

This instrument was prepared
after recording return to:
Steven M. Falk, Esq. - Falk Law Firm, P.A.
7400 Tamiami Trail North, Suite 103
Naples, Florida 34108
(239) 596-8400

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made on the day and year set forth below by **PULTE HOME COMPANY, LLC**, a Michigan limited liability company, successor by conversion of Pulte Home Corporation, a Michigan corporation, whose post office address is 24311 Walden Center Drive, Suite 300, Bonita Springs, FL 34134 (the "Developer") and shall, unless the context clearly indicates otherwise, include the Developer's successors, assigns, grantees and all future owners of any portion of the real property described in Exhibit "A" attached hereto and incorporated herein (the "Property").

The Developer hereby declares that within the Property, the following restrictions apply:

1. **Occupancy.** Subject to all local ordinances, as they may be amended from time to time, at least eighty percent (80%) of the occupied dwelling units in the Property must be occupied by at least one (1) person fifty-five (55) years of age or older. It shall be the responsibility of the Developer to determine whether eighty percent (80%) of the occupied dwelling units in the Property are occupied by at least one (1) person who is fifty-five (55) years of age or older.
2. **Restriction on Occupants under the Age of Eighteen.** No persons under the age of nineteen (19) may be a permanent occupant of any dwelling unit, except that persons under the age of nineteen (19) may be permitted to visit and temporarily reside for periods not to exceed thirty (30) days in total in any calendar year. Notwithstanding anything to the contrary set forth herein, the restriction that no person under the age of nineteen (19) years may be a permanent occupant of any dwelling unit shall be in perpetuity and shall not be subject to amendment.
3. **Consistency with the Fair Housing Act.** This Declaration of Restrictions is intended specifically to be consistent with, and is set forth in order to comply with the provisions of the Federal Fair Housing Act (the "Act"), and exceptions therefrom provided by 42 U.S.C., Section 3607, regarding discrimination based on familial status, and, except as otherwise provided in Section 5 below, may be amended at any time if so permitted by the Act. Notwithstanding anything to the contrary, the Developer shall have the sole right, but not the obligation, to allow no more than twenty (20%) of the dwelling units on the Property to be permanently occupied by persons who are under fifty-five (55) years of age or older but who are nineteen (19) years of age or older; provided, such occupancy does not violate the Act.

4. **Lee County Rights of Enforcement.** Lee County (the "County") shall have the right, but not the obligation, to take enforcement action, at law or in equity, against the Developer to compel it to correct any non-compliance with the terms and provisions set forth in this Declaration of Restrictions and/or to prevent the violation or breach of the terms and provisions set forth in this Declaration of Restrictions; provided, however, the failure of Lee County to enforce the provisions of this Declaration of Restrictions shall not be deemed or construed as a waiver of such right or of the right to thereafter enforce the provisions of this Declaration of Restrictions, and no waiver of any non-compliance with the provisions of this Declaration of Restrictions shall be held to constitute a waiver of any other or subsequent breach or non-compliance.
5. **Amendment.** For a period of not less than thirty (30) years, no revocation or amendment affecting this Declaration of Restrictions shall be made or be effective unless notice of such revocation or amendment is delivered to the County, and such revocation or amendment receives the prior written consent of the County.
6. **Construction.** Whenever the context so permits or requires, the use of the singular shall include the plural, the plural shall include the singular, and the use of any gender shall be deemed to include all genders.
7. **Severability.** Invalidation of any one of these covenants, restrictions, or conditions by judgement or Court order shall in no way effect any other provision, which shall remain in full force and effect.
8. **Binding Effect.** This Declaration of Restrictions shall be binding upon and inure to the benefit of the Developer and County, their respective successors, assigns, and grantees, and all future owners of any portion of the Property, and any and all persons claiming by, through, or under any of said parties. All rights, privileges, benefits and burdens created herein shall be deemed to touch and concern the land as covenants running with title to the Property.
9. **Effective Date.** This Declaration of Restrictions shall become effective upon recordation in the Public Records of Lee County, Florida.

[Signatures continue on the following page]

Witnesses:

PULTE HOME COMPANY, LLC, a Michigan limited liability company, successor by conversion of Pulte Home Corporation, a Michigan corporation

Pamela S. Kraft
Witness Name: Pamela S. Kraft

By: Scott Brooks

Its: Director-Land Development
Southwest Florida Division

Cynthia Diekelmann
Witness Name: Cynthia Diekelmann

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 27 day of April, 2022, by () physical presence or () online notarization, by Scott Brooks, as Director-Land Development, Southwest Florida Division of Pulte Home Company, LLC, a Michigan limited liability company, successor by conversion of Pulte Home Corporation, a Michigan corporation. He is personally known to me.

(SEAL)

Cynthia Diekelmann
NOTARY PUBLIC
Name: Cynthia Diekelmann
(type or print)
My Commission Expires: 8/6/2025

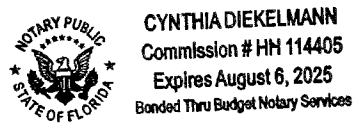


EXHIBIT "A"**DESCRIPTION**

Parcel in
Sections 17, 19 and 20, Township 43 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Sections 17, 19 and 20, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southwest corner said Section 17 run $N00^{\circ}06'34''W$ along the West line of the Southwest Quarter (SW 1/4) of said Section 17 for 1,802.86 to an intersection with the Southwesterly line of the Seaboard Coast Line Railroad as described in Deed Book 17, Pages 248 and 249, Lee County Records; thence run $S45^{\circ}46'33''E$ along said Southwesterly line for 4,463.79 feet to an intersection with the South line of the Northwest quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 20; thence run $N89^{\circ}35'12''E$ along the South line of said Fraction for 14.23 feet to an intersection with the Westerly line of the Seaboard Coast Line Railroad, as described in Deed Book 12, Page 490, Lee County Records; thence run $S45^{\circ}46'33''E$ along said Westerly line for 1,076.58 feet to the Northerly most corner of lands described in deed recorded in Instrument Number 2016000122654, Lee County Records; thence run along the Northerly and Westerly line of said lands the following Twenty (20) courses: $S48^{\circ}02'19''W$ for 69.87 feet; $S73^{\circ}42'23''W$ for 58.90 feet; $S63^{\circ}11'42''W$ for 185.80 feet; $S12^{\circ}27'53''E$ for 47.23 feet; $S06^{\circ}44'59''E$ for 184.93 feet; $S17^{\circ}33'46''E$ for 175.53 feet; $S33^{\circ}08'01''E$ for 172.66 feet; $S13^{\circ}10'35''E$ for 191.90 feet; $S02^{\circ}58'19''E$ for 101.11 feet; $S28^{\circ}41'23''E$ for 101.26 feet; $S06^{\circ}56'00''E$ for 65.29 feet; $S04^{\circ}34'47''E$ for 104.84 feet; $S01^{\circ}27'18''E$ for 68.32 feet; $S03^{\circ}53'00''W$ for 59.94 feet; $S15^{\circ}47'36''E$ for 66.07 feet; $S35^{\circ}27'33''E$ for 91.88 feet; $S43^{\circ}34'35''E$ for 56.55 feet; $S66^{\circ}01'27''E$ for 97.77 feet; $S61^{\circ}09'48''E$ for 63.94 feet and $S27^{\circ}45'14''E$ for 127.65 feet to an intersection with an Easterly line of lands described in Official Record Book 3718, Page 4367, Lee County Records; thence run $S00^{\circ}14'42''W$ along said Easterly line for 123.18 feet to a point on a non-tangent curve and an intersection with the Northerly right of way line of Bayshore Road (State Road No. 78) as shown on F.D.O.T. Right of Way Map, Section No. 12060-2535; thence run Southwesterly along an arc of curve to the left of radius 2,914.79 feet ($\Delta 44^{\circ}22'33''$) (chord bearing $S68^{\circ}05'36''W$) (chord 2,201.51 feet) for 2,257.52 feet to an intersection with the Westerly line of lands described in Official Record Book 1833, Page 1188 Lee County Records; thence run $N44^{\circ}05'41''W$ along said Westerly line for 2,874.75 feet to an intersection with South line of the Northwest Quarter (NW 1/4) of said Section 20; thence run $S89^{\circ}35'46''W$ along the South line of said Fraction for

293.86 feet to the West Quarter corner of said Section 20; thence run $S00^{\circ}10'14''E$ along the East line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19 for 1,335.96 feet to the Southeast corner of said Fraction; thence run $S89^{\circ}02'55''W$ along the South line of said Fraction for 298.24 feet to an intersection with the centerline of Williams Road; thence run $N43^{\circ}43'44''W$ along said centerline for 168.94 feet to a point of curvature; thence continuing along said centerline run Northwesterly along the arc of said curve to the right of radius 3,125.43 feet (delta $04^{\circ}17'59''$) (chord bearing $N41^{\circ}34'45''W$) (chord 234.49 feet), for 234.55 feet to a point of tangency; thence continuing along said centerline run $N39^{\circ}25'45''W$ for 1,190.43 feet to an intersection with the West line of said Fraction; thence run $N00^{\circ}11'23''E$ along said West line for 101.73 feet to the Northwest corner of said Fraction; thence run $N00^{\circ}32'23''E$ along the West line of the East Half (E 1/2) of the Northeast Quarter of said Section 19 for 2,652.91 feet to the Northwest corner of said Fraction; thence run $N88^{\circ}20'13''E$ along the North line of the Northeast quarter (NE 1/4) of said Section 19 for 1,322.60 feet to the POINT OF BEGINNING.
Containing 446.37 acres, more or less.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

PARCEL 1:

COMMENCING at the West Quarter corner of said Section 20 run $N89^{\circ}35'46''E$ along the North line of the South Half (S 1/2) of said Section 20 for 2,714.09 feet; thence run $S00^{\circ}24'14''E$ for 72.15 feet to the POINT OF BEGINNING.
From said Point of Beginning run $S63^{\circ}48'34''E$ for 360.87 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the right of radius 790.00 feet (delta $78^{\circ}10'17''$) (chord bearing $S24^{\circ}43'26''E$) (chord 996.16 feet) for 1,077.84 feet to a point of compound curvature; thence run Southwesterly along an arc of a curve to the right of radius 132.00 feet (delta $23^{\circ}44'52''$) (chord bearing $S26^{\circ}14'09''W$) (chord 54.32 feet) for 54.71 feet to a point of reverse curvature; thence run Southwesterly along an arc of a curve to the left of radius 268.00 feet (delta $20^{\circ}16'46''$) (chord bearing $S27^{\circ}58'11''W$) (chord 94.36 feet) for 94.86 feet to a point of tangency; thence run $S17^{\circ}49'48''W$ for 129.02 feet; thence run $S19^{\circ}12'35''E$ for 35.00 feet to a point on a non-tangent curve and an intersection with the Northwesterly right of way line of Bayshore Road (State Road No. 78) (F.D.O.T. Right of Way Map, Section No. 12060-2535); thence run Southwesterly along said Northwesterly right of way line along an arc of a curve to the left of radius 2,914.79 feet (delta $13^{\circ}37'06''$) (chord bearing $S63^{\circ}53'00''W$) (chord 691.17 feet) for 692.80 feet; thence run $N30^{\circ}15'33''W$ along a non-tangent line for 551.19 feet to a point of curvature; thence run Northerly along an arc of a curve to the right of radius 526.00 feet (delta $56^{\circ}07'01''$) (chord bearing $N02^{\circ}12'02''W$) (chord 494.83 feet) for 515.18 feet to a point of tangency; thence run $N25^{\circ}51'28''E$ for 58.54 feet; thence run $N19^{\circ}13'32''E$ for 420.02 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the right of radius 40.00 feet (delta $57^{\circ}30'05''$) (chord bearing $N47^{\circ}58'35''E$) (chord 38.48 feet) for 40.14 feet to a point of tangency; thence run $N76^{\circ}43'37''E$ for 19.29 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 30.00 feet (delta $90^{\circ}37'10''$) (chord bearing

N31°25'02"E) (chord 42.66 feet) for 47.45 feet to a point of reverse curvature; thence run Northerly along an arc of a curve to the right of radius 167.50 feet (delta 40°04'59") (chord bearing N06°08'56"E) (chord 114.80 feet) for 117.18 feet to a point of tangency; thence run N26°11'26"E for 62.12 feet to the POINT OF BEGINNING. Containing 27.88 acres, more or less.

PARCEL 2:

COMMENCING at the East Quarter Corner of said Section 20 run S89°35'46"W along the North line of the Southeast Quarter (SE 1/4) of said Section 20 for 1311.01 feet; thence run S00°24'14"E for 960.20 feet to the Point of Beginning.

From said Point of Beginning run S00°00'42"W for 65.82 feet; thence run S40°26'55"E for 197.36 feet; thence run S04°13'23"E for 101.10 feet to a point on a non-tangent curve and an intersection with the Northerly right of way line of Bayshore Road (State Road No. 78) as shown on F.D.O.T. Right of Way Map, Section No. 12060-2535; thence run westerly along said Northerly right of way line and along an arc of a curve to the left of radius 2,914.79 feet (delta 11°49'24") (chord bearing S79°51'55"W) (chord 600.42 feet) for 601.49 feet to a point of reverse curvature; thence leaving said Northerly right of way line run northwesterly along an arc of a curve to the right of radius 50.00 feet (delta 131°24'24") (chord bearing N40°20'35"W) (chord 91.14 feet) for 114.67 feet to a point of reverse curvature; thence run northerly along an arc of a curve to the left of radius 850.00 feet (delta 24°37'18") (chord bearing N13°02'58"E) (chord 362.47 feet) for 365.27 feet; thence run S89°59'18"E along a non-tangent line for 432.74 feet to the Point of Beginning. Containing 4.54 acres, more or less.

Containing a net area of 413.95 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD1983)(NSRS 2011) and are based on the North line of the Northeast quarter (NE 1/4) of said Section 19 to bear N88°20'13"E.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper

Florida Certificate No. 5949