

Wellbarm #17 ★

BARBARA T. SCOTT, CLERK
CHARLOTTE COUNTY
OR BOOK 1823 PAGE 0942
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TO WHOM IT MAY CONCERN *

AMENDMENT TO THE
DECLARATION OF RESTRICTIONS
SOUTH GULF COVE HOMEOWNERS ASSOCIATION

WHEREAS the below signed residents, as listed in Exhibit "A", constituting a majority of the record owners of Section 78 wish to amend the Deed Restrictions;

WHEREAS the below signed residents, as listed in Exhibit "A", constituting a majority of the record owners were given the right to amend the Declaration of Restrictions of Pt. Charlotte Subdivision Section 78 pursuant to O.R. Book 89, Page 653, O.R. Book 89, Page 658, O.R. Book 89, Page 664 and O.R. Book 97, Page 207, of the Public Records of Charlotte County, Florida;

WHEREAS the below signed residents, as listed in Exhibit "A", constituting a majority of the record owners desire to place amended restrictions and limitations of record as to each and every lot located in Pt. Charlotte Subdivision Section 78;

NOW, THEREFORE, the below signed residents, as listed in Exhibit "A", constituting a majority of the record owners do hereby declare that each and every lot of Section 78, more particularly described as follows:

PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT,
according to the plat thereof, recorded in Plat
Book 6, Pages 42A through 42J of the Public
Records of Charlotte County, Florida;

is hereby restricted as follows and all of which restrictions and limitations are intended to be and shall be taken as a consideration for any Agreement for Deed or any Deed of Conveyance hereafter made and one of the express conditions thereof, and that said restrictions and limitations are intended to be and shall be taken as covenants to run with the land and shall be as follows; to wit:

1. Each and every of the homes in said Pt. Charlotte Subdivision Section 78 shall have a minimum of 1500 square feet of living area with a two (2) car attached garage.
2. Each and every two story home shall have a minimum of 1500 square feet of living area with a two (2) car attached garage.
3. No communication tower will be permitted on general commercial lots except as permitted by the Federal Communications Laws.

4. No manufactured homes shall be allowed on any lot.

5. Should it be necessary for the homeowners association or any other entity enforcing these deed restrictions to obtain an attorney to represent it regarding these deed restrictions, if the homeowners association or other enforcing agency prevails, they shall be entitled to reasonable attorney's fees in enforcing the deed restrictions.

6. Invalidation of any of these covenants by judgment, decree or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

7. These restrictions are intended to run along with all previously recorded deed restrictions except for those which conflict with the above deed restrictions and in that instance the above restrictions will replace the previous restrictions.

IN WITNESS WHEREOF, SOUTH GULF COVE HOMEOWNERS ASSOCIATION, a Florida Corporation, has caused these presents to be executed by its proper officers, who are thereunto duly authorized, and its corporate seal to be affixed, at Englewood, Charlotte County, Florida, this 13 day of September, 2000.

SOUTH GULF COVE HOMEOWNERS ASSOCIATION

BY: Joseph Lee
Joseph Lee, as President

ATTEST: Dorothy Warner
Dorothy Warner, as Secretary

STATE OF FLORIDA
COUNTY OF CHARLOTTE

I HEREBY CERTIFY that on this 13 day of September, 2000, before me personally appeared Joseph Lee and Dorothy Warner, President and Secretary, respectively of SOUTH GULF COVE HOMEOWNERS ASSOCIATION, a Florida Corporation, to me known to be the persons who signed the foregoing instrument as such officers, and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Englewood, in the County of Charlotte and State of Florida, the day and year last aforesaid.



M. Colleen Morris
Notary Public

The attached list of signatures constitutes a majority of the homeowners of Pt. Charlotte Subdivision Section 78 who have hereby reviewed the above amendments to the Declaration of Restrictions and have consented to same.