



Please return to:  
Courthouse Box 94  
This instrument prepared by:  
Thomas B. Hart, Esquire  
Knott Consoer Ebelini Hart & Swett, P.A.  
1625 Hendry Street, Third Floor  
Fort Myers, Florida 33901  
(239) 334-2722  
Florida Bar No. 754684

**INSTR # 6854969**  
OR BK 04763 Pgs 4255 - 4258; (4pgs)  
RECORDED 06/21/2005 04:29:37 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 35.50  
DEPUTY CLERK L Ambrosio

**AMENDMENT, DATED THIS 24<sup>th</sup> DAY OF MAY, 2005,  
OF DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR SOUTHWIND**

**WHEREAS**, Southwind, is a subdivision, located in Lee County, Florida, according to the map or plat thereof on file and recorded in Official Record Book 66, Pages 18-20 of the Public Records of Lee County, Florida, as amended ("Property"); and,

**WHEREAS**, FDR Properties L.L.C., as owner of the Property, caused the Property to be developed as a residential subdivision and imposed upon the Property a Declaration of Covenants, Conditions and Restrictions, recorded at OR Book 3235, Page 1796, of the Public Records of Lee County, Florida ("Declaration"); and,

**WHEREAS**, the Declaration provides, in Article I, Section 1, that the "Association" shall mean the Southwind Owners Association at Fort Myers, Inc.; and,

**WHEREAS**, the Declaration provides, in Article XIII, Section 2, that the Declaration may be amended by the affirmative vote or written consent of members representing two-thirds (2/3) or more of the voting power of the Association; and,

**WHEREAS**, on June 12, 2001, the Declaration was amended in amendment, recorded at OR Book 03436, Page 2469, of the Public Records of Lee County, Florida; and,

**WHEREAS**, on the 24<sup>th</sup> day of May, 2005, the Members of the Association voted in a duly Noticed and called meeting by an affirmative vote in excess of two-thirds (2/3) of the voting power of the Association to amend the Declaration in the precise manner set forth herein.

**NOW, THEREFORE**, pursuant to Article XIII, Section 2 of the Declaration, the said Declaration is hereby further amended as follows:

[Words underlined are additions and words stricken through are deleted.]

#### ARTICLE I

##### Definitions

Section 4. Common Areas shall mean all real and personal property now or hereinafter owned by the Association for the common use and enjoyment of the owners, and property owned by the Association and subject to its maintenance pursuant to the terms of this Declaration, including the entrance gate, roadway, lake, lake maintenance area, gazebo cabana, swimming pool, and conservation area ~~and playground to be~~ located on the Property.

#### ARTICLE XIII

##### General Provisions

Section 2. Amendment. ~~Subject to the provisions of Article IX, This~~ this Declaration may be amended only by affirmative vote (in person or by proxy) or written consent of members representing fifty-one percent (51%) or more of the total voting power a quorum of members as set forth in the Bylaws of the Association authorized to vote on amendments, ~~plus the consent of the Class B member.~~ Any amendment must be recorded among the Real Property Records of Lee County, Florida. ~~No amendment may remove, revoke, or modify any right or privilege of Developer without the written consent of Developer or the assignee of such right or privilege.~~

IN WITNESS WHEREOF, the undersigned President and Secretary of the Southwind Owners

Association at Fort Myers, Inc. have hereunto set their hands and seals this 24<sup>th</sup> day of May, 2005.

Witnesses:

Albert J. Yates  
Signature of 1<sup>st</sup> Witness  
ALBERT J. YATES  
Printed Name of 1<sup>st</sup> Witness

Sylvia Fernin  
Signature of 2<sup>nd</sup> Witness  
Sylvia Fernin  
Printed Name of 2<sup>nd</sup> Witness

SOUTHWIND OWNERS ASSOCIATION AT  
FORT MYERS, INC.

By: Raymond A. Guarino, Jr. Pres.  
Raymond A. Guarino, Jr., its President

Attest:

Marsha Yates, Secretary  
Marsha Yates, Secretary

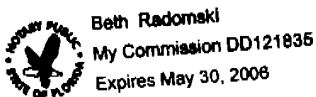


ACKNOWLEDGMENT

STATE OF FLORIDA )

COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 16th day of June, 2005, by **Raymond A. Guarino, Jr.**, President of Southwind Owners Association at Fort Myers, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He/she is personally known to me or who has produced FLC #G650721471300 as identification.



Beth Radomski  
Signature of Notary Public

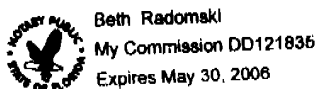
Beth Radomski  
Printed Name

ACKNOWLEDGMENT

STATE OF FLORIDA )

COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 16th day of June, 2005, by **Marsha Yates**, Secretary of Southwind Owners Association at Fort Myers, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He/she is personally known to me or who has produced FLC #Y320552497840 as identification.



Beth Radomski  
Signature of Notary Public

Beth Radomski  
Printed Name

My Commission Expires:

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