

4.15 "Rules and Regulations" means those rules and regulations promulgated by the Board of Directors, governing the use, occupancy, structural alteration, maintenance, transfer, exterior appearance of Units, and the appearance of Common Elements and Limited Common Elements, subject to any limits set forth in the Declaration of Condominium. The current Rules and Regulations are the Amended and Restated Rules and Regulations attached hereto as Exhibit "5".

4.16 "Unit" means and refers to that portion of the Condominium Property which is subject to exclusive ownership and is referred herein to each of the separate and identified Units delineated in Exhibit "1" (Certificate of Surveyor, Legal Description, Survey/Plot Plan and Floor Plans).

4.17 "Unit Owner" or "Owner" means and refers to the record owner of legal title to a Unit, except that for the purpose of interpreting use and occupancy restrictions related to Units, in cases where a Primary Occupant has been designated for a Unit because of its ownership, the word "Owner" refers to the Primary Occupant and not the record owner.

4.18 "Voting Interest" means and refers to the arrangement established in the Condominium Documents by which the Owners of each Unit collectively are entitled to one vote in Association matters. There are sixty-four (64) Units and therefore there are a total of sixty-four (64) Voting Interests.

5. DESCRIPTION OF IMPROVEMENTS: SURVEY AND PLANS:

5.1 Survey and Plot Plans. Attached hereto as Exhibit No. 1 are a survey of the Land and plot plans ("Condominium Plat"), which graphically describe the improvements in which Units are located, and which show all the Units including their identification numbers, locations and approximate dimensions and the Common Elements and Limited Common Elements. Each Unit includes that part of the building that lies within the following boundaries:

(A) Upper and Lower Boundaries. The upper and lower boundaries of the Unit are the following boundaries, extended to their intersections with the perimeter boundaries:

(1) Upper Boundaries. In all Units, the upper boundary is the horizontal plane of the unfinished lower surface of the ceiling of the Unit.

(2) Lower Boundaries. Lower boundaries consist of the horizontal plane of the unfinished upper surface of the floor of the Unit.

(B) Perimeter Boundaries. The perimeter boundaries of the Unit are the vertical planes of the unfinished interior surfaces of the drywall walls bounding the Unit as depicted on the Condominium Plat, extended to their intersections with each other and with the upper and lower boundaries.

(C) Interior Walls. No portion of the non-structural interior partition walls within a Unit shall be considered part of the boundary of a Unit.

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850 Park Shore Drive, Naples, Florida 34103

(D) Additional Items Included within the Units. To the extent the following items exist for the use of a Unit, such items shall be considered to be a part of the Unit, regardless of whether or not such item in whole or in part exists within the physical boundaries described above:

- (1) all kitchen items and fixtures, including, but not necessarily limited to, ovens, refrigerators, freezers, trash compactors, sinks, ranges, cabinets, dishwashers and exhaust fans;
- (2) all bathroom and plumbing fixtures, including, but not necessarily limited to, sinks, tubs, showers, toilets, vanities, bidets, exhaust fans and medicine or other related storage cabinets;
- (3) all electrical and lighting fixtures, including, but not necessarily limited to, outlets, switched, lamps, bulbs, outlet, switch and control boxes, telephone outlets, circuit breakers, cable television or other communications jacks or outlets, circuit breakers and circuit breaker panels;
- (4) all clothes washers and dryers, water heaters, heating equipment and air conditioning equipment which serve a Unit; and
- (5) all pipes, ducts, wiring, facilities, cables and conduits of any kind, nature or type which service a particular Unit.

Any utility lines which are located within a Unit and which provide service to more than one Unit shall be considered to be Common Elements, notwithstanding their physical locating being within the Unit's boundaries. If a wall or roof structure overhangs or part of a Unit encroaches onto the Common Elements, the overhanging or encroaching specific portion of such Unit shall be a part of the Unit.

6. CONDOMINIUM PARCELS: APPURTENANCES AND USE:

6.1 Appurtenances to Each Unit. The Owner of each Unit shall have certain rights and own a certain interest in the Condominium Property, including without limitation the following:

(A) Ownership. Ownership of the Unit together with an undivided share in the land and other Common Elements as specifically set forth in Exhibit "4" (Undivided Share in Common Expenses, Ownership of Common Elements and Common Surplus) attached hereto.

(B) Membership. Membership in the Association is acquired pursuant to the provisions of the Articles of Incorporation (Exhibit "2") and the By-Laws of the Association (Exhibit "3"), attached hereto, respectively.

(C) Right to Use Common Elements. The exclusive right to use the Unit and Limited Common Elements reserved for the Unit, and the non-exclusive right to use the Common Elements.

(D) Easements. An exclusive easement for the use of the airspace occupied by the Unit as it exists at any particular time and as the Unit may lawfully be altered or reconstructed from time to time. An easement in airspace which is vacated shall be terminated automatically.

(E) Other Appurtenances. Other appurtenances that may be provided in this Declaration and its

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