

**AMENDMENT TO THE
DECLARATION OF RESTRICTIONS
PORTIONS OF PUNTA GORDA ISLES SECTION 22
INCLUDING TRACT C AND OTHER ADJACENT LANDS – MULTI-FAMILY**

The Declaration of Restrictions Portions of Section 22 Including Tract C and Other Adjacent Lands – Multi-Family shall be amended as follows (otherwise, all other provisions shall remain the same):

Note: Language to be added is underlined. Language to be deleted is ~~stuck through~~.

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17. PUNTA GORDA ISLES SECTION 22 HOMEOWNERS ASSOCIATION, INC.

1. Purpose.

In order to ~~ensure~~ ensure that certain common properties, as designated on the record plat and in this Declaration of Restrictions, will continue to be maintained in the manner that will contribute to the comfort and enjoyment of the residents of Punta Gorda Isles Section 22, ~~Tract C~~ Tract C and adjacent land described above and to provide for other matters of concern to the residents, Grantor shall organize a non-profit association known as Punta Gorda Isles Section 22 Homeowners Association, Inc. (hereinafter referred to as the “Association”). The purpose of the Association shall be to (a) maintain the areas designated as common areas of the said plat of Punta Gorda Isles, Section 22 and in this Declaration of Restrictions, (b) maintain landscaping and other improvements on the entrance and easement areas thereof, (c) maintain a guardhouse, (d) take such actions as the Association is authorized pursuant to its Articles of Incorporation and Bylaws to take to maintain the residential quality of Punta Gorda Isles Section 22, including Tract C and adjacent lands described above.

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3. The plat has certain areas designated as common areas by a capital A with a circle, which shall hereinafter in this Declaration of Restrictions be described as “COMMON AREAS.” In addition, any real or personal property which may be acquired by the Association from CRE Burnt Store Amenities, LLC, CRE Burnt Store Irrigation, LLC, CRE Burnt Store Marina, LLC, or their affiliates, related entities, or successors including, but not limited to, the following amenities or facilities shall also constitute and be designated as Common Area upon acquisition of same and such acquisition will not constitute a material alteration or substantial addition to the Common Areas: community irrigation and drainage system; golf course, golf course clubhouse, and golf course maintenance garage, including any golf course related facilities or amenities; any and all retention ponds; tennis courts; fitness center; community pool; marina and all marina related facilities; and any roads not

previously conveyed from the Grantor, CRE Burnt Store Amenities, LLC, CRE Burnt Store Irrigation, LLC, CRE Burnt Store Marina, LLC, or their affiliates, related entities, or successors to the Association. The intended purpose of this amendment is to expand the definition of what could constitute “Common Areas” if, in fact, any of these amenities and facilities are so acquired by the Association. In addition, this amendment language is intended to address and otherwise comply with Section 720.31(6), Florida Statutes (2016), to the extent that it, in fact, does apply to the Association.

The Association shall be responsible for the administration, operation, maintenance, repair and replacement of the Common Areas and pay all costs and expenses therefor. It is understood and agreed that the owner of each of the lots and condominium unit owners in Punta Gorda Isles Section 22, including Tract C and adjacent lands described above, as recorded in the Lee County, Florida Public Records shall have an equal, undivided interest in all the areas marked “Common Areas-” on the plat of Punta Gorda Isles, Section 22 and designated as Common Areas in this Declaration of Restrictions. It is further understood that these Restrictions prohibit the further subdivision of these “Common Areas” and it is hereby declared to be appurtenant to each lot and condominium unit and such undivided interest shall not be conveyed, devised, encumbered, or otherwise dealt with separately from the lot or condominium unit. Such interest shall be deemed conveyed, devised, encumbered or otherwise included with the lot or condominium unit, even though such an interest is not expressly mentioned or described in the conveyance or other instrument. Each Grantee and each subsequent owner of any interest in a lot or condominium, unit or on the eCommon aAreas described above by acceptance of a conveyance of any instrument transferring an interest, waives right of a partition of any interest in the Common Areas under the laws of the State of Florida. All owners of lots or condominium units shall have as an appurtenance to their lots or units a perpetual easement for ingress and egress from their lots and condominium units over and to the Common Areas, in common with all persons owning an interest in any lot or condominium unit in the aforesaid plat. The “Common Area”, as that term is used and described in these restrictions, are not the same “Common Elements” or “Common Property” as those terms are used and described in the various condominium declarations pertaining to Section 22, including Tract C and adjacent lands described above.

- (a) Anything to the contrary aforestated notwithstanding, the Grantor reserves unto itself or its nominees the right and privilege to dig wells, install water lines, and other underground utilities within the Common Areas and to maintain same, utilizing the appropriate equipment to do so.
- (b) Automobiles, trucks and motorcycles of every description shall be prohibited access to or progress over the Common Areas, and transportation devices in addition to walking, shall be limited to bicycles, horses, golf carts approved by the Grantor or the Association and such other means of transportation as may be approved by Grantor or the said Association.

- (c) There shall be no additions, removal or cutting of trees, plants or picking of flowers by individual lot owners or condominium unit owners nor shall individual lot owners or condominium unit owners be permitted to place, on the Common Areas, any permanent fixtures such as buildings, benches, barbeque pits or structures of any kind.
- (d) Pets shall not be allowed to be destructive within the Common Areas or elsewhere.
- (e) Excepted from the above restrictions will be the equipment and vehicles necessary to maintain the Common Areas and actions of the maintenance personnel appropriate to the development and maintenance thereof.

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