



This Instrument prepared by:
Christopher J. Shields, Esq.
PAVESE LAW FIRM
1833 Hendry Street
Fort Myers, Florida 33901
(239) 334-2195

INSTR # 6637533
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CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
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**AMENDMENT
TO THE
DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
PALM ISLAND, PHASE 2**

THIS AMENDMENT is made this 7th day of February, 2005, by U.S. HOME CORPORATION, a Delaware Corporation authorized to do business in the State of Florida ("Declarant").

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Palm Island Phase 2 was recorded in Official Records Book 3750, at Page 3673, as amended, of the Public Records of Lee County, Florida ("Declaration"); and

WHEREAS, Section 14.10 of the Declaration provides that the Declarant may, in its sole discretion, by an instrument filed of record, unilaterally modify, enlarge, amend, waive or add to the covenants, conditions, restrictions and other provisions of the Declaration and any recorded exhibit thereto or annex additional property into this Declaration; and

WHEREAS, U.S. Home is the Declarant and Developer under the Declaration; and

WHEREAS, the Declarant desires to amend Section 5.19 of the Declaration.

NOW, THEREFORE, the Declarant makes the following amendment to the Declaration:

(Underlined language is added and cross-through language is deleted.)

Section 5.19 of the Declaration is hereby amended to read as follows:

5.19 Walls, Fences, Hedges, etc. Unless approved in writing by Declarant, no wall, fence, hedge, or other divider shall be constructed or maintained on any adjoining Lot, it being the express intent that no fences, walls or dividers shall be permitted on any Lot which abuts lakes, preserve areas, streets or roads unless the Declarant so approves. However, a forty-eight inch (48") tall bronze colored aluminum fence may be constructed, maintained, repaired and replaced twelve inches (12") from the wall located in the rear of canal frontage lots by the homeowner at the homeowner's expense. The forty-eight inch (48") tall bronze colored aluminum fence may not be extended to enclose the rear yard or any portion of it, unless prior written permission is obtained from the Architectural Review Committee. It is the sole responsibility of the individual homeowner to maintain, repair or replace said fence, whether said fence was installed by the homeowner or the developer. The Association assumes no responsibility for the construction, maintenance or replacement of said fences. Hedges, constructed of shrubbery or other suitable vegetation, may be approved but only in those situations where back to back lots or homesites so request and are approved. Any dispute as to height, length, type, design, composition or material of walls, fences or hedges shall be resolved by the Community Association's Board of Directors, whose decision shall be final. Approval may not be given for the construction of any wall, fence or hedge which materially interferes with the water view of any Lot or Living Unit.

IN WITNESS WHEREOF, we have hereunto affixed our hands and the seal of said corporation, this _____ day of February, 2005.

WITNESSES:

U.S. HOME CORPORATION

a Delaware corporation

Laura D. Fornaciari
Signature

Printed Name LAURA D. FORNACIARI

Anne Henkel
Signature

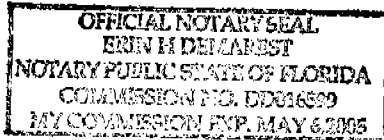
Printed Name

By: John B. Debitetto
Name: John B. Debitetto
Title: VICE PRES

STATE OF FLORIDA)
COUNTY OF)

The foregoing instrument was acknowledged before me this 7 day of February, 2005, by John B. Debitetto, Vice President of U.S. Home Corporation, a Delaware corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ as identification and did not take an oath.

(Notary Seal)



Erin H. Demarest
Signature of Notary Public

Erin H. Demarest
(Print, type or stamp commissioned name of Notary Public)

Commission No:

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