

THIS INSTRUMENT PREPARED BY:
Sean M. Ellis, Esquire
Roetzel & Andress LPA
2320 First Street, Suite 1000
Fort Myers, FL 33901

THIRD AMENDMENT TO
DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
FOR A PORTION OF PARCEL "D"
PELICAN BAY UNIT ONE

This Third Amendment to the Declaration of Restrictions and Protective Covenants is made this 15th day of May, 2017, by PELICAN BAY FOUNDATION, INC., a Florida non-profit corporation (hereinafter the "Foundation").

WHEREAS, the Declaration of Restrictions and Protective Covenants for a portion of Parcel "D", Pelican Bay Unit One was originally recorded February 19, 1988 in O. R. Book 1329, Pages 598 to 603, inclusive of the Public Records of Collier County, Florida, as amended by that certain First Amendment to Declaration of Restrictions and Protective Covenants, recorded July 8, 1988 in O. R. Book 1363, Pages 1982 and 1983, as further amended by that certain Second Amendment to Declaration of Restrictions and Protective Covenants, recorded May 25, 1989 in O. R. Book 1443, Pages 1786 and 1787, of the Public Records of Collier County, Florida; and

WHEREAS, the Foundation was assigned all of the rights of the Declarant under the Declaration pursuant to that Assignment of Certain Rights, Privileges and Obligations recorded at O. R. Book 3257, Page 2056, Public Records of Collier County, Florida, and that certain Disclaimer and Assignment of Certain Retained Rights, Privileges and Obligations recorded at O. R. Instrument No. 5018307, O. R. Book 5066, Page 3340, of the Public Records of Collier County, Florida; and

WHEREAS, pursuant to Article III, Section 3 of the Declarant may in its sole discretion modify, amend, waive or add to this Declaration or any part thereof.

NOW, THEREFORE, effective as of May 19, 2015 the Declaration is hereby amended as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. Article II, Restrictions, Section 1, Use Restrictions, Subsection a., is restated to read as follows:

“The NEIGHBORHOOD shall be used for (i) a residential cooperative under Chapter 719 of the Florida Statutes and a continuing care facility, under Chapter 651, Florida Statutes comprised of a residential component containing not more than one hundred eighteen (118) Dwelling Units, a skilled nursing facility component containing not more than forty-two (42) sheltered or community nursing home beds, and related common, recreational and healthcare facilities. Except in connection with the above residential and continuing care facility uses, no business buildings may be erected in the NEIGHBORHOOD and no business may be conducted on any part thereof, nor shall any building or portion thereof be used or maintained as a professional office.

3. Article II, Restrictions, Section 9, Number of Units is restated to read as follows:

“The NEIGHBORHOOD shall contain no more than one hundred thirty two (132) PROPERTY UNITS (as such term is defined in the GENERAL COVENANTS).

4. Article III, General Provisions, Section 1, Property Units is restated to read as follows:

“The initial DECLARANT assigned through the initial Declaration as amended by the first amendment, a total of one hundred fifty two (152) PROPERTY UNITS (as defined under the GENERAL COVENANTS) to the NEIGHBORHOOD. By its consent and joinder hereto, **Pelican Bay Cooperative Housing Corporation, a Florida not-for-profit corporation** (“The Glenview”), declares and acknowledges that the total and maximum number of PROPERTY UNITS assigned to the NEIGHBORHOOD shall hereinafter be one hundred thirty-two (132), and declares that the remaining twenty (20) undeveloped PROPERTY UNITS allocated to the NEIGHBORHOOD are waived, expunged, and no longer available for development, use, sale or transfer for any purpose.

5. Ratification. Except as herein amended, all of the terms and conditions of the Declaration, as amended, are confirmed and ratified, and shall remain in full force and effect.

[Signatures on Following Pages]

DECLARANT:

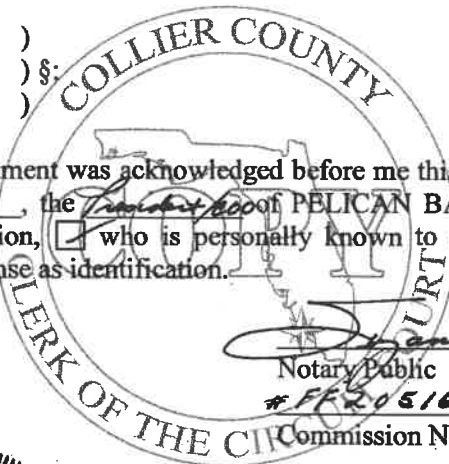
WITNESSES:

PELICAN BAY FOUNDATION, INC., a Florida non-profit corporation

Arlene Harper
Print Name: ARLENE HARPER
Lisa A Warren
Print Name: Lisa A Warren

By: *[Signature]*
Print Name: James Happenstendt
Its: President / Chief Operating Officer

STATE OF FLORIDA)
) §:
COUNTY OF COLLIER)



The foregoing instrument was acknowledged before me this 9th day of May, 2017 by James Happenstendt, the President of PELICAN BAY FOUNDATION, INC., a Florida non-profit corporation, who is personally known to me OR who produced a driver's license as identification.

NOTARY STAMP / SEAL

Suzanne Minadeo
Notary Public
#FF205168 7/2/19
Commission No. Expiration Date



