

Prepared by and return to:
Molly A. Maggiano, Esq.
1715 Monroe St.
P.O. Box 280
Fort Myers, FL 33902

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#1

FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
HILL TIDE ESTATES

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Hill Tide Estates ("**Amendment**") is made this 13th day of July, 2018 by Boca Pass Partners, LLC, a Florida limited liability company, whose address is 12801 Commonwealth Drive, Unit 12, Fort Myers, Florida 33913 ("**Declarant**").

WITNESSETH:

WHEREAS, Declarant is the "Declarant" under that certain Declaration of Covenants, Conditions, and Restrictions for Hill Tide Estates recorded at Instrument No. 2017000012493 of the public records of Lee County, Florida (the "**Declaration**").

WHEREAS, pursuant to Article XI, Section 3 of the Declaration, Declarant has the right, without the consent or joinder of any party, to amend the Declaration so long as the Declarant controls the Hill Tide Estates Owners' Association (the "**Association**").

WHEREAS, Declarant desires to amend the Declaration as set forth in this Amendment for the purpose of updating and augmenting certain provisions of the Declaration in order to provide for consistency and compliance with certain governmental codes and requirements.

NOW, THEREFORE, Declarant hereby amends the Declaration in the following respects and declares that all of the Property shall be held, sold and conveyed subject to the terms and conditions of the Declaration, as amended hereby:

1. Article IX, Section 22 of the Declaration is hereby amended as follows (*with underlining indicating text added, and strike-out indicating deleted text*):

Section 22. **Setbacks.** The location of Buildings, Units and other structures and improvements upon Lots shall comply with setback requirements of Lee County, Florida. To the extent that the location of any pool equipment, HVAC systems and equipment, or any other similar equipment or improvements appurtenant to a Unit or

structure shall encroach on any setbacks, such encroachments shall be deemed approved by the Association for purposes of compliance with this Section provided that they have been approved by Lee County or other applicable governmental entity or regulatory agency.

2. Any capitalized terms used in this Amendment, which are not defined herein, shall have the meanings ascribed to them in the Declaration. Except as expressly modified by this Amendment, the Declaration, as previously amended and/or supplemented, shall remain unchanged, and the Declarant hereby ratifies and reaffirms the same.

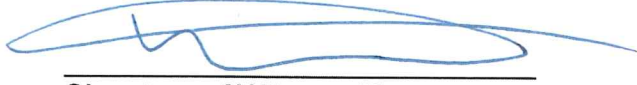
IN WITNESS WHEREOF, the Declarant has executed this Amendment this 13th day of July, 2018.



Signature of Witness #1

Anjeza Elezi

Printed/Typed Name of Witness #1



Signature of Witness #2


Martin Gabe

Printed/Typed Name of Witness #2

DECLARANT:

**Boca Pass Partners, LLC,
a Florida limited liability company**

By: BCB Seagate I, LLC,
A Florida limited liability company
Its: Manager

By: 

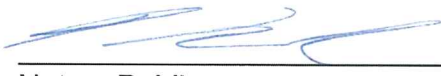
William G. Price, Jr., Manager

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 13th day of July, 2018, by William G. Price, Jr., Manager of BCB Seagate I, LLC, a Florida limited liability company, Manager of Boca Pass Partners, LLC, on behalf of the company. He is personally known to me or has produced _____ as identification.

My Commission Expires:





Notary Public

Heather Rumbold

Print/Type Name of Notary

Commission No: GG117429