

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

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

FOURTH AMENDMENT OF DECLARATION OF USE AGREEMENT
by
THE TOWN OF PALM BEACH
and
MAR-A-LAGO CLUB, L.L.C.

Dated: _____, 2019

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 February 2019 by and between THE TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (herein called "Town") and MAR-A-LAGO CLUB, L.L.C., a limited liability company organized under the laws of the State of Delaware, c/o Harvey E. Oyer, III, Esq. Shutts & Bowen LLP, 525 Okeechobee Boulevard, Suite 1100, West Palm Beach, Florida 33401 (herein called the "Club").

WITNESSETH:

WHEREAS, the Town, Mar-a-Lago Club, Inc., and Donald J. Trump entered into a Declaration of Use Agreement dated August 10, 1993 and recorded in Official Records Book 7933, Page 22, and Official Records Book 8691, Page 802, of the Public Records of Palm Beach County, Florida (hereinafter called "Declaration"); and

WHEREAS, the Town, the Mar-a-Lago Club, Inc. and Donald J. Trump thereafter entered into an Amendment of Declaration of Use Agreement, dated November 30, 1999 and recorded in Official Records Book 11492, Page 1762, of the Public Records of Palm Beach County, Florida ("First Amendment"); and

WHEREAS, pursuant to a Certificate of Succession recorded in Official Records Book 9655, Page 1441, and the documents attached thereto, the Mar-a-Lago Club, Inc. was merged into MALC, Inc., a Delaware corporation, which was thereafter merged with Mar-a-Lago Club, L.L.C., which is the surviving entity and is the owner of the land and improvements thereon described in the Declaration, as amended; and

WHEREAS, the Town and the Club thereafter entered into a Second Amendment of Declaration of Use Agreement, dated September 30, 2002 and recorded in Official Records Book

14327, Page 233, of the Public Records of Palm Beach County, Florida (“Second Amendment”);
and

WHEREAS, the Town and the Club thereafter entered into a Third Amendment of Declaration of Use Agreement, dated December 13, 2004 and recorded in Official Records Book 17886, Page 1415, of the Public Records of Palm Beach County, Florida (“Third Amendment”);
and

WHEREAS, the Club has requested approval from the Town for the construction and use of a certain dock to serve the Club (“the Dock”); and

WHEREAS, the Club and the Town desire to enter into this Fourth Amendment to confirm the Town’s approval of the Dock, provided that the construction and use of the Dock be subject to the restrictions set forth in this Fourth Amendment.

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

1. All of the recitals set forth above are true and correct and are incorporated herein and made a part hereof. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to them in the Declaration.

2. The Town hereby approves of the construction and use of the Dock, subject to the following restrictions:

- (a) The Club shall indemnify the owner of the property located at 185 Woodbridge Road, Palm Beach, Florida, Parcel No. 50434335050000101

(the “Adjacent Property”), for any damage caused to the Adjacent Property in connection with the construction of the Dock;

- (b) The Dock shall be equipped with a locked gate;
- (c) The Club shall install security cameras at the Dock;
- (d) The lighting installed on the Dock shall not emit excessive light that would unreasonably disturb the use or enjoyment of the properties adjacent to the Dock;
- (e) The Club shall provide a designated dockmaster to oversee the operations and maintenance of the Dock;
- (f) Accessory structures such as vessel storage sheds or dockmaster offices are prohibited;
- (g) The Dock shall be for the exclusive use of Club members and the Owner’s family members only;
- (h) The Dock shall not be expanded without the prior approval of the Town Council;
- (i) No jet skis shall be moored, housed, or launched from the Dock;
- (j) No boat or other vessels moored at the Dock shall be used for overnight or live-aboard purposes;
- (k) The hours of operation of the Dock shall be limited to the hours of operation of the Club;
- (l) No generators shall be installed on or used at the Dock;
- (m) No cranes shall be affixed to the Dock or the sea wall adjacent to the Dock;

- (n) No gaming vessels or shuttles to and from gaming vessels shall be permitted at the Dock;
- (o) No bait, tackle, or fuel sales shall be permitted at the Dock; and
- (p) Fog horns or other instruments of amplified noise are prohibited when approaching or departing the Dock.

[Signature page follows.]

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

Signed, sealed and delivered
in the presence of:

TOWN OF PALM BEACH

By: _____
Gail Coniglio, Mayor

By: _____
Danielle H. Moore,
Town Council President

By: _____
Kirk Blouin, Town Manager

By: _____
Joshua Martin,
Director of Planning, Zoning and
Building

By: _____
John C. Randolph, Esq.
Town Attorney

MAR-A-LAGO CLUB, L.L.C.

By: _____
Name: _____
Title: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by **Gail Coniglio**, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of _____. She is personally known to me or has produced _____ as identification and who did not take an oath.

[SEAL]

Signature of Notary Public

Printed Name of Notary Public

Commission No. _____

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by **Danielle H. Moore**, Town Council President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification and who did not take an oath.

[SEAL]

Signature of Notary Public

Printed Name of Notary Public

Commission No. _____

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by **Kirk Blouin**, the Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and who did not take an oath.

[SEAL]

Signature of Notary Public

Printed Name of Notary Public

Commission No. _____

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by **Joshua Martin**, the Director of Planning, Zoning and Building of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and who did not take an oath.

[SEAL]

Signature of Notary Public

Printed Name of Notary Public

Commission No. _____

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by **John C. Randolph, Esq.**, the Attorney for the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and who did not take an oath.

[SEAL]

Signature of Notary Public

Printed Name of Notary Public

Commission No. _____

Commission Expires: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, as _____ of Mar-a-Lago Club, L.L.C., Delaware limited liability company, on behalf of the company. He is personally known to me or has produced _____ as identification and who did not take an oath.

[SEAL]

Signature of Notary Public

Printed Name of Notary Public

Commission No. _____

Commission Expires: _____