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5-20-05
CC

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 TOWN CENTER DECLARATION OF
FOR SUN CITY CENTER FT. MYERS**

WHEREAS, the Town Center Declaration for Sun City Center Ft. Myers was recorded on December 7, 2001, in Official Records Book 3535, Page 4496, public records of Lee County, Florida, as supplemented by that certain First Supplement recorded on November 19, 2003, in Official Records Book 4125, Page 4222, public records of Lee County, Florida, and that certain Second Supplement recorded on December 13, 2003, in Official Records Book 4157, Page 1409, public records of Lee County, Florida, and as has been amended from time to time (collectively, the "Declaration"); and

WHEREAS, Section 2.3 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

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.

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INSTR # 6585330
OR BK 04542 Pgs 3064 - 3067; (4pgs)
RECORDED 01/03/2005 12:57:49 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 35.50
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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.