

THIS INSTRUMENT PREPARED BY:  
Sean M. Ellis, Esquire  
Roetzel & Andress, LPA  
2320 First Street, Suite 1000  
Fort Myers, Florida 33901

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Charlie Green, Lee County Clerk of Circuit Court  
Rec. Fee \$78.00  
Deputy Clerk GWAITE  
#1

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**FIFTH AMENDMENT TO**  
**DECLARATION OF CONDOMINIUM**  
**OF**  
**SANIBEL HARBOUR YACHT CLUB, A CONDOMINIUM**

This Fifth Amendment to the Declaration of Condominium of Sanibel Harbour Yacht Club, a Condominium is made this 12 day of NOVEMBER, 2010, by Steeve Squared, LLC, a Florida limited liability company (the "Declarant" or the "Developer").

WHEREAS, the Declarant executed and recorded that certain Declaration of Condominium of Sanibel Harbour Yacht Club, a Condominium as recorded on April 6, 2006 at Instrument Number 2006000142556, as amended by the First Amendment to the Declaration recorded on November 3, 2006 at Instrument Number 2006000418380, as further amended by the Second Amendment to the Declaration recorded on March 13, 2007 at Instrument Number 2007000081679 (the "Second Amendment"), as further amended by that certain Third Amendment to Declaration recorded on June 12, 2007 at Instrument Number 200700196840, and as further amended by that certain Fourth Amendment to Declaration recorded on July 24, 2007 at Instrument Number 2007000230728, all in the Public Records of Lee County, Florida (the "Declaration"); and

WHEREAS, pursuant to Article 2, Section 11(b) of the Declaration the Developer may, at its sole option, alter, combine, or subdivide Units and their boundaries and execute and record this Amendment altering certain Unit boundaries without the joinder of the Sanibel Harbour Yacht Club Condominium Association, Inc., a Florida not for profit corporation (the "Association"), any Unit Owner, or mortgagee or lienor, except for the consent of those Unit Owners whose Units are affected by the Amendment; and

WHEREAS, the Declarant, as the Unit Owner of Units 424, 512, and 513, together with the consent and joinder of the Unit Owner of Unit 425, wishes to make this Amendment to the Declaration setting forth the new Unit boundaries for Units 424, 425, 512 and 513; and

WHEREAS, pursuant to Article 14, Section 5 of the Declaration, the Developer currently has the right to amend the Declaration as may be, in its judgment, necessary or desirable; and

WHEREAS, the Second Amendment altered the Unit boundaries of Units 519 and 520 through the combination of neighboring Units into a portion of Units 519 and 520. By reason of a scrivener's error, said Second Amendment contained an inconsistency regarding the existence or alteration of Units 519 and 520 and the Developer, with the consent of the Association, wishes to eliminate said inconsistency and correct said scrivener's error by and through this Fifth Amendment, and to confirm the existence of Units 519 and 520 and to clearly establish their Unit boundaries.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein by reference.
2. Alteration of Unit Boundaries. The Unit boundaries for Units 424, 425, 512 and 513 of the Condominium shall hereinafter be as depicted on the surveyor's certificate and graphic representation attached hereto. The attached Exhibit "D-5" is hereby annexed to and expressly made a part of Exhibit "D" of the Declaration.
3. Consent of Unit Owner. Attached hereto is the consent of the Unit Owner of Unit 425, whose respective Unit boundaries are altered by this Amendment. Unit 425 is not encumbered by any mortgage as of the date of this Amendment.
4. Units 519 and 520. The Declaration is hereby also amended to correct a scrivener's error contained in the Second Amendment to the Declaration. The Second Amendment inadvertently made reference to the elimination of Units 519 and 520. Units 519 and 520, their existence, location, and their Unit boundaries are all as depicted on the surveyor's certificate and graphic representation attached hereto as Exhibit "D-5".
5. Ownership of Common Elements and Common Surplus and Share of Common Expenses. With the recordation of this Amendment, and by and through the Association's consent attached hereto, it is hereby acknowledged that each Unit in the Condominium has attributable thereto an undivided share in the Common Expenses and ownership of the Common Elements and Common Surplus equal to a fraction, the numerator of which is one (1), and the denominator of which is four hundred ten (410).
6. Consent of Association. Attached hereto is the consent of the Association to the terms, covenants, actions, amendments and declarations set forth in and effected by this Fifth Amendment.
7. Ratification. Except as to the modification set forth in this Fifth Amendment, all other terms and conditions of the Declaration shall remain in full force and effect.

(signatures on following page)

Witnesses:

STEVE SQUARED, LLC, a Florida limited liability company

*Esther Alvarez*  
Print Name: Esther Alvarez

By: *Steve Page*  
Print Name: Steve Page  
Its: member.

*Morgan Ridenour*  
Print Name: Morgan Ridenour

STATE OF FLORIDA        )  
  ) §:  
COUNTY OF LEE         )

The foregoing instrument was acknowledged before me this 26 day of October 2010, by Steve Page as managing member of Steeve Squared, LLC, a Florida limited liability company, who  is personally known to me or who  has produced \_\_\_\_\_ as identification.

NOTARY RUBBER STAMP SEAL  
OR EMBOSSED SEAL



*April Miller*  
Notary Public  
Printed Name: April Miller  
DD884341        April 25, 2013  
Commission No.        Expiration Date

**ASSOCIATION CONSENT TO FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF SANIBEL HARBOUR YACHT CLUB, A CONDOMINIUM**

The undersigned, in their capacity as President and on behalf of SANIBEL HARBOUR YACHT CLUB CONDOMINIUM ASSOCIATION, INC., a Florida not for profit corporation, (the "Association") hereby affirms that the Association, by and through their Board of Directors at a duly called meeting have reviewed, considered and hereby approve and consent to the attached Fifth Amendment to Declaration of Condominium of Sanibel Harbour Yacht Club, a Condominium and all terms covenants, actions, amendments and declarations set forth in and effected by such Fifth Amendment, and has conferred upon the undersigned all authority to execute this consent.

12<sup>th</sup> IN WITNESS WHEREOF, the Association has made and executed this Consent this day of November, 2010.

SANIBEL HARBOUR YACHT CLUB  
CONDOMINIUM ASSOCIATION, INC., a  
Florida not for profit corporation

Witnesses:  
[Signature]  
Print Name: Samuel J. Hagan IV

[Signature]  
By: \_\_\_\_\_  
Print Name: David Crowther  
Its: President

Print Name: \_\_\_\_\_

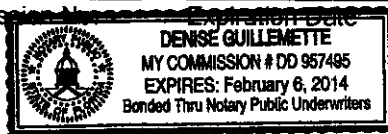
STATE OF FLORIDA )  
  ) §:  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 11 day of November, 2010, by David Crowther, who  is personally known to me or who  has produced a driver license as identification.

NOTARY RUBBER STAMP SEAL  
OR EMBOSSED SEAL

[Signature]  
Notary Public, State of FLORIDA  
Denise Guillemette  
Printed Name of Notary Public

Commission Expires \_\_\_\_\_



**OWNER CONSENT TO FIFTH AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF SANIBEL HARBOUR YACHT CLUB, A CONDOMINIUM**

The undersigned, CRAIG AND SUSAN SCOTT, as Owners of Unit 425, SANIBEL HARBOUR YACHT CLUB, A CONDOMINIUM, according to the Declaration of Condominium thereof recorded by Instrument No. 2006000142556, as amended from time to time, in the Public Records of Lee County, Florida hereby consents to the attached Fifth Amendment to Declaration of Condominium of Sanibel Harbour Yacht Club, a Condominium, which Fifth Amendment alters the Unit boundaries to said Unit 245.

**IN WITNESS WHEREOF**, the undersigned has made and executed this Consent this 16 day of November, 2010.

Witnesses:

Esther Alvarez  
Print Name: Esther Alvarez  
Morgan Kidenaur  
Print Name: Morgan Kidenaur

Owner:

Craig C Scott  
CRAIG SCOTT

STATE OF Florida )  
  ) §:  
COUNTY OF Lee )

The foregoing instrument was acknowledged before me this 16 day of November, 2010, by CRAIG SCOTT, who  is personally known to me or who  has produced a driver license as identification.

NOTARY RUBBER STAMP SEAL OR EMBOSSED SEAL



April Miller  
Notary Public, State of Florida

April Miller  
Printed Name of Notary Public

02884341  
Commission No.

Aug 23, 2013  
Expiration Date

Witnesses:

Esther Alvarez  
Print Name: Esther Alvarez  
Morgan Ridenour  
Print Name: Morgan Ridenour

Owner:

Susan Scott  
SUSAN SCOTT

STATE OF Florida )  
COUNTY OF Lee ) §:

The foregoing instrument was acknowledged before me this 16 day of November, 2010, by SUSAN SCOTT, who  is personally known to me or who  has produced a driver license as identification.

NOTARY RUBBER STAMP OR EMBOSSED SEAL



April Miller  
Notary Public, State of Florida

April Miller  
Printed Name of Notary Public

DD884341  
Commission No.

Apr 25 2013  
Expiration Date



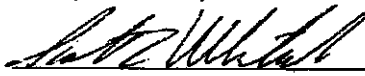
# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – [fmoffice@bwk.net](mailto:fmoffice@bwk.net)  
(Ph) 239-481-1331 (Fax) 239-481-1073

## SURVEYORS CERTIFICATE Fifth Amendment to Declaration of Condominium for Sanibel Harbour Yacht Club, A Condominium

We hereby certify that the attached Exhibit "D-5" dated 08-25-10 is an accurate representation of the unit boundaries for Units 519 and 520 / Units 424, 425, 512 and 513 **as revised** in accordance with Article 2, Section 11, (b), (i) of the Declaration of Condominium for Sanibel Harbour Yacht Club, A Condominium, as recorded in Instrument Number 2006000142556 of the public records of Lee County, Florida, and amended by that certain First Amendment recorded at Instrument Number 2006000418380, and by that certain Second Amendment recorded at Instrument Number 2007000081679, and by that certain Third Amendment recorded at Instrument Number 2007000186840, and by that certain Fourth Amendment recorded at Instrument Number 2007000230728. We further certify that the revised dimensions of the unit boundaries as shown on this Exhibit "D-5" are true and correct to the best of our knowledge and belief, the same being established based on a verbal request from the developer and represented hereon under the personal direction of the undersigned Registered Land Surveyor, and that this Exhibit "D-5" together with the wording of the Declaration to which it is annexed are sufficient in detail to determine the identification, location and approximate dimensions of the revised Units and the appurtenances thereto.

Bean, Whitaker, Lutz & Kareh, Inc.

 Date: 8/25/10

Scott C. Whitaker (For the firm)  
Registered Land Surveyor  
Florida Certificate Number 4324

#### PRINCIPALS

SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



#### ASSOCIATES:

JAMES A. HESSLER, PSM  
CHARLES D. KNIGHT, PSM  
MUNIR R. SULEH, PE, M.S.E.E.





Bean, Whitaker, Lutz & Kereh, Inc. (a snc)

CIVIL ENGINEER - ARCHITECT AND INTERIOR PLANNER			
1001-1 JACKSON BOULEVARD, SUITE 1000, MIAMI, FLORIDA 33109			
(305) 461-1331			
North, Atlatz - South - Magnetic, 05-2-2000	Scale	Sheet	File No. 04-1-131
6-25-10	3/7860	1" = 10'	2 OF 2
Project No.	Drawn By	Check By	Date
			5-16-23

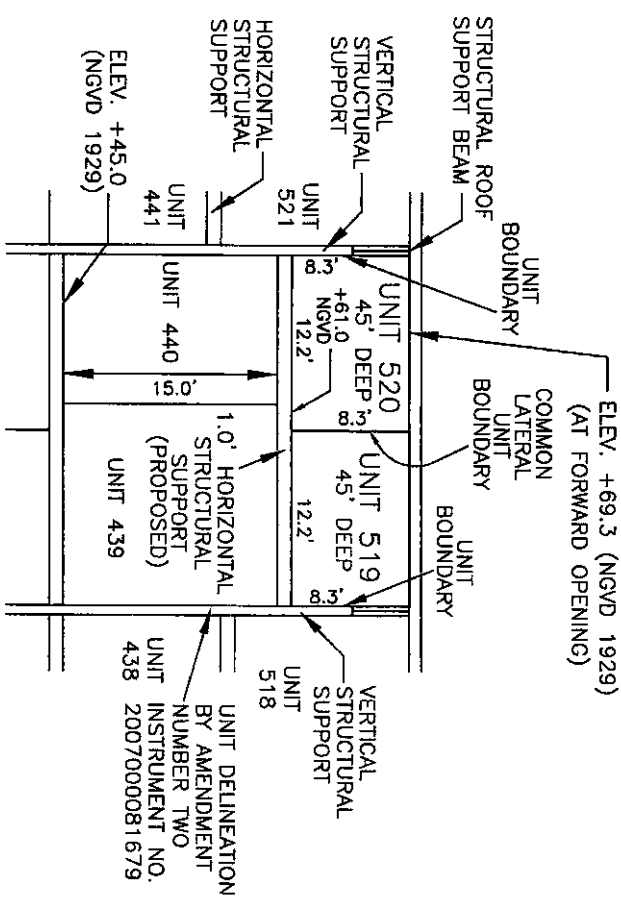


ANNEXED TO AND EXPRESSLY MADE A PART OF EXHIBIT "D" OF THE DECLARATION OF CONDOMINIUM FOR SANIBEL HARBOUR YACHT CLUB, A CONDOMINIUM LOCATED IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA FILED FOR RECORD IN INSTRUMENT NUMBER 2006000142556 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

AMENDMENT NUMBER FIVE TO ADD THE UNIT BOUNDARIES OF UNITS 519 AND 520 MODIFY THE UNIT BOUNDARIES OF UNITS 424, 425, 512 AND 513

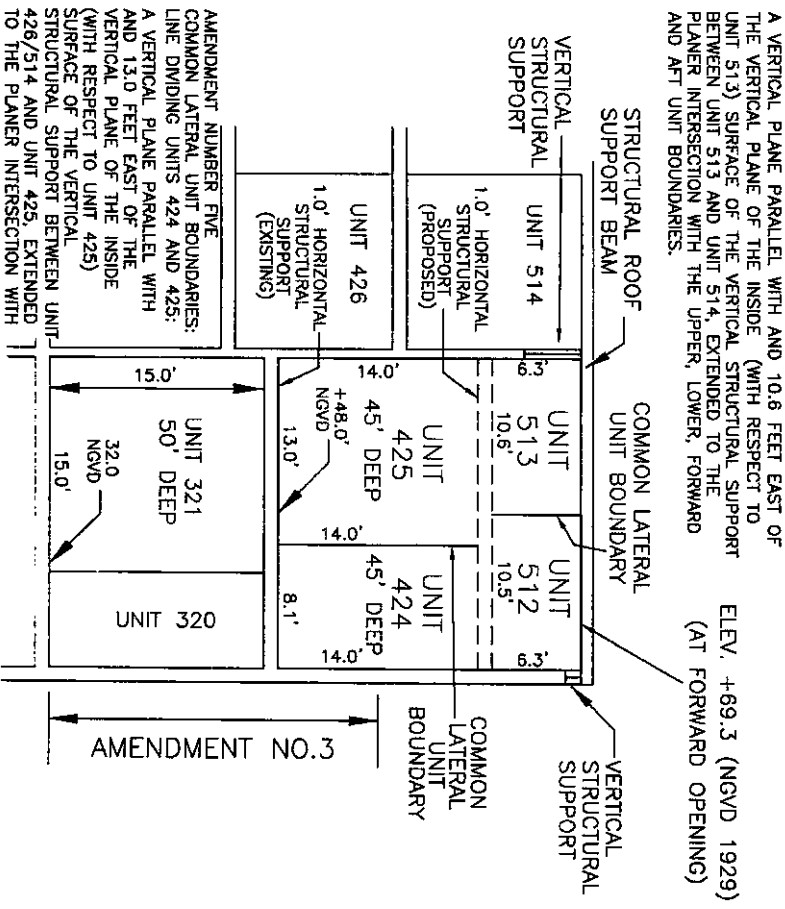
CONDOMINIUM PLAT BOOK PAGE

**DETAIL OF UNIT BOUNDARIES UNITS 519 AND 520**



AMENDMENT NUMBER FIVE  
COMMON LATERAL UNIT BOUNDARIES:  
LINE DIVIDING UNITS 519 AND 520:  
A VERTICAL PLANE PARALLEL WITH AND 12.2 FEET WEST OF THE VERTICAL PLANE OF THE INSIDE (WITH RESPECT TO UNIT 519) SURFACE OF THE VERTICAL STRUCTURAL SUPPORT BETWEEN UNIT 518 AND UNIT 519, EXTENDED TO THE PLANNER INTERSECTION WITH THE UPPER, LOWER, FORWARD AND AFT UNIT BOUNDARIES.

**DETAIL OF REVISED UNIT BOUNDARIES UNITS 424, 425, 512 AND 513**



AMENDMENT NUMBER FIVE  
COMMON LATERAL UNIT BOUNDARIES:  
LINE DIVIDING UNITS 424 AND 425:  
A VERTICAL PLANE PARALLEL WITH AND 13.0 FEET EAST OF THE VERTICAL PLANE OF THE INSIDE (WITH RESPECT TO UNIT 425) SURFACE OF THE VERTICAL STRUCTURAL SUPPORT BETWEEN UNIT 426/514 AND UNIT 425, EXTENDED TO THE PLANNER INTERSECTION WITH THE UPPER, LOWER, FORWARD AND AFT UNIT BOUNDARIES.

NOTE: UNITS 512 AND 513 ARE 45' DEEP