

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

AMENDMENT TO DECLARATION OF CONDOMINIUM FOR
SANTA LUZ, A CONDOMINIUM,
SUBMITTING PHASE 2 AND AMENDING SECTION 22

This Amendment to Declaration of Condominium is made this 23 day of May, 2012, by SANTA LUZ OPERATING VENTURE LLC, a Florida limited liability company (the "Developer").

WHEREAS, Phase 1 of Santa Luz, a Condominium (the "Condominium") was submitted to the condominium form of ownership under the Declaration of Condominium for Santa Luz, a Condominium, as recorded at Instrument Number 2011000102077, in the Public Records of Lee County, Florida (the "Declaration"); and

WHEREAS, the Developer desires to submit Phase 2 of the Condominium to the condominium form of ownership as set forth herein; and

WHEREAS, pursuant to Section 7.B(b) of the Declaration, the Developer has the right to amend the Declaration to comply with requirements of the Federal National Mortgage Association; and

NOW, THEREFORE, the Developer hereby amends the Declaration as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein by reference.
2. Submission. The Developer hereby submits the real property described as Phase 2 on Exhibit "A" attached hereto, together with all improvements from time to time erected or installed thereon, to the condominium form of ownership and use in the manner provided for in the Florida Condominium Act (Chapter 718, Florida Statutes), subject to the reservations, easements, restrictions and conditions contained in the Declaration and herein. The real property described as Phase 2 on Exhibit "A" attached hereto, together with all improvements from time to time installed thereon, is described and shall be known as Phase 2 of the Condominium.
3. Identification of Units. Phase 2 shall contain two (2) buildings, each containing four (4) Units, for a total of eight (8) Units in Phase 2 thereby bringing the

total number of Units in the Condominium to sixteen (16). Each Unit in Phase 2 is designated by separate numerical designation with reference to the building number as shown on the Condominium Plat attached hereto as Exhibit "B".

4. Survey, Plot Plan and Graphic Description of Improvements. The Plot Plan, survey of the land constituting Phase 2, the Surveyor's Certificate of Substantial Completion for Building 3 and Units B3-101, B3-102, B3-201, and B3-202, and graphic description of the improvements in which the Units are located is attached hereto as part of Exhibit "B".

5. Ownership of Common Elements and Common Surplus and Share of Common Expenses. Upon recordation of the Declaration and upon the recordation of this Amendment submitting Phase 2 to condominium ownership, each Unit in Phase 2 shall have attributable thereto an undivided share in the Common Expenses and ownership of the Common Elements and Common Surplus equal to a fraction, the numerator of which is one (1), and the denominator of which is sixteen (16).

6. Future Phases. Any depiction of other phases on the attached Exhibits which have not previously been submitted to the Declaration is for illustration purposes only, and no other phases besides Phase 2 are being submitted to the condominium form of ownership by this Amendment.

7. FNMA Amendment. Section 22, Additional Rights of Mortgagees and Others, of the Declaration is hereby amended as follows:

"A. Upon request in writing, the Association shall furnish, within thirty (30) days of such request, to each Institutional First Mortgagee of a Unit and any holder, insurer or guarantor of a first mortgage a written notice of any default by the Unit Owner of such Unit in the performance of such Unit Owner's obligations under this Declaration that has not been cured, including without limitation any sixty (60) day delinquency in the payment of assessments or charges owed by the Unit Owner."

(Sections B. through D. remain unchanged)

"E. Any holder of a first mortgage on a Unit who receives a written request to approve additions or amendments and fails to deliver or mail to the requesting party a negative response within sixty (60) days shall be deemed to have approved such request, provided the notice was delivered to the Institutional First Mortgagee by certified or registered mail, with a "return receipt" requested."

8. 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.

WITNESSES:

Emilia Nuccio
Print Name: EMILIA NUCCIO
Giuseppe D. Nobile
Print Name: Giuseppe D. Nobile

SANTA LUZ OPERATING VENTURE LLC, a Florida limited liability company

By: [Signature]
Print Name: Robert M. Farlane
Its: Manager

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 23 day of MAY, 2012 by Giuseppe D. Nobile, the _____ of SANTA LUZ OPERATING VENTURE LLC, a Florida limited liability company, partnership, who is personally known to me OR who produced a _____ driver's license as identification.

NOTARY STAMP / SEAL

[Signature]
Notary Public
Printed Name: _____
Commission No. _____ Expiration Date _____
STATE - COUNTY

Giuseppe D. Nobile
Notary Public, State of N.Y.
No. 01N06094608
Qualified in Westchester County
Commission Expires June 23, 2015

EXHIBIT "A"



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land
Lying in
Section 18, Township 45 South, Range 26 East
Lee County, Florida
(Santa Luz - Proposed Phase II)

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 18, Township 45 South, Range 26 East, and being part of Tract "L" of Gateway Phase 9 as recorded in Plat Book 47 at Pages 10-20, Public Records of Lee County, Florida and further described as follows:

Commencing at the southwest corner of said Tract "L", said point lying on the east right-of-way line of Westlinks Drive (60 feet wide); thence N89°19'16"E along the south line of said Tract "L" for 252.58 feet to the Point of Beginning; thence continue N89°19'16"E along said south line for 206.96 feet; thence N00°40'44"W for 120.62 feet; thence N14°41'33"E for 4.56 feet to an intersection with a curve concave to the southwest having a radius of 54.75 feet and to which point a radial line bears S11°06'43"E; thence continue northeasterly, northwesterly and southwesterly along said curve through a central angle of 221°11'12" for 211.36 feet; thence N43°02'39"W for 16.53 feet; thence S57°15'06"W for 94.14 feet to an intersection with a curve concave to the southwest having a radius of 1117.50 feet and to which point a radial line bears N05°15'01"E; thence continue westerly along said curve through a central angle of 02°52'26" for 56.06 feet; thence S02°22'34"W for 29.41 feet; thence S26°34'02"W for 10.89 feet; thence S00°40'44"E for 21.96 feet; thence S05°28'16"W for 18.56 feet; thence S00°40'44"E for 100.00 feet to the Point of Beginning.

Parcel contains 1.03 acres (45,068 square feet), more or less.

Bearings are based on the recorded plat with the east right-of-way line of Westlinks Drive bearing N00°40'44"W.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)



Scott C. Whitaker, P.S.M. 4324

41188_DESC_PHASE II 11/8/10

PRINCIPALS

SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT



ASSOCIATES:

JAMES A. HESSLER, PSM
CHARLES D. KNIGHT, PSM
MUNIR R. SULEH, PE, M.S.E.E.

EXHIBIT "B"



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Surveyor's Certification
for
Santa Luz, a Condominium
Section 18, Township 45 South, Range 26 East
Lee County, Florida
(Building 3)

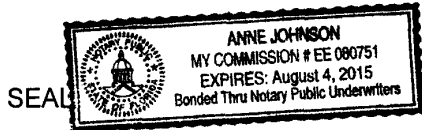
I, Scott C. Whitaker, Professional Surveyor and Mapper, hereby certify that the construction of the improvements of Building 3, Phase II, Santa Luz, a Condominium as shown on the attached Exhibit "D" dated 05/16/12 is substantially complete so that these materials, together with the provisions of the Declaration of Condominium describing the condominium property as relates to survey matters only, is an accurate representation of the location and dimensions of the improvements and so that the identification, location and dimensions of the common elements, limited common elements and of each unit can be determined from these materials and that all planned improvements, including but not limited to landscaping, utility services and access to the unit and common element facilities serving the building in which the units to be conveyed are located have been substantially completed.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker, P.S.M. 4324

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned officer, personally appears Scott C. Whitaker of Bean, Whitaker, Lutz & Kareh, Inc., personally known to me and who did not take an oath, and who is known to me to be the person described in and who executed the foregoing instrument, and acknowledged to me and before me that he executed said instrument in the capacity and for the purposes therein expressed this 17 day of May, 2012.



Notary Public

41188_CERT_PH II_BUILDING 3

PRINCIPALS:

SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

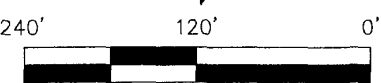
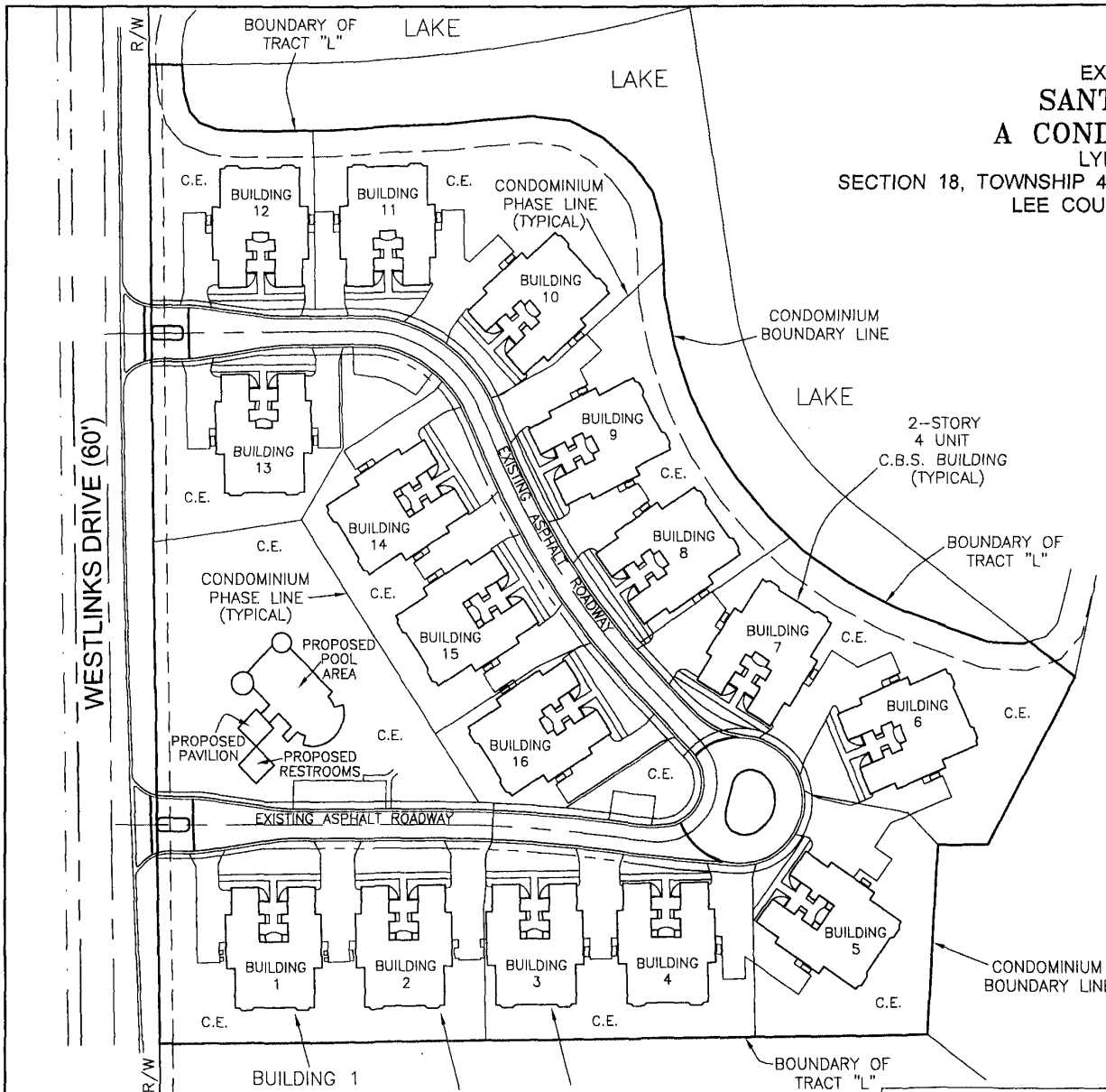
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

JAMES A. HESSLER, PSM
CHRISTEN N. ALPEN, PSM
MUNIR R. SULEH, PE, M.S.E.E.

EXHIBIT "B"
**SANTA LUZ,
 A CONDOMINIUM**
 LYING IN
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA



NOTE: ALL BUILDINGS ARE PROPOSED AT THIS TIME EXCEPT FOR BUILDINGS 1, 2 AND 3, WHICH ARE COMPLETE. BUILDINGS 4, 5, 14 & 15 ARE PARTIALLY CONSTRUCTED.

DECLARATION OF CONDOMINIUM RECORDED IN INSTRUMENT NO. 2011000102077, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

OVERALL PLOT PLAN

LEGEND

C.E. = COMMON ELEMENT
 C.B.S. = CONCRETE BLOCK STRUCTURE

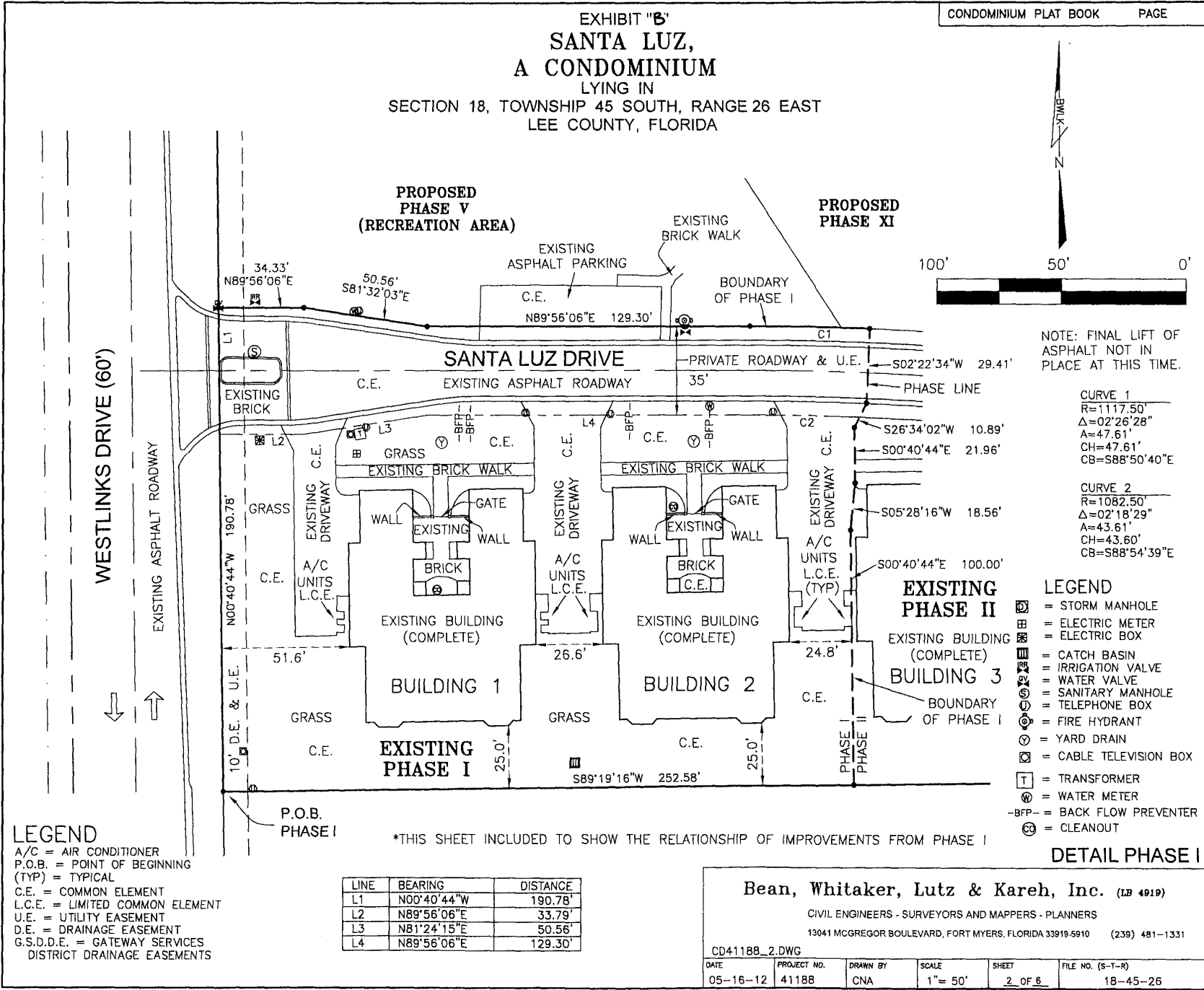
BUILDING 1 IS COMPLETE
 BUILDING 2 IS COMPLETE
 BUILDING 3 IS COMPLETE

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

CD41188_1.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
05-16-12	41188	CNA	1" = 120'	1 OF 6	18-45-26

EXHIBIT "B"
SANTA LUZ,
A CONDOMINIUM
 LYING IN
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA



NOTE: FINAL LIFT OF ASPHALT NOT IN PLACE AT THIS TIME.

CURVE 1
 R=1117.50'
 Δ=02°26'28"
 A=47.61'
 CH=47.61'
 CB=S88°50'40"E

CURVE 2
 R=1082.50'
 Δ=02°18'29"
 A=43.61'
 CH=43.60'
 CB=S88°54'39"E

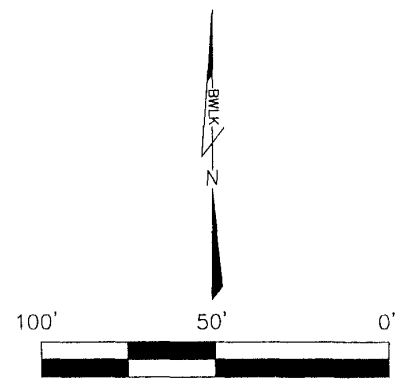
Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
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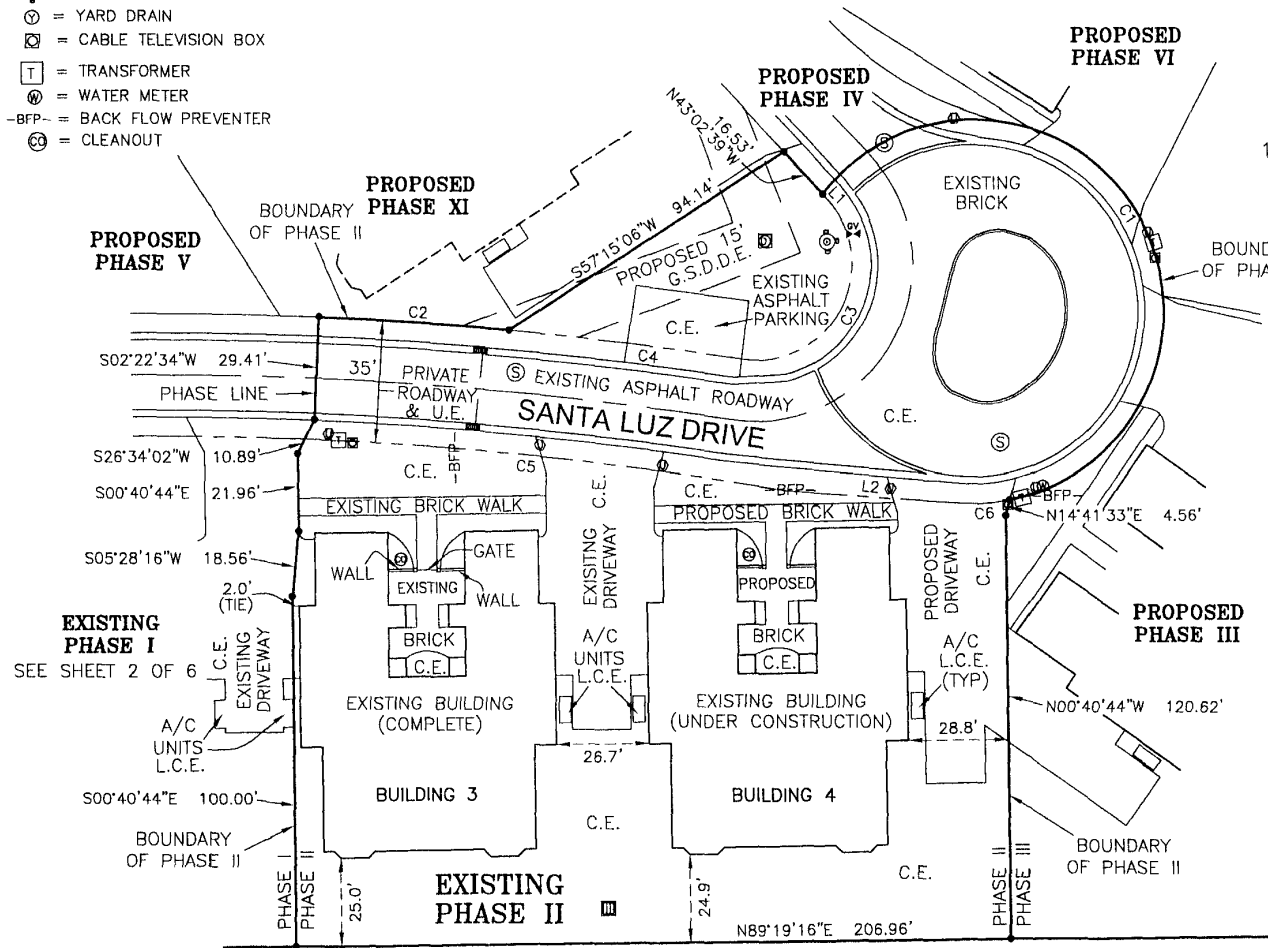
CD41188_2.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
05-16-12	41188	CNA	1" = 50'	2 OF 6	18-45-26

**SANTA LUZ,
A CONDOMINIUM**
LYING IN
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

- LEGEND**
- = STORM MANHOLE
 - = ELECTRIC METER
 - = ELECTRIC BOX
 - = CATCH BASIN
 - = IRRIGATION VALVE
 - = WATER VALVE
 - = SANITARY MANHOLE
 - = TELEPHONE BOX
 - = FIRE HYDRANT
 - = YARD DRAIN
 - = CABLE TELEVISION BOX
 - = TRANSFORMER
 - = WATER METER
 - = BACK FLOW PREVENTER
 - = CLEANOUT



NOTE: FINAL LIFT OF ASPHALT NOT IN PLACE AT THIS TIME.



CURVE 1 R=54.75' Δ=221°11'12" A=211.36' CH=102.50' CB=S31°42'19"E	CURVE 2 R=1117.50' Δ=02°52'26" A=56.06' CH=56.05' CB=S86°11'13"E
CURVE 3 R=27.50' Δ=141°46'08" A=68.04' CH=51.97' CB=S27°50'25"W	CURVE 4 R=1117.50' Δ=03°28'28" A=67.77' CH=67.76' CB=N83°00'45"W
CURVE 5 R=1082.50' Δ=07°28'41" A=141.28' CH=141.18' CB=S84°01'04"E	CURVE 6 R=54.75' Δ=15°02'26" A=14.37' CH=14.33' CB=N86°24'30"E

LINE	BEARING	DISTANCE
L1	S43°02'39"E	1.56'
L2	S86°04'17"E	49.62'

- LEGEND**
- A/C = AIR CONDITIONER
 - P.O.B. = POINT OF BEGINNING
 - (TYP) = TYPICAL
 - C.E. = COMMON ELEMENT
 - L.C.E. = LIMITED COMMON ELEMENT
 - U.E. = UTILITY EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - G.S.D.E. = GATEWAY SERVICES DISTRICT DRAINAGE EASEMENTS

DETAIL PHASE II

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

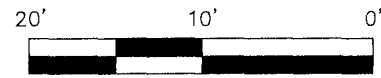
CD41188_3.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
05-16-12	41188	CNA	1" = 50'	3 OF 6	18-45-26

EXHIBIT "B"
**SANTA LUZ,
 A CONDOMINIUM**

LYING IN
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA

CONDOMINIUM PLAT BOOK PAGE



(N.A.V.D. 1988) +62.8' (FIELD)
 ROOF HEIGHT



FRONT ELEVATION

*ELEVATIONS ARE N.A.V.D. 1988 (FIELD MEASURED)

BUILDING #	1ST F.F.E.	2ND F.F.E.	ROOF HEIGHT
1	28.6'	40.3'	62.9'
2	28.6'	40.3'	62.9'
3	28.6'	40.3'	62.8'
4	28.5'	40.2'	62.4'
5	28.5'	40.2'	62.4'
14	28.6'	40.2'	62.4'
15	28.5'	40.2'	62.3'

*SEE UNIT BOUNDARY SHEETS FOR CEILING HEIGHTS

VERTICAL BOUNDARIES

LEGEND
 N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
 FIN. = FINISHED
 ELEV. = ELEVATION
 F.F.E. = FINISH FLOOR ELEVATION

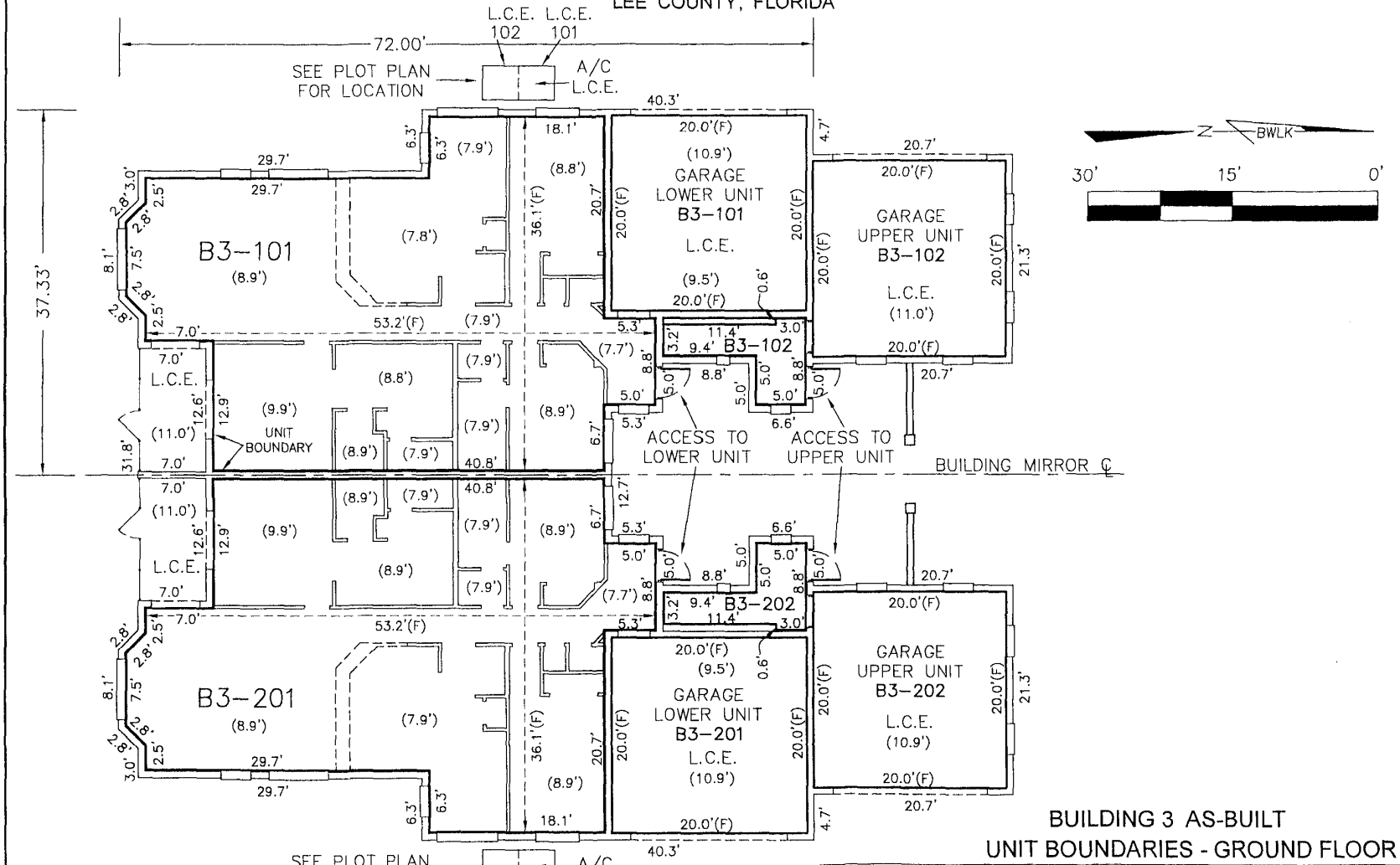
Bean, Whitaker, Lutz & Kareh, Inc. (LB 4918)
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CD41188_4.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
05-16-12	41188	CNA	1" = 10'	4 OF 6	18-45-26

EXHIBIT "B"
**SANTA LUZ,
 A CONDOMINIUM**

LYING IN
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA



LEGEND
 C.E. = COMMON ELEMENT
 L.C.E. = LIMITED COMMON ELEMENT
 A/C = AIR CONDITIONER
 (9.0') = CEILING HEIGHT

**BUILDING 3 AS-BUILT
 UNIT BOUNDARIES - GROUND FLOOR**

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

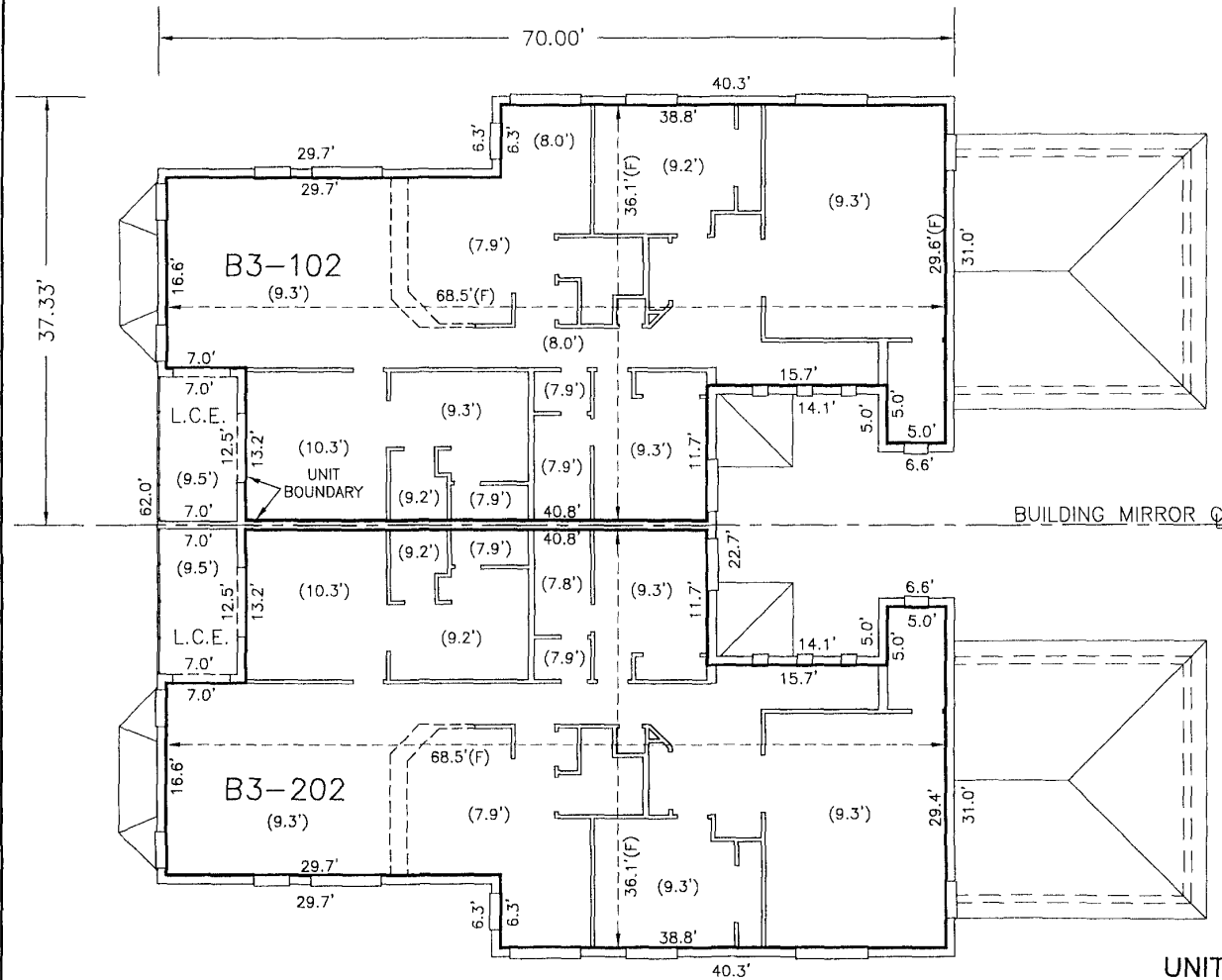
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CD41188_5.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
05-16-12	41188	CNA	1" = 15'	5 OF 6	18-45-26

EXHIBIT "B"
**SANTA LUZ,
 A CONDOMINIUM**

LYING IN
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA



**BUILDING 3 AS-BUILT
 UNIT BOUNDARIES - SECOND FLOOR**

LEGEND

- C.E. = COMMON ELEMENT
- L.C.E. = LIMITED COMMON ELEMENT
- A/C = AIR CONDITIONER
- (9.0') = CEILING HEIGHT

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4019)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

CD41188_6.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
05-16-12	41188	CNA	1" = 15'	6 OF 6	18-45-26