

PREPARED BY AND RETURN TO:  
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INSTR # 6074538  
OR BK 04143 Pgs 3734 - 3735; (2pgs)  
RECORDED 12/10/2003 03:20:30 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
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**AMENDMENT TO DECLARATION OF RESTRICTIONS AND  
PROTECTIVE COVENANTS FOR CASCADES AT ESTERO**

WHEREAS, the Declaration of Restrictions and Protective Covenants for Cascades at Estero is recorded in Official Records Book 03706, Page 4023 of the Public Records of Lee County, Florida, as amended (the "Declaration"); and,

WHEREAS, pursuant to Section 5 of Article XIII of the Declaration, the Declaration may be amended by the Developer, unilaterally, for as long as the Developer has the right to appoint the entire Board of Directors of the Association; and,

WHEREAS, the Developer currently retains the right to appoint the entire Board of Directors of the Association and has decided to amend Article VII of the Declaration as hereinafter set forth.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Article VII, "EASEMENTS," is hereby amended to add "Section 10. Zero-Lot-Line Maintenance Easement" as follows:

**Section 10. Zero-Lot-Line Maintenance and Roof Overhang Easement.**

In order to allow the Owner of any residence which is located within one foot of the side Lot line of any Lot to maintain the wall facing the adjoining Lot, said Owner shall have a five foot (5') easement over such adjoining Lot, with the right to ingress and egress during reasonable times of day, for the purpose of maintaining and repairing the wall facing said adjoining Lot.

There shall also be a three foot (3') easement for under-ground footings, roof eaves, overhangs, gutters, other protrusions, and underground pipelines over said adjoining Lot. The easements created in this section shall be permanent, perpetual and exclusive to the Owners involved.

In addition, the zero lot line maintenance easements are dedicated in perpetuity to the Owner of the Lot adjoining each easement, and to the utility companies providing service to such adjoining Lot, for the maintenance of the abutting residence, as well as construction and maintenance of utility facilities serving the adjoining Lot.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned this 9<sup>th</sup> day of DECEMBER, 2003.

WITNESSES:

Deborah A. Pearson  
Name: Deborah A. Pearson

Dawn Applebee  
Name: Dawn Applebee

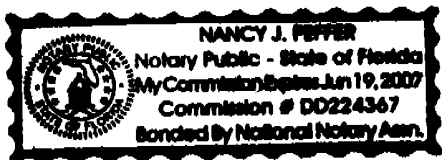
DEVELOPER:

CASCADES BY LEVITT AND SONS, LLC,  
a Florida limited liability company

By: [Signature]  
Name: ALFRED G. WEST  
Title: SR VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of DECEMBER, 2003 by ALFRED G. WEST, as SR VICE PRESIDENT of Cascades by Levitt and Sons, LLC, a Florida limited liability company, who did not take an oath and who is personally known to me or who produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public  
State of Florida  
My Commission Expires: 6/19/07