2557546 OR: 2612 PG: 1298
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
11/17/1999 at 12:13PM DWIGHT E. BROCK, CLERK
REC FEE 46.50
Retn:
PROGRESSIVE TITLE INC
2426 BEE RIDGE RD #2
SARASOTA FL 34239

NOT A CERTIFIED COPY

This instrument prepared by:
John Patterson
Livingston, Patterson, Strickland & Weiner, P.A.
46 N. Washington Blvd., #1
Sarasota, Florida 34236
(941) 365-0550

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF YACHT HARBOUR COVE AT WINDSTAR II

KNOW ALL MEN BY THESE PRESENTS, that SOUTHERN POINTE, INC., a Florida corporation, hereinafter called Developer, does hereby amend the Declaration of Condominium of Yacht Harbour Cove at Windstar II, a condominium, recorded in O.R. Book 2602, Page 1172 of the Public Records of Collier County, Florida, pursuant to the provisions of paragraph 5.3 of the Declaration, and pursuant to Section 718.403, Florida Statutes, for the purpose of adding additional phases to said condominium.

1. Phase Added. Phase 2 is hereby added to Yacht Harbour Cove at Windstar II, a condominium. The property and units included in Phase 2 are described in Exhibit A to this First Amendment.

2. Condominium Plat Amended. The condominium plat (survey of the land and plot plan) of Yacht Harbour Cove at Windstar II, a condominium, recorded in Plat Book 22, Pages 52 and 53 of the

Public Records of Collier County, is hereby amended by adding to it the First Amended Plat of Yacht Harbour Cove at Windstar II, a condominium, attached hereto as Exhibit B.

3. Merger of Common Elements. The common elements of Phase 2, which are added to Yacht Harbour Cove at Windstar II, a condominium, by this amendment, shall merge with the common elements of Phase 1 and shall become a part of one condominium known as Yacht Harbour Cove at Windstar II.

4. Ownership of Common Elements and Sharing Common Expenses.

Paragraph 7.1 of the Declaration is hereby amended to read as follows:

7.1. Fractional Ownership and Shares. The ownership of each Unit shall include an undivided fractional interest in the land and other common elements as defined in Section 718.108 of the Florida Statutes and an undivided fractional share of the common surplus. Each Unit in Yacht Harbour Cove at Windstar II, a Condominium, shall be attributed a one-eighth (1/8) fractional interest and share. Each Unit's fractional interest shall be a fraction the numerator of which is one (1) and the denominator of which shall be the number of units submitted to the condominium.

5. Voting Rights. All persons owning a vested present interest in the fee title to any of the units in Phase 2 of Yacht Harbour Cove at Windstar II, a condominium, shall automatically be members of Yacht Harbour Cove at Windstar Condominium II Association, Inc. in accordance with the terms and provisions of the Declaration of Condominium. Each unit in Phase 2 shall be entitled to a number of votes equal to the percentage of its undivided share of ownership in the common elements as provided in the amended Paragraph 7.1 to the Declaration set forth above at association meetings notwithstanding that the same owner may own more than one unit or that units may be joined together and occupied by one owner.

6. Binding Effect. All provisions of this amendment and the First Amended Plat shall be enforceable as equitable servitudes and shall run with the land and shall be in full force and effect until a particular provision is duly amended or until the Declaration is duly revoked and terminated. Except as otherwise provided herein, the terms and provisions of the original Declaration of Condominium of Yacht Harbour Cove at Windstar II, a condominium, as amended, shall remain in full force and effect.

NOT OFFICIAL RECORDED

IN WITNESS WHEREOF, the undersigned has executed this instrument on this 16th day of November, 1999.

Witnesses:

(print name of witness) JOHN YEOMANS

(print name of witness) Kelly C Hall

SOUTHERN POINTE, INC., a Florida corporation

By: Fred C. Chamberlain

(print name)

Its Vice President

(print title)

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned authority, personally appeared Fred C. Chamberlain as Vice President of SOUTHERN POINTE, INC., a Florida corporation, to me known to be the person described in and who executed the foregoing and acknowledged before me that he executed the same as the act and deed of said corporation.

WITNESS my hand and official seal this 16th day of November, 1999.

Notary Public

My Commission Expires:

Official Seal
JOHN J. YEOMANS
Notary Stamp, State of Florida
My Comm. Expires Dec 25 2001
Commission # CC685892
Bonded Thru RLI Assurty, Inc

CERTIFIED COPY

November 16, 1999

EXHIBIT A

PHASE 2
YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM

PROPERTY DESCRIPTION

A parcel of land lying in that part of Tract "C" of Southpointe Yacht Club, Phase Two as recorded in Plat Book 22, Pages 52 and 53 of the Public Records of Collier County, Florida being described as follows:

Commencing at the intersection of the north line of said Tract "C" with the westerly line of those lands recorded in O.R. Book 2228, Page 470 of said Public Records run S00°06'32"E along said westerly line for 45.95 feet; thence S89°53'28"W 70.08 feet to the POINT OF BEGINNING; thence S00°06'32"E 120.00 feet; thence S89°53'28"W 91.43 feet; thence N00°06'32"W 120.00 feet; thence N89°53'28"E 91.43 feet to the POINT OF BEGINNING.

The above area describes approximately 10,972 square feet or 0.25 acres of land.

Subject to easements, restrictions and reservations of record.

UNITS ADDED

701, 702, 703 and 704

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COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website www.coastalengineering.com

YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM
PHASE 2

Certificate of Surveyor

The undersigned, being a surveyor authorized to practice in the State of Florida, pursuant to Section 718.104(4) (e), Florida Statutes, hereby certifies that the construction of the improvements comprising the Units within Phase 2 of Yacht Harbour Cove at Windstar II, a Condominium, is substantially complete, so that Exhibit "B" to the Declaration of Condominium, together with the Provisions of the Declaration of Condominium describing the condominium property, is an accurate representation of the location and dimensions of the improvements and so that the identification, location and dimensions of the common elements and of each unit within said buildings can be determined from these materials. The undersigned further certifies that all planned improvements, including, but not limited to, landscaping, utility services and access to the units within said condominium, and common element facilities serving said building have been substantially completed.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

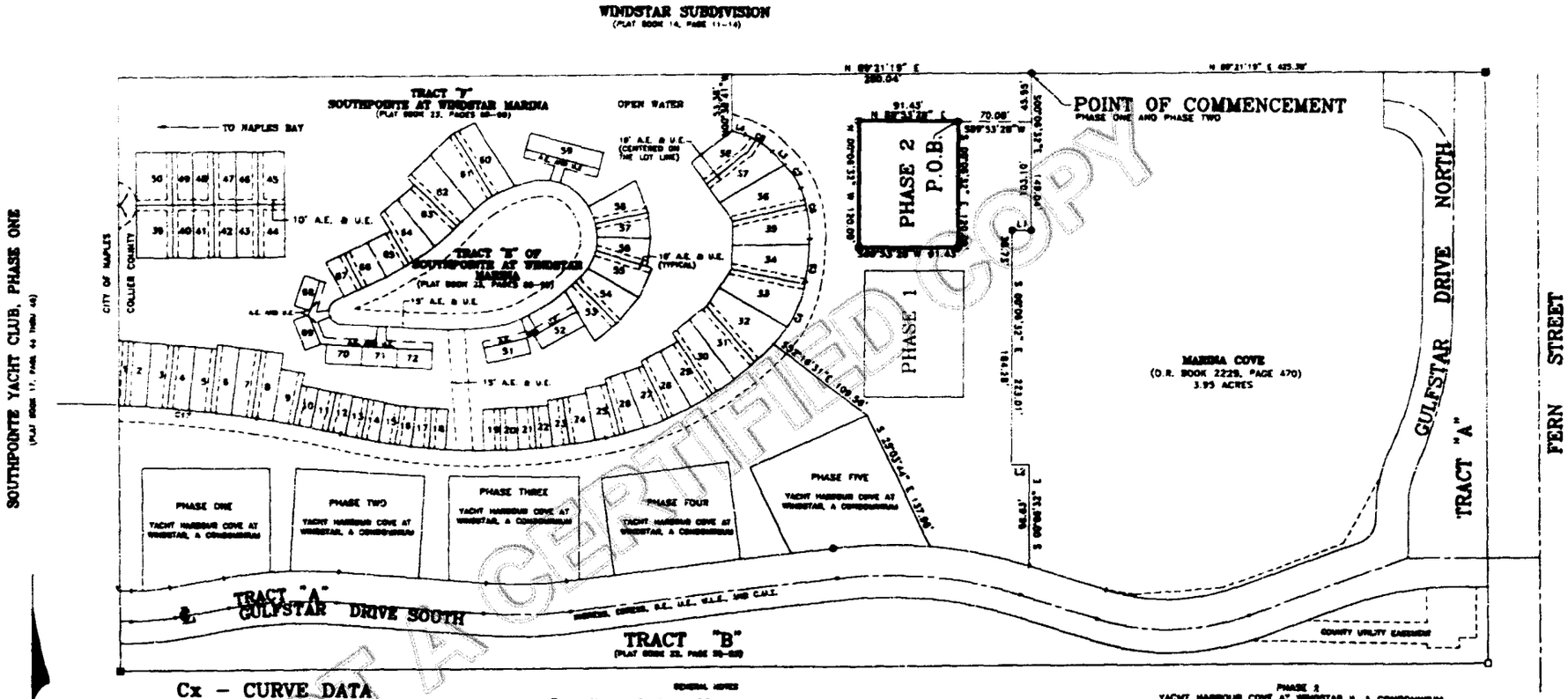
Richard J. Ewing, P.E.
Professional Surveyor and Mapper
Florida Certificate No. 5295
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 98.036
DATE: 11-5-99

NOT CERTIFIED COPY

OR: 2612 PG: 1303

YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM

LYING IN TRACT "C" OF SOUTHPOINTE YACHT CLUB, PHASE TWO, A SUBDIVISION RECORDED IN PLAT BOOK 22, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.



Cx – CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C4	116.00'	32°59'05"	66.65'	65.73'	N 29°14'41" E
C5	2563.00'	00°28'32"	21.16'	21.14'	N 89°34'23" E
C6	120.00'	23°26'13"	49.10'	48.81'	N 10°23'30" W
C7	70.00'	21°53'24"	26.74'	26.58'	N 33°33'18" W
C8	80.00'	28°28'16"	29.78'	29.47'	N 36°13'05" W

Lx – COURSE DATA

LINE	DIRECTION	DISTANCE
L1	S 89°53'28" W	18.88'
L2	N 89°53'28" E	18.46'
L3	N 44°06'00" W	17.24'
L4	N 72°26'10" W	12.06'

GENERAL NOTES

1. ● = FOUND CONCRETE MONUMENT
2. ● = FOUND 4606 PIN AND CAP STAMPED LB 2464
3. ○ = SET 4606 PIN AND CAP STAMPED LB 2464
4. BEARINGS BASED ON A BEARING OF N 89°21'19" E ON THE WEST LINE OF SOUTHPOINTE YACHT CLUB, PHASE TWO SUBDIVISION.
5. AREA LIES WITHIN FLOOD ZONE AE, ELEVATION 10.0 AS PER FLOOD INSURANCE RATE MAP 125097 0002 B, DATED SEPTEMBER 3, 1986.

PHASE 2
YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM
DESCRIPTION

A PARCEL OF LAND LYING IN THAT PART OF TRACT "C" OF SOUTHPOINTE YACHT CLUB, PHASE TWO AS RECORDED IN PLAT BOOK 22, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID TRACT "C" WITH THE WESTERLY LINE OF THOSE LANDS RECORDED IN O.R. BOOK 2229, PAGE 470 OF SAID PUBLIC RECORDS RUN S00°06'32"E ALONG SAID WESTERLY LINE FOR 45.95 FEET; THENCE S89°53'28"W 70.00 FEET TO THE POINT OF BEGINNING; THENCE S00°06'32"E 130.00 FEET; THENCE S89°53'28"W 91.43 FEET; THENCE N00°06'32"W 130.00 FEET; THENCE N89°53'28"E 91.43 FEET TO THE POINT OF BEGINNING.

THE ABOVE AREA DESCRIBED APPROXIMATELY 11,882 SQUARE FEET OR 0.25 ACRES OF LAND.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

LEGEND

P.O.B. = POINT OF BEGINNING (DESCRIPTION)
P.O.C. = POINT OF COMMENCING (DESCRIPTION)
P.O. = POINT OF ORIGINATING
P.T. = POINT OF TANGENCY
P.C. = POINT OF CURVATURE
W.L.E. = WATER LINE EASEMENT
C.U.E. = COUNTY UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT

THIS INSTRUMENT PREPARED BY:
RICHARD J. BOREK, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERING AND LAND SURVEYING
3106 TAMIAMI TRAIL NORTH, NAPLES, FLORIDA.
PHONE NO. (941) 643-3304 FAX NO. (941) 643-1143

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA ENGINEERING AUTHORIZATION NO. LB 2464

RICHARD J. BOREK, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3898
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
COE FILE NO.: 98IH
DATE OF FIELD SURVEY: 11-5-98
DATE OF SIGNATURE: 11-5-98

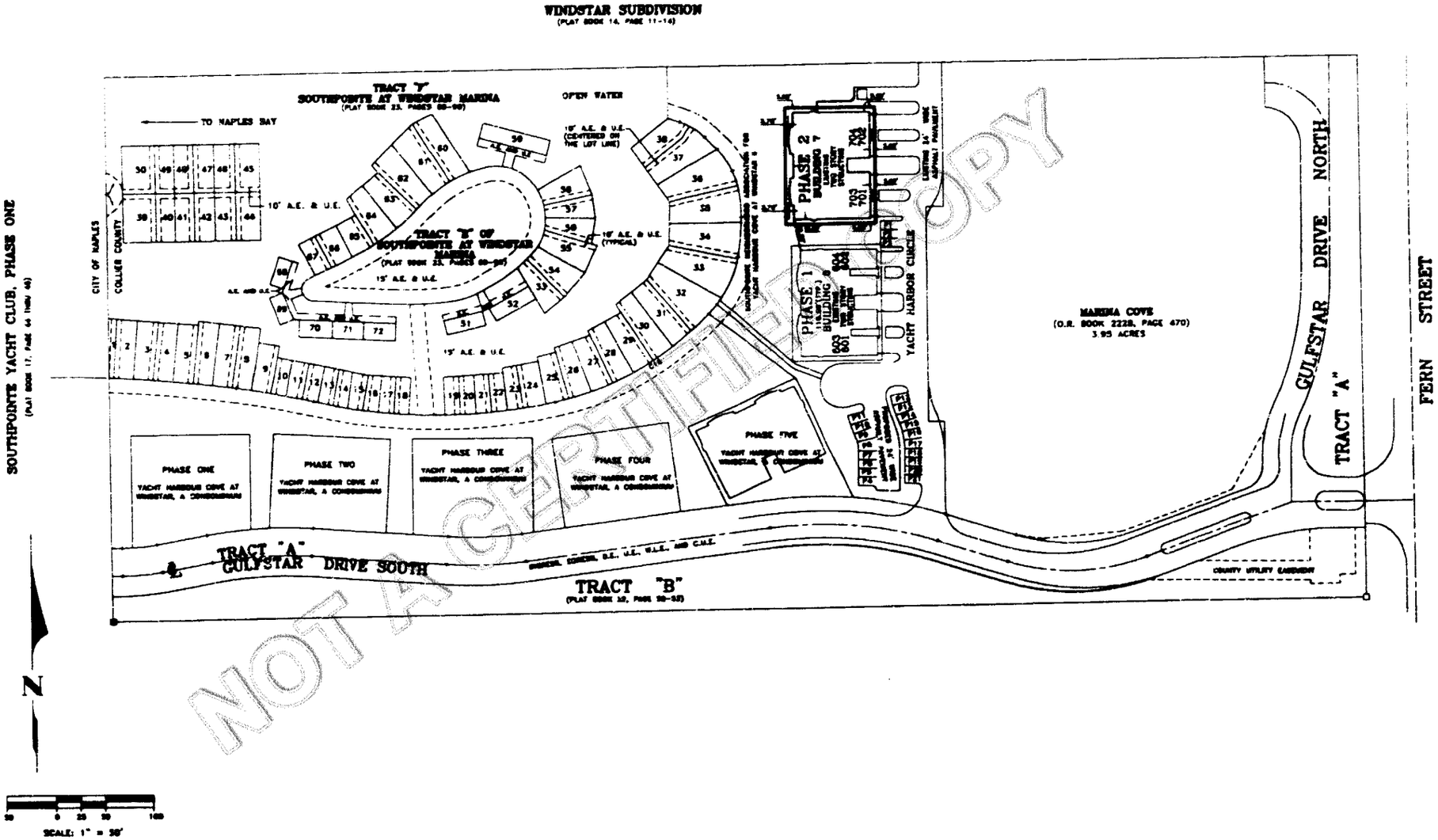
BOUNDARY SURVEY
PHASE 2, BUILDING 7

EXHIBIT B
PAGE 11
C.E.C. FILE NO.: 98.036
ACAD DWG. NO.: 98036PL2

NOT A CERTIFIED COPY

YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM

LYING IN TRACT "C" OF SOUTHPOINTE YACHT CLUB, PHASE TWO, A SUBDIVISION RECORDED IN PLAT BOOK 32, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.



NOT A CERTIFIED COPY

LEGEND

THIS INSTRUMENT PREPARED BY:
RICHARD A. ERMER, P.A.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
3106 SOUTH HORSESHOE DRIVE, NAPLES, FLORIDA.
PHONE NO. (941) 649-5884 FAX NO. (941) 643-1143

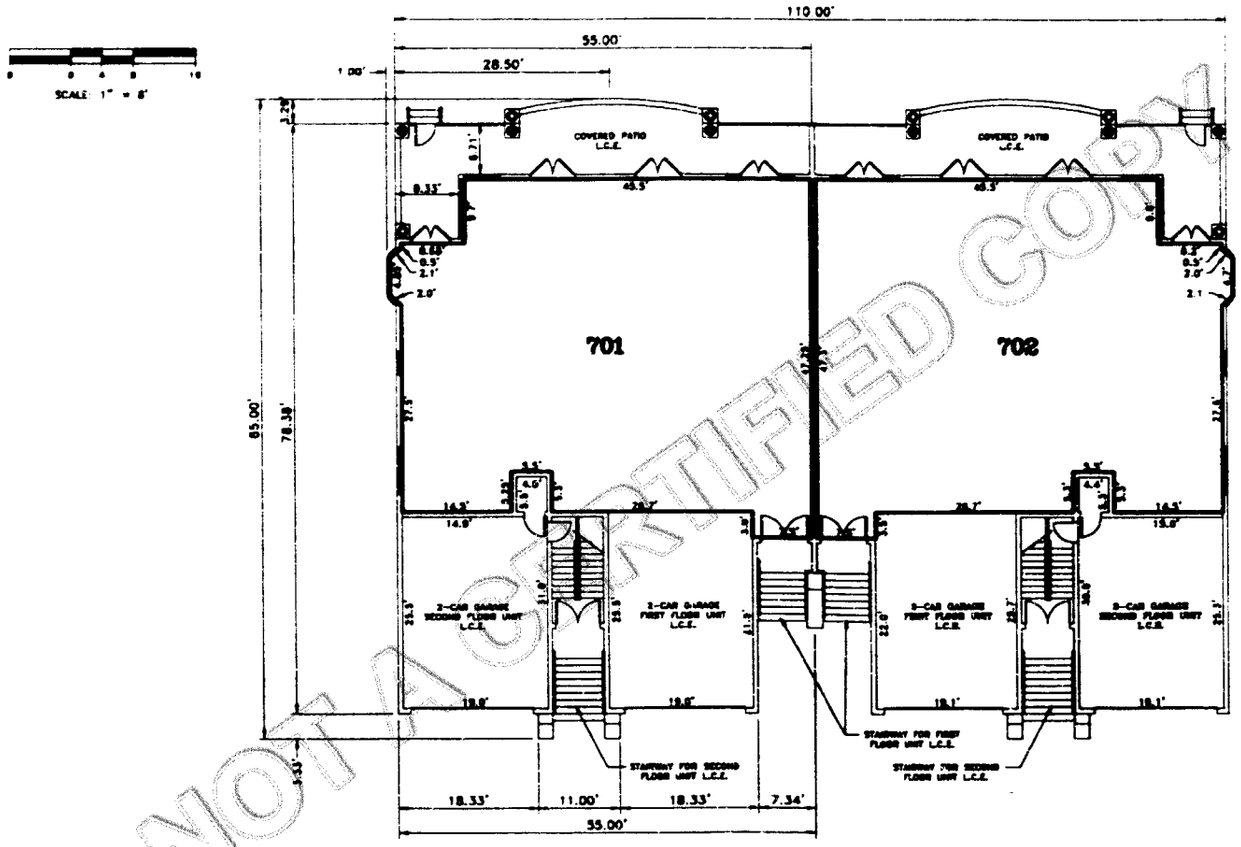
PLOT PLAN
PHASE 2, BUILDING 7

EXHIBIT B
PAGE 12
C.E.C. FILE NO.: 98.036
ACAD DWG. NO.: 98036PLT

OR: 2612 PG: 1305

YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM

LYING IN TRACT "C" OF SOUTHPOINTE YACHT CLUB, PHASE TWO, A SUBDIVISION RECORDED IN PLAT BOOK 22, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.



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PHASE NO.	BUILDING NO.	UNIT NO.
2	7	701, 702

DIMENSIONS SHOWN HEREON ARE APPROXIMATE

L.C.E. = LIMITED COMMON ELEMENT

THIS INSTRUMENT PREPARED BY:
RICHARD J. EWING, V.P.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
3106 SOUTH HORSESHOE DRIVE, NAPLES, FLORIDA.
PHONE NO. (941) 643-2324 FAX NO. (941) 643-1143

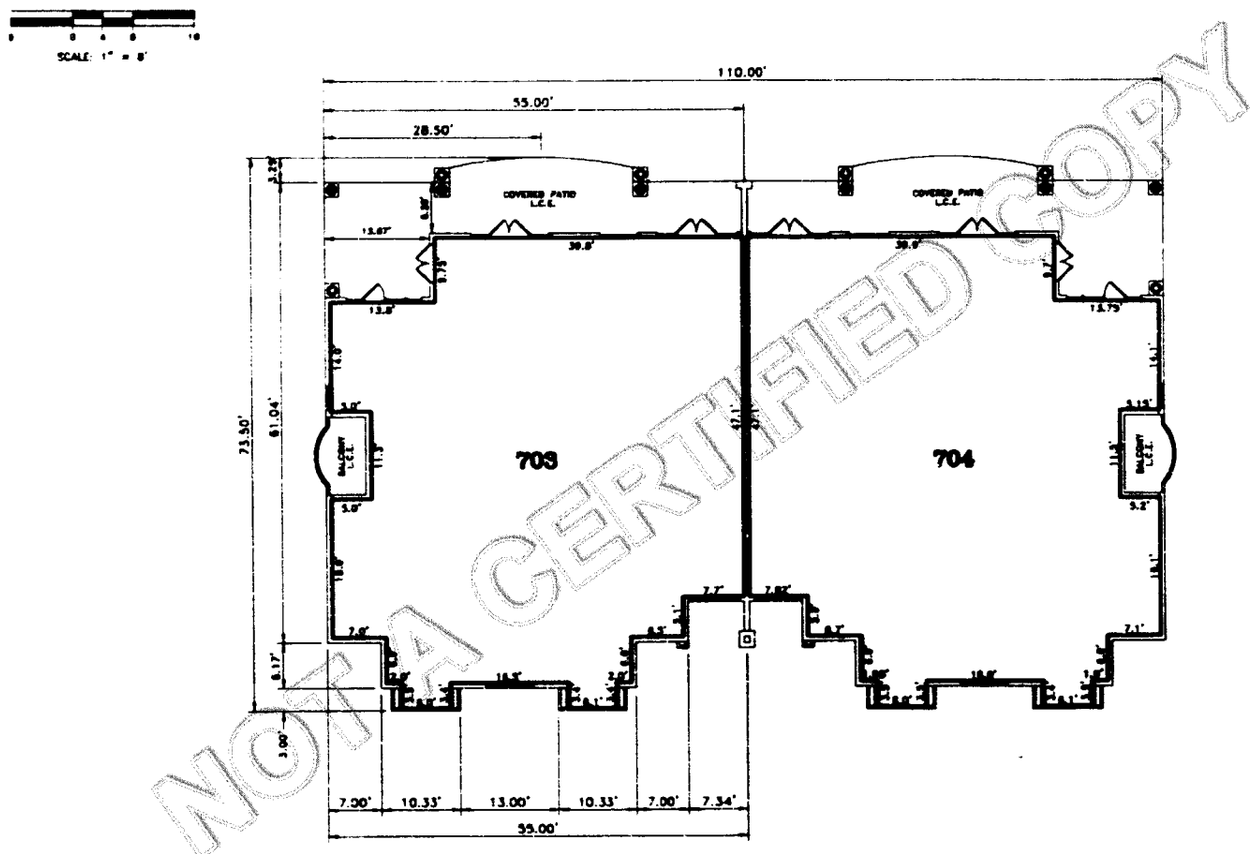
FIRST FLOOR PLAN
PHASE 2, BUILDING 7

EXHIBIT B
PAGE 13
C.E.C. FILE NO.: 98.030
ACAD DWG. NO.: 98030FL1

OR: 2612 PG: 1306

YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM

LYING IN TRACT "C" OF SOUTHPOINTE YACHT CLUB, PHASE TWO, A SUBDIVISION RECORDED IN PLAT BOOK 22, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.



NOT A CERTIFIED COPY

PHASE NO.	BUILDING NO.	UNIT NO.
2	7	703, 704

THIS INSTRUMENT PREPARED BY:
RICHARD J. EVANS, V.P.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
3106 SOUTH HORSESHOE DRIVE, NAPLES, FLORIDA.
PHONE NO. (941) 643-2324 FAX NO. (941) 643-1143

DIMENSIONS SHOWN HEREON ARE APPROXIMATE

L.C.E. = LIMITED COMMON ELEMENT

SECOND FLOOR PLAN

PHASE 2, BUILDING 7

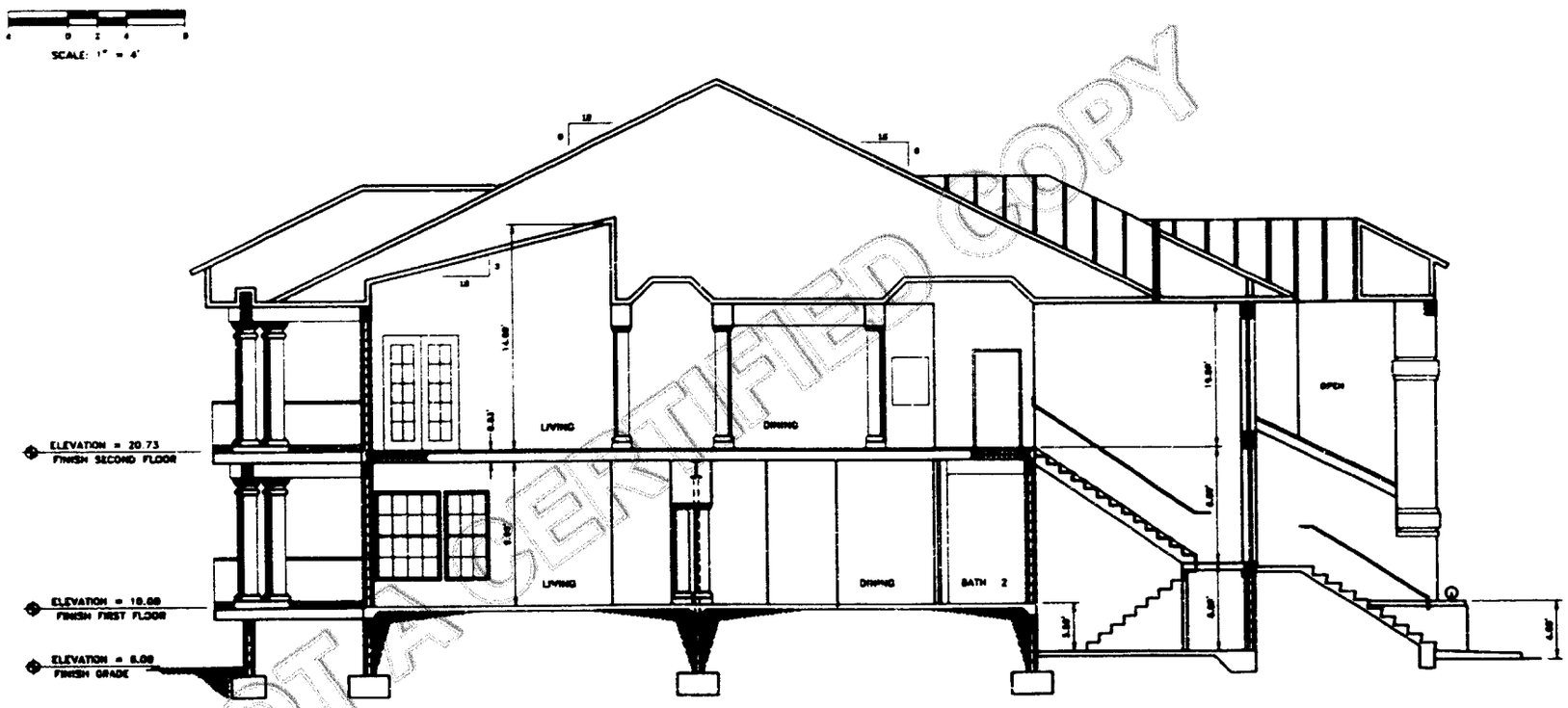
EXHIBIT B
PAGE 14

C.E.C. FILE NO.: 98.036
ACAD DWG. NO.: 98036FL2

*** OR: 2612 PG: 1307 ***

YACHT HARBOUR COVE AT WINDSTAR II, A CONDOMINIUM

LYING IN TRACT "C" OF SOUTHPOINTE YACHT CLUB, PHASE TWO, A SUBDIVISION RECORDED IN PLAT BOOK 22, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.



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ELEVATIONS ARE BASED ON NGVD

DIMENSIONS SHOWN HEREON ARE APPROXIMATE

THIS INSTRUMENT PREPARED BY:
RICHARD J. EWING, V.P.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
3106 SOUTH HORSESHOE DRIVE, NAPLES, FLORIDA.
PHONE NO. (941) 643-2324 FAX NO. (941) 643-1143

LONGITUDINAL SECTION
PHASE 2, BUILDING 7

EXHIBIT B
PAGE 15

C.E.C. FILE NO.: 98.036
ACAD DWG. NO.: 98036LNG