

2/15/98
THIS INSTRUMENT PREPARED BY:
Thomas H. Gunderson, Esquire
Post Office Box 280
Fort Myers, FL 33902-0280

4332330

DR2924 P60169

RECORDED BY
JOANNE MILLER, D.C.

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS
FOR
THE SANCTUARY AT WULFERT POINT COMMUNITY ASSOCIATION, INC.**

THIS AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE SANCTUARY AT WULFERT POINT COMMUNITY ASSOCIATION, INC., ("Amendment") is entered into this 13th day of February, 1998, by SANCTUARY RESIDENTIAL PROPERTIES, LTD., a Florida limited partnership, its successors and assigns (the "Single Family Developer"); WULFERT POINT PROPERTIES, LTD., a Florida limited partnership, its successors and assigns (the "Multifamily Developer") and THE SANCTUARY AT WULFERT POINT COMMUNITY ASSOCIATION, INC., a Florida corporation (the "Association").

WHEREAS, the Single Family Developer and the Multifamily Developer are known hereinafter, individually and collectively, as the "Developer"; and

WHEREAS, the Developer and the Association have determined to amend and modify that Declaration of Covenants and Restrictions for The Sanctuary at Wulfert Point Community Association, Inc., recorded at O.R. Book 2328, Page 54, and as amended in O.R. Book 2656, Page 2407, all of the Public Records of Lee County, Florida ("Declaration") to add certain covenants and restrictions pertaining to the maintenance of certain portions of the property governed by the Declaration as reflected by amendment from time to time; and

WHEREAS, the Developer and the Association amended and modified the Declaration by amendment recorded in O.R. Book 2656, Page 2407, Public Records of Lee County, Florida ("First Amendment"), to provide that the property commonly known as The Villas ("The Villas One") described on Exhibit "A" of the First Amendment is so governed by the Declaration; and

WHEREAS, the Developer desires to further amend and modify the Declaration to include additional land to be included in The Villas and governed by the Declaration; and

WHEREAS, all conditions precedent to such amendment and modification have been met, have otherwise occurred or have been waived; and

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NOW, THEREFORE, the Developer and the Association after receiving all required authorizations from the Class "A" Members and the Class "B" Members of the Association and from the Owners, as such terms are defined within the Declaration, the terms of which are hereby incorporated into this Agreement, hereby amend and modify the Declaration as follows:

I. Article I

A. The following language is added to Article I as Section 1.1.1:

1.1.1 "Amendments" mean those Amendments to Declaration of Covenants and Restrictions for The Sanctuary at Wulfert Point Community Association, Inc., dated as of November 15, 1995, recorded in O.R. Book 2656, Page 2407, Public Records of Lee County, Florida, and Amendment dated as of _____, 1998.

B. Exhibit "A" of the First Amendment is hereby amended to also include the property described on attached Exhibit "A" hereto.

II. Developer's Consent. By affixing its signature hereto, Developer hereby expresses and grants its consent to this Amendment and the terms and conditions set forth within this Amendment.

IN WITNESS WHEREOF, the parties hereto have set forth their signatures as of the date hereof.

Witnesses: **SANCTUARY RESIDENTIAL PROPERTIES, LTD.,**
a Florida limited partnership

Rhonda A. Henning
Print Name: Rhonda A. Henning

By: Sanctuary Development Corporation,
a Florida corporation, its general partner

Barbara A. Covert
Print Name: Barbara A. Covert

By: *[Signature]*
John J. Naumann, President

[SEAL]

DR2924 PG0171

WULFERT POINT PROPERTIES, LTD.,
a Florida limited partnership

Bronda A Henning
Print Name: Bronda A Henning

By: Sanctuary Development Corporation,
a Florida corporation, its general partner

Tania Blessing
Print Name: TANIA BLESSING

By: [Signature]
John J. Naumann, President

[SEAL]

**THE SANCTUARY AT WULFERT POINT
COMMUNITY ASSOCIATION, INC.,**
a Florida corporation

Peter Tschoni
Print Name: PETER TSCHONI

By: [Signature]
Print Name: John J. Naumann
Its President

Shanna A. Culnac
Print Name: Shanna A. Culnac

[SEAL]

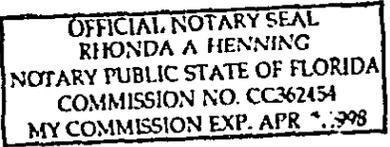
Tania Blessing
Print Name: TANIA BLESSING

Attest: [Signature]
Print Name: Gregory M. Kepler
Its Secretary

Shanna A. Culnac
Print Name: Shanna A. Culnac

STATE OF Florida
COUNTY OF Lee

THE FOREGOING instrument was acknowledged before me this 9th day of February, 1998, by John J. Naumann, as President of Sanctuary Development Corporation, a Florida corporation, as the general partner of Sanctuary Residential Properties, Ltd., a Florida limited partnership, on behalf of the corporation, as the general partner of the limited partnership. He is personally known to me or has produced _____ as identification.



Bronda A Henning
Print Name: Bronda A Henning
Notary Public, State of Florida at Large
My Commission Expires: 4/1/98

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STATE OF Florida
COUNTY OF Lee

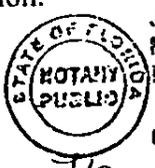
THE FOREGOING instrument was acknowledged before me this 9th day of February, 1998, by John J. Naumann, as President of Sanctuary Development Corporation, a Florida corporation, as the general partner of Wulfert Point Properties, Ltd., a Florida limited partnership, on behalf of the corporation, as the general partner of the limited partnership. He is personally known to me or has produced _____ as identification.

OFFICIAL NOTARY SEAL
RHONDA A HENNING
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC362454
MY COMMISSION EXP. APR. 7, 1998

Rhonda A Henning
Print Name: Rhonda A Henning
Notary Public, State of Florida at Large
My Commission Expires: 4/7/98

STATE OF Florida
COUNTY OF Lee

THE FOREGOING instrument was acknowledged before me this 13 day of February, 1998, by Jeffrey J. Miller, as President of The Sanctuary at Wulfert Point Community Association, Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ as identification.



JANET G. MCDEE
My Comm Exp. 2/13/00
Bonded By Service Inc
No. CC553171
((Personally Known)) ((Code 1.0.))

Janet G. McDee
Print Name: _____
Notary Public, State of _____ at Large
My Commission Expires: _____

STATE OF Florida
COUNTY OF Lee

THE FOREGOING instrument was acknowledged before me this 13 day of February, 1998, by Gregory M. Spahn, as Secretary of The Sanctuary at Wulfert Point Community Association, Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ as identification.

Belinda Michelle Spahn
Print Name: Belinda Michelle Spahn
Notary Public, State of Florida at Large
My Commission Expires: _____

OFFICIAL NOTARY SEAL
BELINDA MICHELLE SPAHN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC55332
MY COMMISSION EXP. NOV. 13, 1999

EXHIBIT "A"

**THE SANCTUARY
BALUSROL LOTS 6C-13C**

A parcel of land lying within section 12, township 46 south, range 21 east, Lee County, Florida, being more particularly described as follows:

Lots 6C through 12C, "The Sanctuary at Wulfert Point, Phase 2B" as recorded in Plat Book 52, at pages 1 through 7 of the Public Records of Lee County, Florida.

TOGETHER WITH PARCEL 1:

A portion of Lot 13C, "The Sanctuary at Wulfert Point, Phase 2B" as recorded in Plat Book 52, at pages 1 through 7 of the Public Records of Lee County, Florida, being more particularly described as follows:

BEGIN at the northeast corner of said Lot 13C; thence, along the east line of said Lot 13C, S00°06'04"E, 200.00 feet; thence, along the south line of said Lot 13C, S89°53'56"W, 37.67 feet; thence, along the east line of Lot 14, "The Sanctuary at Wulfert Point, Phase 2B - Replat of Lot 14C and a portion of Lot 13C", as recorded in Plat Book 58, at pages 58 through 59 of the Public Records of Lee County, Florida, N00°06'04"W, 200.00 feet; thence, along the north line of the aforementioned Lot 13C, N89°53'56"E, 37.67 feet to the POINT OF BEGINNING.

LESS AND EXCEPT PARCEL 2:

A portion of Lot 6C, "The Sanctuary at Wulfert Point, Phase 2B" as recorded in Plat Book 52, at pages 1 through 7 of the Public Records of Lee County, Florida, being more particularly described as follows:

BEGIN at the intersection of the line common to Lots 5C and 6C, with the westerly right-of-way line of Baltusrol Court, according to said plat of "The Sanctuary at Wulfert Point, Phase 2B"; thence, along the line common to Lots 5C and 6C, S56°42'04"W, 103.50 feet; thence N33°17'56"W, 25.00 feet; thence N56°42'04"E, 103.50 feet to an intersection with the aforementioned westerly right-of-way line of Baltusrol Court; thence, along said westerly right-of-way line, S33°17'56"E, 25.00 feet to the POINT OF BEGINNING.

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CHARLIE GREEN LEE CTY, FL
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