

THIS INSTRUMENT PREPARED BY:  
Harvey E. Oyer, III, Esq.

PLEASE RECORD AND RETURN TO:  
Harvey E. Oyer, III, Esq.  
Shutts & Bowen LLP  
525 Okeechobee Blvd., Suite 1100  
West Palm Beach, FL 33401

**FOURTH AMENDMENT OF DECLARATION OF USE AGREEMENT**

**BY**

**THE TOWN OF PALM BEACH**

**AND**

**THE MAR-A-LAGO CLUB, INC.**

**Dated: \_\_\_\_\_, 2023**

**FOURTH AMENDMENT OF DECLARATION OF USE AGREEMENT**

THIS FOURTH AMENDMENT OF DECLARATION OF USE AGREEMENT (“Fourth Amendment”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between THE TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (the “Town”) and THE MAR-A-LAGO CLUB, INC., a limited liability company, organized under the laws of the State of Delaware, c/o Harvey E. Oyer, III, Esquire, Shutts & Bowen LLP, 525 Okeechobee Boulevard, Suite 1100, West Palm Beach, Florida 33401 (the “Club”).

**WITNESSETH:**

WHEREAS, the Town, the Club, and Donald J. Trump heretofore entered into a Declaration of Use Agreement recorded in Official Records Book 7933, Page 22, and Official Records Book 8691, Page 802, of the Public Records of Palm Beach County, Florida (the “Declaration”); and

WHEREAS, the Town, the Club, and Donald J. Trump thereafter entered into an Amendment of Declaration of Use Agreement, recorded in Official Records Book 11492, Page 1762, of the Public Records of Palm Beach County, Florida (“First Amendment”); and

WHEREAS, the Town and the Club thereafter entered into a Second Amendment of Declaration of Use Agreement recorded in Official Records Book 14327, Page 0233 of the Public Records of Palm Beach County, Florida (“Second Amendment”);

WHEREAS, the Town and the Club thereafter entered into a Third Amendment of Declaration of Use Agreement recorded in Official Records Book 17886, Page 1415 of the Public Records of Palm Beach County, Florida (“Third Amendment”); and

WHEREAS, on May 10, 2023 the Town Council held a public hearing on Special Exception ZON-23-017 with Site Plan Review and conditionally approved changes for the Club,

including the construction of a new one-story approximately 250-square foot guardhouse, to delete the Traffic Management Plan prepared by C. Wesley Blackman, AICP, Joseph B. Pollock, P.E., Yvonne Ziel, P.E., dated June, 1999 (Exhibit D) from the First Amendment and replace it with an updated Traffic Management Plan prepared by Simmons and White dated May 5, 2023 (Exhibit D) as part of this Fourth Amendment; and

WHEREAS, on May 10, 2023, the Town Council held a public hearing and conditionally approved the site plan for the Club to provide for the new one-story approximately 250-square foot guardhouse and the new Traffic Management Plan prepared by Simmons and White dated May 5, 2023.

NOW, THEREFORE, in consideration of the mutual promises set forth herein and in consideration of other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Declaration of Use Agreement, Amendment of Declaration of Use Agreement, Second Amendment of Declaration of Use Agreement, and Third Agreement of Declaration of Use Agreement are hereby amended and modified as follows:

1. All of the recitals set forth above are true and correct and are incorporated herein and made a part hereof.
2. Exhibit D of the First Amendment is hereby amended as follows:
  - A. The Traffic Management Plan prepared by C. Wesley Blackman, AICP, Joseph B. Pollock, P.E., and Yvonne Ziel, P.E., dated June, 1999 is deleted and replaced with the Traffic Management Plan prepared by Simmons and White dated May 5, 2023:

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

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

Signed, sealed and delivered  
In the presence of:

THE TOWN OF PALM BEACH

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Margaret Zeidman, Council President

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Kirk Blouin, Town Manager

\_\_\_\_\_  
Print Name: \_\_\_\_\_

MAR-A-LAGO CLUB, INC.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Danielle H. Moore, the Mayor of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. She is personally known to me and she did not take an oath.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public  
Commission Expires: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Margaret Zeidman, the Council President of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. She is personally known to me and he did not take an oath.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public  
Commission Expires: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public  
Commission Expires: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, on behalf of Mar-a-Lago Club, Inc. He / She is personally known to me and he did not take an oath.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public  
Commission Expires: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
TOWN OF PALM BEACH

RECOMMENDED APPROVAL:

By: \_\_\_\_\_  
John C. Randolph, Esquire

\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT "D"**

**TRAFFIC MANAGEMENT PLAN**