D Prepared By and Return to:

Brian Belt, Esq. Shutts & Bowen 1500 Miami Center 201 South Biscayne Boulevard Miami, Florida 33131 

# INSTR # 5303301

OR BK 03599 PG 0073

RECORDED 03/15/02 09:32 AM CHARLIE GREEN CLERK OF COURT LEE COUNTY RECORDING FEE 15.00 DEPUTY CLERK M Bernard

SPACE ABOVE THIS LINE FOR RECORDING

#### NOTICE OF SATISFACTION OF CONDITIONS

THIS NOTICE OF FAILURE OF CONDITIONS (the "Notice") made as of this <u>24</u> day of <u>SEPT.</u>, 2001 by WCI Communities, Inc., a Delaware corporation, as successor by merger to WCI Communities, Inc., formerly known as Westinghouse Bayside Communities, Inc., a Florida corporation, which was the "Declarant" under that certain Amended and Restated Declaration and General Protective Covenants for Pelican Landing, as more specifically described below ("Declarant") and Pelican Landing Community Association, Inc., a Florida corporation not-for-profit (the "Association").

#### RECITALS:

A. Declarant recorded an Amended and Restated Declaration and General Protective Covenants for Pelican Landing in Official Records Book 2198, Page 1873 of the Public Records of Lee County, Florida, as same has been subsequently amended and supplemented (collectively, the "Declaration").

B. Declarant and the Association, among others, entered into a Settlement and Turnover Agreement dated Sept, 2001 (the "Settlement Agreement").

C. Pursuant to the Settlement Agreement, Declarant agreed to execute and record the <u>Seventy-fifth</u> Supplement to the Declaration (the "Change of Control Supplement"), which Change of Control Supplement was recorded in Official Records Book <u>3530</u>, Page <u>41079</u> of the Public Records of Lee County, Florida.

D. Declarant's execution of the Settlement Agreement and the Change of Control Supplement was contingent upon certain conditions precedent and conditions subsequent being satisfied by the Association, all as more particularly set forth in such documents (collectively, the "Conditions").

E. All of said Conditions have been timely satisfied as required by the Settlement Agreement and the Change of Control Supplement.

F. Declarant desires to file this Notice to confirm that all Conditions have been timely satisfied.

NOW, THEREFORE, in consideration of the foregoing premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

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1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

2. <u>Definitions</u>. Capitalized terms which are not otherwise defined in this Notice shall have the same name ascribed to such terms in the Declaration.

3. <u>Satisfaction of Conditions.</u> Notice is hereby given that the Association has satisfied all Conditions set forth in the Settlement Agreement and the Change of Control Supplement, and the Change of Control Supplement is hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties have executed this Notice as of the date first above written.

Signed, sealed and delivered in the Presence of:

itness

Printed Name of Witness

Vame Printed Name of Witness

WCI COMMUNITIES, INC. a Delaware corporation

By: Sentor Vice Title: Président Geon Page R. Name: gè

PELICAN LANDING COMMUNITY ASSOCIATION, INC., a Figrida not for-profit corporation

By: Title: President

Name: Milt Flinn G.

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this 4 day of 4 2001 by George R. Page who is the Sr. Vice President WCI COMMUNITIES, INC., a Delaware corporation on behalf of said corporation who is personally known to me or has produced as evidence of identification.

(SEAL)

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Signature of No Print Name: My Commission Expires:

LAUREL Y. SITTERLY

MY COMMISSION # CC 721196

EXPIRES: March 3, 2002 Bonded Thru Notary Public Underwriters

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### STATE OF FLORIDA )

## COUNTY OF LEE

(SEAL)

Signature of Notary Print Name: Public My Commission Expires:

LAUREL Y. SITTERLY MY COMMISSION # CC 721196 EXPIRES: March 3, 2002 Bonded Thru Notary Public Underwriters

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