FIRST AMENDMENT TO THE TWENTY-SECOND SUPPLEMENT TO THE **DECLARATION AND GENERAL PROTECTIVE COVENANTS** FOR PELICAN LANDING (UNIT "5") 3485539

0R2441 PG2381

THIS AMENDMENT is made this $2l^{2/2}$ day of October, 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 Twenty-Second Supplement to the foregoing Declaration, which supplement was recorded in Official Records Book 2430, Pages 2948 through 2958, inclusive, of the Public Records of Lee County, Florida ("Supplement"), and is joined in this Amendment by WESTINGHOUSE COMMUNITIES OF NAPLES, INC., a Florida corporation ("WCN") and FRANKLYN DEVELOPMENT CO., an Ohio corporation, ("FDC").

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, WCN and FDC 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 hereby amends the Supplement as follows:

The first sentence of ARTICLE II, Section 2 c. is hereby amended in its entirety 1. to read as follows:

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O BY: KAY TANNER, D.C.

"The minimum floor area per DWELLING UNIT shall be one thousand six hundred fifty (1,650) square feet of living area."

2. 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 day of October, 1993.

WESTINGHOUSE BAYSIDE COMMUNITIES, INC., a Florida corporation 0R244 PG2382

WITNESSES:

Hastings Print Name: **Print Name:**

R I. Schmoyer **Executive Vice-President**

Joined by:

WESTINGHOUSE COMMUNITIES OF NAPLES, INC., a Florida corporation

Print Name:

B H. Schmoyer Vice-President

Print Name: (

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Joined by:

FRANKLYN DEVELOPMENT CO., an Ohio corporation

Print Name:

Print Name: MIREL STRERLY

BY: President

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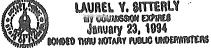
P62383

STATE OF FLORIDA) COUNTY OF LEE)

The foregoing instrument was acknowledged before me this <u>1</u> day of October, 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.

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Notary Public, State of Florida-at-large
Print: LAUREL LI. SITTERILL
My Comm. Expires:
Comm.No.: 11A 7:255 11416

STATE OF FLORIDA) COUNTY OF LEE)



January 23, 1994

The foregoing instrument was acknowledged before me this $\underline{1 \\ k}$ day of October, 1993, by Jerry H. Schmoyer, a Vice-President of WESTINGHOUSE COMMUNITIES OF NAPLES, INC., a Florida corporation, on behalf of the corporation. He is personally known to me.

Notary Public, State of Florida-at-large Print: I AUPEL SITERI My Comm. Expires: Comm. No.: AA735446 AUREL Y, SITTERLY

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STATE OF LSRID A COUNTY OF

The foregoing instrument was acknowledged before me this _____ day of October, 1993, by Russell F. Berzin, President of FRANKLYN DEVELOPMENT CO., an Ohio corporation, on behalf of the corporation. He is personally known to me or produced

as identification.

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CHARLE GREEN LEE CTV, R.

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My Comm. Éxpires: Comm.No.:



JOYĈE R. WEBER IAV COWAISSIOH / CC 236559 EXPIRES November 27, 1998 Boved man troy lan esurunce, mc.