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**CERTIFICATE OF AMENDMENT
TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
HERITAGE BAY GOLF & COUNTRY CLUB**

THIS AMENDMENT is made this 27th day of May, 2008 by LENNAR HOMES, LLC, a Florida limited liability company, hereinafter called the "Declarant" to the Amended & Restated Declaration of Covenants, Conditions, and Restrictions for Heritage Bay Golf & Country Club.

WHEREAS, the Amended & Restated Declaration was recorded at O.R. Book 4355, Page 1839, Public Records of Collier County, Florida. The Declaration was originally recorded at O.R. Book 3989, Page 2218, Public Records of Collier County, Florida; and

WHEREAS, pursuant to Section 15.10 of this Amended & Restated Declaration, the Declarant may, in its sole discretion, by an instrument filed of record, unilaterally modify, enlarge, amend, waive or add to the covenants, conditions, and restrictions; and

WHEREAS, Declarant is desirous of amending the following Sections of this Amended & Restated Declaration, pursuant to its reserved right to amend;

NOW, THEREFORE, the following Sections shall be amended as follows:

(NOTE: New language is double-underlined; language being deleted is shown in strike-through type)

4.1 Classes of Membership.

(B) **Interim Members.** The Developer or the Board shall have the right, but not the obligation, to ~~authorize an unlimited~~ limit the number of interim members who are not owners or residents of the Community, and who shall have no voting rights. Interim memberships for golf are limited to One-Hundred, Twenty-Five (125) members and interim memberships for tennis are limited to One Hundred (100) members. While in good standing, such members have the right to enjoy the social and recreational facilities appropriate to their membership class. To remain in good standing, such members shall be obligated to timely pay all charges and annual dues in the amount established by the Board of Directors. Such memberships shall be good for not more than one year at a time, and may, upon expiration of any one-year term, be terminated at the discretion of the Board of Directors, with or without cause.

5.7 Club Common Area Lakes. No skiing, boating, or swimming or fishing is allowed in any of the Club Common Area lakes. Fishing is generally allowed at the individual's own risk, on a "catch and release basis" only, and only as further set forth under Exhibit "G" (The Quarry Recreational Lakes & Docks Use Regulations, Paragraph "F", Section 17) to the Heritage Bay Umbrella Declaration. In no event shall fishing be allowed or permitted on lands abutting the golf course property or on or off of bridges and other similar structures.

WARNING: ALLIGATORS AND OTHER WILDLIFE MAY OCCUPY THE LAKES, AND THE DECLARANT, ANY DEVELOPER WITHIN THE CLUB, OR THE CLUB, OR A CDD ARE NOT LIABLE FOR ANY DAMAGE CAUSED BY SUCH WILDLIFE.

IN WITNESS WHEREOF, we have hereunto affixed our hands and the seal of said corporation, this 27th day of May, 2008.

LENNAR HOMES, LLC,
a Florida Limited Liability Company

Witnesses:

[Signature]
Print name: BARBARA J. FALLOUFIELD

[Signature]
Print name: KAREN A. HUGHES

By: _____
Printed: DARIN McMURRAY
Title: VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was executed before me this 27th day of May, 2008, by DARIN McMURRAY VICE PRESIDENT (title) of LENNAR HOMES, LLC, a Florida Limited Liability Company, on behalf of the company. He/She is personally known to me or did produce _____ as identification.

[Signature]
Signature of Notary Public

Print, Type, or Stamp Commissioned Name
of Notary Public (Affix Notarial Seal)

KAREN A. HUGHES
Print name

FAWPDATA\CS\USHOME\HERITAGE BAY GOLF & COUNTRY CLUB\CERTIFICATE OF AMENDMENT TO A & R DECLARATION to add fishing and limit interim members.Revised for catch and release.05-05-08.wpd

