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Instrument prepared by and after recording return to:

Steven M. Falk, Esq.
Roetzel & Andress, ✓
A Legal Professional Association
850 Park Shore Drive
Third Floor
Naples, FL 34103

4128739

OR 2800 PG 3277

CERTIFICATE OF AMENDMENT TO DECLARATION AND
GENERAL PROTECTIVE COVENANTS FOR PELICAN LANDING

This Certificate is made this 30th day of January, 1997, by WCI Communities Limited Partnership as successor to Pelican Landing Communities, Inc., formerly known as Westinghouse Bayside Communities, Inc., (the "Declarant").

WHEREAS on November 17, 1988, the Declarant recorded a certain document entitled "Declaration and General Protective Covenants for Pelican's Nest" in O.R. Book 2030, page 663 et seq., Public Records of Lee County, Florida; and

WHEREAS the Document, as it was amended, was subsequently amended and restated in its entirety and was recorded on January 18, 1991 as the "Amended and Restated Declaration and General Protective Covenants for Pelican Landing" in O.R. Book 2198, page 1878 et seq., Public Records of Lee County, Florida (the "Declaration"); and

WHEREAS in Article 13 of the Declaration, the Declarant reserved the right to make amendments to the Declaration and its recorded exhibits by Declarant's sole act until determination of the Class "B" control period; and

WHEREAS the Class "B" control period has not been terminated; and the Declarant wishes to amend the Declaration.

NOW THEREFORE, the Declarant hereby amends the Declaration and the Amendment is adopted in the form attached hereto and made a part hereof as Exhibit "A".

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: PATIL L. JOHNSON, O.C.

IN WITNESS WHEREOF, the Declarant has caused this Certificate to be duly executed this 30th day of January, 1997.

OR2800 PG3278

WITNESSES:

WCI COMMUNITIES LIMITED
PARTNERSHIP AS SUCCESSOR TO
PELICAN LANDING COMMUNITIES,
INC., FORMERLY KNOWN AS
WESTINGHOUSE BAYSIDE
COMMUNITIES, INC., (SEAL)

By: *Justine T. Smith*
Name: JUSTINE T SMITH

By: *J.H.*
Jerry H. Schmoyer
Senior Vice President

By: *Carin A. Melby*
Name: CARIN A. MELBY

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was executed before this 30th day of January, 1997, by Jerry H. Schmoyer, as Senior Vice President of WCI Communities Limited Partnership as successor to Pelican Landing Communities, Inc., formerly known as Westinghouse Bayside Communities, Inc. He is personally known to me and did not take an oath.

By: *Cynthia A. DeVito*
Printed Name: CYNTHIA A. DeVito
Notary Public

My commission expires Sep. 2, 1997

(seal)

85404_1.WP5



CYNTHIA A. DEVITO
COMMISSION # CC 312854
EXPIRES SEP 2, 1997
Atlantic Bonding Co., Inc.
800-732-2245

EXHIBIT "A"

AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS FOR PELICAN LANDING

Article XII, Section 2(dd) is hereby amended to reflect the addition of the underlined language.

(dd) Leasing of Units. Every Owner shall cause all occupants of such Owner's Unit to comply with this Declaration, the By-Laws and any rules promulgated by the Board, and shall be responsible for all violations and losses to the Area of Common Responsibility caused by such occupants, notwithstanding the fact that such occupants of a Unit are fully liable and may be sanctioned for any such violation. All leases of Units shall be automatically deemed to include a covenant on the part of the tenant to comply with, and be fully bound by, the provision of this Declaration, the By-Laws and any rules promulgated by the Board. The Association may charge the Owner a preset fee for the costs of administrative processing required by the Association in connection with leasing. This fee may not exceed the maximum amount allowed by law. No fee may be charged for renewal or extension of a lease with the same lessee. The Association may collect the fee in the same manner as assessments. This Section shall also apply to subleases of Units and assignments of leases.

OR 2800 PG 3279