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Prepared by and should be returned to:

Vivien N. Hastings, Esq.  
801 Laurel Oak Drive, Suite 500  
Naples, FL 33963

02523 163136

RECORDS MAINTAINED BY WESTINGHOUSE COMMUNITIES OF NAPLES, INC.  
801 Laurel Oak Drive, Suite 500  
Naples, FL 33963

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

This Certificate is made this 28<sup>th</sup> day of July, 1994, by Pelican Landing Communities, Inc., a Florida corporation, (f/k/a 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 said 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 Article XIII of the Declaration reserves the right to the Declarant to make amendments to the Declaration by its sole act until the termination of the Class "B" Control Period; and

WHEREAS the Class "B" Control Period has not been terminated; and the Declarant wishes to amend said Article X of the Declaration to authorize the imposition of a Resale Capital Assessment.

NOW, THEREFORE, the Declarant hereby amends Article X of the Declaration, and the amendment is adopted in the form attached hereto, and made a part hereof.

IN WITNESS WHEREOF the Declarant has caused this Certificate to be duly executed this 28<sup>th</sup> day of July, 1994.

PELICAN LANDING COMUNITIES,  
INC., a Florida corporation

DR2523 PG3137

WITNESSES:

Vivien Hastings

Vivien Hastings

Print Name

Virginia A. Tusler

VIRGINIA A. TUSLER

Print Name

By: [Signature]

Jerry H. Schmoyer  
Executive Vice-President

[CORPORATE SEAL]



STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was executed before me this \_\_\_\_ day of July, 1994, by Jerry H. Schmoyer, as Executive Vice-President of Pelican Landing Communities, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me.

[Signature]  
Notary Public  
Print: VIRGINIA A. TUSLER  
Comm. No. CC090531



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

WESTINGHOUSE COMMUNITIES OF NAPLES, INC.  
801 Laurel Oak Drive, Suite 500  
Naples, FL 33963

DR2523 PG3138

The Declaration and General Protective Covenants for Pelican Landing shall be amended as shown below:

A new Section 39 is hereby added to Article I of the Declaration to read as follows:

Section 39. "Resale Capital Assessment" shall mean and refer to the assessments levied in accordance with Article X, Section 5B of this Declaration.

\* \* \*

The first two paragraphs of Section 1 of Article X of the Declaration shall be amended as follows:

**ARTICLE X  
ASSESSMENTS**

Section 1. Creation of Assessments. There are hereby created assessments for Association expenses as may from time to time specifically be authorized by the Board of Directors, to be commenced at the time and in the manner set forth in Section 8 of this Article. There shall be five (5) types of assessments: (a) Common Assessments to fund Common Expenses for the benefit of all Members of the Association; (b) Neighborhood Assessments for Neighborhood Expenses benefitting only Units within a particular Neighborhood or Neighborhoods; (c) Special Assessments as described in Section 4 below; (d) Benefitted Assessments as described in Section 5A below; and (e) Resale Capital Assessments as described in Section 5B below. Each Owner, by acceptance of a deed or recorded contract of sale for any portion of the Properties, is deemed to covenant and agree to pay these assessments, as applicable.

Common Assessments shall be levied on all Units and all Business Properties as provided in Section 2 below. Neighborhood Assessments shall be levied equally against all Units in the Neighborhood benefitting from the services supported thereby, provided that in the event of assessments for exterior maintenance of structures, or insurance on structures, or replacement reserves which pertain to particular structures, such assessments for the use of particular Units shall be levied on each of the Units in proportion to the benefit received, if so directed by the Neighborhood in writing to the Board of Directors. Special Assessments and Benefitted Assessments shall be levied as provided in Sections 4 and 5A below, respectively. Resale Capital Assessments shall be levied by the Association as provided in Section 5B below.

\* \* \*

WESTINGHOUSE COMMUNITIES OF NAPLES, INC.  
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Section 5 is hereby renumbered "Section 5A. Benefitted Assessments" and a new Section 5B is hereby added at the end of the present text of Section 5A, as follows:

Section 5B. Resale Capital Assessments. The Association shall levy a Resale Capital Assessment upon the transferee of a conveyance of every Unit owned by a Class "A" Member. The amount of the Resale Capital Assessment and the manner of payment shall be as determined by resolution of the Board of Directors of the Association from time to time; provided however, all Units similarly situated shall be assessed at a uniform rate. The due date shall be the date of the closing of the conveyance. The Resale Capital Assessment shall, unless the transferor and transferee otherwise expressly agree, be the obligation of the transferee. For purposes of this Section 5B, the term "conveyance" shall mean the non-exempt transfer of record legal title to a Unit by deed or other authorized means of conveyance with or without consideration. Resale Capital Assessments shall not apply to Business Properties.

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CHARLE GREEN LEE CIV. PL.

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