

PREPARED BY AND TO BE RETURNED TO:
Robert S. Freedman, Esquire
Carlton Fields, P.A.
4221 W. Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607
(813) 223-7000

FIFTH SUPPLEMENT TO COMMUNITY DECLARATION
FOR PELICAN PRESERVE

3
WHEREAS, the Community Declaration for Preserve (f/k/a the Community Declaration for Sun City Center Ft. Myers) was recorded on December 7, 2001, in Official Records Book 3535, Page 4531, public records of Lee County, Florida, as amended and supplemented from time to time (collectively, the "Declaration"); and

WHEREAS, Article 13 of the Declaration allows Bay Colony-Gateway, Inc., a Delaware corporation, and its successors, assigns and designees, as Declarant under the Declaration ("Declarant"), in its sole discretion and without the need for consent or approval of any other person or entity, to amend the Declaration to make additional land subject to the scheme of said Declaration and to bring such land within the jurisdiction and control of the Pelican Preserve Community Association, Inc. (f/k/a Sun City Center Ft. Myers Community Association, Inc.); and

WHEREAS, Declarant desires to amend the Declaration to subject additional land to the terms, conditions, covenants, restrictions and easements of the Declaration;

NOW, THEREFORE, this instrument hereby provides that Declarant, for itself and its successors, grantees and assigns, hereby makes, declares and publishes its intention to subject and does hereby subject the real property described in Exhibit A attached hereto and made a part hereof to all terms, provisions, covenants, conditions, restrictions and easements contained in the Declaration, with terms, provisions, covenants, conditions, restrictions and easements to run with said property and be binding upon the owners of said property. Hereinafter, said real property shall be included within the "Property" as defined and referenced in the Declaration.

The real property described above shall be subject to all of the terms, provisions, conditions, covenants, restrictions and easements contained in the Declaration.

IN WITNESS WHEREOF, this instrument was executed by the undersigned this 9 day of November, 2005.

WITNESSES:

DECLARANT:
BAY COLONY-GATEWAY, INC., a
Delaware corporation

Name: Denise Lavery
Print Name: Denise Lavery

By: [Signature]
Tim Oak, Vice President

Name: Sandra Lopez
Print Name: Sandra Lopez

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 9 day of November, 2005, by Tim Oak, as Vice President of BAY COLONY-GATEWAY, INC., a Delaware corporation, as Declarant hereunder. He is personally known to me.

My Commission Expires:

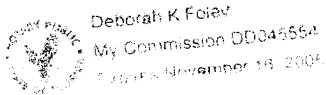
Deborah K. Foley
(Signature)

(AFFIX NOTARY SEAL)

Name: _____
(Legibly Printed)

Notary Public, State of Florida

(Commission Number, if any)



COk

Exhibit A

Lots 1-22, Trentino Estates at Pelican Preserve, according to the plat thereof recorded in Plat Book 81, Pages 75 through 76, of the Public Records of Lee County, Florida.