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Timothy J. Bruehl
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LAW OFFICE OF
WAGGONER & BRUEHL, P.A.
5400 Pine Island Road, Suite D
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(239) 283-1076
(239) 283-7567 Fax

Paul H. Waggoner
in Memoriam
12/1/2016

May 11, 2023

Joe Nicefield
7846 Della Bitta Lane
Bokeelia, FL 33922

Re: Amendment to Deed Restrictions

Dear Mr. Nicefield:

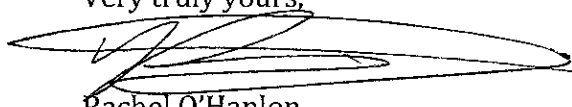
Enclosed please find the following for your records:

- Original and Recorded Copy of Amendment to Deed Restrictions

Please keep these important documents in a safe place.

It was a pleasure working with you in this matter. Should you have any questions, please feel free to call or contact me.

Very truly yours,



Rachel O'Hanlon
Real Estate Assistant

Enclosures


CERTIFICATE OF RECORDATION
FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED BYLAWS
OF
CAPTAIN'S COVE HOMEOWNERS' ASSOCIATION, INC.

I HEREBY CERTIFY that the attached First Amendment to the Second Amended and Restated Bylaws were duly adopted by the Association membership at a duly noticed Board meeting of the Association on the 3rd day of April, 2023. The original Deed of Restrictions for Captain's Cove, Unit 1, is recorded at O.R. Book 1190, at Pages 1964 *et seq.*; the original Deed of Restrictions for Captain's Cove, Unit 2, is recorded at O.R. Book 1324, at Pages 106 *et seq.*; the original Deed of Restrictions for Captain's Cove Unit 3 is recorded in O.R. Book 1432, at Pages 1412 *et seq.* all of the Public Records of Lee County, Florida.


The Community is further described in Plat Book 30, Page 61, for Unit One; and in Plat Book 32, Page 35, for Unit Two; and in Plat Book 33, Page 137, for Unit Three, all of the Public Records of Lee County, Florida.

The First Amendment to the Second Amended and Restated Bylaws of Captain's Cove Homeowners' Association, Inc. is attached hereto.

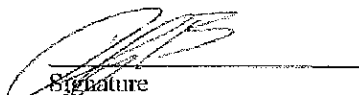
WITNESSES:
(TWO)


Signature

Rachel O'Hanlon
Printed Name

By: 
Joe Niccfield, President

Date: The 10th day of May, 2023


Signature

Richard J. Bouché
Printed Name

(CORPORATE SEAL)

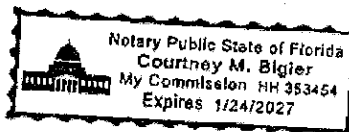
STATE OF FLORIDA
COUNTY OF LEE

Subscribed and sworn to before me, by means of (X) physical presence or () online notarization, by JOE NICEFIELD as President of Captain's Cove Homeowners' Association, Inc., a Florida Corporation, on behalf of the Corporation, () who is personally known to me or (X) who has produced a driver's license as identification, and by FL DL, a witness () who is personally known to me or (X) who has produced a driver's license as identification and, FL DL a witness () who is personally known to me or (X) who has produced a driver's license as identification, on the 10th day of May, 2023.

My commission expires: 1/24/2027

Courtney Bigler
Notary Public Courtney Bigler

Prepared by:
Richard J. Bruchl
Waggoner & Bruchl, P.A.
5400 Pine Island Road, Suite D
Bokeelia, FL 33922
(239) 283-1076



FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED BYLAWS
OF
CAPTAIN'S COVE HOMEOWNERS' ASSOCIATION, INC.

This Amendment made this 10th day of May, 2023, to the BYLAWS OF CAPTAIN'S COVE HOMEOWNERS' ASSOCIATION, INC. dated the 21st day of March, 1977, by and between CAPTAIN'S COVE HOMEOWNERS' ASSOCIATION, INC., of Lee County, Florida, hereinafter called the "Grantor," and ALL PRESENT AND FUTURE OWNERS of any of the lands located in CAPTAIN'S COVE.

I.

WHEREAS the original Deed of Restrictions for Captain's Cove, Unit 1, is recorded at O.R. Book 1190, at Pages 1964 *et seq.*; the original Deed of Restrictions for Captain's Cove, Unit 2, is recorded at O.R. Book 1324, at Pages 106 *et seq.*; the original Deed of Restrictions for Captain's Cove Unit 3 is recorded in O.R. Book 1432, at Pages 1412 *et seq.* all of the Public Records of Lee County, Florida; and

WHEREAS the Captain's Cove Homeowners' Association, Inc. Deed of Restrictions Approved by Board Action 11/98 and the Revisions to the By-Laws of Captain's Cove Homeowners' Association, Inc. were duly ratified at a meeting of the Board of Directors of the Association held on March 7, 2000. Such meeting was properly noticed and was attended, in person and by proxy, by a quorum of the Board of Directors and that the foregoing Deed of Restrictions, Bylaws and Articles of Incorporation were properly ratified by the Association pursuant to the governing documents, Florida Statute 617 and the By Laws. Said Deed of Restrictions Approved by Board Action 11/98 and the Revisions to the By-Laws of Captain's Cove Homeowners' Association, Inc. are recorded as O.R. Book 3260, at Pages 2060 *et seq.* in the Public Records of Lee County, Florida; and

WHEREAS Captain's Cove Homeowners' Association, Inc. and the Association membership duly adopted the Amended, Restated and Combined Deed of Restrictions of Captain's Cove Homeowners' Association, Inc. and the Amended and Restated Articles of Incorporation of Captain's Cove Homeowners' Association, Inc. at a duly noticed special members' meeting of the Association on the 7th day of March, 2008. Said Amended, Restated and Combined Deed of Restrictions of Captain's Cove Homeowners' Association, Inc. and the Amended and Restated Articles of Incorporation of Captain's Cove Homeowners' Association, Inc. are recorded as Instrument Number 2008000078211 in the Public Records of Lee County, Florida; and

WHEREAS Captain's Cove Homeowners' Association, Inc. and the Association membership duly adopted the Second Amended And Restated Bylaws of Captain's Cove Homeowners' Association, Inc. at a duly noticed special members' meeting of the Association on the 19th day of March, 2008. Said Second Amended And Restated Bylaws of Captain's Cove Homeowners' Association, Inc. is recorded as Instrument Number 2008000109140 in the Public Records of Lee County, Florida; and

WHEREAS it is the intention and desire of Captain's Cove Homeowners' Association, Inc. and the Association membership that Section 4. USE RESTRICTIONS, paragraph 4.18, of the Amended, Restated and Combined Deed of Restrictions of Captains' Cove Homeowners' Association, Inc. be amended as herein recited and that said lands be restricted in the manner hereinafter set forth in detail. Said Amendment was duly adopted the Second Amended And Restated Bylaws of Captain's Cove Homeowners' Association, Inc. at a duly noticed special members' meeting of the Association on the 3rd day of April, 2023

NOW THEREFORE pursuant to said special members' meeting of the Association on the 3rd day of April, 2023 it is agreed that all future conveyances of any of the lands herein above described shall be subject to the following restrictions from the date hereof and up to and including the 10th day of May, 2023, unless the same shall be extended as hereinafter provided, which said restrictions shall be binding upon the parties hereto, their assigns or legal representatives, which said restrictions shall be applicable to and run with the land during the term hereof:

II.

Captain's Cove Homeowners' Association, Inc. and the Association membership, do hereby amend Section 4. USE RESTRICTIONS, paragraph 4.18, of the Amended, Restated and Combined Deed of Restrictions of Captains' Cove Homeowners' Association, Inc., which, as amended, shall state as follows:

4. USE RESTRICTIONS

4.18 There shall be no prefabricated or manufactured homes allowed in the Community. All homes being erected or constructed in the Community shall not be ground level nor block and stucco. Any homes erected or constructed in the Community after the date of this Amendment shall be built as stilt homes, on pilings or on columns.

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