

2080480 OR: 2209 PG: 0102

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AMENDMENT TO DECLARATION OF COVENANTS  
FOR  
WIGGINS BAY

THIS AMENDMENT is made this 28 day of MAY, 1996.

WHEREAS, the original Declaration of Covenants for Wiggins Bay was made on the 20th day of June, 1984, and was recorded in OR Book 1088, page 1536, Public Records of Collier County, Florida, and

WHEREAS, SIGNIG, INC., is the present owner of that portion of the Wiggins Bay subdivision generally referred to as the Clubhouse Complex and legally described as Tract 3, Wiggins Bay Phase 1, according to plat recorded in Plat Book 13, pages 89 and 90, Public Records of Collier County, Florida, and

WHEREAS, the original Declaration of Covenants for Wiggins Bay contains conflicting provisions concerning the assessment amount which the Wiggins Bay Foundation (Foundation) is entitled to make against Tract 3, and

WHEREAS, there are approximately ninety-six (96) boat docks which have been constructed along the Cocohatchee River, in close proximity to the Tract 3 property, and

WHEREAS, there has been a dispute concerning the right of boat dock owners who are not Foundation members to use the Foundation's private roads and security gate, and

WHEREAS, as part of a settlement agreement, it has been agreed that the Wiggins Bay Declaration of Covenants would be amended in the manner hereinafter set forth.

NOW, THEREFORE, the Wiggins Bay Declaration is hereby amended as follows:

1. Paragraph 6.01 (h) is amended to read as follows:

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Anything to the contrary notwithstanding, for the calendar year 1996 and each subsequent year, the Clubhouse Complex shall pay an annual assessment equal to the product of its assessed value for the preceding year, as established by the Collier County Tax Assessor, multiplied by the uniform millage rate established each year by the Foundation for the purpose of determining the assessment amount to be paid by each plot pursuant to the procedure set forth in paragraph 6.01 (b) of the Declaration. The assessment for 1996 is \$6,600.00, which was computed by multiplying the 1995 assessed value of Tract 3 (\$1,200,000.00) by the assessment rate (.0055) established by the Foundation for 1996.

Any assessment made by the Foundation against the Clubhouse Complex pursuant to the provisions of this Paragraph 6.01(h) shall be the personal obligation of the owner of the Clubhouse Complex in accordance with Section 6.01(d). The Foundation shall have the same lien rights against Tract 3 for unpaid assessments as it has against other plots which are subject to the Wiggins Bay Declaration of Covenants. Such lien rights are set forth in Paragraphs 6.04 and 6.05 of the Declaration.

2. Paragraph 8.02 is amended by the addition of the following sentence to the end of paragraph 8.02:

The owners of the ninety-six (96) boat docks located along the Cocohatchee River in close proximity to the Clubhouse Complex, and their guests and invitees, shall have access rights on the same basis as members of the Club, over and upon the Foundation's roads, and through the Foundation's security gate, for the purpose of using the aforesaid boat docks. No Foundation assessment shall be made against the boat docks or the owners of said boat docks by reason of the access rights set forth in this paragraph.

3. Paragraph 6.03 is amended to read as follows:

Because the Clubhouse Complex provides recreational space, meeting facilities and aesthetic benefit to all Owners, there shall not be an initial capital assessment in respect of, or arising out of, the Clubhouse or its underlying property. Any annual assessment made by the Foundation against the Clubhouse Complex shall be made in the manner provided for in paragraph 6.01(h), as amended by the instant amendment.

4. The provisions of this amendment are not intended to increase or decrease, or to make any change in the rights which the members of the Foundation may have to use the

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Clubhouse Complex, nor are such provisions intended to add to the burden imposed on the boat docks.

The amendments set forth herein shall become effective upon recordation in the Public Records of Collier County, Florida.

## Witnesses

Carol Ann Antfeld  
CAROL ANN ANTFIELD

Print Name of Witness

Thomas E. Maloney  
THOMAS E. MALONEY

Print Name of Witness

WIGGINS BAY FOUNDATION,  
 a Not For Profit Florida  
 Corporation

By: Matthew J. Lorraine Pres.

Print Name of Officer  
Matthew J. Lorraine

Its PRESIDENT

## Witnesses

Richard S. Lorraine  
RICHARD S. LORRAINE

Print Name of Witness

James M. Lorraine  
James M. Lorraine

Print Name of Witness

STATE OF FLORIDA  
 COUNTY OF COLLIER

The foregoing instrument was acknowledged before me on the 29th day of May, 1996, by Matthew J. Lorraine as Treasurer, of Wiggins Bay Foundation, Inc., a Florida Not For Profit Corporation, who is  personally known to me, or  has produced check one as identification



CAROL ANN ANTFIELD  
 MY COMMISSION #CC378217 EXPIRES  
 June 17, 1998  
 ISSUED THRU CERTIFICATE INSURANCE, INC.

QHMAP1/78752.1

Notary Public

Carol Ann Antfeld  
 Print Name of Notary Public  
 My Commission Expires

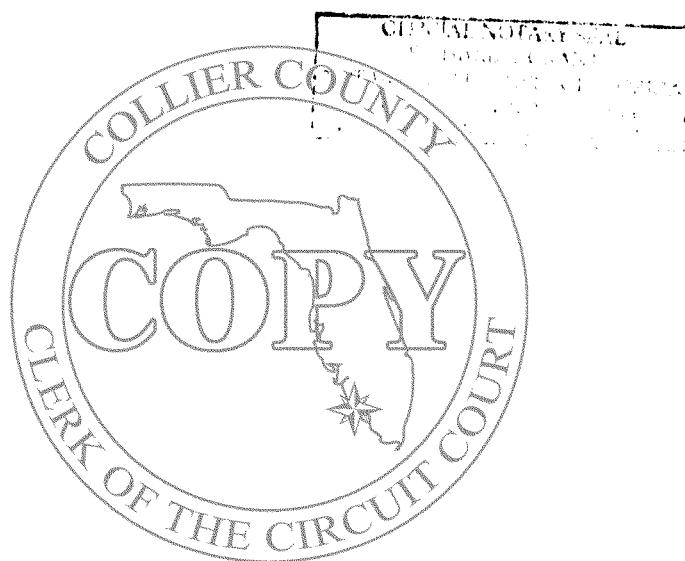
Matthew J. Lorraine  
 Print Name of Notary Public  
 My Commission Expires

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STATE OF FLORIDA  
COUNTY OF COVINGTON

28<sup>th</sup> The foregoing instrument was acknowledged before me on the  
day of July, 1996, by Gerald F. Gratzik II as  
Vice President, of Sigwig, Inc., a Florida Corporation,  
who is  personally known to me, or  has produced  
as identification (check one).

Notary Public Richard C. Grant  
Print Name of Notary Public  
My Commission Expires



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