

This instrument prepared by:  
Richard A. Weller, Esq.  
Najmy Thompson, P.L.  
1401 8<sup>th</sup> Avenue West  
Bradenton, Florida 34205

INSTR # 2011000108822, Pages 3  
Doc Type RES, Recorded 05/09/2011 at 11:59 AM,  
Charlie Green, Lee County Clerk of Circuit Court  
Rec. Fee \$27.00  
Deputy Clerk CFELTMAN  
#1

**CERTIFICATE OF AMENDMENT TO THE DECLARATION OF RESTRICTIONS AND  
PROTECTIVE COVENANTS FOR SAN SIMEON PHASE 1**

KNOW ALL MEN BY THESE PRESENTS that the Declaration of Restrictions and Protective Covenants for San Simeon Phase 1 ("Declaration"), recorded as Instrument #2006000393300 in the Lee County Public Records, is hereby amended by the recording of this Amendment to the Declaration.

**WHEREAS**, Article XIII, Section 6 of the Declaration provides that the Declaration may be amended by the Developer for so long as the Developer has the right to appoint the entire Board of Directors.

**WHEREAS**, the Developer, KC San Simeon, LLC, as successor developer pursuant to the assignment of developer rights recorded as Instrument #2009000299247, in the Public Records of Lee County, Florida, has the right to appoint the entire Board of Directors at the time this certificate of amendment is executed, and Developer retains the authority to unilaterally amend the Declaration at this time.

**NOW THEREFORE**, the Developer hereby amends Article IV of the Declaration to add a new provision as follows:

(Strike-throughs are deletions; underlined words are additions or changes)

Article IV, Section 9. Maintenance of Exterior Surfaces. The purpose of this provision is to clarify maintenance obligations set forth in this Article. This provision does not apply to Units or Buildings for which the Association has no maintenance or insurance obligations for the structures.

(a) To the extent that this Declaration requires the Association to perform maintenance to the exterior surfaces of any Unit or of any Building, such maintenance shall be limited to periodic pressure washing and painting of the surface of the vertical structure as determined by the Board from time to time. Driveways and walkways are not part of the vertical structure, and Owners shall be obligated to maintain, repair, and replace driveways and walkways as necessary.

(b) The Association shall also utilize any insurance proceeds to contribute to maintenance, repair, or replacement of any item covered by an insurance policy on the structure purchased by the Association as may be required by this Declaration. In the event a claim is made on an insurance policy purchased by the Association in relation to a Unit or Building, the affected owners of the Unit or Units shall be responsible for payment of any deductible associated with the claim, and for any loss that is not

covered by proceeds of the Association's policy.

(c) The Association shall not be required to maintain, repair, or replace any window or window frame, door or door frames, sliding glass doors, screens, garage doors, or any other item not specifically required to be maintained by the Association as described above.

(d) Owners shall be responsible for all maintenance, repair, or replacement of all windows or window frames, doors or door frames, sliding glass doors, screens, garage doors, or any other item not specifically required to be maintained by the Association as described above.

(e) In the event that an owner fails to provide such maintenance, repair, or replacement, the Association shall have the authority, but not the obligation, to conduct necessary repairs, maintenance, or replacement of such items, and assess the costs against the particular Unit or Units in the Building, and collect the assessment in the same manner as any other assessment against a Unit as described in Article VI.

### **CERTIFICATE OF AMENDMENT**

The Developer does hereby certify that the foregoing Amendment to the Declaration, was adopted pursuant to Article XIII, Section 6 of the Declaration, in a manner consistent with Florida law. The Association indicates its joinder and consent below.

IN WITNESS WHEREOF, Developer has executed this Amendment to the Declaration of Restrictions and Protective Covenants for San Simeon Phase 1, this 27<sup>th</sup> day of APRIL, 2011.

SIGNATURE WITNESSED BY:

Troy Simpson  
Print Name: TROY SIMPSON

Bryon T. Lopreste  
Print Name: BRYON T. LOPRESTE

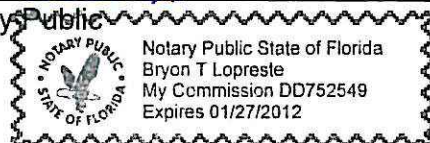
By: DEVELOPER  
KC SAN SIMEON, LLC.

By: James P. Harvey  
By: JAMES P. HARVEY as  
VICE-PRESIDENT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of APRIL, 2011, by JAMES P. HARVEY, as VICE PRESIDENT of KC San Simeon, LLC, on behalf of the company. He/She is personally known to me or has produced \_\_\_\_\_ as proof of identification.

Notary Public



SIGNATURE WITNESSED BY:

[Signature]  
Print Name: TRON SIMPSON

[Signature]  
Print Name: BRYON T. LOPRESTE

JOINED BY:

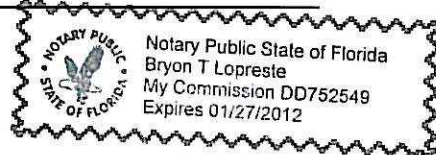
SAN SIMEON PHASE 1  
RESIDENTS' ASSOCIATION, INC.

By: [Signature]  
By: JAMES P. HARVEY as  
VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of APRIL, 2011, by JAMES P. HARVEY, as VICE PRESIDENT of San Simeon Phase 1 Residents' Association, Inc., on behalf of the corporation. He/~~She~~ is personally known to me or has produced \_\_\_\_\_ as proof of identification.

[Signature]  
Notary Public



**LeeClerk.ORG**

CHARLIE GREEN: CLERK OF COURT

2115 Second Street

P.O. Box 2278

Fort Myers, FL 33902

(239) 533-5007

Lee County - DBLive Transaction

#: 101307828

Receipt #: 1281312

Cashier Date: 5/9/2011 11:59:56 AM

(CFELTMAN)



Print Date:

5/9/2011 11:59:56 AM

Customer Information	Transaction Information	Payment Summary
( ) NAJMY THOMPSON PL  1401 8TH AVE W BRADENTON, FL 34205	DateReceived: 5/9/2011 Source Code: Ft. Myers Office Q Code: Mail Customer Return Code:Supplied Envelope Trans Type: Recording Agent Ref Num:	Total Fees \$27.00 Total Payments \$27.00

**1 Payments**

CHECK 2866	\$27.00
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**1 Recorded Items**

(RES) Restrictions	CFN: 2011000108822 Date: 5/9/2011 11:59:55 AM From: KC SAN SIMEON LLC To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	3 \$27.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	2 \$0.00

**0 Search Items****1 Miscellaneous Items**

(AGENTTRANSMITTAL/MISC) AgentTransmittal/Misc
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