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PREPARED BY AND TO BE RETURNED TO:
Robert S. Freedman, Esquire
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FIRST AMENDMENT TO AMENITIES DECLARATION FOR PORTICO

THIS FIRST AMENDMENT TO AMENITIES DECLARATION FOR PORTICO ("First Amendment") is made by WCI Communities, LLC, a Delaware limited liability company ("WCI").

W I T N E S S E T H:

WHEREAS, the Amenities Declaration for Portico was recorded in Official Records Instrument 2017000109550, public records of Lee County, Florida, as has been or may be amended from time to time (collectively, "Amenities Declaration"); and

WHEREAS, WCI is the Declarant under the Amenities Declaration; and

WHEREAS, WCI is the Amenities Owner under the Amenities Declaration; and

WHEREAS, WCI, as Declarant and the Amenities Owner, now desires to amend certain provisions of the Amenities Declaration, as more particularly described hereinafter; and

WHEREAS, pursuant to Section 9.12 of the Amenities Declaration, the Amenities Owner shall have the right to amend the Amenities Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever, provided however that no amendment shall alter the provisions of the Amenities Declaration benefiting Lenders without the prior approval of the Lender(s) enjoying the benefit of such provisions; and

WHEREAS, the amendments contained hereinafter alter the provisions of the Amenities Declaration benefitting Lenders;

NOW, THEREFORE, WCI, as Declarant and the Amenities Owner, hereby states as follows:

1. The foregoing recitals are true and correct and are deemed incorporated herein as if fully stated hereinafter.

2. All defined terms herein shall have the meaning set forth in the Amenities Declaration, unless specifically defined in the First Amendment.

3. Section 5.5.1 of the Amenities Declaration is hereby amended to read as follows:

5.5.1 The Amenities Fees shall ~~not~~ include any sales, use and other governmental taxes (collectively, "Taxes") due and owing in connection with the use rights provided to Owners hereunder. ~~At the time of payment of the Amenities Fees, each Owner shall be required to deliver to Amenities Owner the applicable Taxes imposed upon the Amenities Fees by governmental entities.~~ At the time of payment of the Non-Deeded User Fees, each Non-Deed User shall be required to deliver to Amenities Owner the applicable Taxes imposed upon the Non-Deeded User Fees by governmental entities if the Taxes are not otherwise included in the Non-Deeded User Fees. ~~Amenities Owner shall be required to deliver notice to each Owner and Non-Deeded User of the~~

~~amount of Taxes that are owed, and such notice shall be given together with notice of the amount of the Amenities Fees or the Non-Deeded User Fees (as the case may be).~~

4. Except as modified by this First Amendment, the Amenities Declaration remains valid and in full force and effect.

5. In the event of a conflict between the provisions of this First Amendment and the provisions of the Amenities Declaration prior to the effective date hereof, the provisions of this First Amendment shall control.

IN WITNESS WHEREOF, WCI has caused this First Amendment to be executed by its authorized officer and affixed its corporate seal as of this 10th day of January, 2018.

WITNESSES:

Signature: _____
Printed Name: Matthew Korach

Signature: _____
Printed Name: Amy Hofschneider

WCI Communities, LLC, a Delaware limited liability company authorized to do business in Florida.

Signature: _____
Darin McMurray, Vice-President

SEAL

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of January, 2018, by Darin McMurray, as Vice-President of WCI Communities, LLC, a Delaware limited liability company authorized to do business in Florida. He ☒ is personally known to me or ☐ has produced _____ _____ as identification.

My Commission Expires:

DEANNA J. CRAFT
Commission # GG 084838
Expires July 20, 2021
Bonded Thru Troy Fain Insurance 800-385-7019

_____
(Signature)
Deanna J. Craft

Name: _____
(Legibly Printed)

Notary Public, State of Florida

_____
(Commission Number, if any)