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FIRST AMENDMENT TO THE  
THIRTEENTH SUPPLEMENT  
TO THE  
DECLARATION AND GENERAL PROTECTIVE COVENANTS  
FOR  
PELICAN LANDING  
(PARCELS "B" AND "F")

RECORD VERIFIED - CHARLIE GREEN, CLERK  
By: KAY TANNER, D.C.

OR2455 PG3335

THIS AMENDMENT is made this 7 day of December, 1993, by WESTINGHOUSE BAYSIDE COMMUNITIES, INC., a Florida corporation, which was the Declarant of the AMENDED AND RESTATED DECLARATION AND GENERAL PROTECTIVE COVENANTS FOR PELICAN LANDING, and is hereinafter referred to as DECLARANT, to modify that Thirteenth Supplement to the foregoing Declaration, which supplement was recorded in Official Records Book 2352, Pages 0878 through 0892, inclusive, of the Public Records of Lee County, Florida ("Supplement"), and is joined in this Amendment by JAMES A. BERNET, an individual, the successor-in-interest to J. H. Katz Corp., (hereinafter "BERNET").

WITNESSETH:

WHEREAS, DECLARANT has recorded the Amended and Restated Declaration and General Protective Covenants for Pelican Landing (hereinafter referred to as DECLARATION) at Official Records Book 2198, Pages 1873 through 2026, inclusive, of the Public Records of Lee County, Florida, as amended; and

WHEREAS, all terms used herein shall have the same meaning as those given in the above-described Supplement; and

WHEREAS, the Supplement provides in Section 3 of ARTICLE III that "The DECLARANT may, in its sole discretion, modify, amend, delete, waive or add to this SUPPLEMENT or any part thereof. The power of amendment, however, shall be limited to modification or enlargement of existing covenants which provision shall not substantially impair the general and uniform plan of development originally set forth herein"; and

WHEREAS, DECLARANT and BERNET wish to amend the Supplement to amend the minimum floor area per DWELLING UNIT, which amendment shall not substantially impair the general and uniform plan of development for the NEIGHBORHOOD.

NOW, THEREFORE, DECLARANT and BERNET hereby amend the Supplement as follows:

1. Section 13 of ARTICLE II which states that "The PROPERTY shall not be divided, subdivided, sold or conveyed, except as a whole, without the approval of DECLARANT, which approval may be withheld" is hereby deleted in its entirety.

- 2. Section 2 of ARTICLE II (ADDITIONAL CONDITIONS) is hereby amended to read "2A" and Section 2 of ARTICLE II (BUILDING SETBACK LINES, SIZE OF BUILDING AND BUILDING HEIGHT) is hereby amended to read "Section "2B".
- 3. The heading for Section 1B of ARTICLE II is hereby amended to read as follows: "Parcel 2 (i.e., Parcel "F") - Up to a maximum of 40,000 square feet of gross leasable area office commercial space, of which up to 7,500 square feet may be used for retail commercial."
- 4. Subparagraph "C" of Section 2 of ARTICLE II referring to minimum square footage is hereby deleted in its entirety and Sections "D" and "E" of such Section 2 are hereby renumbered Sections "C" and "D", respectively.
- 5. All other terms and conditions of the Supplement not specifically amended hereby shall remain in full force and effect as if fully stated herein.

IN WITNESS WHEREOF, the undersigned has executed this First Amendment as of this 7 day of December, 1993.

WESTINGHOUSE BAYSIDE COMMUNITIES, INC., a Florida corporation

WITNESSES:

[Signature]  
Print Name: JERRY H. SCHMOYER

[Signature]  
Print Name: VIRGINIA A. TOSLER

BY: [Signature]  
Jerry H. Schmoyer  
Executive Vice-President

Joined by:  
[Signature]  
JAMES A. BERNET, an individual

[Signature]  
Print Name: JOANNE KATCHEN

[Signature]  
Print Name: [Signature]

OR2455 P63337

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 7 day of December, 1993, by Jerry H. Schmoyer, Executive Vice-President of WESTINGHOUSE BAYSIDE COMMUNITIES, INC., a Florida corporation, on behalf of the corporation. He is personally known to me.

Virginia Tusler  
Notary Public, State of Florida-at-large  
Print: VIRGINIA A. TUSLER  
My Comm. Expires: 4/23/95  
Comm.No.: CC090531



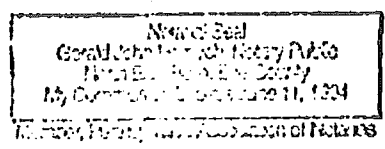
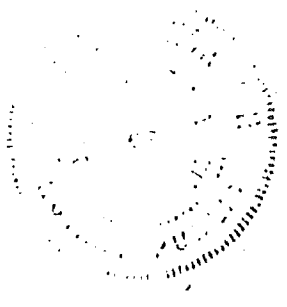
VIRGINIA A. TUSLER  
MY COMMISSION EXPIRES  
April 23, 1995  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

CHARLE GREEN LEE CITY, FL  
93 DEC 22 PM 3:03

STATE OF Pa. )  
COUNTY OF ERIE )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of December, 1993, by JAMES A. BERNET, an individual. He is personally known to me or produced \_\_\_\_\_ as identification.

Gerald John Hordych  
Notary Public  
Print: Gerald John Hordych  
My Comm. Expires: June 11, 1994  
Comm.No.: \_\_\_\_\_



This document was prepared by:  
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