

45.10

AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR
TORTUGA BEACH CLUB, A CONDOMINIUM

1718 161449

1782875

THIS AMENDMENT to the Declaration of Condominium for
TORTUGA BEACH CLUB, A CONDOMINIUM, made by MARAND, LTD., a Florida
Limited Partnership, (hereinafter referred to as "Developer").

WITNESSETH:

WHEREAS, the Developer executed on December 1, 1981,
and recorded on December 12, 1981, in Official Records Book
1566, at Page 2174, of the Public Records of Lee County,
Florida, the Declaration of Condominium for Tortuga Beach Club,
a Condominium, (hereinafter referred to as the "Declaration"); and

WHEREAS, the Developer has reserved the right in said
Declaration to develop the Condominium in Phases, pursuant to
Article XXIII, of said Declaration; and

WHEREAS, Articles XI, and XXIII, of the Declaration allows
the Developer to add Phase E, to the Condominium, by an Amendment,
without the consent of the Unit Owners, the Association, the owner
and holder of any lien encumbering a Condominium Unit or Unit Week
in the Condominium, or any other party; and

WHEREAS, the Developer has completed construction of Phase
E, as depicted on Exhibit No. 13, attached to the above-described
Declaration; and

WHEREAS, the Developer now wishes to amend said Declaration
to add Phase E, as depicted on Exhibit No. 13, attached to the
above-described Declaration to this Condominium, pursuant to
Articles XI, and XXIII, of the said Declaration.

NOW, THEREFORE, the Developer, in consideration of the
premises, does hereby amend the Declaration, in accordance with
the authority reserved onto the Developer in the Declaration, as
follows:

This instrument prepared by
and return to: Mariner Properties, Inc.
P.O. Box 06299
Ft. Myers, Fl. 33907
Attn: Jane Straker



RECORD VERIFIED - SAL GERACI CLERK
BY: J. TURNER, D.C.

1.) Exhibit No. 1, of the Declaration is hereby amended to include the legal description of the lands set forth on the survey exhibits attached to this Amendment, hereinafter referred to as "Survey Exhibits", and said lands are hereby submitted to the Condominium form of ownership, and made a part of the said Declaration just as fully as if incorporated in and filed with the Declaration in the first instance.

2.) Attached hereto and made a part hereof by reference are the amended pages to Exhibit No. 1, of the Declaration, said amended pages in the Survey Exhibits consisting of ELEVEN(11) pages reflecting the completed construction of Phase E, and said pages shall be attached to and made a part of Exhibit No. 1, of the Declaration, just as fully as if incorporated in and filed with the Declaration in the first instance.

3.) Attached hereto and made a part hereof by reference and by reference made a part of the Declaration, is the substitute Exhibit No. 5. Substitute Exhibit No. 5, sets forth each Unit Owner's undivided interest in the Common Elements and each Unit Owner's share of the common expense and common surplus in the Condominium, and the substitute Exhibit No. 5, shall replace the original Exhibit No. 5, and be made a part of the Declaration, just as fully as if incorporated in and filed with the Declaration in the first instance.

This Amendment to the Declaration, when filed for record in the Public Records of Lee County, Florida, shall be incorporated by reference and made a part of the Declaration with like effect and to the same extent as though the matters set forth herein and set forth in the Exhibits attached hereto has originally constituted a part of the Declaration.

IN WITNESS WHEREOF, MARAND, LTD., a Florida Limited Partnership, has caused these presents to be signed in its name

by its General Partner, this 26th day of March, 1984.

Signed, sealed and delivered
in the presence of:

MARAND LTD., a Florida
Limited Partnership

By MARINER PROPERTIES, INC.,
a Florida Corporation,
General Partner

James Straker
Ellen Williams

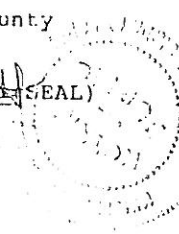
By: [Signature]
David W. Hunt
President

STATE OF FLORIDA)
 SS:
COUNTY OF LEE)

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared David W. Hunt, as President of MARINER PROPERTIES, INC., a Florida Corporation, as General Partner of MARAND, LTD., a Florida Limited Partnership to me known to be the person described in and who executed the foregoing instrument and he acknowledged the execution thereof to be his free act and deed as such officer, for the uses and purposes therein mentioned; and affixed thereto is the official seal of said Corporation, and the said instrument is the act and deed of said Corporation.

WITNESS my hand and official seal, at the State and County aforesaid, this 26th day of March, 1984.

Muriel C. Childs (SEAL)
Notary Public, State
of Florida



My Commission Expires:
Notary Public, State of Florida
My Commission Expires Dec. 12, 1987
Banded This Day by [unclear]

SUBSTITUTE EXHIBIT NO. 5, TO DECLARATION

PERCENTAGE OF OWNERSHIP

1718 161452

EACH UNIT WITHIN THE CONDOMINIUM SHALL HAVE
A 1/38TH INTEREST IN AND TO THE COMMON ELEMENTS
AND COMMON SURPLUS, AND SHALL BE RESPONSIBLE
FOR 1/38TH OF THE COMMON EXPENSES OF THE CON-
DOMINIUM.

1718 1453

SURVEY EXHIBITS

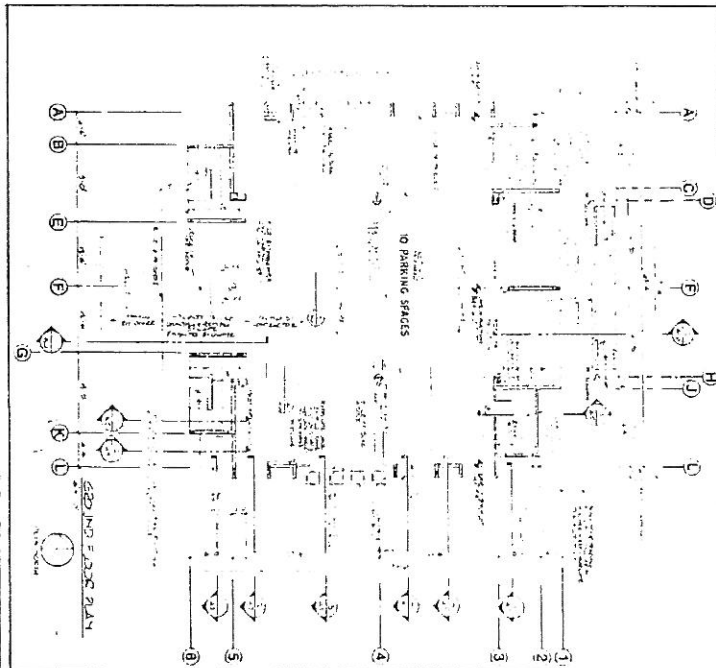
TORTUGA BEACH CLUB A CONDOMINIUM
 PHASE E
 SANIBEL ISLAND FLA

MEP-2070

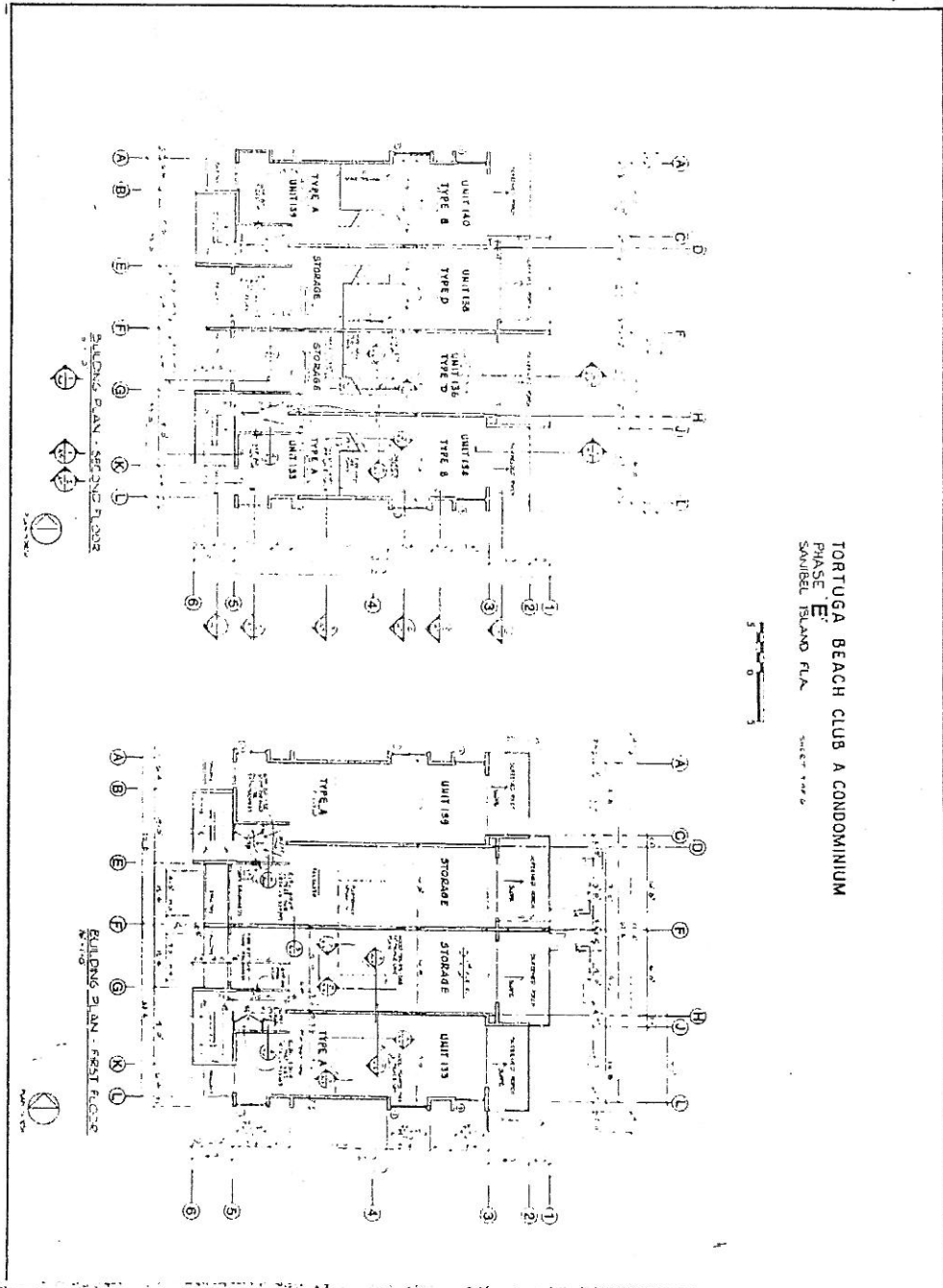


DESCRIPTION

Attached is a set of mechanical drawings for the proposed Phase E of the Tortuga Beach Club Condominium, Sanibel Island, Florida. The drawings show the layout of the building, including the location of the building, the location of the parking areas, and the location of the mechanical equipment. The drawings also show the location of the electrical and plumbing systems. The drawings are intended to provide a clear and concise description of the proposed mechanical system for the building.



ARC	GROUND FLOOR PLAN	MEP-2070
	TORTUGA BEACH CLUB PHASE E SANIBEL ISLAND FLORIDA	

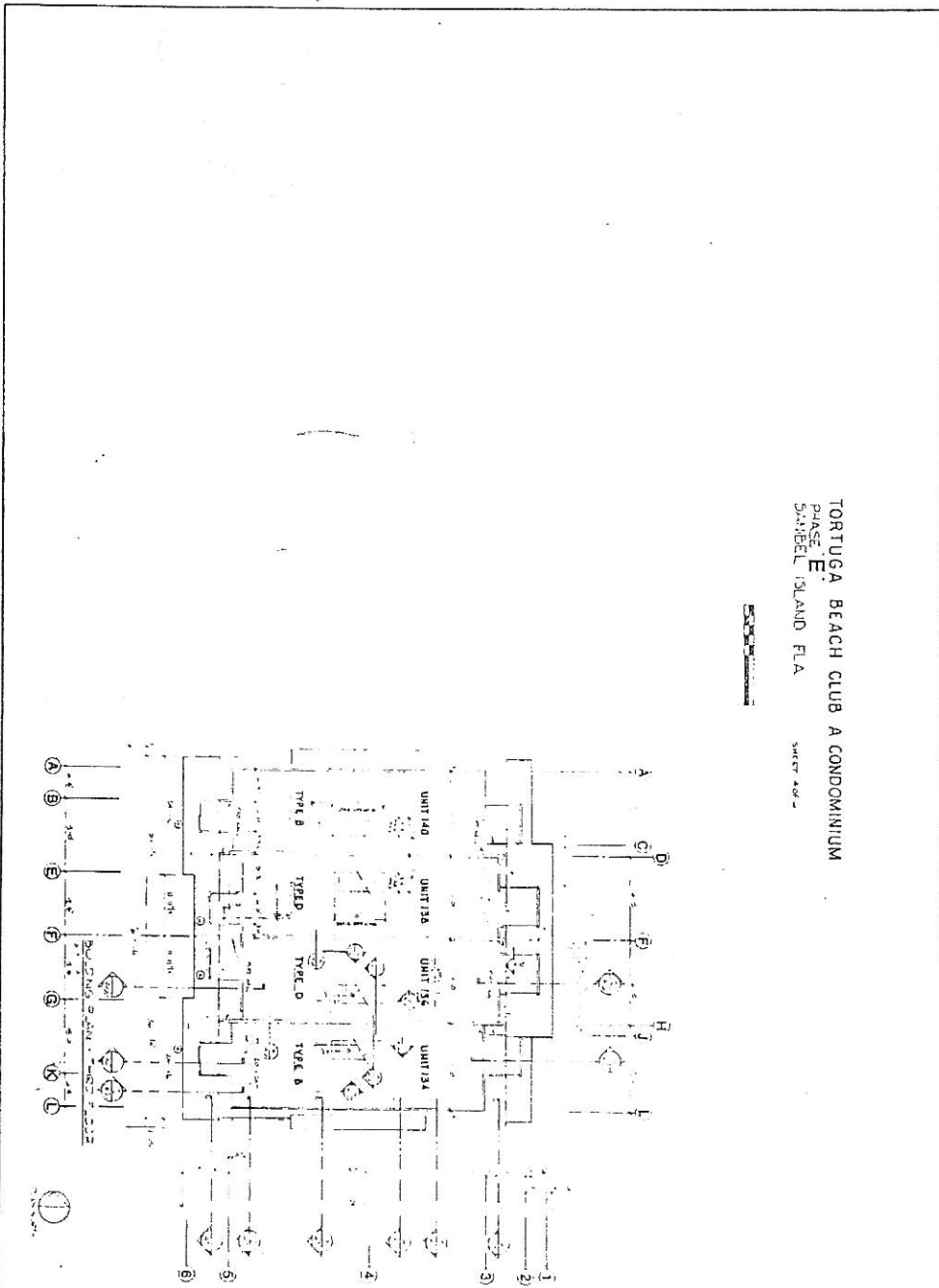


TORTUGA BEACH CLUB A CONDOMINIUM
 PHASE E
 SANIBEL ISLAND FLA
 SHEET 1002

	1ST & 2ND FLOOR BUILDING PLAN TORTUGA BEACH CLUB PHASE E SANIBEL ISLAND FLORIDA		
	ARCHITECTURAL RESOURCES CORPORATION 15401 W. GREGG RD. FORT MYERS FLORIDA 33909 TEL (813) 485-2472		

FILE NO. 1718 PG 1457

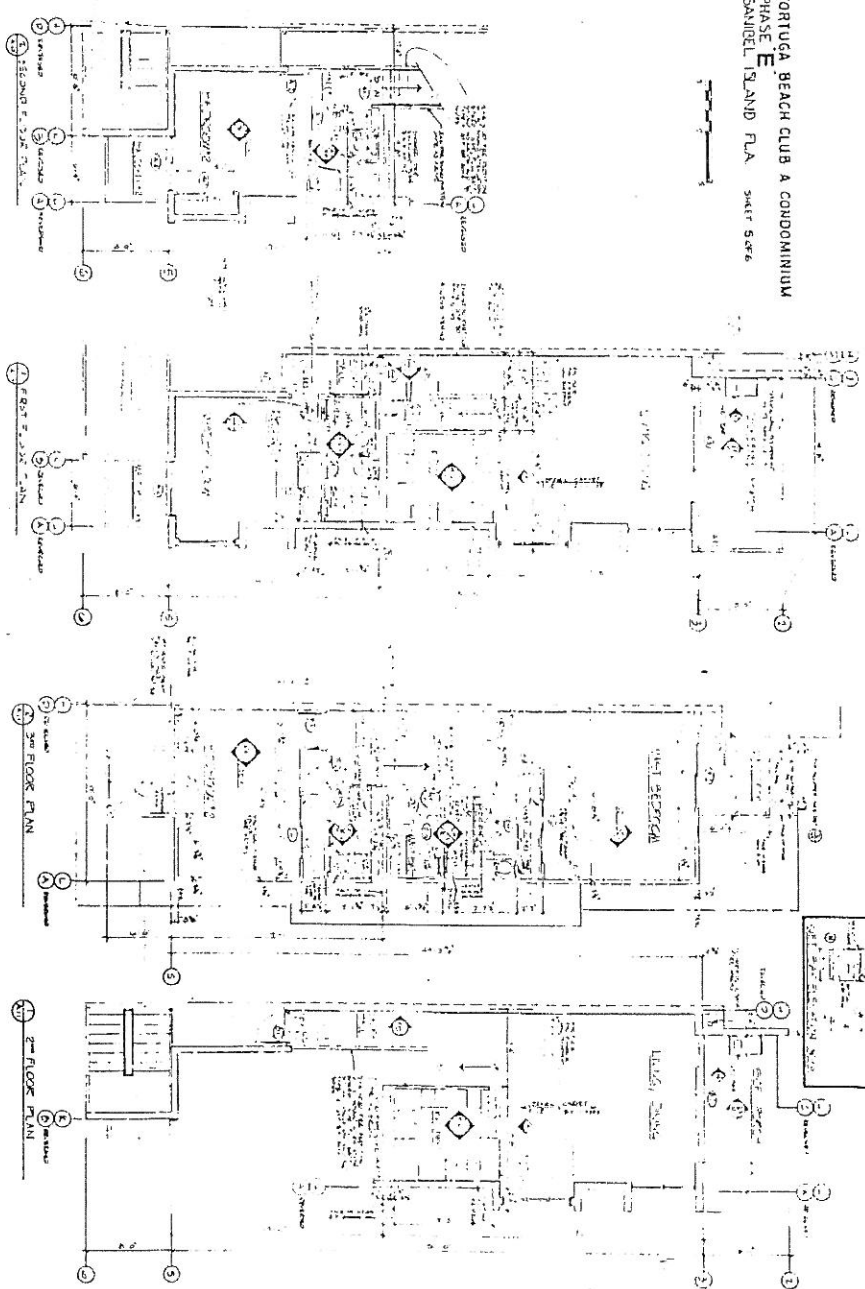
TORTUGA BEACH CLUB A CONDOMINIUM
PHASE E
SANIBEL ISLAND FLA
SHEET 457



A3		3RD FLOOR & ROOF BUILDING PLAN TORTUGA BEACH CLUB PHASE E SANIBEL ISLAND FLORIDA		REVISIONS
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ARCHITECTURAL RESOURCES CORPORATION 15401 MCGREGOR BLVD FORT MYERS FLORIDA 33909 TEL (813) 482-2222

TORTUGA BEACH CLUB & CONDOMINIUM
PHASE E
SANIBEL ISLAND, FLA. SHEET 5476



TYPE A FLOOR PLAN

TYPE B FLOOR PLAN

TYPE C FLOOR PLAN

UNIT B PLANS, ELEVATIONS, SCHEDULES
TORTUGA BEACH CLUB PHASE E
 SANIBEL ISLAND FLORIDA

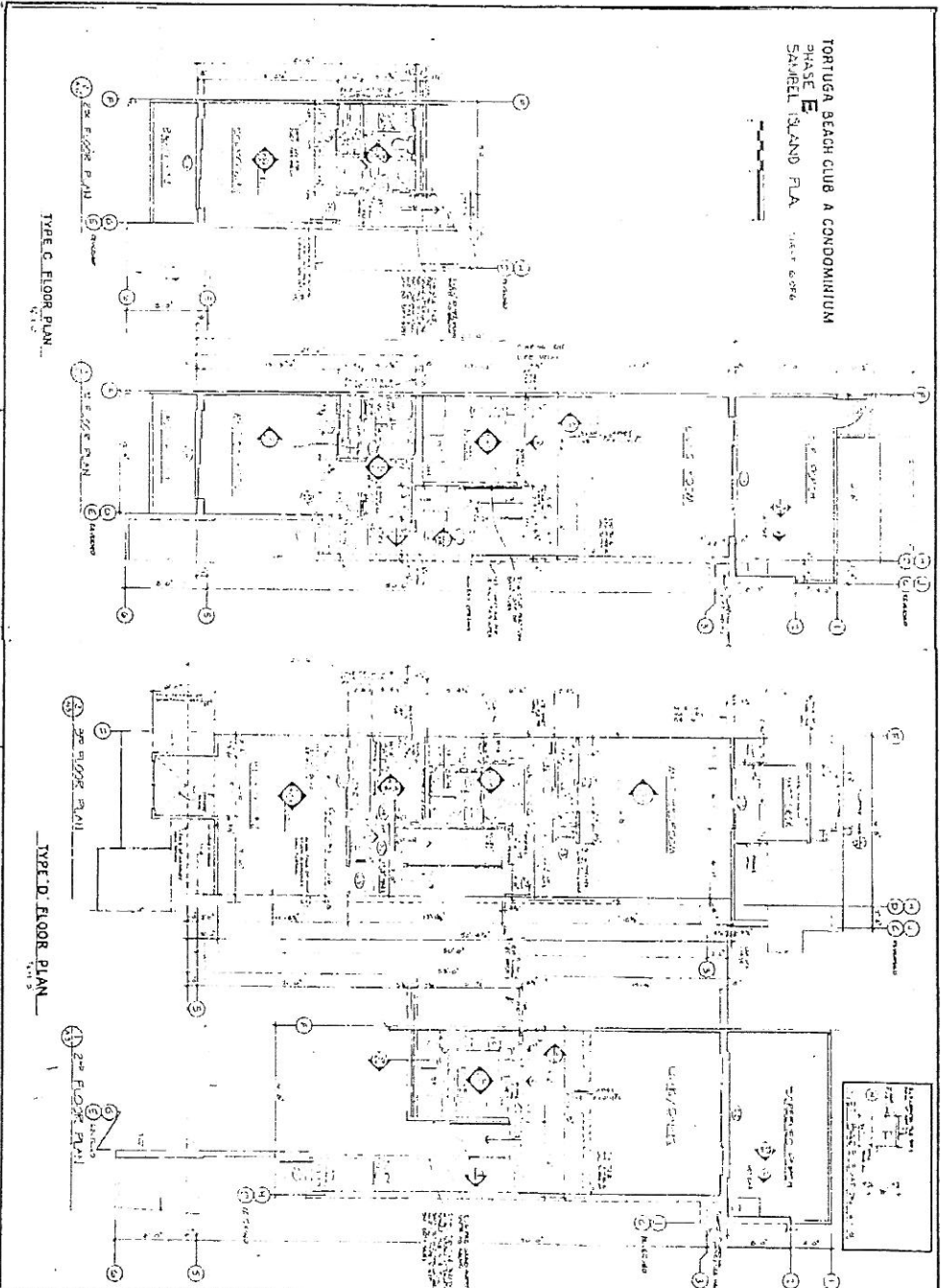
CONDOMINIUM PLAN SHEET 1 OF 2

REF: 1718 PG 1459

11 22 AM '84

DATE: 11/22/84
BY: [illegible]
CHECKED: [illegible]
DRAWN: [illegible]

0-114
0-115



ARC

UNIT D PLANS AND ELEVATIONS / SCHEDULES
TORTUGA BEACH CLUB PHASE E
SANIBEL ISLAND FLORIDA

ARCHITECTURAL RESOURCES CORPORATION, 15401 MCGREGOR BLVD. FORT MYERS FLORIDA 33908 TEL (813) 335-1234