

AMENDMENT TO DECLARATION OF CONDOMINIUM

FOR

TORTUGA BEACH CLUB, A CONDOMINIUM

THIS AMENDMENT to the Declaration of Condominium for TORTUGA BEACH CLUB, A CONDOMINIUM, (hereinafter referred to as the "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 11, 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 Article XI of the Declaration to amend the Declaration as long as it owns more than ten (10%) percent of the Condominium Units or Unit Weeks in the Condominium; and

WHEREAS, the Developer owns more than ten (10%) percent of the Condominium Units or Unit Weeks in the Condominium; and

WHEREAS, Article XXIII of the Declaration provides for the construction of the Condominium in Phases; and

WHEREAS, a proposed Surveyor's plat and floor plan for Phase F is contained in Exhibit No. 15 to the Declaration; and

WHEREAS, a proposed Surveyor's plat and floor plan for Phase G is contained in Exhibit No. 17 to the Declaration; and

WHEREAS, the Developer now wishes to amend the Declaration to change the order of construction of Phase F and G and the proposed Surveyor's plat and floor plan for Phase F and G as described in Exhibit No. 15 and 17 to the Declaration.

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

1.) Article XXIII of the Declaration, is amended to read as follows:

XXIII.

PHASE CONDOMINIUM

This Condominium may be developed in Phases, (Phase A, then Phase B, then Phase C, then Phase D, then Phase E, then Phase G and then Phase F) pursuant to Chapter 718.403, of the Florida Statutes, with the first Phase, i.e., Phase A, consisting of the real property legally described in Exhibit No. 1, attached hereto.

This Instrument prepared by:

Mark G. Langer
Mark G. Langer, P.A.
7000 S.W. 62nd Ave.
Suite 311
South Miami, FL 33143

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BY: G. SHERWOOD, D.C.

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Phase A, consists of the Units in the building and other improvements as shown and set forth in Exhibit No. 1, attached hereto. The Units in Phase A, of this Condominium shall own a fractional, undivided interest in the Common Elements and be responsible for a fractional share of the common expenses of this Condominium, as set forth in Exhibit No. 5, to this Declaration.

Should the Developer decide, in its sole discretion, to add Phase B, Phase C, Phase D, Phase E, Phase G and Phase F, to this Condominium; then Phase B, shall consist of the real property described in Exhibit No. 7, attached hereto; Phase C, shall consist of the real property described in Exhibit No. 9, attached hereto; Phase D, shall consist of the real property described in Exhibit No. 11, attached hereto; Phase E, shall consist of the real property described in Exhibit No. 13, attached hereto; Phase G, shall consist of the real property described in Exhibit No. 17, attached hereto; and Phase F, shall consist of the real property described in Exhibit No. 15, attached hereto. Should Phase B, Phase C, Phase D, Phase E, Phase G and Phase F, be added to this Condominium, then in such event, this Condominium shall consist of the Units in the buildings and other improvements as described and set forth in Exhibit No. 7, 9, 11, 13, 15 and 17 attached hereto. Phase A, consists of eight (8) Units; Phase B, if added, will consist of eight (8) Units; Phase C, if added, will consist of eight (8) Units; Phase D, if added, will consist of eight (8) Units; Phase E, if added, will consist of six (6) Units; Phase G, if added, will consist of eight (8) Units and Phase F, if added, will consist of eight (8) Units. If Phase B, is added to this Condominium, then each Unit in this Condominium, i.e., sixteen (16) Units, shall own a fractional, undivided interest in the Common Elements and be responsible for a fractional share of the common expenses of the Condominium as set forth in Exhibit No. 8. If Phase C, is added to this Condominium, then each Unit in this Condominium, i.e., twenty-four (24) Units, shall own a fractional, undivided interest in the Common Elements and be responsible for a fractional share of the common expenses of the Condominium as set forth in Exhibit No. 10. If Phase D, is added to this Condominium, then each Unit in this Condominium, i.e., thirty-two (32) Units, shall own a fractional, undivided interest in the Common Elements and be responsible for a fractional share of the common expenses of the Condominium as set forth in Exhibit No. 12. If Phase E, is added to this Condominium, then each Unit in this Condominium, i.e., thirty-eight (38) Units, shall own a fractional undivided interest in the Common Elements and be responsible for a fractional share of the common expenses of the Condominium as set forth in Exhibit No. 14. If Phase G, is added to this Condominium, then each Unit in this Condominium, i.e., forty-six (46) Units, shall own a fractional, undivided interest in the Common Elements and be responsible for a fractional share of the common expenses of the Condominium as set forth in Exhibit No. 16. If Phase F, is added to this Condominium, then each Unit in this Condominium, i.e., fifty-four (54) Units, shall own a fractional, undivided interest in the Common Elements and be responsible for a fractional

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share of the common expenses of the Condominium as set forth in Exhibit No. 18. The general size of the Units in Phase B, will be as reflected in Exhibit No. 7, attached hereto; the general size of the Units in Phase C, will be reflected in Exhibit No. 9, attached hereto; the general size of the Units in Phase D, will be as reflected in Exhibit No. 11, attached hereto; the general size of the Units in Phase E, will be as reflected in Exhibit No. 13, attached hereto; the general size of the Units in Phase G, will be as reflected in Exhibit No. 17, attached hereto; and the general size of the Units in Phase F, will be as reflected in Exhibit No. 15, attached hereto. If Phase B, Phase C, Phase D, Phase E, Phase G and Phase F, is added to this Condominium, the impact on the Condominium will be to increase the number of Units from eight (8) Units to a maximum of fifty-four (54) Units, and the number of persons who will be entitled to use the recreational facilities will also be increased accordingly. The further impact will be to increase the common expenses; however, the number of Units sharing the said costs will be increased as provided for above.

Each Unit in the Condominium is entitled to one (1) vote at any meeting of the Association as provided in Article VII, of this Declaration. If the Condominium consists of only Phase A, there will be eight (8) votes; if Phase B, is added to this Condominium, there will be sixteen (16) votes; if Phase C, is added to this Condominium, there will be twenty-four (24) votes; if Phase D, is added to this Condominium, there will be thirty-two (32) votes; if Phase E, is added to this Condominium, there will be thirty-eight (38) votes; if Phase G, is added to this Condominium, there will be forty-six (46) votes and if Phase F, is added to this Condominium, there will be fifty-four (54) votes.

Should the Developer, in its sole discretion, decide to construct and add the Units in Phase B, Phase C, Phase D, Phase E, Phase G and Phase F, to this Condominium, then upon substantial completion of the construction of the improvements, including the building to be added in each Phase, the Developer shall cause a surveyor, authorized to practice in the State of Florida, to prepare a survey of the Phase to be added and certify said survey, as required by and pursuant to the applicable provisions of Chapter 718, et seq. and Chapter 718.104(4)(e), of the Florida Statutes. This survey shall be attached to an amendment to this Declaration and the same shall be executed solely by the Developer and recorded in the Public Records of Lee County, Florida, together with such other exhibits relating thereto as the Developer determines, in its sole discretion, are necessary. Pursuant to Chapter 718.403, of the Florida Statutes, and the provisions of this Declaration, this amendment shall not be required to be executed by, nor consented to, by the Unit Owners, Condominium Association, nor the members thereof, nor the Owners or holders of any lien encumbering a Condominium Parcel or Unit Week in this Condominium.

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The recreational and other commonly used facilities of the condominium will consist of four (4) tennis courts, pool, pool deck, whirlpool, recreation room, office building and maintenance building. Two (2) tennis courts, pool and pool deck, whirlpool and recreation room will be located on Phase A and will be constructed simultaneously with the eight (8) Unit building to be located on Phase A. The office building will be located on Phase A and will only be constructed, if the Developer decides in its sole discretion, to add Phase C to this Condominium. The maintenance building will be located on Phase A and will only be constructed, if the Developer decides in its sole discretion, to add Phase F, to this Condominium. Two (2) tennis courts will be located on Phase G and will only be constructed, if the Developer decides in its sole discretion, to add Phase G to this Condominium.

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Nothing contained in this Article XXIII, shall be construed as requiring the Developer to construct the additional Condominium Units and buildings referred to herein and add the same to this Condominium. However, in the event the Developer determines to add one or more phases to the Condominium, such phase or phases must be added to the Condominium not later than seven (7) years from the date of recording of the Declaration in the Public Records of Lee County, Florida.

TIME SHARE ESTATES, AS DEFINED IN SECTION 718.103(19), OF THE FLORIDA STATUTES, WILL, OR MAY BE CREATED WITH RESPECT TO UNITS IN PHASE B, PHASE C, PHASE D, PHASE E, PHASE G AND PHASE F, OF THIS CONDOMINIUM.

The Developer has committed for Phase A, the minimum sum of Five Thousand Two Hundred (\$5,200.00) dollars, to purchase personal property for the Common Elements of the Condominium. The Developer has committed, for each additional phase which is added to this Condominium, the minimum sum of eight hundred (\$800.00) dollars, per phase, to purchase personal property for the Common Elements of the Condominium, pursuant to this Article XXIII. The Developer has committed the minimum sum of ten thousand (\$10,000.00) dollars, per Unit, to purchase personal property for each Unit committed to Interval Ownership in Phase A, of this Condominium and the sum of ten thousand (\$10,000.00) dollars, per Unit, for each Unit committed to Interval Ownership in any subsequent phase which is added to this Condominium. The Developer shall only be required to purchase such personal property for the Common Elements of the Condominium and each Condominium Unit committed to Interval Ownership in a subsequent phase if that subsequent phase is added to this Condominium.

2.) Exhibit No. 15 of the Declaration, containing the proposed Phase F Surveyor's plat and floor plan, is hereby amended to include the proposed Surveyor's plat and floor plan contained in Exhibit "A" attached hereto and made a part hereof by reference, and the proposed Phase F Surveyor's plat and floor plan contained in Exhibit "A" shall be substituted for and replace the original proposed Phase F Surveyor's plat and floor plan as contained in Exhibit No. 15 to the Declaration, and be made a part of the Declaration, just as fully as if incorporated in and filed with the Declaration in the first instance.

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3.) Exhibit No. 17 of the Declaration, containing the proposed Phase G Surveyor's plat and floor plan, is hereby amended to include the proposed Surveyor's plat and floor plan contained in Exhibit "B" attached hereto and made a part hereof by reference, and the proposed Phase G Surveyor's plat and floor plan contained in Exhibit "B" shall be substituted for and replace the original proposed Phase G Surveyor's plat and floor plan as contained in Exhibit No. 17 to the Declaration, and be made a part of the Declaration, just as fully as if incorporated in and filed with the Declaration in the first instance.

4.) In all other respects the Declaration shall remain unchanged.

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 had 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 7 day of March, 1986.

Signed, sealed and delivered in the presence of:

MARAND, LTD., a Florida Limited Partnership

BY: MARINER PROPERTIES, INC., a Florida corporation, General Partner

By: Robert M. Taylor, President

Wicki S. Vargo
Wicki S. Vargo

(Corporate Seal)

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 Robert M. Taylor, 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 7 day of March, 1986.

J. Hannah P. [Signature] (SEAL)
Notary Public, State
of Florida

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES FEB 13 1987
BONDED THRU GENERAL INSURANCE UND

(Notary Seal)

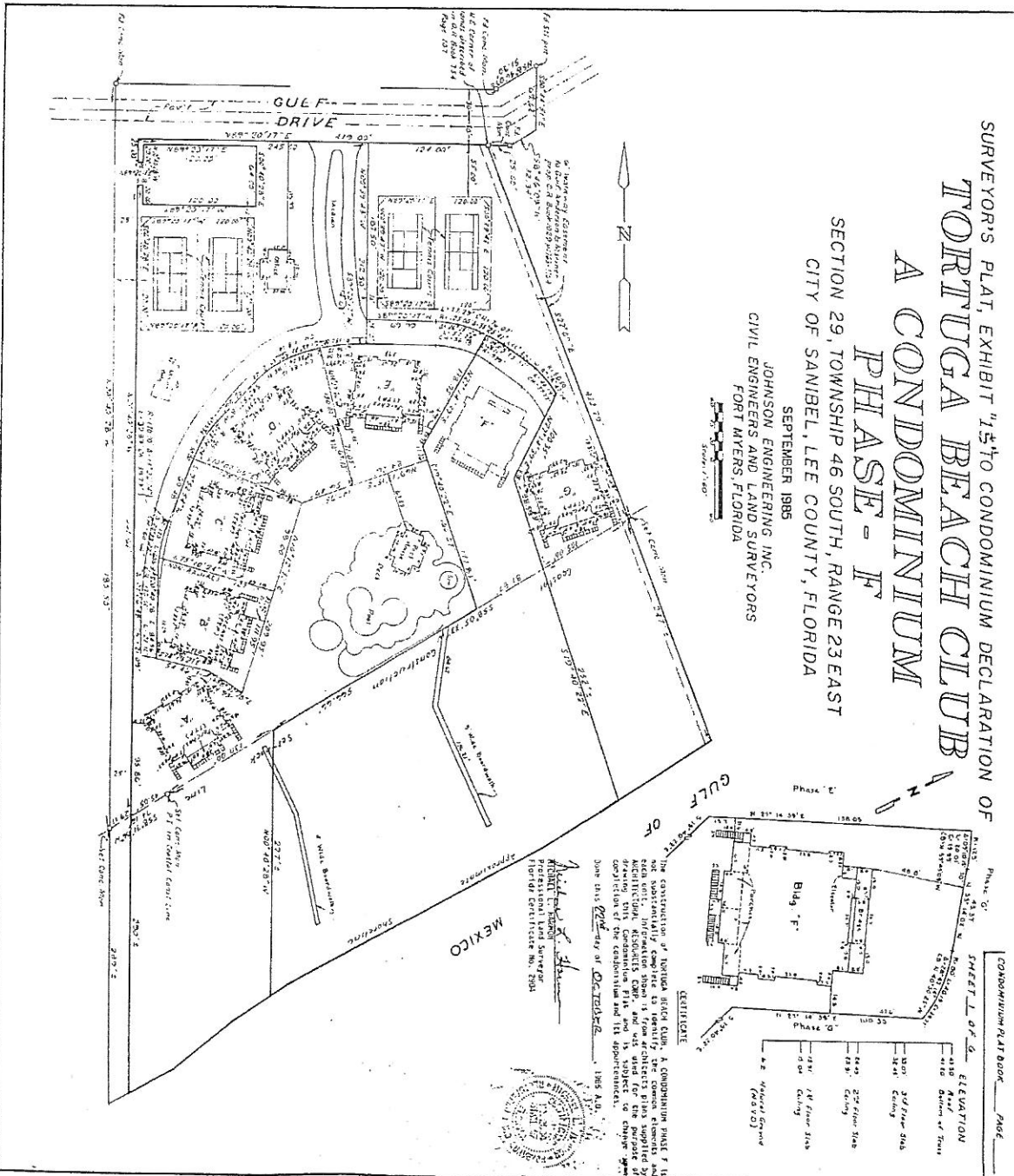
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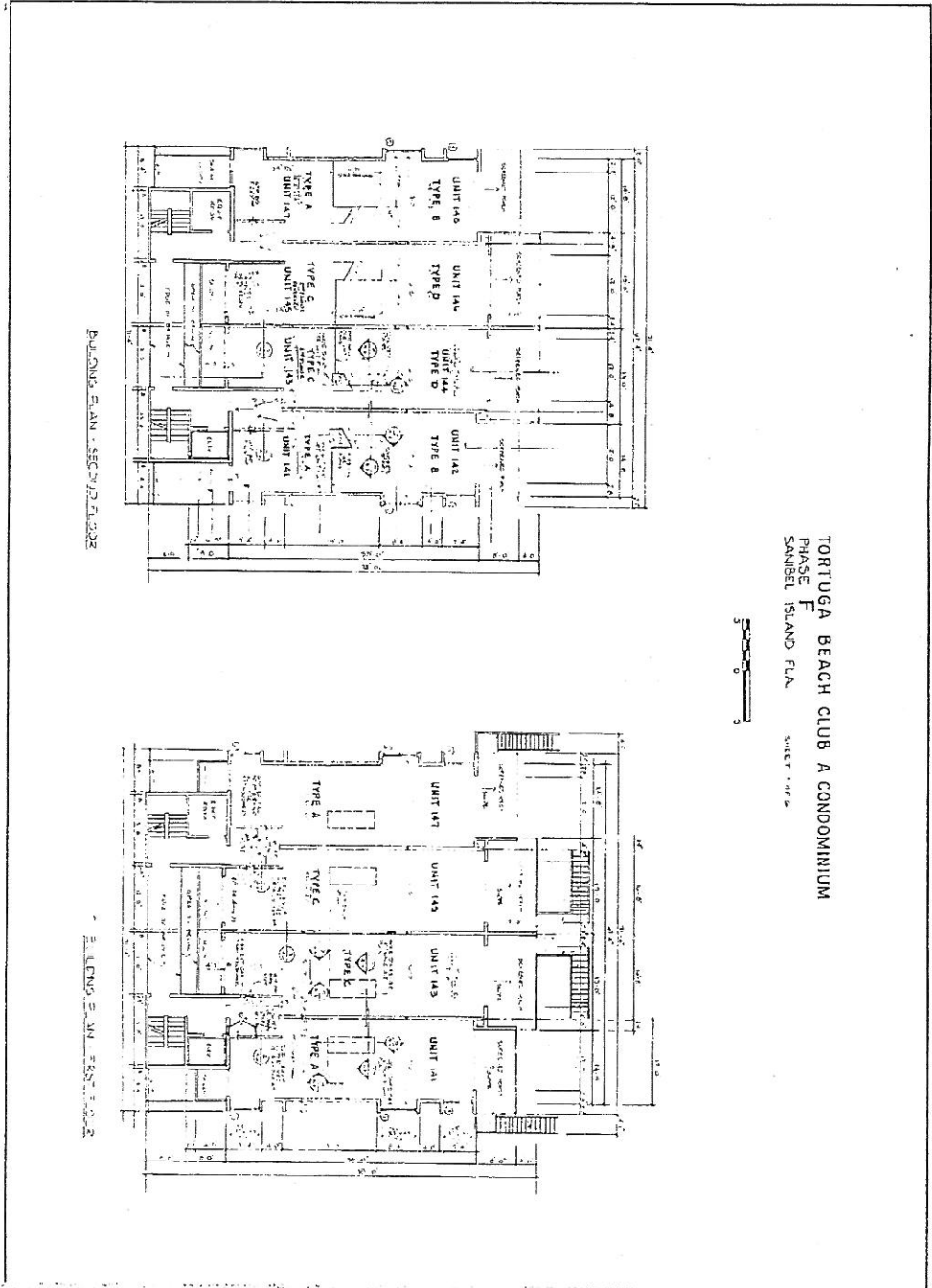
EXHIBIT A

SURVEYOR'S PLAT, EXHIBIT "15" TO CONDOMINIUM DECLARATION OF
TORRUGA BEACH CLUB
A CONDOMINIUM
PHASE - F'
 SECTION 29, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 CITY OF SANIBEL, LEE COUNTY, FLORIDA

JOHNSON ENGINEERING INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 FORT MYERS, FLORIDA

SEPTEMBER 1985

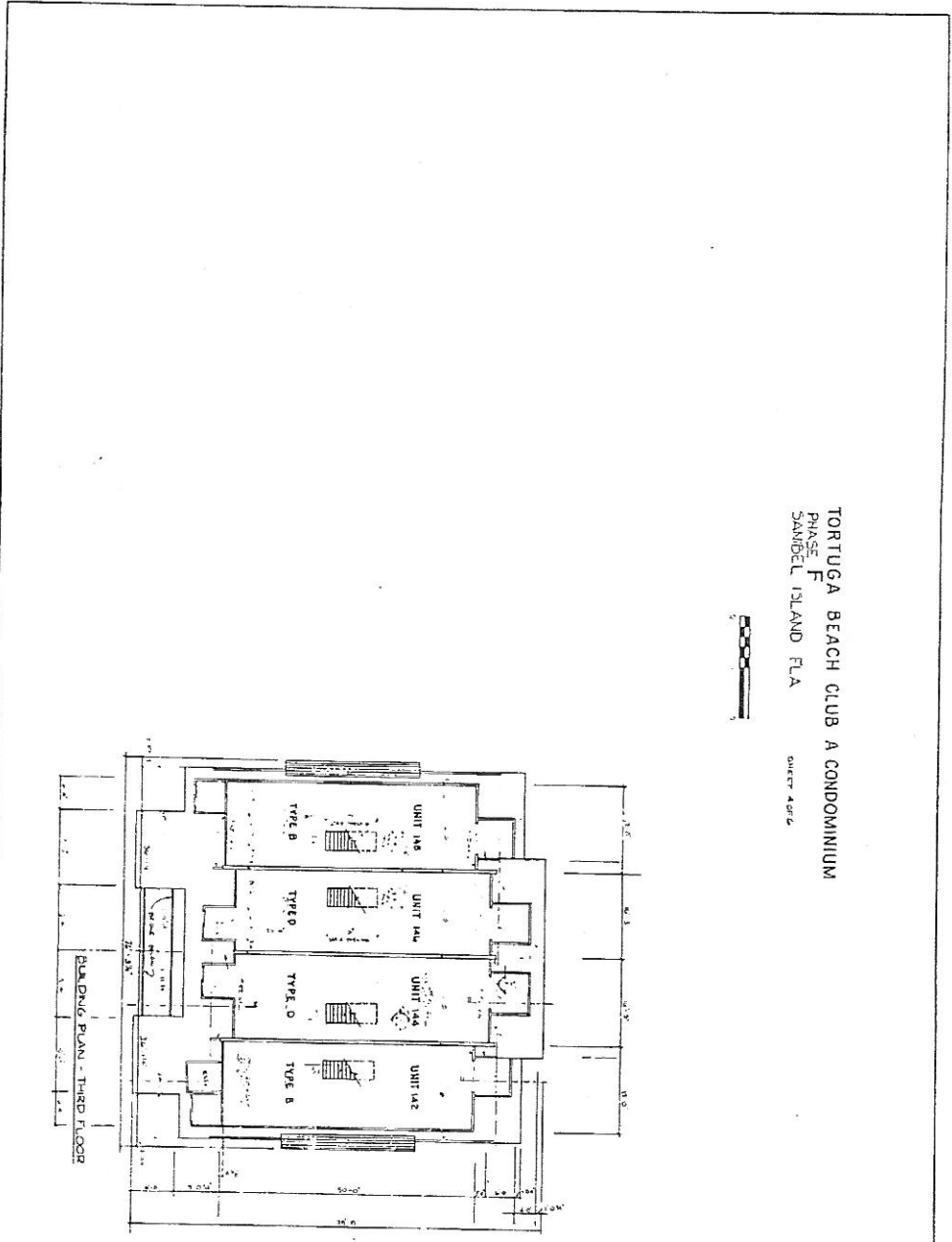




TORTUGA BEACH CLUB A CONDOMINIUM
 PHASE F
 SANIBEL ISLAND FLA. SHEET 1 OF 2



A2	AR	1ST & 2ND FLOOR BUILDING PLAN	15401 MCGREGOR BLVD FORT MYERS FLORIDA 33908 TEL (813) 462-2222
		TORTUGA BEACH CLUB PHASE F SANIBEL ISLAND FLORIDA	

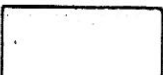


TORTUGA BEACH CLUB A CONDOMINIUM
 PHASE F
 SANIBEL ISLAND FLA
 SHEET 407C

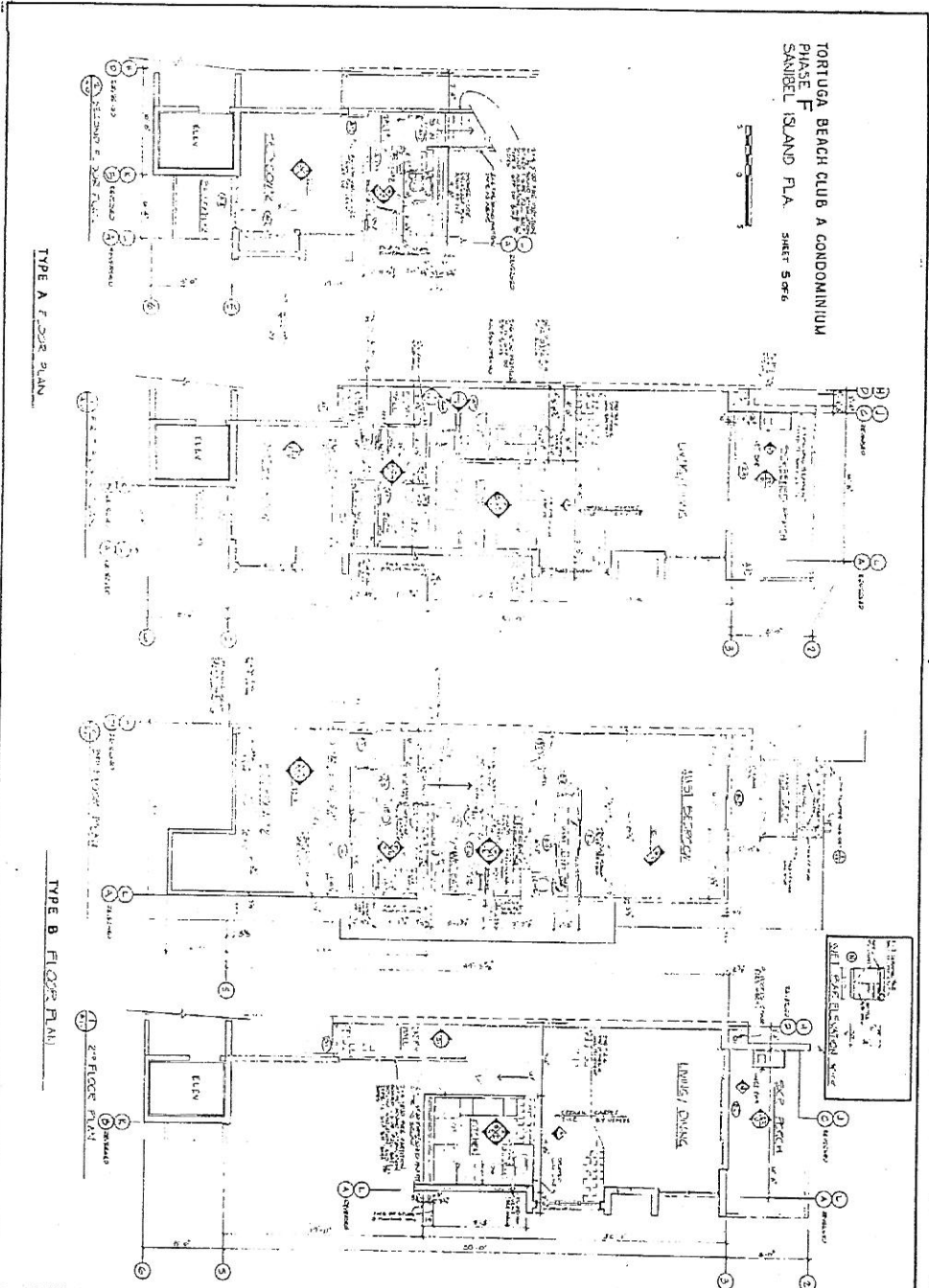
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3RD FLOOR & ROOF BUILDING PLAN
 TORTUGA BEACH CLUB PHASE F
 SANIBEL ISLAND FLORIDA

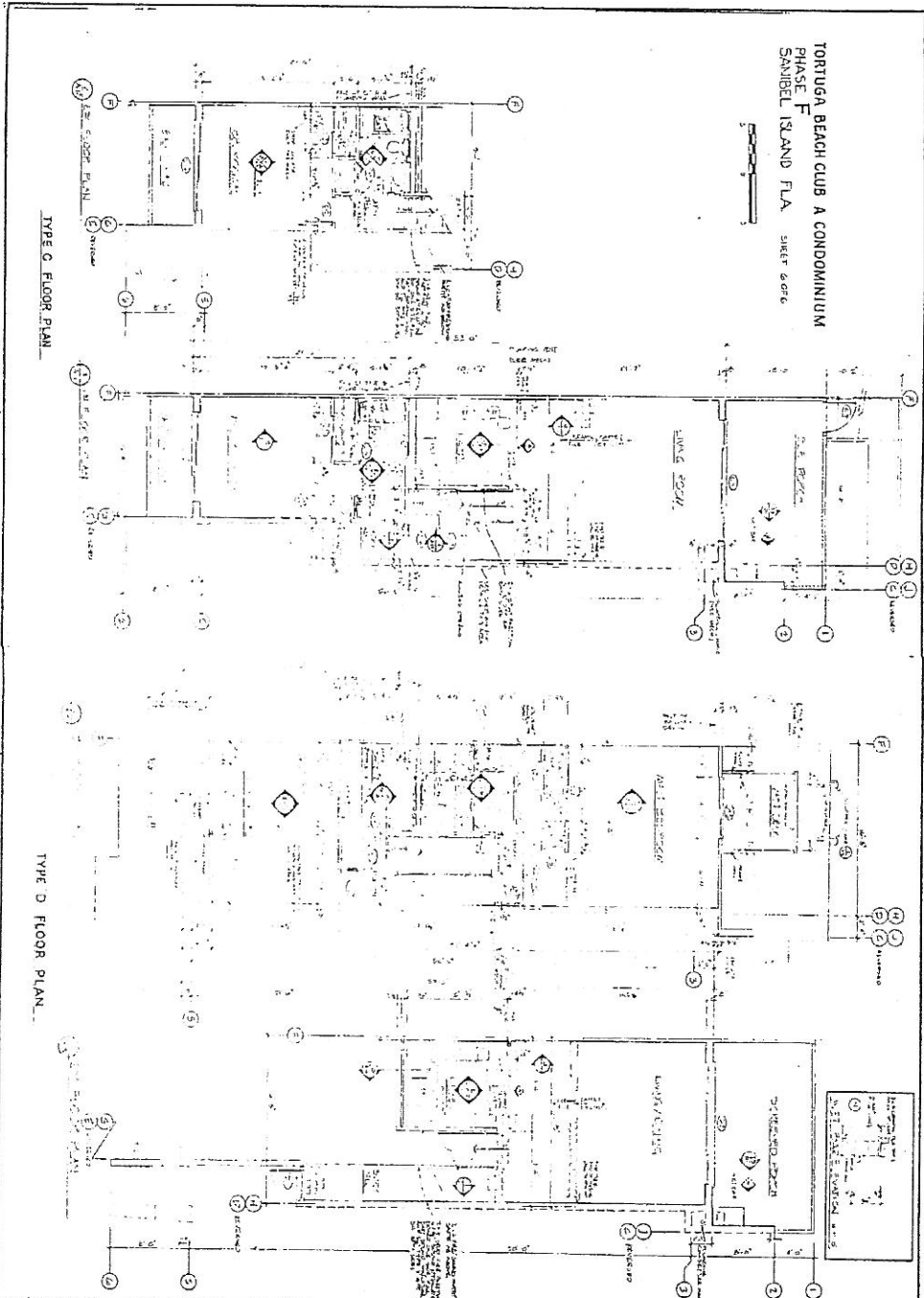


REVISIONS
 11/10/82



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


ARCHITECTURAL RESOURCES CORPORATION 1501 W. GREGOR BLVD. FORT MYERS FLORIDA 33908 TEL: (813) 938-2800



TORTUGA BEACH CLUB A CONDOMINIUM
 PHASE F
 SANIBEL ISLAND FLA. SHEET 6016

TYPE G FLOOR PLAN

TYPE D FLOOR PLAN

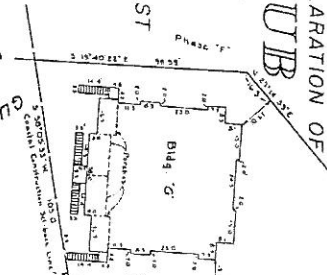
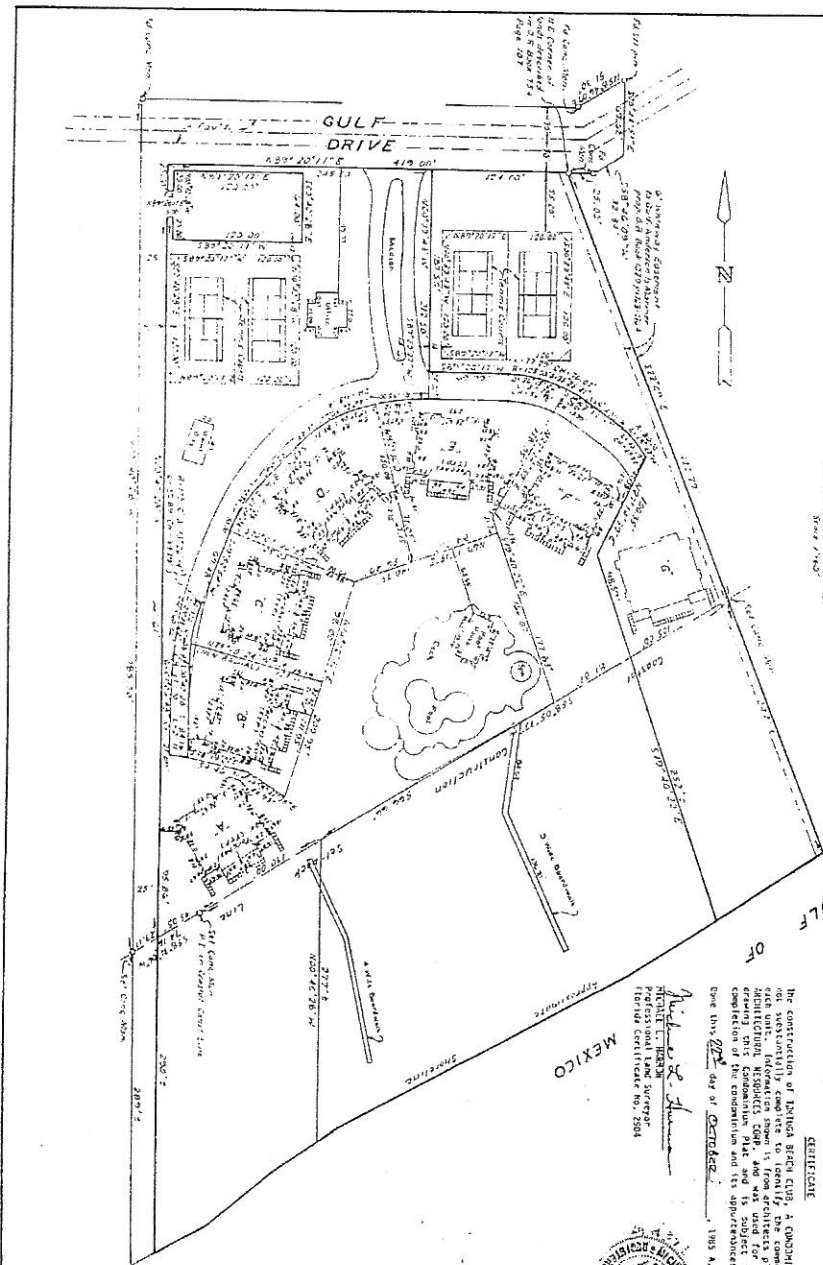

 UNIT D PLANS ELEVATIONS SCHEDULES
TORTUGA BEACH CLUB PHASE F
 SANIBEL ISLAND FLORIDA

REC-331231

EXHIBIT B

SURVEYOR'S PLAT, EXHIBIT "17" TO CONDOMINIUM DECLARATION OF
TORTUGA BEACH CLUB
A CONDOMINIUM
PHASE - G
 SECTION 29, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 CITY OF SANIBEL, LEE COUNTY, FLORIDA

SEPTEMBER 1985
 JOHNSON ENGINEERING INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 FORT MYERS, FLORIDA



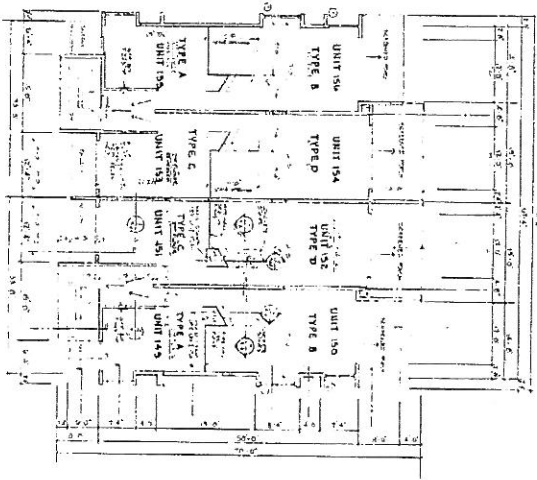
CERTIFICATE
 The construction of TORTUGA BEACH CLUB, A CONDOMINIUM PHASE G is not substantially complete to identify the common elements and additional construction items from those architects plans supplied by the architect. Therefore, the Surveyor is unable to certify the accuracy of the Condominium Plat and is subject to change upon completion of the condominium and its improvements.
 Executed this 27th day of September, 1985 A.D.
 [Signature]
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 2504



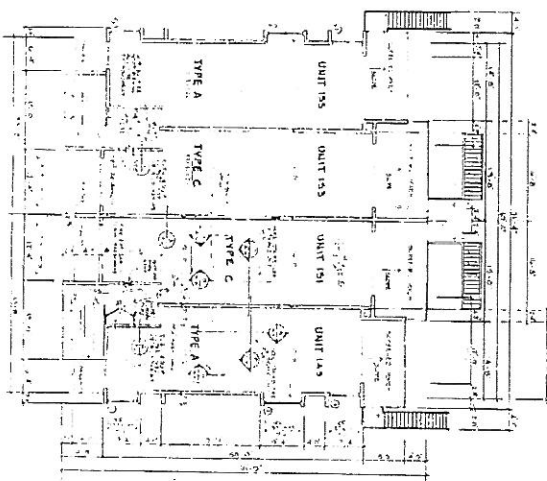
CONDOMINIUM PLAT BOOK PAGE

SHEET	NO. OF S.	ELEVATION
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3	140	3rd Floor
4	141	4th Floor
5	142	5th Floor
6	143	6th Floor
7	144	7th Floor
8	145	8th Floor
9	146	9th Floor
10	147	10th Floor
11	148	11th Floor
12	149	12th Floor
13	150	13th Floor
14	151	14th Floor
15	152	15th Floor
16	153	16th Floor
17	154	17th Floor
18	155	18th Floor
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20	157	20th Floor
21	158	21st Floor
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27	164	27th Floor
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32	169	32nd Floor
33	170	33rd Floor
34	171	34th Floor
35	172	35th Floor
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38	175	38th Floor
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40	177	40th Floor
41	178	41st Floor
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92	229	92nd Floor
93	230	93rd Floor
94	231	94th Floor
95	232	95th Floor
96	233	96th Floor
97	234	97th Floor
98	235	98th Floor
99	236	99th Floor
100	237	100th Floor

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



BUILDING PLAN - SECOND FLOOR

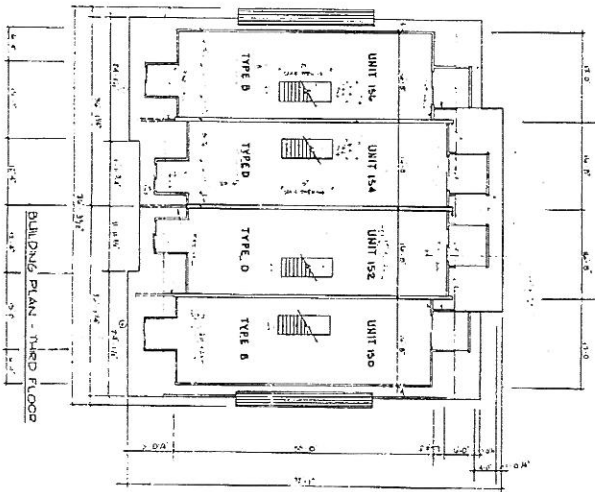


BUILDING PLAN - FIRST FLOOR

AR	AR	1ST & 2ND FLOOR BUILDING PLAN		4/10/12
		TORTUGA BEACH CLUB PHASE G		
ARCHITECTURAL RESOURCES CORPORATION		SANIBEL ISLAND FLORIDA		15401 MCGREGOR BLVD FORT MYERS FLORIDA 33908 TEL (813) 402-2222

TORTUGA BEACH CLUB A CONDOMINIUM
PHASE G
SANIBEL ISLAND FLA

SHEET 4016



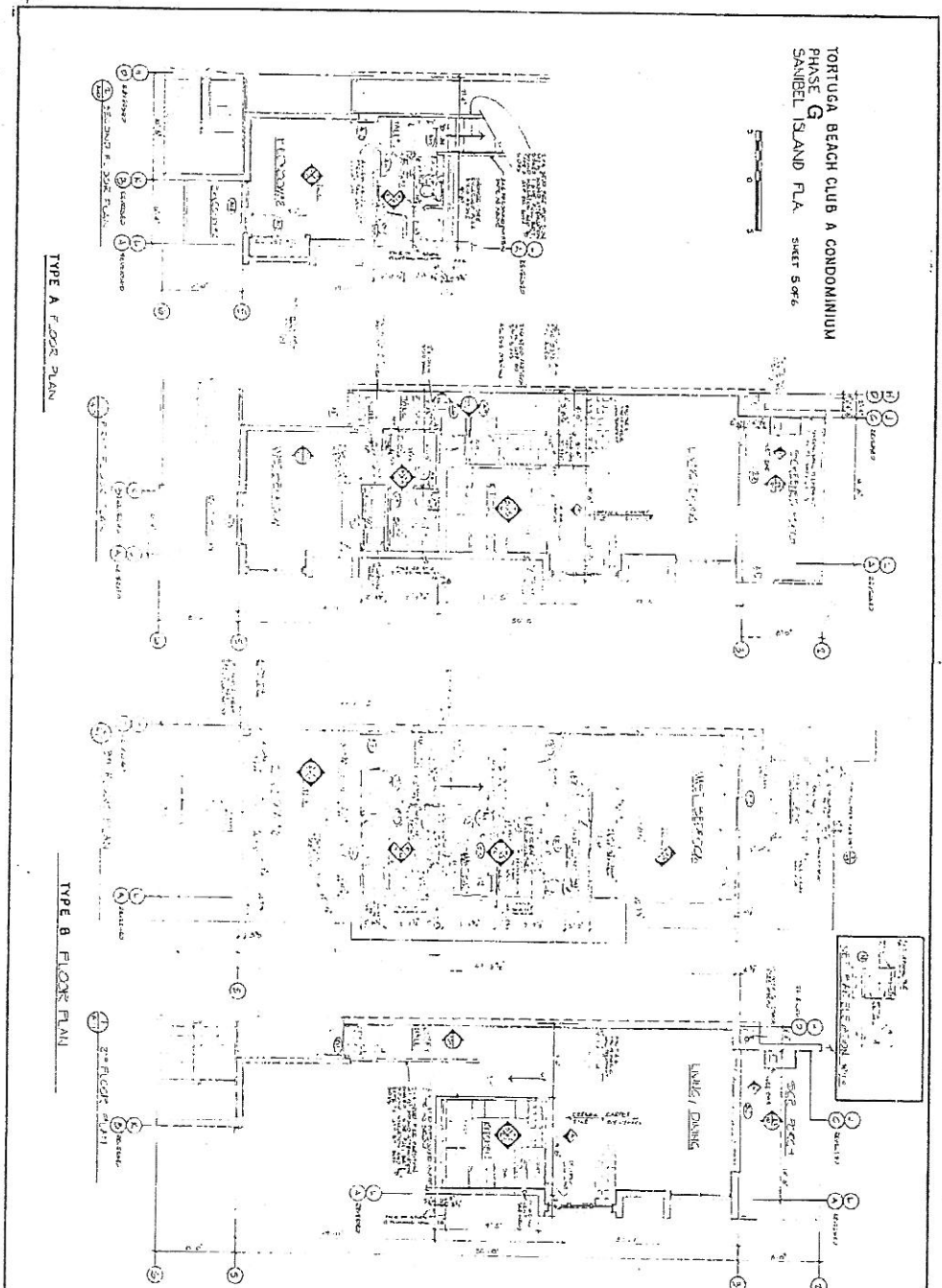
BUILDING PLAN - THIRD FLOOR

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3RD FLOOR & ROOF BUILDING PLAN
TORTUGA BEACH CLUB PHASE G
SANIBEL ISLAND FLORIDA

REVISIONS
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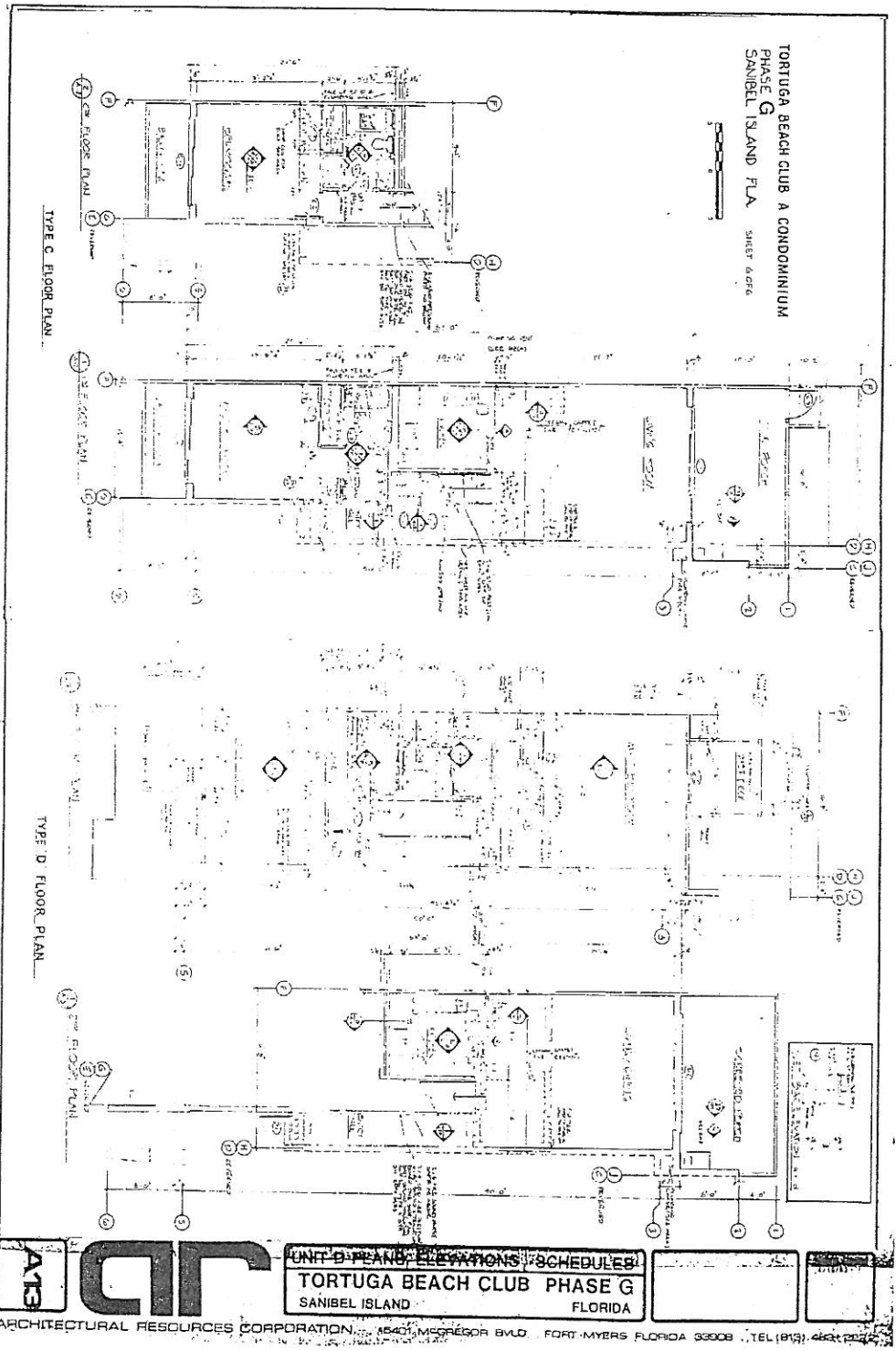
CHIEF CLERK
CLERK OF CIRCUIT COURT

John J. Green

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RECORDS SECTION
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CONDOMINIUM PLATBOOK PAGE

AR 113
 UNIT D BEANS ELEVATIONS SCHEDULE B
TORTUGA BEACH CLUB PHASE G
 SANIBEL ISLAND FLORIDA
 ARCHITECTURAL RESOURCES CORPORATION, 15401 W. SPRING BLD., FORT MYERS, FLORIDA 33908, TEL (813) 461-1234