

(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 unto 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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exhibits and the Condominium Act.

Each Unit and its appurtenances constitutes a "condominium parcel".

6.2 Use and Possession. A Unit Owner is entitled to exclusive use and possession of his Unit. He is entitled to use the Common Elements in accordance with the purposes for which they are intended, but no use of the Unit or the Common Elements may unreasonably interfere with the rights of other Unit Owners or other persons having rights to use the Condominium Property. No Unit may be subdivided, and no fractional portion may be sold, leased or otherwise transferred. The use, occupancy, structural alteration, transfer, exterior appearance of the Units, and the appearance of the Common Elements and Limited Common Elements, shall be governed by the Condominium Documents.

7. COMMON ELEMENTS: EASEMENTS:

7.1 Definition. The term "Common Elements" means all portions of the Condominium Property not included within the Units, and includes without limitation the following:

(A) Land. The land upon which the improvements are located is a Common Element.

(B) Building. All portions of the building and other improvements not included within the Units are Common Elements, except for certain portions of the Common Elements which are designated as Limited Common Elements.

(C) Easements. Easements through Units for conduits, ducts, plumbing, wiring, and other facilities for furnishing utility services to other Units and the Common Elements, and an easement of support in every portion of a Unit which contributes to the support of a building are Common Elements.

(D) Supply of Services. The property and installments required for furnishing utilities and other services to more than one Unit or to the Common Elements are Common Elements.

(E) Other Common Elements. Any other parts of the Condominium Property designated as Common Elements in this Declaration, the original Declaration of Condominium or any recorded exhibit thereto or under the Condominium Act also constitute Common Elements.

The Units, Common Elements and Limited Common Elements are designated in Exhibit "1" (Certificate of Surveyor, Legal Description, Survey/Plot Plan and Floor Plans) attached hereto.

7.2 Easements. Each of the following easements and easement rights are reserved through the Condominium Property and are covenants running with the land of the Condominium, and notwithstanding any of the other provisions of this Declaration, may not be revoked and shall survive the exclusion of any land from the Condominium. None of these easements may be encumbered by any leasehold or lien other than those on the condominium parcels. Any lien encumbering these easements shall automatically be subordinate to the rights of Unit Owners with respect to such easements.

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