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**INSTR # 5241035**  
**OR BK 03489 PG 0217**

RECORDED 09/22/01 07:32 AM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
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Instrument prepared by and  
after recording return to:

Steven M. Falk, Esq.  
Roetzel & Andress  
850 Park Shore Drive, Third Floor  
Naples, FL 34103

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

This Certificate is made this 11<sup>th</sup> day of September, 2001, by WCI Communities, Inc., a Delaware corporation, successor by merger 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".

IN WITNESS WHEREOF, the Declarant has caused this Certificate to be duly executed this 11<sup>th</sup> day of September, 2001.

WITNESSES:

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

By: [Signature]  
Name: Steven Falk

By: [Signature]  
Milton G. Flinn  
Senior Vice President

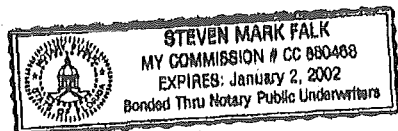
By: [Signature]  
Name: MARIE MARTEL

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was executed before this 11<sup>th</sup> day of September, 2001, by Milton G. Flinn, as Senior Vice President of WCI Communities, Inc. 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: [Signature]  
Printed Name: Steven Falk  
Notary Public

My commission expires 1/2/02



(seal)

EXHIBIT "A"

AMENDED AND RESTATED DECLARATION AND GENERAL PROTECTIVE  
COVENANTS FOR PELICAN LANDING

Additions indicated by underlining.

ARTICLE XI (ARCHITECTURAL STANDARDS)

The PELICAN LANDING and THE COLONY AT PELICAN LANDING  
DESIGN/BUILD GUIDELINES, , as more particularly described in Exhibit "F" to that certain  
Amendment recorded in OR Book 3272, Page 2120, Public Records of Lee County, Florida, are  
further amended by the addition of the following language:

The DRC may condition its approval for all new construction of residential structures,  
upon the owner/builder posting a cash deposit in the amount of \$5,000.00 or surety bond in the  
amount of \$5,000.00 in such form and with such surety that is acceptable to the Association,  
payable to the Association. The deposit or surety bond shall be returned or cancelled, as the case  
may be, at such time as the construction has been completed in accordance with the DRC approval  
and the Association verifies that no damage associated with such construction has occurred to the  
General or Exclusive Common Areas, or any area the maintenance of which has been dedicated to  
the Association by covenant or plat. The cash deposit/surety bond requirement shall not apply to  
any of the activities of Declarant or the UCDD; construction, improvements or modifications to the  
Properties or the UCDD; or construction, improvements or modifications to the General Common  
Area or Exclusive Common Areas by or on behalf of the Association.

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