

19508

This Instrument Prepared by:
Sylvia E. Heldreth, Esquire
COTTRELL, WARCHOL, MERCHANT
& HELDRETH
1633 S.E. 47th Terrace
Cape Coral, Florida 33904
15193

3777172

FIRST AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
RIVERWIND COVE SUBDIVISION ANNEXING ADDITIONAL PROPERTY

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: L. TALONE, D.S.

Pursuant to the authority reserved by the Declarant in Article IX of the Declaration of Covenants, Conditions and Restrictions for Riverwind Cove Subdivision (the "Declaration"), recorded in Official Records Book 2493 at Pages 0001 through 0065, Public Records of Lee County, Florida said Declaration is hereby amended as follows:

1. The BDND CALOOSA LIMITED PARTNERSHIP, a Florida limited partnership, herein called the Declarant, on behalf of itself, its successors, grantees and assigns, to its grantees and assigns, and their heirs, successors and assigns, hereby declares and submits the lands located in Lee County, Florida, owned by the Declarant, and described in Exhibit "A" attached hereto and by this reference made a part hereof and each part thereof shall be developed as a planned development known as Riverwind Cove Subdivision Phase II pursuant to a plat to be recorded in the Official Records of Maps of Lee County, Florida; and shall be held, sold, and conveyed only subject to the Declaration recorded in Official Records Book 2493 at Pages 0001 through 0065, Public Records of Lee County, Florida, which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in the

above described property, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

2. The Phase II property, as described on Exhibit "A" hereto and all improvements located thereon are subject to all the terms and conditions set forth in the Declaration and all Exhibits thereto.

IN ALL OTHER RESPECTS the original Declaration is hereby ratified and confirmed.

IN WITNESS WHEREOF, this Amendment to the Declaration of Covenants, Conditions, and Restrictions for Riverwind Cove Subdivision has been executed by the Declarant, The BDND CALOOSA LIMITED PARTNERSHIP, a Florida limited partnership, this 17th day of May, 1995.

Witnesses:

THE BDND CALOOSA LIMITED
PARTNERSHIP, a Florida
Limited Partnership
BY: Its General Partner
BDND, Inc.

BY: [Signature]
Ron York, Vice President

[Signature]
[Signature]

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17th day of May, 1995 by Ron York as Vice President of BDND, Inc., General Partner of THE BDND CALOOSA LIMITED PARTNERSHIP, a Florida Limited Partnership, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

[Signature]
Print Name: SHERYL L. MCCART
Public

My commission expires:



Bean, Whitaker, Lutz & Barnes, Inc.

CONSULTING ENGINEERS AND SURVEYORS

13141-B MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33919
(813) 481-1331
FAX 481-1073

DR2601 PG2059

A Parcel of Land Lying in
Sections 14 and 23, T-43-S, R-26-E
Lee County, Florida
(Riverwind Cove - Phase II)

A parcel of land situated in the State of Florida, County of Lee, being a part of Sections 14 and 23, Township 43 South, Range 26 East, and further described as follows:

Commencing at a concrete monument marking the southeast corner of Riverwind Cove - Phase I - as recorded in Plat Book 54 at Pages 54-57, Public Records, the same being the southwest corner of the southwest one quarter (SW 1/4) of the southeast one quarter (SE 1/4) of said Section 14; thence S89°14'48"E along the south line of said fraction for 220.51 feet to the beginning of a curve concave to the north having a radius of 822.50 feet; thence northeasterly along said curve through a central angle of 13°52'20" for 199.14 feet to the beginning of the reverse curve concave to the southeast having a radius of 977.50 feet; thence northeasterly along said curve through a central angle of 01°49'56" (chord bearing N77°47'58"E) for 31.26 feet to the Point of Beginning; thence retracing southwesterly along said curve having a radius of 977.50 feet through a central angle of 01°49'56" for 31.26 feet to the beginning of a reverse curve concave to the northeast having a radius of 822.50 feet; thence southwesterly along said curve through a central angle of 13°52'20" for 199.14 feet to a point of tangency on the south line of said fraction; thence N89°14'48"W along said fractional line for 220.51 feet to the southwest corner of said fraction; thence N00°39'26"E along the east line of said subdivision for 271.01 feet to an intersection with a curve concave to the northeast having a radius of 300.00 feet and to which point a radial line bears S26°14'28"W; thence northwesterly along said subdivision and said curve through a central angle of 100°15'37" for 524.96 feet to the beginning of a reverse curve concave to the northwest having a radius of 600.00 feet; thence northeasterly along said subdivision and said curve through a central angle of 35°50'40" for 375.36 feet to a point of tangency on the east line of said Government Lot 1; thence N00°39'26"E along the east line of said subdivision and the east line of said Government Lot 1 for 227.81 feet to the southerly right-of-way line of North River

Continued. . .

Bean, Whitaker, Lutz & Barnes, Inc.

A Parcel of Land Lying in
Sections 14 and 23, T-43-S, R-26-E
Lee County, Florida
(Riverwind Cove - Phase II)
- Continued -

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0R2601 PG2060

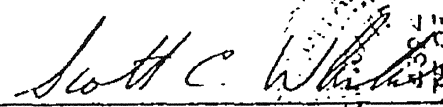
Road (50 feet wide); S88°56'13"E along said southerly line for 1235.69 feet to the beginning of a curve concave to the southwest having a radius of 691.20 feet; thence easterly along said curve and said southerly line through a central angle of 07°41'56" for 92.88 feet to the east line of the southwest one quarter (SW 1/4) of the southeast one quarter (SE 1/4) of said Section 14; thence S00°41'31"W along the easterly line of said fraction and the west line of Scout Camp Road for 1283.02 feet to the southeast corner of said fraction; thence S00°41'13"W for 1038.71 feet to a concrete monument (United States Army Corps of Engineers - Stamped R/ W N 2234+85) marking the intersection with the northerly line of the Caloosahatchee River easement as recorded in Official Records Book 523 at Page 429; thence N81°13'17"W along said northerly line for 171 feet, more or less, to the northerly shoreline of the Caloosahatchee River; thence northwesterly, westerly and southwesterly along said shoreline for 1100 feet, more or less, to an intersection with a line bearing S15°19'15"E passing through the point of beginning; thence N15°19'15"W for 405 feet, more or less, to the Point of Beginning.

Containing 53 acres, more or less.

Subject to easements, restrictions, reservations and rights-of-way of record.

Bearings are based on the Florida State Plane Coordinate System, West Zone, N.A.D. 1983.

Bean, Whitaker, Lutz & Barnes, Inc.


Scott C. Whitaker, R.L.S. 4324

August 7, 1993

SCW/AT
86-DESC6

27480

1960
This instrument prepared by:
TRACY L. COGHILL, Esquire
Cottrell, Warchol, Merchant & Rollings
P. O. Box 767
Cape Coral, Florida

4572684

=====

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR RIVERWIND COVE SUBDIVISION, LEE COUNTY, FLORIDA

WHEREAS, the BDND Caloosa Limited Partnership, a Florida limited partnership, hereinafter sometimes called "Declarant", is the owner in fee simple of certain real property situated in Lee County, Florida; said property being known as RIVERWIND COVE, Phase I and RIVERWIND COVE, Phase II, a subdivision pursuant to a Plat recorded in Plat Book 54, Page 54, and Plat Book 56, Page 95, respectively, Public Records of Lee County, Florida, and future RIVERWIND COVE, Phase III; and

WHEREAS, Declarant did declare that all of the real property and each part thereof would be developed as a planned development and would be held, sold and conveyed subject to the Declaration of Covenants, Conditions and Restrictions of RIVERWIND COVE SUBDIVISION, (the "Declaration"), recorded in O. R. Book 2493, Page 1, Public Records of Lee County, Florida; and

WHEREAS, the Declarant wishes to amend said Declaration in accordance with the powers therein provided.

NOW, THEREFORE, the Declaration of Covenants, Conditions and Restrictions for RIVERWIND COVE SUBDIVISION are hereby amended as follows:

ARTICLE I: DEFINITIONS

SECTION 2 - "COMMON AREAS" - includes within its meaning the following:

RECORDED BY
SALLY GRACE, D.C.

OR3079 Pg1613

(a) All real property owned by the Association for the common use and enjoyment of the residential parcel owners; (b) the property and installations required for the furnishing of utilities and other services to more than one parcel owner or to common areas, including the surface water management system; (c) tangible personal property required for the maintenance and operation of the Association even though owned by the Association; and (d) all property to be leased from the Declarant for the purposes of operating an equestrian area as described in Exhibit "A".

ARTICLE III

SECTION 12 - "EQUESTRIAN AREA" - In addition to all assessments authorized above, the Association may levy a special assessment for the reconstruction, repair, replacement or upkeep of the equestrian area, as defined below. Such assessment shall only be assessed to those members of the Association utilizing the common equestrian area.

ARTICLE IV: PROPERTY RIGHTS

SECTION 1, paragraph (f) shall be deleted in its entirety.

SECTION 5 - EQUESTRIAN AREA: The Association shall lease from the Declarant a common area to be used by the members of the Association as an equestrian area. Declarant has the option of terminating said lease at any time with sixty (60) days written notice to the Association. The equestrian area shall be solely for the use of Riverwind Cove residents. The equestrian area shall be used by the residents solely for their private use and may not be used for any commercial purpose, including boarding horses for a fee. The rules and regulations regarding use of the equestrian area shall be adopted by those members utilizing the common area.

ARTICLE V

SECTION 8 - No animals, livestock or poultry of any kind shall be raised, bred or kept on any parcel, or on the common areas; however, dogs, cats, and other household pets may be kept in a home subject to such rules and regulations as may be adopted by the Association so long as they are not kept, bred or maintained for commercial purposes. No animal, bird or reptile shall be kept in such a manner as to constitute or create a nuisance. Horses for personal use are allowed on the common equestrian area as defined above and shown on the plat as "Tract A", and on individual lots per the approved zoning.

Except as hereby amended by this Amendment of Declaration of Covenants, Conditions and Restrictions, all the terms and conditions of the Declaration of Covenants, Conditions and Restrictions for Riverwind Cove Subdivision and all other related documents are hereby ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment to Declaration has been executed by the Declarant herein at Cape Coral, Florida, on this ____ day of October, 1998.

WITNESSES:

Shane A. Weber - Secretary
Karen E. Ray

THE BDND CALOOSA LIMITED
PARTNERSHIP, a Florida
Limited Partnership
BY: Its General Partner
BDND, INC.

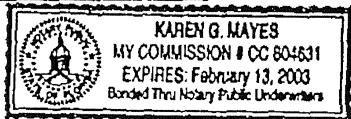
BY: Ron York

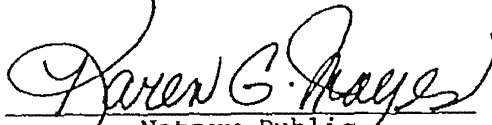
Ron York, President

DR3079 Pg 1615

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 16th
day of February, 1999, by RON YORK, as Vice-President of
THE BDND CALOOSA LIMITED PARTNERSHIP, a Florida Limited
Partnership, who is personally known to me or who has produced
as identification and who did/did not take an oath.




Notary Public
Karen G. Mayes CC 804631

My Commission Expires:

0R3079 P61616

CHARLIE GREEN, CLERK
LEE COUNTY, FL
99 FEB 19 PM 3:29

RECORDED 11/18/99 08:32 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEPUTY CLERK B Thompson

SUPPLEMENTAL DECLARATION

STATEMENT OF BACKGROUND INFORMATION

STATEMENT OF DECLARATION

 KAREN G. MAYES
MY COMMISSION # 00304631
EXPIRES: February 13, 2003
Bonded Thru Notary Public Underwriters

RIVERWIND COVE HOMEOWNERS'
ASSOCIATION, INC., a Florida
Not-for-Profit corporation

Frances A. Weber-Sabutis
Print Name: Frances A. Weber-Sabutis

BY: Ron York
Name: Ron York
Its: President

Karen G. Mayes
Print Name: Karen G. Mayes

Address: 4524 S.E. 16th Place
Cape Coral, FL 33904

STATE OF FLORIDA]
]§
COUNTY OF LEE]

The foregoing instrument was acknowledged before me this 15th day of November, 1999, by Ron York, as _____ of Riverwind Cove Homeowners' Association, Inc., a Florida Not-for-Profit corporation, on behalf of said Corporation, who is personally known to me or who has produced _____ as identification.

My Commission Expires: 02/13/00

Karen G. Mayes
Notary Public
Print Name: Karen G. Mayes

f:\nm\rvsupdec



Bean, Whitaker, Lutz & Barnes, Inc.

CONSULTING ENGINEERS AND SURVEYORS

13141-B MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33919
(941) 481-1333
FAX (941) 481-1073

A Parcel of Land Lying in
Sections 14 and 23, Township 43 South, Range 26 East
Lee County, Florida
(Riverwind Cove - Phase III)

A parcel of land situated in the State of Florida, County of Lee, being a part of Sections 14 and 23, Township 43 South, Range 26 East, and further described as follows:

Commencing at a concrete monument marking the southwest corner of Riverwind Cove - Phase II, as recorded in Plat Book 56 at Pages 95-97, Public Records, the same being the southwest corner of the Southwest One Quarter (SW 1/4) of the Southeast One Quarter (SE 1/4) of said Section 14; thence S89°14'48"E along the south line of said subdivision and said fraction for 220.51 feet to the beginning of a curve concave to the north having a radius of 822.50 feet; thence northeasterly along said subdivision and said curve through a central angle of 13°52'20" for 199.14 feet to the beginning of the reverse curve concave to the southeast having a radius of 977.50 feet; thence northeasterly along said subdivision and said curve through a central angle of 01°49'56" (chord bearing N77°47'58"E) for 31.26 feet to the northwest corner of Lot 64 of said subdivision and the Point of Beginning; thence retracing southwesterly along said subdivision and said curve having a radius of 977.50 feet through a central angle of 01°49'56" for 31.26 feet to the beginning of a reverse curve concave to the northeast having a radius of 822.50 feet; thence southwesterly along said subdivision and said curve through a central angle of 13°52'20" for 199.14 feet to a point of tangency on the south line of said fraction; thence N89°14'48"W along said fractional line and said subdivision for 220.51 feet to the southwest corner of said subdivision; thence continue N39°14'48"W along the south line of Riverwind Cove Phase I as recorded in Plat Book 54 at Pages 54-57 for 11.40 feet to the beginning of a curve concave to the north having a radius of 470.00 feet; thence westerly along said subdivision and said curve through a central angle of 12°19'12" for 101.06 feet to the beginning of a reverse curve concave to the southeast having a radius of 30.00 feet; thence southwesterly along said subdivision and said curve through a central angle of 83°58'22" for 43.97 feet to a point of tangency; thence S19°06'01"W along said subdivision for 10.64 feet to the beginning of a curve concave to the west having a radius of 322.50 feet; thence southwesterly along said subdivision and said curve through a central angle of 47°22'24" for 266.65 feet to the beginning of a reverse curve concave to the southeast having a radius of 35.00 feet; thence southwesterly along said subdivision and said curve through a central angle of 66°10'32" for 40.42 feet; thence S51°03'32"W, non-tangentially, along the southeasterly line of said subdivision for 339.10 feet to a concrete monument (United States Army Corps of Engineers - stamped R/W N 2254+80) marking the intersection of the northeasterly right-of-way of the Caloosahatchee River canal as recorded in

Continued...

EXHIBIT "A"

Bean, Whitaker, Lutz & Barnes, Inc.

A Parcel of Land Lying in
Sections 14 and 23, Township 43 South, Range 26 East
Lee County, Florida
(Riverwind Cove - Phase III)
- Continued -

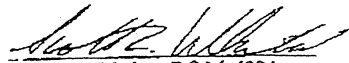
Plat Book 8 at Page 51, Public Records; thence southeasterly along the northerly shoreline of the Caloosahatchee River for 620 feet, more or less, to an intersection with the northerly line of the Caloosahatchee River easement as recorded in Official Record Book 523 at Page 429; thence S81°13'17"E along said northerly line for 283 feet, more or less (passing through a concrete monument - United States Army Corps of Engineers - stamped R/W N 2249+45 - at a distance of 30 feet, more or less) to the northerly shoreline of said Caloosahatchee River; thence northeasterly along said shoreline for 700 feet, more or less, to an intersection with a line bearing S15°19'15"E passing through the Point of Beginning, said line being the westerly line of Lot 64, Riverwind Cove Phase II as recorded in Plat Book 56 at Page 95; thence N15°19'15"W along said line for 405 feet, more or less, to the Point of Beginning.

Containing 14 acres, more or less.

Subject to easements, restrictions, reservations and rights-of-way of record.

Bearings are based on the Florida State Plane Coordinate System, West Zone, N.A.D. 1983.

Bean, Whitaker, Lutz & Barnes, Inc.


Scott C. Whitaker, P.S.M. 4324

27480DESC2

PREPARED BY:
TYLER BAILLARGEON, ESQ.
GOEDE, DEBOEST & CROSS, PLLC
2030 MCGREGOR BLVD.
FORT MYERS, FL 33901

CERTIFICATE OF RECORDATION OF AMENDMENT
OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR RIVERWIND COVE SUBDIVISION

THE UNDERSIGNED being the President and Secretary of RIVERWIND COVE HOMEOWNERS ASSOCIATION, INC., ("Association") a Florida non-profit corporation, do hereby certify that the attached amendments to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions recorded at O.R. Book 2493 PG 0001 *et seq.* of the Public Records of Lee County, Florida, were duly acknowledged, approved, adopted and ratified by sufficient votes in writing and signed by the Membership at a meeting called for that purpose at which a quorum was present held on the 18th day of May, 2024 and this instrument is being executed by the President and Secretary of the Association on behalf of the Membership. Dated this 10th day of June 2024.

WITNESSES:

(Sign) [Signature]

(Print) Tazetna mace

(Sign) [Signature]

(Print) Michelle Wesley

**RIVERWIND COVE HOMEOWNERS
ASSOCIATION, INC.**

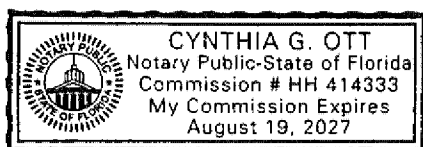
BY: [Signature]

President of the Association

Print Name: Michael Vitche

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 10th day of June, 2024 by Michael Vitche as President of RIVERWIND COVE HOMEOWNERS ASSOCIATION, INC., a Florida non-profit corporation, on behalf of said corporation. Said person is personally known to me or has produced _____ as identification and did (did not) take an oath.



NOTARY PUBLIC:

[Signature]
STATE OF FLORIDA (SEAL)

My Commission Expires: 8-19-27

WITNESSES:

(Sign) Tyler Baillargeon

(Print) Tyler Baillargeon

(Sign) Lorraine Kiesel

(Print) Lorraine Kiesel

RIVERWIND COVE HOMEOWNERS
ASSOCIATION, INC.

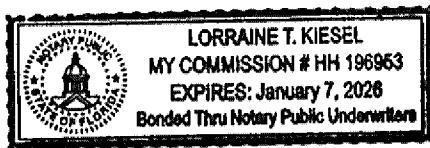
BY: Denise Fitzpatrick

Secretary of the Association

Print Name: Denise Fitzpatrick

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
[] online notarization on this 11th day of June 2024 by Denise Fitzpatrick as
Secretary of RIVERWIND COVE HOMEOWNERS ASSOCIATION, INC., a Florida non-profit
corporation, on behalf of said corporation. Said person is personally known to me or has produced
Fl. Drivers License as identification and did (did not) take an oath.



NOTARY PUBLIC:

Lorraine Kiesel

STATE OF FLORIDA (SEAL)

My Commission Expires:

January 7, 2026

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS FOR RIVERWIND COVE SUBDIVISION**

Note: Words ~~stricken~~ are deletions; Words underlined are additions.

Amendment 1:

Article V Section 3 of the Restated Declaration of Covenants, Conditions, and Restrictions for Riverwind Cove Homeowners Association, Inc. shall be amended as follows:

SECTION 3 - There shall be no recreational vehicles, 5th wheels, travel trailers, commercial vans, tractors, or trucks larger than three (3) axels and / or more than 10,001 lbs empty, or boats parked upon any of the parcels and/or the common areas unless said ~~recreational vehicles, commercial vans, tractors, trucks, or boats~~ are parked in an enclosed area and concealed from public view. Further, no motorized vehicles of any kind shall be parked on any of the common areas or roadways except for purposes of loading or unloading. Notwithstanding the foregoing, a van or pickup truck for personal transportation purposes only, without advertising on the exterior, and which is not used for commercial purposes, may be parked on a lot/parcel. ~~the driveway of a lot, but no lot may have more than one such vehicle regularly parked in the driveway. Further, no vehicles larger than three (1) axles may be parked or stored upon any of the parcels and/or the common areas.~~ One (1) registered boat on a registered trailer not to exceed thirty six (36) feet in length overall (LOA) or a maximum of two (2) registered personal watercraft on a registered trailer may be parked on a lot/parcel in the driveway. BOATS AND WATERCRAFT'S ON TRAILERS MUST BE PROPERLY TITLED, INSURED, AND FREE FROM UNSIGHTLY DAMAGE.

Amendment 2:

Article V Section 10 of the Restated Declaration of Covenants, Conditions, and Restrictions for Riverwind Cove Homeowners Association, Inc. shall be amended as follows:

SECTION 10 - No fence ~~or hedge~~ over ~~five (5)~~ six (6) feet in height measured from the ground on which it stands shall be constructed or maintained on any parcel/lot except that the Declarant and the transferees of Declarant may vary or exceed such height in constructing hedges. (Installation of such fence requires prior approval from the Architectural Review Committee and conform to pertinent Lee County codes, permits, and ordinances). Permanent fences must be of painted aluminum, vinyl, decorative wrought iron, wood or wood like materials, and must complement the exterior of the residence and outbuildings. Fences must be of wood or wood-like material and shall be located only in the front and/or rear of all parcels. Chain link fences are strictly prohibited. NO CHAIN LINK FENCES ARE ALLOWED. Fencing on active construction sites must conform to pertinent Lee County codes.

Amendment 3:

Article V Section 14 of the Restated Declaration of Covenants, Conditions, and Restrictions for Riverwind Cove Homeowners Association, Inc. shall be amended as follows:

SECTION 14 - No residences may be rented for a period of less than thirty (30) days. An estoppel fee of \$250.00 will be assessed to all estoppel requests, paid to the Riverwind Cove Homeowners Association, Inc. before an estoppel is released to a title company for closing a sale within the community. This fee will increase in accordance with enacted Florida Statutes in the future.