

community. These rules, policies and procedures include, but are not limited to, occupant age verification and periodic occupant surveys.

3. Section 7.44 of the Declaration is hereby created to read as follows:

7.44 Limited Waiver. BCG, prior to the effective date of this provision, entered into a number of residential purchase contracts with third parties. Such individuals were provided prior versions of this Declaration which contained provisions which differ from those contained herein. In order to accommodate such individuals, BCG shall have the unilateral right and power, but not the obligation, to grant limited waivers of the use restrictions contained in this Article 7 to individuals under contract as of the effective date of this provision. Any and all such limited waivers shall apply solely to the initial purchaser of the Home or Parcel, and further such limited waiver shall automatically expire upon such event or occurrence that results in compliance with the use restrictions of this Article 7. Each Owner, by virtue of taking title to a Home or Parcel, acknowledges and agrees that BCG shall have the limited waiver powers reserved under this Article 7.

4. Except as modified by this First Amendment, the Declaration remains valid and in full force and effect.

IN WITNESS WHEREOF, the undersigned, being Declarant, herein has caused this First Amendment to be executed by its authorized officer and affixed its corporate seal as of this 12th day of December, 2001.

WITNESSES:

Bay Colony-Gateway, Inc., a Delaware corporation

Name: Lauren Sutton
Print Name: Lauren Sutton

By: [Signature]
Tim Oak, Vice President

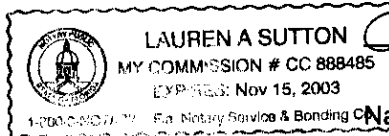
Name: Lori L. Means
Print Name: Lori L. Means

(Corporate Seal)

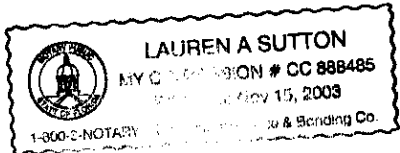
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12th day of December, 2001, by Tim Oak, as Vice President of Bay Colony-Gateway, Inc., a Delaware corporation, on behalf of the corporation. He is personally known to me.

My Commission Expires:
(AFFIX NOTARY SEAL)



Lauren A. Sutton
(Signature)
Name: Lauren A. Sutton
(Legibly Printed or Typed)
Notary Public, State of Florida



(Commission Number, if any)

JOINDER AND CONSENT

Sun City Center Ft. Myers Community Association, Inc., a Florida not-for-profit corporation, hereby joins in and consents to the terms and provisions of the First Amendment to Community Declaration for Sun City Center Ft. Myers to which this instrument is attached.

Dated this 12th day of December, 2001.

WITNESSES:

Sun City Center Ft. Myers Community Association, Inc., a Florida not-for-profit corporation

Name: Lauren A. Sutton
Print Name: Lauren A. Sutton

By: [Signature]
Tim Oak, President

Name: Lori L. Means
Print Name: Lori L. Means

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12th day of December, 2001, by Tim Oak, as President of Sun City Center Ft. Myers Community Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He is personally known to me.

My Commission Expires:

(AFFIX NOTARY SEAL)

Lauren A. Sutton
(Signature)

Name: Lauren A. Sutton
(Legibly Printed or Typed)
Notary Public, State of Florida



(Commission Number, if any)