

**PROPOSED AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OF
SORRENTO, A CONDOMINIUM**

The Declaration of Condominium of Sorrento, a Condominium, is hereby amended as set forth below:

Additions indicated by underlining.
Deletions indicated by ~~striketrough~~.

3. Description of Condominium.

[Sections 3.1 through 3.6 remain unchanged]

3.7. Easements. The following easements are hereby created (in addition to any easements created under the Act and any easements recorded in the Public Records of Lee County affecting the Condominium Property):

[Subsections (a) through (h) remain unchanged]

(i) Construction Easement. Developer hereby reserves to itself and its successors, assigns and designees a non-exclusive easement over such portions of the Common Elements or Association Property as are necessary to afford access between any public road and any and all lands adjacent to the Condominium which are owned by Developer or its successors or assigns. The purpose of such easement shall be for the development, construction, sale and administration of any condominium or other development Developer elects to construct on said adjacent land. Developer shall be responsible for any damage caused to the Common Elements or Association Property as a result of the use of such easement by construction and other vehicles and persons, ordinary wear and tear excepted.

[Subsections (j) through (k) remain unchanged]

6. Amendments. Except as elsewhere provided herein, amendments may be effected as follows:

6.1 By the Association. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which the proposed amendment is to be considered. An amendment may be proposed either by a majority of the Board of Directors of the Association or by one-third (1/3) members of the Association. Except as elsewhere provided, approvals of proposed amendments must be by affirmative vote of no less than ~~sixty-seven percent (67%)~~ a majority of the Unit Owners present and voting, in person or by proxy, at any annual or special meeting called for the purpose. Amendments correcting errors, omissions or scrivener's errors may be executed by the officers of the Association, upon Board approval, without need for Association membership vote. Directors and members not present in person or by proxy at the meeting considering the amendment may express their approval in writing, provided that such approval is delivered to the secretary at or prior to the meeting; however, the same may not be counted as a vote on the action taken and may not be used for the purpose of creating a quorum.

6.2 By the Developer. The Developer, during the time it has the right to elect a majority of the Board of Directors of the Association, may amend the Declaration, the Articles of Incorporation or the By Laws of the Association to correct an omission or error, or effect any other amendment, except

~~that this procedure for amendment cannot be used if (i) such an amendment would materially and adversely affect substantial property rights of Unit Owners, unless the affected Unit Owners consent thereto; or (ii) the amendment purports to change the configuration or size of a Unit in any material fashion; materially alters or modifies the appurtenance to a Unit, changes the share of a Unit as set forth in Section 5.1 above, or purports to permit the creation of time share estates. Any amendments described in clause (ii) shall require the joinders set forth in Section 718.110(4) or (8), Florida Statutes, as applicable. Notwithstanding the foregoing, the Developer shall also have the right to amend this Declaration as provided in Sections 3.2 and 3.3 hereof without the joinder or consent of any Unit Owner or the Association and to unilaterally amend this Declaration to add additional Phase property to the Condominium in accordance with Section 3.2 and applicable law. Thereafter the proposed phases may be added to the Condominium with the proper vote of the Association and Unit Owners in accordance with applicable law.~~

[Sections 6.3 through 6.5 remain unchanged]