICATIONS
A-4	SITE PLANS
A-5	FLOOR PLANS
A-6	ELEVATIONS
A-7	AMENITIES PLANS
A-8	UNIT PLANS

<i>Plan Type</i>	<i>Page</i>
A1	53
A1.1	53
A2	54
A2.1	54
A3	55
A3-ADA	55
B1	56
B1-ADA	56
B2	57
B2-ADA	57
B2-E9	57
B2.1	58
B2.1-ADA	58
B2.1-E9	58
C1	59
C1-ADA	59
C1.1	59
C2	60
C2-ADA	60

Exhibit A-1
Declaration of Condominium
WATERSCAPE

NARRATIVE DESCRIPTION

The condominium will consist of 3 buildings that will be constructed in a U-shape. The building along the eastern border of the property will be known as Building A and will contain 194 residential units. The building along the western border of the property will be known as Building B and will contain 110 residential units. The building to the north will be known as Building C and will contain 35 residential units for a total of 339 residential units in the condominium.

The common elements in the Condominium include all lands and improvements thereon which are not included in the units and which are not designated as limited common elements.

Reference should be made to the site plan, floor plans, and building elevations set forth in this exhibit. The construction is not complete and upon completion this Declaration shall be amended to show the certificate of a surveyor authorized to practice in this state certifying that the construction of the improvements is substantially complete so that the material, together with the provisions of this Declaration describing the condominium property, constitute an accurate representation of the location and dimensions of the improvements and that the identification, location, and dimensions of the common elements, and limited common elements, appurtenant to each unit, can be determined from these materials.

The unit numbers, unit types, numbers of bathrooms and bedrooms in each unit and the living area square footage not including porches and/or patios are set forth in the following chart. **FOR THIS CHART AND FOR THE SQUARE FOOTAGES SHOWN ON THE FLOOR PLANS IN THIS EXHIBIT, SQUARE FOOTAGES ARE MEASURED TO THE OUTSIDE SURFACE OF PERIMETER WALLS AND THE CENTER LINE OF COMMON WALLS. THIS DOES NOT ALTER THE ACTUAL UNIT BOUNDARIES WHICH ARE SET FORTH IN ARTICLE 4 OF THE DECLARATION. PORCHES/PATIOS ARE NOT A PART OF THE UNIT AND THEY ARE LIMITED COMMON ELEMENTS AS SET FORTH IN ARTICLE 4.5.1 OF THE DECLARATION.**

TOTAL UNITS: 339				
Unit Number	Unit type	Bedrooms	Bathrooms	Sq Ft
Building A				
A100	A2	3	3.5	1509
A200	A2	3	3.5	1509
A300	A2	3	3.5	1509
A400	A2	3	3.5	1509
A500	A2	3	3.5	1509
A600	A2	3	3.5	1509
A101	A1.1	2	3	1514
A201	A1.1	2	3	1514
A301	A1.1	2	3	1514
A401	A1.1	2	3	1514
A501	A1.1	2	3	1514
A601	A1.1	2	3	1514
A102	B2-E9	2	2.5	1291
A202	B2-E9	2	2.5	1291
A302	B2-E9	2	2.5	1291
A402	B2-E9	2	2.5	1291
A502	B2-E9	2	2.5	1291
A602	B2-E9	2	2.5	1291
A103	B2-E9	2	2.5	1291
A203	B2-E9	2	2.5	1291
A303	B2-E9	2	2.5	1291
A403	B2-E9	2	2.5	1291
A503	B2-E9	2	2.5	1291
A603	B2-E9	2	2.5	1291
A104	B2	2	2.5	1291

Unit Number	Unit type	Bedrooms	Bathrooms	Sq Ft
A204	B2	2	2.5	1291
A304	B2	2	2.5	1291
A404	B2	2	2.5	1291
A504	B2	2	2.5	1291
A604	B2	2	2.5	1291
A105	B2	2	2.5	1291
A205	B2	2	2.5	1291
A305	B2	2	2.5	1291
A405	B2	2	2.5	1291
A505	B2	2	2.5	1291
A605	B2	2	2.5	1291
A106	B2	2	2.5	1291
A206	B2	2	2.5	1291
A306	B2	2	2.5	1291
A406	B2	2	2.5	1291
A506	B2	2	2.5	1291
A606	B2	2	2.5	1291
A107	B2	2	2.5	1291
A207	B2	2	2.5	1291
A307	B2	2	2.5	1291
A407	B2	2	2.5	1291
A507	B2	2	2.5	1291
A607	B2	2	2.5	1291
A108	B2	2	2.5	1291
A208	B2	2	2.5	1291
A308	B2	2	2.5	1291
A408	B2	2	2.5	1291
A508	B2	2	2.5	1291
A608	B2	2	2.5	1291
A109	B2	2	2.5	1291
A209	B2	2	2.5	1291
A309	B2	2	2.5	1291
A409	B2	2	2.5	1291
A509	B2	2	2.5	1291
A609	B2	2	2.5	1291
A110	B2-ADA	2	2.5	1289
A210	B2	2	2.5	1291
A310	B2	2	2.5	1291
A410	B2	2	2.5	1291
A510	B2	2	2.5	1291
A610	B2	2	2.5	1291
A111	B2	2	2.5	1291
A211	B2	2	2.5	1291
A311	B2	2	2.5	1291
A411	B2	2	2.5	1291
A511	B2	2	2.5	1291
A611	B2	2	2.5	1291
A112	B2	2	2.5	1291
A212	B2	2	2.5	1291
A312	B2	2	2.5	1291
A412	B2	2	2.5	1291
A512	B2	2	2.5	1291
A612	B2	2	2.5	1291
A113	B2	2	2.5	1291
A213	B2	2	2.5	1291
A313	B2	2	2.5	1291
A413	B2	2	2.5	1291
A513	B2	2	2.5	1291
A613	B2	2	2.5	1291
A214	B2	2	2.5	1291
A314	B2	2	2.5	1291
A414	B2	2	2.5	1291
A514	B2	2	2.5	1291
A614	B2	2	2.5	1291

Unit Number	Unit type	Bedrooms	Bathrooms	Sq Ft
A115	B2-ADA	2	2.5	1289
A215	B2	2	2.5	1291
A315	B2	2	2.5	1291
A415	B2	2	2.5	1291
A515	B2	2	2.5	1291
A615	B2	2	2.5	1291
A216	B2	2	2.5	1291
A316	B2	2	2.5	1291
A416	B2	2	2.5	1291
A516	B2	2	2.5	1291
A616	B2	2	2.5	1291
A117	B2	2	2.5	1291
A217	B2-ADA	2	2.5	1289
A317	B2	2	2.5	1291
A417	B2	2	2.5	1291
A517	B2	2	2.5	1291
A617	B2	2	2.5	1291
A318	C1.1	1	2	868
A418	C1.1	1	2	868
A518	C1.1	1	2	868
A618	C1.1	1	2	868
A119	B2	2	2.5	1291
A219	B2	2	2.5	1291
A319	B2	2	2.5	1291
A419	B2	2	2.5	1291
A519	B2	2	2.5	1291
A619	B2	2	2.5	1291
A220	C1	1	2	870
A320	C1	1	2	870
A420	C1	1	2	870
A520	C1	1	2	870
A620	C1	1	2	870
A121	B2	2	2.5	1291
A221	B2	2	2.5	1291
A321	B2	2	2.5	1291
A421	B2	2	2.5	1291
A521	B2	2	2.5	1291
A621	B2-ADA	2	2.5	1289
A222	C1	1	2	870
A322	C1	1	2	870
A422	C1	1	2	870
A522	C1	1	2	870
A622	C1	1	2	870
A123	B2	2	2.5	1291
A223	B2	2	2.5	1291
A323	B2	2	2.5	1291
A423	B2	2	2.5	1291
A523	B2	2	2.5	1291
A623	B2	2	2.5	1291
A224	C1-ADA	1	2	873
A324	C1	1	2	870
A424	C1	1	2	870
A524	C1	1	2	870
A624	C1	1	2	870
A125	B2	2	2.5	1291
A225	B2	2	2.5	1291
A325	B2	2	2.5	1291
A425	B2	2	2.5	1291
A525	B2	2	2.5	1291
A625	B2	2	2.5	1291
A226	C1-ADA	1	2	873
A326	C1	1	2	870
A426	C1	1	2	870
A526	C1	1	2	870
A626	C1	1	2	870

Unit Number	Unit type	Bedrooms	Bathrooms	Sq Ft
A127	B2	2	2.5	1291
A227	B2	2	2.5	1291
A327	B2-ADA	2	2.5	1289
A427	B2	2	2.5	1291
A527	B2	2	2.5	1291
A627	B2	2	2.5	1291
A228	C1	1	2	870
A328	C1	1	2	870
A428	C1	1	2	870
A528	C1	1	2	870
A628	C1	1	2	870
A129	B2	2	2.5	1291
A229	B2	2	2.5	1291
A329	B2	2	2.5	1291
A429	B2	2	2.5	1291
A529	B2	2	2.5	1291
A629	B2	2	2.5	1291
A230	C1-ADA	1	2	873
A330	C1	1	2	870
A430	C1	1	2	870
A530	C1	1	2	870
A630	C1	1	2	870
A131	B2	2	2.5	1291
A231	B2	2	2.5	1291
A331	B2	2	2.5	1291
A431	B2	2	2.5	1291
A531	B2	2	2.5	1291
A631	B2	2	2.5	1291
A133	B2-ADA	2	2.5	1289
A233	B2	2	2.5	1291
A333	B2	2	2.5	1291
A433	B2	2	2.5	1291
A533	B2	2	2.5	1291
A633	B2	2	2.5	1291
A135	B2	2	2.5	1291
A235	B2	2	2.5	1291
A335	B2	2	2.5	1291
A435	B2	2	2.5	1291
A535	B2	2	2.5	1291
A635	B2	2	2.5	1291

Building B

B100	A2.1	3	3.5	1507
B200	A2.1	3	3.5	1507
B300	A2.1	3	3.5	1507
B400	A2.1	3	3.5	1507
B500	A2.1	3	3.5	1507
B600	A2.1	3	3.5	1507
B101	A1.1	3	3	1514
B201	A1.1	3	3	1514
B301	A1.1	3	3	1514
B401	A1.1	3	3	1514
B501	A1.1	3	3	1514
B601	A1.1	3	3	1514
B102	A1	3	3	1517
B202	A1	3	3	1517
B302	A1	3	3	1517
B402	A1	3	3	1517
B502	A1	3	3	1517
B602	A1	3	3	1517
B103	B2	2	2.5	1291
B203	B2	2	2.5	1291
B303	B2	2	2.5	1291
B403	B2	2	2.5	1291
B503	B2	2	2.5	1291

Unit Number	Unit type	Bedrooms	Bathrooms	Sq Ft
B603	B2	2	2.5	1291
B104	B2.1	2	2.5	1290
B204	B2.1	2	2.5	1290
B304	B2.1	2	2.5	1290
B404	B2.1	2	2.5	1290
B504	B2.1	2	2.5	1290
B604	B2.1	2	2.5	1290
B105	B2.1-E9	2	2.5	1362
B205	B2.1-E9	2	2.5	1362
B305	B2.1-E9	2	2.5	1362
B405	B2.1-E9	2	2.5	1362
B505	B2.1-E9	2	2.5	1362
B605	B2.1-E9	2	2.5	1362
B106	B2.1	2	2.5	1290
B206	B2.1	2	2.5	1290
B306	B2.1	2	2.5	1290
B406	B2.1	2	2.5	1290
B506	B2.1	2	2.5	1290
B606	B2.1	2	2.5	1290
B107	B2.1-ADA	2	2.5	1290
B207	B2.1	2	2.5	1290
B307	B2.1	2	2.5	1290
B407	B2.1-ADA	2	2.5	1290
B507	B2.1	2	2.5	1290
B607	B2.1	2	2.5	1290
B108	B2	2	2.5	1291
B208	B2	2	2.5	1291
B308	B2	2	2.5	1291
B408	B2	2	2.5	1291
B508	B2	2	2.5	1291
B608	B2	2	2.5	1291
B110	B2	2	2.5	1291
B210	B2	2	2.5	1291
B310	B2	2	2.5	1291
B410	B2	2	2.5	1291
B510	B2	2	2.5	1291
B610	B2	2	2.5	1291
B112	B2	2	2.5	1291
B212	B2	2	2.5	1291
B312	B2	2	2.5	1291
B412	B2	2	2.5	1291
B512	B2	2	2.5	1291
B612	B2	2	2.5	1291
B214	B2	2	2.5	1291
B314	B2	2	2.5	1291
B414	B2	2	2.5	1291
B514	B2	2	2.5	1291
B614	B2	2	2.5	1291
B316	C2	1	2	827
B416	C2-ADA	1	2	827
B516	C2	1	2	827
B616	C2	1	2	827
B218	C2-ADA	1	2	827
B318	C2	1	2	827
B418	C2	1	2	827
B518	C2	1	2	827
B618	C2	1	2	827
B220	C2	1	2	827
B320	C2	1	2	827
B420	C2	1	2	827
B520	C2	1	2	827
B620	C2	1	2	827
B222	C2	1	2	827
B322	C2	1	2	827
B422	C2	1	2	827

Unit Number	Unit type	Bedrooms	Bathrooms	Sq Ft
B522	C2	1	2	827
B622	C2	1	2	827
B224	C2-ADA	1	2	827
B324	C2	1	2	827
B424	C2	1	2	827
B524	C2	1	2	827
B624	C2	1	2	827
B226	C2	1	2	827
B326	C2	1	2	827
B426	C2	1	2	827
B526	C2	1	2	827
B626	C2	1	2	827
B228	C2	1	2	827
B328	C2	1	2	827
B428	C2	1	2	827
B528	C2-ADA	1	2	827
B628	C2	1	2	827
B230	C2	1	2	827
B330	C2	1	2	827
B430	C2	1	2	827
B530	C2	1	2	827
B630	C2	1	2	827

Building C

C200	A3	3	3	1490
C300	A3	3	3	1490
C400	A3	3	3	1490
C500	A3	3	3	1490
C600	A3	3	3	1490
C201	B1	2	2	1200
C301	B1	2	2	1200
C401	B1	2	2	1200
C501	B1	2	2	1200
C601	B1	2	2	1200
C202	B1-ADA	2	2	1205
C302	B1	2	2	1200
C402	B1	2	2	1200
C502	B1	2	2	1200
C602	B1	2	2	1200
C203	B1	2	2	1200
C303	B1	2	2	1200
C403	B1	2	2	1200
C503	B1	2	2	1200
C603	B1	2	2	1200
C204	B1	2	2	1200
C304	B1	2	2	1200
C404	B1	2	2	1200
C504	B1	2	2	1200
C604	B1	2	2	1200
C205	B1	2	2	1200
C305	B1	2	2	1200
C405	B1	2	2	1200
C505	B1	2	2	1200
C605	B1	2	2	1200
C206	A3-ADA	3	3	1490
C306	A3	3	3	1490
C406	A3	3	3	1490
C506	A3	3	3	1490
C606	A3	3	3	1490