

44
Prepared By and To Be Returned To:

KENNETH Y. GORDON, ESQUIRE
WCI COMMUNITIES, INC.
24301 Walden Center Drive
Bonita Springs, Florida 34134

**SEVENTH SUPPLEMENT TO COMMUNITY DECLARATION
FOR PELICAN PRESERVE**

WHEREAS, the Community Declaration for Pelican 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, Section 13.2.4 of the Declaration allows Bay Colony-Gateway, Inc., a Delaware corporation, and its successors, assigns and designees, as Declarant under the Declaration ("Declarant"), to amend the Declaration to delete and withdraw a portion of the Property from being subjected to the Declaration; and to delete and withdraw such land from 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 joined by the Pelican Preserve Community Association, Inc. desire to amend the Declaration to delete and withdraw a portion of the Property described in Exhibit "A" from being subjected to the Declaration, as set forth in this Supplement.

NOW, THEREFORE, this instrument hereby provides that Declarant with the consent of the Pelican Preserve Community Association, Inc., for itself and its successors, grantees and assigns, hereby makes, declares and publishes its intention to delete and withdraw a portion of the Property described in Exhibit "A" from being subjected to the Declaration; and to delete and withdraw such land from the jurisdiction and control of the Pelican Preserve Community Association, Inc. (f/k/a Sun City Center Ft. Myers Community Association, Inc.). Hereinafter, said real property shall be deleted and withdrawn from the "Property" as defined and referenced in the Declaration.

IN WITNESS WHEREOF, this instrument was executed by the undersigned this 10th day of July, 2006.

WITNESSES:

DECLARANT:

BAY COLONY-GATEWAY, INC.,
a Delaware corporation

Name: [Signature]
Print Name: Jonathan SANTUCCI

By: [Signature]
Albert F. Moscato, Jr.
Senior Vice President

Name: Bonnie Thibodeau
Print Name: Bonnie Thibodeau

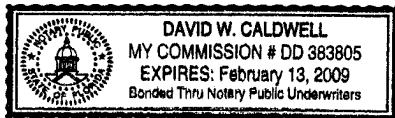
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of July, 2006, by Albert F. Moscato, Jr., as Senior Vice President of Bay Colony-Gateway, Inc., a Delaware corporation, as Declarant hereunder. He is personally known to me.

My Commission Expires: 2/13/09

(AFFIX NOTARY SEAL)

[Signature]
(Signature)
Name: DAVID W. CALDWELL
(Legibly Printed)
Notary Public, State of Florida
DD 383805
(Commission Number, if any)



JOINDER

The Pelican Preserve Community Association, Inc., a Florida not-for-profit corporation, does hereby consent to and joins in the execution of this Seventh Supplement to Community Declaration for Pelican Preserve (f/k/a the Community Declaration for Sun City Center Ft. Myers).

WITNESSES:

Pelican Preserve Community Association, Inc.,
a Florida not-for-profit corporation

Name: Scott Bowks
Print Name: Scott Bowks

By: Sheila Terry
Sheila Terry
Vice President

Name: Jenny Navarro
Print Name: Jenny Navarro

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of July, 2006, by Sheila Terry, as Vice President of Pelican Preserve Community Association, Inc., on behalf of the corporation. She is personally known to me.

My Commission Expires:

(AFFIX NOTARY SEAL)

Patricia J. Golden
(Signature)
Name: Patricia J. Golden
(Legibly Printed)
Notary Public, State of Florida

(Commission Number, if any)

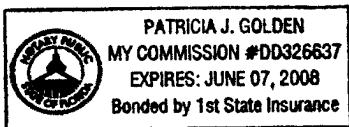


Exhibit "A"
Page 1 of 2

LEGAL DESCRIPTION
LYING IN
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE,
LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST, AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35;
THENCE N.89°38'27"W. ALONG THE NORTH LINE OF SAID SECTION 35, FOR 1,295.48
FEET;
THENCE S.00°21'33"W., FOR 125.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF
COLONIAL BOULEVARD (SR 884) (250' WIDE);
THENCE S.02°16'01"E., FOR 807.33 FEET TO THE **POINT OF BEGINNING** OF THE
FOLLOWING DESCRIBED PARCEL;

THENCE CONTINUE S.02°16'01"E. , FOR 222.46 FEET;
THENCE S.87°43'59"W., FOR 97.41 FEET;
THENCE N.11°20'01"W., FOR 120.06 FEET TO A POINT OF CURVATURE;
THENCE NORTHWESTERLY 126.64 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR
CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET THROUGH A CENTRAL ANGLE
OF 36°16'47" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.29°28'25"W. FOR
124.53 FEET;
THENCE N.90°00'00"E., FOR 173.40 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 27,284 SQUARE FEET OR 0.63 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY
(WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 35, TOWNSHIP 44 SOUTH,
RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N.89°38'27" W.

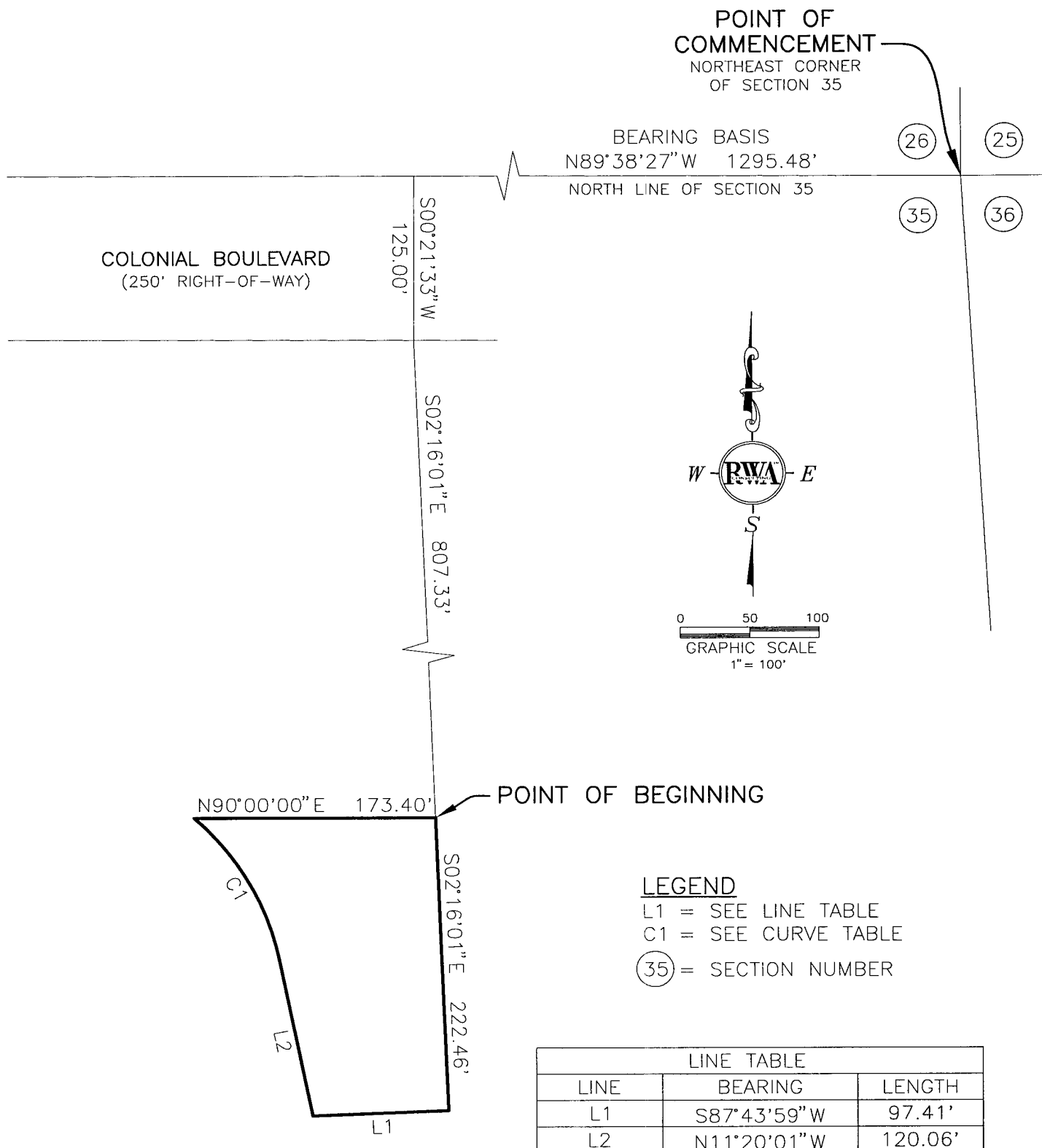
RWA, INC.
LAND SURVEYORS AND MAPPERS
1542 CARSON STREET
FORT MYERS, FLORIDA 33901
(239) 278-5224
FLORIDA CERTIFICATE OF AUTHORIZATION #6952

BY:  DATE: 3/20/06
RICHARD V. NESTLER, PROFESSIONAL LAND SURVEYOR LS# 4786
NOT VALID UNLESS EMBOSSED WITH THE PROFESSIONAL'S SEAL.

Ref. 99-0165-12-SK1
03-14-06

Exhibit "A"
Page 2 of 2

**** THIS IS NOT A SURVEY ****



LEGEND

- L1 = SEE LINE TABLE
- C1 = SEE CURVE TABLE
- (35) = SECTION NUMBER

LINE TABLE		
LINE	BEARING	LENGTH
L1	S87°43'59"W	97.41'
L2	N11°20'01"W	120.06'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG.
C1	126.64'	200.00'	36°16'47"	124.53'	N29°28'25"W

SEE SHEET 1 OF 2 FOR DESCRIPTION



1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

DATE: 3-14-06
SCALE: 1" = 100'
DRAWN BY: PTN
CHECKED BY: RVN
SEC: 35 TWP: 44S RGE: 25E

CLIENT:

HIW DEVELOPMENT

TITLE:

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT NUMBER: 99-0165

SHEET NUMBER: 2 of 2

FILE NUMBER: 12-SK1