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Prepared By and To Be Returned To:
ROBERT S. FREEDMAN, ESQUIRE
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, Florida 33601-3239

**THIRD SUPPLEMENT TO COMMUNITY DECLARATION OF
FOR SUN CITY CENTER FT. MYERS**

WHEREAS, the Community Declaration for Sun City Center Ft. Myers was recorded on December 12, 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 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;

① **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.

INSTR # 6585329
OR BK 04542 Pgs 3057 - 3063; (7pgs)
RECORDED 01/03/2005 12:57:49 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 61.00
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IN WITNESS WHEREOF, this instrument was executed by the undersigned this 29th day of December, 2004.

WITNESSES:

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

Name: *Cathleen Smith*
Print Name: Cathleen Smith

By: *[Signature]*
Tim Oak, Vice President

Name: *Joyce Van Deusen*
Print Name: Joyce Van Deusen

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29th day of December, 2004, 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: 5/20/06
(AFFIX NOTARY SEAL)

Joyce E. Van Deusen
(Signature)
Name: Joyce E. Van Deusen
(Legibly Printed)
Notary Public, State of Florida
DD 118229
(Commission Number, if any)



Exhibit A

Toscana and Monticello at Sun City Center Ft. Myers, according to map or plat thereof recorded in Plat Book 79, Pages 8-10, public records of Lee County, Florida.

TOGETHER WITH

DESCRIPTION: A parcel of land lying in Section 35, Township 44 South, Range 25 East, and being more particularly described as follows:

Beginning at the intersection of the East right-of-way line of Treeline Avenue and Southerly right-of-way line of Sun City Center Boulevard as shown on the plat of Sun City Center Ft. Myers Phase One plat as recorded in Plat Book 69, Page 76 of the Public Records of Lee County, Florida; thence along the Southerly right-of-way line of said Sun City Center Boulevard for the following ten courses: 1) Easterly, 72.95 feet along the arc of a curve to the right having a radius of 50.00 feet and a central angle of 83°35'41" (chord bearing N.73°34'18"E., 66.65 feet); 2) S.64°37'52"E., 73.33 feet to a point of curvature; 3) Southeasterly, 142.29 feet along the arc of a curve to the right having a radius of 986.33 feet and a central angle of 08°15'56" (chord bearing S.60°29'54"E., 142.16 feet) to a point of tangency; 4) S.56°21'56"E., 88.13 feet to a point of curvature; 5) Southeasterly, 26.26 feet along the arc of a curve to the left having a radius of 84.67 feet and a central angle of 17°46'02" (chord bearing S.65°14'57"E., 26.15 feet) to a point of reverse curvature; 6) Easterly, 135.22 feet along the arc of a curve to the right having a radius of 1028.71 feet and a central angle of 07°31'52" (chord bearing S.70°22'02"E., 135.12 feet) to a point of tangency; 7) S.66°36'06"E., 59.99 feet to a point of curvature; 8) Easterly, 281.22 feet along the arc of a curve to the left having a radius of 515.67 feet and a central angle of 31°14'48" (chord bearing S.82°13'29"E., 277.75 feet); 9) S.81°26'26"E., 252.59 feet to a point of curvature; 10) Easterly, 182.94 feet along the arc of a curve to the right having a radius of 700.00 feet and a central angle of 14°58'26" (chord bearing S.73°57'13"E., 182.42 feet); thence along the Northerly boundary of Conservation Easement No. 6 as recorded in Official Records Book 3617, Page 2888 of the Public Records of Lee County, Florida, S.74°00'00"W., 345.31 feet; thence S.26°00'00"W., 240.00 feet; thence N.29°22'21"W., 23.87 feet to a point on a curve; thence Southwesterly, 58.43 feet along the arc of a curve to the right having a radius of 470.00 feet and a central angle of 07°07'23" (chord bearing S.61°14'23"W., 58.39 feet) to a point of cusp; thence Easterly, 38.01 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 87°06'18" (chord bearing S.71°38'47"E., 34.45 feet) to a point of tangency; thence S.28°05'38"E., 6.53 feet to a point of curvature; thence Southerly, 40.67 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 93°11'58" (chord bearing S.18°30'21"W., 36.33 feet) to a point of reverse curvature; thence Southwesterly, 37.97 feet along the arc of a curve to the left having a radius of 78.76 feet and a central angle of 27°37'28" (chord bearing S.51°17'37"W., 37.60 feet) to a point of reverse curvature; thence Southwesterly, 50.49 feet along the arc of a curve to the right having a radius of 71.48 feet and a central angle of 40°28'36" (chord bearing S.57°43'11"W., 49.45 feet) to a point of reverse curvature; thence Westerly, 48.43 feet along the arc of a curve to the left having a radius of 7893.94 feet and a central angle of 00°21'05" (chord bearing S.77°46'56"W., 48.43 feet) to a point of reverse curvature; thence Westerly, 38.14 feet along the arc of a curve to the right having a radius of 1004.46 feet and a central angle of 02°10'31" (chord bearing S.78°41'39"W., 38.14 feet) to a point of compound curvature; thence Westerly, 55.95 feet along the arc of a curve to the right having a

radius of 75.00 feet and a central angle of 42°44'43" (chord bearing N.78°50'44"W., 54.66 feet) to a point of reverse curvature; thence Northwesterly, 43.04 feet along the arc of a curve to the left having a radius of 200.00 feet and a central angle of 12°19'44" (chord bearing N.63°38'15"W., 42.95 feet) to a point of reverse curvature; thence Northerly, 64.88 feet along the arc of a curve to the right having a radius of 23.00 feet and a central angle of 161°37'38" (chord bearing N.11°00'42"E., 45.41 feet) to a point of cusp; thence Westerly, 13.05 feet along the arc of a curve to the right having a radius of 470.00 feet and a central angle of 01°35'28" (chord bearing N.87°22'45"W., 13.05 feet) to a point of tangency; thence N.86°35'00"W., 82.26 feet to a point of curvature; thence Westerly, 108.91 feet along the arc of a curve to the left having a radius of 230.00 feet and a central angle of 27°07'48" (chord bearing S.79°51'05"W., 107.89 feet) to a point of tangency; thence S.66°17'11"W., 330.39 feet to a point of curvature; thence Westerly, 146.58 feet along the arc of a curve to the right having a radius of 570.00 feet and a central angle of 14°44'03" (chord bearing S.73°39'13"W., 146.18 feet) to a point on a curve; thence Westerly, 46.13 feet along the arc of a curve to the left having a radius of 1125.72 feet and a central angle of 02°20'52" (chord bearing S.81°34'29"W., 46.13 feet); thence S.14°49'10"E., 7.99 feet to a point on a curve; thence Southeasterly, 92.40 feet along the arc of a curve to the right having a radius of 33.95 feet and a central angle of 155°55'41" (chord bearing S.36°53'09"E., 66.41 feet) to a point of compound curvature; thence Southwesterly, 117.83 feet along the arc of a curve to the right having a radius of 173.77 feet and a central angle of 38°51'08" (chord bearing S.60°30'15"W., 115.59 feet) to a point of reverse curvature; thence Southwesterly, 71.74 feet along the arc of a curve to the left having a radius of 82.51 feet and a central angle of 49°48'50" (chord bearing S.55°01'24"W., 69.50 feet) to a point of reverse curvature; thence Southwesterly, 52.12 feet along the arc of a curve to the right having a radius of 496.31 feet and a central angle of 06°01'03" (chord bearing S.33°07'31"W., 52.10 feet) to a point of reverse curvature; thence Southerly, 137.79 feet along the arc of a curve to the left having a radius of 133.74 feet and a central angle of 59°01'56" (chord bearing S.06°37'04"W., 131.78 feet) to a point of compound curvature; thence Southeasterly, 30.08 feet along the arc of a curve to the left having a radius of 50.90 feet and a central angle of 33°51'14" (chord bearing S.39°49'31"E., 29.64 feet) to a point of reverse curvature; thence Southerly, 99.70 feet along the arc of a curve to the right having a radius of 49.20 feet and a central angle of 116°06'42" (chord bearing S.01°18'13"W., 83.49 feet); thence S.06°28'00"E., 79.30 feet; thence N.88°49'36"W., 199.42 feet to a point on the Easterly right-of-way line of Tree line Avenue; thence along said Easterly right-of-way line N.01°10'21"E., 509.96 feet to a point on a curve; thence Northerly, 619.07 feet along the arc of a curve to the right having a radius of 937.50 feet and a central angle of 37°50'05" (chord bearing N.20°05'26"E., 607.88 feet); thence N.38°54'09"E., 296.28 feet to a point on a curve; thence Northeasterly, 130.75 feet along the arc of a curve to the left having a radius of 1075.00 feet and a central angle of 06°58'08" (chord bearing N.35°25'08"E., 130.67 feet); thence S.58°03'56"E., 25.00 feet; thence N.31°56'12"E., 3.07 feet to the POINT OF BEGINNING.

Containing 21.811 acres, more or less.

TOGETHER WITH

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

(COMMERCIAL TRACT C-1)

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 ALONG THE NORTH LINE OF SAID SECTION 35, N.89°38'27"W., FOR 2502.82 FEET;
THENCE S.00°21'33"W., FOR 125.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF
COLONIAL BOULEVARD (SR 884) (250' WIDE), AND THE POINT OF BEGINNING OF THE
FOLLOWING DESCRIBED PARCEL;
THENCE S.00°21'33"W., FOR 100.00 FEET;
THENCE S.44°38'24"E., FOR 141.42 FEET;
THENCE S.89°38'27"E., FOR 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF
TREE LINE AVENUE (160' WIDE AT THIS POINT), RECORDED IN OFFICIAL RECORD BOOK
3681, PAGE 1946, PUBLIC RECORDS LEE COUNTY, FLORIDA;
THENCE S.00°21'33"W., ALONG SAID WESTERLY RIGHT OF WAY FOR 110.79 FEET TO A
POINT OF CURVATURE;
THENCE SOUTHERLY 447.88 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE
TO THE RIGHT HAVING A RADIUS OF 976.50 FEET THROUGH A CENTRAL ANGLE OF
26°16'44" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.13°29'55"W. FOR 443.96
FEET TO THE PROLONGATION OF THE NORTH LINE OF A CONSERVATION EASEMENT,
RECORDED IN OFFICIAL RECORD BOOK 3617, PAGE 2877, PUBLIC RECORDS LEE
COUNTY, FLORIDA;
THENCE S.90°00'00"W., ALONG SAID NORTH LINE FOR 1,095.81 FEET; TO THE EASTERLY
LINE OF A LEE COUNTY PUBLIC RIGHT OF WAY (100' WIDE), RECORDED IN OFFICIAL
RECORD BOOK 2581, PAGE 4060, PUBLIC RECORDS LEE COUNTY, FLORIDA;
THENCE N.00°21'33"E., ALONG SAID EASTERLY LINE FOR 720.00 FEET;
THENCE N.45°21'34"E., FOR 42.43 FEET TO SAID SOUTH RIGHT OF WAY LINE OF COLONIAL
BOULEVARD (SR 884);
THENCE S.89°38'27"E., ALONG SAID SOUTH RIGHT OF WAY LINE FOR 1,016.71 FEET; TO
THE POINT OF BEGINNING.

CONTAINING 853,395 SQUARE FEET OR 19.59 ACRES, MORE OR LESS.

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

(COMMERCIAL TRACT C2-3)

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 ALONG THE NORTH LINE OF SAID SECTION 35, N.89°38'27"W., FOR 1295.48 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), AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;
THENCE S.02°16'01"E., FOR 1,029.79 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 151.87 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET THROUGH A CENTRAL ANGLE OF 43°30'28" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.33°05'16"W. FOR 148.25 FEET;
THENCE N.54°50'30"W., FOR 220.10 FEET TO A POINT OF CURVATURE;
THENCE WESTERLY 135.69 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET THROUGH A CENTRAL ANGLE OF 38°52'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.74°16'41"W. FOR 133.10 FEET;
THENCE S.86°17'08"W., FOR 63.23 FEET TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY 152.54 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 120.60 FEET THROUGH A CENTRAL ANGLE OF 72°28'14" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.50°03'01"W. FOR 142.57 FEET TO A POINT OF COMPOUND CURVATURE;
THENCE SOUTHEASTERLY 85.80 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET THROUGH A CENTRAL ANGLE OF 81°55'57" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.27°09'04"E. FOR 78.67 FEET TO A POINT ON A CURVE AND TO THE NORTH LINE OF A CONSERVATION EASEMENT, RECORDED IN OFFICIAL RECORD BOOK 3617, PAGE 2877, PUBLIC RECORDS LEE COUNTY, FLORIDA;
THENCE WESTERLY 290.14 FEET ALONG SAID NORTH LINE AND ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 380.00 FEET THROUGH A CENTRAL ANGLE OF 43°44'49" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.89°59'27"W. FOR 283.14 FEET TO A POINT OF REVERSE CURVATURE;
THENCE WESTERLY 119.96 FEET ALONG SAID NORTH LINE AND THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET THROUGH A CENTRAL ANGLE OF 34°22'02" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.85°19'10"W. FOR 118.17 FEET;
THENCE LEAVING SAID NORTH LINE N.63°50'57"W., FOR 20.00 FEET TO A POINT ON A CURVE AND TO THE EAST RIGHT OF WAY LINE OF TREELINE AVENUE (150' WIDE AT THIS POINT), RECORDED IN OFFICIAL RECORD BOOK 3681, PAGE 1946, PUBLIC RECORDS LEE COUNTY, FLORIDA;
THENCE NORTHERLY 216.15 FEET ALONG SAID EAST RIGHT OF WAY AND THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1,126.50 FEET THROUGH A CENTRAL ANGLE OF 10°59'38" AND BEING SUBTENDED

BY A CHORD WHICH BEARS N.20°39'14"E. FOR 215.82 FEET;
THENCE S.74°50'35"E., ALONG SAID EAST RIGHT OF WAY FOR 10.00 FEET TO A
POINT ON A CURVE;
THENCE NORTHERLY 293.52 FEET ALONG SAID EAST RIGHT OF WAY AND ALONG
THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A
RADIUS OF 1,136.50 FEET THROUGH A CENTRAL ANGLE OF 14°47'52" AND BEING
SUBTENDED BY A CHORD WHICH BEARS N.07°45'29"E. FOR 292.71 FEET;
THENCE N.00°21'33"E., ALONG SAID EAST RIGHT OF WAY FOR 110.79 FEET;
THENCE LEAVING SAID EAST RIGHT OF WAY S.89°38'27"E., FOR 50.00 FEET;
THENCE N.45°21'30"E., FOR 141.42 FEET;
THENCE N.00°21'33"E., FOR 100.00 FEET TO SAID SOUTH RIGHT OF WAY LINE OF
COLONIAL BOULEVARD (SR 884);
THENCE S.89°38'28"E., ALONG SAID SOUTH RIGHT OF WAY LINE FOR 747.34 FEET
TO THE POINT OF BEGINNING.

CONTAINING 693,184 SQUARE FEET OR 15.91 ACRES, MORE OR LESS.