

This instrument prepared by
and after recording return to:

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Borgia Law
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Fort Myers, Florida 33913

CERTIFICATE OF AMENDMENT
TO THE AMENDED AND RESTATED DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR THE ROOKERY

THIS CERTIFICATE OF AMENDMENT (the "Amendment") is made this ___ day of _____, 2014, by The Rookery Community Association, Inc., a Florida non-profit corporation (the "Association").

WHEREAS, on December 22, 2008, the Association recorded the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for the Rookery, in Instrument No. 2008000332772 of the Public Records of Lee County, Florida (the "Declaration"); and

WHEREAS, pursuant to the Association's right to Amend the Declaration as set forth in Section 8.12 of the Declaration and in accordance with Section 720.306(1)(b), Florida Statutes, the Association desires to amend the Declaration as set forth in this Amendment;

NOW THEREFORE, the Association amends Article VII of the Declaration by adding Section 7.13 as follows:

7.13 Transfer Fee. A transfer fee in the amount of \$2,500.00 shall be due and payable by an Owner upon the conveyance of a Lot, which transfer fee shall be waived in the event all fines, fees and Assessments are paid in full by Owner prior to or at closing on the conveyance of the Lot.


EXCEPT AS AMENDED HEREBY, all terms and provisions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused the foregoing Amendment to be executed on the date set forth below.

form on any noun or pronoun herein may be deemed to mean the corresponding plural form thereof and vice versa.

8.10 Severability. In the event any one of the provisions of this Amended and Restated Declaration shall be deemed invalid by a court of competent jurisdiction, said judicial determination shall in no way affect any of the other provisions hereof, which shall remain in full force and effect. Without limitation of the foregoing, the invalidation of any of the covenants or restrictions or terms and conditions of this Amended and Restated Declaration or a reduction in the term of the same by reason of the legal rule against perpetuities shall in no way affect any other provision which shall remain in full force and effect for such period of time as may be permitted by law.

8.11 Term. This Amended and Restated Declaration (but excluding the easements herein created which are perpetual) and the terms provisions, conditions, covenants, restrictions, reservations, regulations, burdens and liens contained herein, including, without limitation, the provisions for assessment of Lots, shall run with and bind the Property and inure to the benefit of the Association, Owners and their respective legal representatives, heirs, successors and assigns for a term of ninety (90) years from the date hereof, after which time this Amended and Restated Declaration shall be automatically renewed and extended for successive periods of ten (10) years each unless at least one (1) year prior to the termination of such ninety years time or to each such ten-year extension there is recorded in the Public Records of Lee County, Florida, an instrument agreeing to terminate this Amended and Restated Declaration signed by two-thirds (2/3) of all Owners and two-thirds (2/3) of all institutional Mortgagees, upon which event this Amended and Restated Declaration shall be terminated upon the expiration of the ninety-year term or the ten-year extension during which such instrument was recorded.

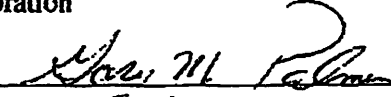
8.12 Amendment. This Amended and Restated Declaration may be amended from time to time by a written amendment consented to and approved by an affirmative vote of the Owners of not less than two-thirds (2/3) of the Lots contained within the Subdivision. 

IN WITNESS WHEREOF, the parties hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
In the presence of:

THE ROOKERY COMMUNITY
ASSOCIATION, INC., a Florida non-profit
corporation



By: 

JAMES H. FORACASTER
Print Name

Print Name: GARY M PALMER



Its: PRESIDENT

CHRISTOPHER PALMER
Print Name