

**AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
TERRAMAR AT OLDE CYPRESS**

This Amendment to Declaration of Covenants, Conditions and Restrictions for Terramar at Olde Cypress, is made this 29 day of April, 2003, by Sussex Homes at Olde Cypress, LLC, a Florida limited liability company.

Sussex Homes at Olde Cypress, LLC (ADeveloper@), is the successor developer of Terramar at Olde Cypress, and, as successor in interest to Terramar Development, Inc., a Florida corporation, is the Declarant in the Declaration of Covenants, Conditions and Restrictions for Terramar at Olde Cypress, recorded on June 21, 2000, in Official Records Book 2689, Page 1846, of the Public Records of Collier County, Florida (the ADeclaration@).

Pursuant to paragraph 14.3 of the Declaration, the Developer retains the right to amend the Declaration without the consent of any Owner, the Association, or any lien holder.

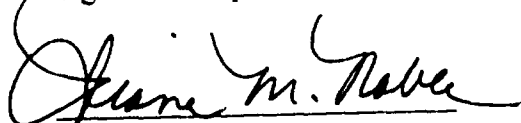
The Developer hereby amends the Declaration as follows:

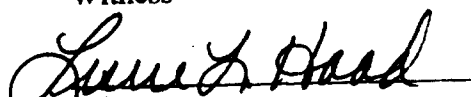
Paragraph 6.1 is amended as follows:

6.1 Encroachments There shall be reciprocal appurtenant easements of encroachment as between each Lot or Dwelling Unit and such portion or portions of the Common Property adjacent thereto or as between adjacent Lots or Dwelling Units due to the unintentional placement or settling or shifting of the improvements constructed, reconstructed, or altered thereon (in accordance with the terms of these restrictions) to a distance of not more than one (1) foot, as measured from any point on the common boundary between each Lot or Dwelling Unit and the adjacent portion of the Common Property or as between said adjacent Lot or Dwelling Unit, as the case may be, along a line perpendicular to such boundary at such point; provided, however, in no event shall an easement for encroachment exist if such encroachment occurred due to willful and knowing conduct on the part of an Owner, Tenant, or the Association. Additionally, there shall be reciprocal appurtenant easements of encroachment between each Lot or Dwelling Unit and the adjacent Lot or Dwelling Unit for roof, downspout, and gutter overhangs up to a distance of not more than two (2) feet.

IN WITNESS WHEREOF, Sussex Homes at Olde Cypress, LLC (ADeveloper@), as successor in interest to Terramar Development, Inc., a Florida corporation, has caused this Amendment to Declaration of Covenants, Conditions and Restrictions for Terramar at Olde Cypress, to be executed by its duly authorized agents on the date set forth above.

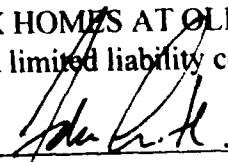
Signed in the presence of:


Witness


Witness

SUSSEX HOMES AT OLDE CYPRESS, LLC.
a Florida limited liability company

By:


Adam Smith, Managing Member

I hereby certify that on the 28 day of April, 2003, personally appeared before me Adam Smith, Managing Member of Sussex Homes at Olde Cypress, LLC, a Florida limited liability company, who executed the foregoing in the name and on behalf of the company, and who is personally known to me.



Diana M Noble
My Commission DD007608
Expires March 06, 2006

Diana M. Noble

NOTARY PUBLIC

Print

Name: Diana M. Noble

My Commission Expires:

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