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Prepared by and Return To:  
Joanne Janes  
Bonita Bay Properties, Inc.  
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Bonita Springs, FL 34135

INSTR # 5672129  
OR BK 03814 PG 1549  
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CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 28.50  
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Declaration: Book 2909  
Page 838

Cross-References: Declaration: Book 2909  
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**SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR SHADOW WOOD**

(6)

THIS SUPPLEMENTAL DECLARATION is made this 16<sup>th</sup> day of Dec.,  
2002, by Long Bay Partners LLC, a Florida limited liability company ("Declarant");

**WITNESSETH**

WHEREAS, on January 14, 1989, Declarant filed that certain Declaration of Covenants, Conditions, and Restrictions for Shadow Wood, recorded in Book 2909, Page 383, *et seq.*, of the Public Records of Lee County, Florida ("Declaration"); and

WHEREAS, pursuant to the terms of Section 9.1 of the Declaration, the Declarant may unilaterally subject additional property to the terms of the Declaration by recording a Supplemental Declaration describing the property to be subjected; and

WHEREAS, Declarant is the owner of the real property described in Exhibit "A," attached hereto ("Property"); and

WHEREAS, the Declarant desires to submit the Property to the Declaration and the jurisdiction of the Shadow Wood Community Association, Inc. ("Association");

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby subjects the real property described on Exhibit "A" hereof to the provisions of the Declaration. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns. The provisions of this Supplemental Declaration shall be binding upon Shadow Wood Community Association, Inc., in accordance with the terms of the Declaration.

**Article I**  
**Definitions**

Except as otherwise provided herein, all capitalized terms shall be defined as provided in the Declaration.

**Article II**  
**Duration**

This Supplemental Declaration shall be enforceable by the Declarant, the Association, any Owner, and their respective legal representatives, heirs, successors, and assigns, for a term of 25 years from the date this Supplemental Declaration is recorded in the Public Records. After such time, this Supplemental Declaration shall be extended automatically for successive periods of 10 years each, unless an instrument signed by not less than 75% of the then Owners of Units in the Neighborhood has been recorded in the Public Records within the year preceding any extension, agreeing to terminate this Supplemental Declaration, in which case this Supplemental Declaration shall be terminated as specified in such instrument. Notwithstanding this, if any provision of this Supplemental Declaration would be unlawful, void, or voidable by reason of applicability of the rule against perpetuities, such provision shall expire 90 years after the date this Supplemental Declaration is recorded in the Public Records. Nothing in this Article shall be construed to permit termination of any easement created in this Supplemental Declaration without the consent of the holder of such easement.

**Article III**  
**Amendment**

A. By Declarant. Declarant shall have the unilateral right to amend this Supplemental Declaration so long as it has the unilateral right to amend the Declaration. Provided, if such amendment would be materially adverse to the substantive rights of the Builder pursuant to or under the contractual agreement between Builder and Declarant for purchase and development of residential Units within the Property, Declarant shall obtain Builder's written approval prior to amending this Supplemental Declaration.

B. Joinder of the Association. The Association shall, not more than ten days after the request of the Declarant, join in any amendment to this Supplemental Declaration and execute such instruments to evidence such joinder and consent as Declarant shall, from time to time request. Failure to so join and consent to an amendment, if any, by the Association shall not be cause to prevent such amendment from being made by Declarant or to affect the validity thereof.

C. Consent for Amendment. Notwithstanding anything to the contrary herein contained, no amendment to this Supplemental Declaration shall be effective which shall remove, revoke, impair, or prejudice the rights, priorities, or obligations of Declarant, the Association, any Community Development District(s), or any Mortgagee under the Declaration or the Bylaws without the specific written approval of such Declarant, Association, Community Development District(s), or Mortgagee affected thereby.

D. FNMA/FHLMC Provision. Declarant may, in its sole discretion, with the approval of no other Person, including, without limitation, any Mortgagees being required, amend this Supplemental Declaration if necessary to do so for purposes of fulfilling the requirements of any governmental entity or quasi-governmental entity, including, but not limited to, the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), the Department of Housing and Urban Development (HUD), the Veterans Administration (VA), and the

Federal Housing Administration (FHA). Nothing contained herein shall require Declarant to make an amendment to the Declaration or this Supplemental Declaration for any purpose whatsoever.

**Article IV**  
**Conflict**

In the event of a conflict between the provisions of this Supplemental Declaration and the provisions of the Declaration, this Supplemental Declaration shall control.

IN WITNESS WHEREOF, Long Bay Partners LLC, as the Declarant, hereby executes this Supplemental Declaration by and through its authorized representatives on the date and year first above written.

**DECLARANT:**

**LONG BAY PARTNERS LLC, a Florida limited liability company**

By: Bonita Bay Properties, Inc., a Florida corporation, its managing member

*Michael A. Jones*  
WITNESS *Michael A. Jones*

By: *John M. Gleeson*  
W 3 John M. Gleeson, Vice President

*Joanne Janes*  
WITNESS *Joanne Janes*

[CORPORATE SEAL]

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of Dec., 2002, by John M. Gleeson, as Vice President for Bonita Bay Properties, Inc., a Florida corporation, on behalf of such entity, as the managing member of Long Bay Partners LLC, a Florida limited liability company. He is personally known to me and did not take an oath.

Given under my hand and official seal this 16<sup>th</sup> day of Dec., 2002.

My term of office expires on 2/10/06.

*Joanne Janes* [SEAL]  
NOTARY PUBLIC *Joanne Janes*

5167.01/ShadowWood /CADocs/Supp-Annexing Property

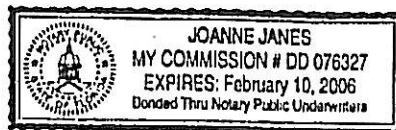


EXHIBIT "A"

Property Subjected to the Declaration

ALL THOSE LOTS, TRACTS AND PARCELS OF LAND, being a part of:

Section 3, Township 47 South, Range 25 East, and Section 10, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit One, as recorded in Plat Book 61 Pages 21 through 39 (inclusive) of the Public Records of Lee County, Florida, on May 22, 1998, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East, and Section 10, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Two-B, as recorded in Plat Book 61 Pages 53 through 54 (inclusive) of the Public Records of Lee County, Florida, on June 22, 1998, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East, Section 2, Township 47 South, Range 25 East, and Section 11, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Two-A, as recorded in Plat Book 62 Pages 31 through 33 (inclusive) of the Public Records of Lee County, Florida, on October 21, 1998, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East, Section 2, Township 47 South, Range 25 East, and Section 11, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Three, as recorded in Plat Book 63 Pages 89 through 94 (inclusive) of the Public Records of Lee County, Florida, on May 10, 1999, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Four, as recorded in Plat Book 65 Pages 3 through 8 (inclusive) of the Public Records of Lee County, Florida, on October 27, 1999, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 10, Township 47 South, Range 25 East and Section 11, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Five, as recorded in Plat Book 65 Pages 23

through 28 (inclusive) of the Public Records of Lee County, Florida, on December 13, 1999, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Six, as recorded in Plat Book 66 Pages 66 through 70 (inclusive) of the Public Records of Lee County, Florida, on June 25, 2000, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Seven, as recorded in Plat Book 66 Pages 90 through 93 (inclusive) of the Public Records of Lee County, Florida, on August 4, 2000, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 2, Township 47 South, Range 25 East and Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Eight, as recorded in Plat Book 67 Pages 74 through 83 (inclusive) of the Public Records of Lee County, Florida, on December 22, 2000, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Nine, as recorded in Plat Book 67 Pages 84 through 86 (inclusive) of the Public Records of Lee County, Florida, on January 12, 2001, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Eleven, as recorded in Plat Book 68 Pages 56 through 58 (inclusive) of the Public Records of Lee County, Florida, on April 12, 2001, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Ten, as recorded in Plat Book 68 Pages 86 through 87 (inclusive) of the Public Records of Lee County, Florida, on May 3, 2001, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Thirteen, as recorded in Plat Book 69 Pages 27 through 30 (inclusive) of the Public Records of Lee County, Florida, on July 5, 2001, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;



Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Twelve, as recorded in Plat Book 69 Pages 48 through 53 (inclusive) of the Public Records of Lee County, Florida, on August 31, 2001, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 2, Township 47 South, Range 25 East and Section 3, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Fourteen, as recorded in Plat Book 69 Pages 93 through 96 (inclusive) of the Public Records of Lee County, Florida, on November 16, 2001, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 2, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Sixteen, as recorded in Plat Book 71 Pages 23 through 27 (inclusive) of the Public Records of Lee County, Florida, on June 12, 2002, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

Section 2, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Eighteen, as recorded in Plat Book 71 Pages 38 through 39 (inclusive) of the Public Records of Lee County, Florida, on June 18, 2002, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference; and

Section 2, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described on the Final Plat of Shadow Wood at the Brooks Unit Seventeen, as recorded in Plat Book 72 Pages 15 through 17 (inclusive) of the Public Records of Lee County, Florida, on September 18, 2002, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference;

LESS AND EXCEPT:

That tract being a part of Section 10, Township 47 South, Range 25 East of Lee County, Florida, and being more particularly shown and described as Tract M on the Final Plat of Shadow Wood at the Brooks Unit One, as recorded in Plat Book 61 Pages 21 through 39 (inclusive) of the Public Records of Lee County, Florida, on May 22, 1998, as such Final Plat sets forth the metes and bounds description thereof which is incorporated herein by this reference; and

All lots, tracts, and parcels of land previously subjected to the Declaration by a recorded Supplemental Declaration. Such lots, tracts, and parcels of land shall remain subject to, and bound by, the provisions of the Declaration.