

**INSTR # 5330615**  
**OR BK 03559 PG 2433**

This Instrument prepared by:  
Christopher J. Shields, Esq.  
PAVESE, HAVERFIELD, DALTON,  
HARRISON & JENSEN, L.L.P.  
1833 Hendry Street  
Fort Myers, Florida 33901  
(941) 334-2195


RECORDED 01/15/02 03:44 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 19.50  
DEPUTY CLERK B Cruz


**CONSENT & JOINDER  
TO SUBMITTAL OF LANDS  
TO  
HERITAGE COVE II**


The undersigned, the owner and holder of a certain Mortgage recorded in Official Records Book 3001, Page 2051, et seq., as modified by that certain Mortgage Modification Agreement recorded in Official Records Book 3180, Page 0081, et seq., both being of the Public Records of Lee County, Florida, encumbering all or a portion of the property being submitted to plat as HERITAGE COVE PHASE III, a replat of Block "D" and part of Tract "C" and "P", of Heritage Cove Phase I, recorded in Plat Book 64, Pages 90 through 100 of the Public Records of Lee County, Florida, a subdivision lying in Section 28, Township 45 South, Range 24 East, Lee County, Florida, does hereby join in and consent to the submittal of the lands described in Exhibit "A" to the terms, conditions and restrictions set forth in the Declaration of Covenants, Conditions and Restrictions for Heritage Cove II, its Articles of Incorporation and Bylaws for Heritage Cove II Homeowners Association, Inc.

IN WITNESS WHEREOF, the undersigned has caused this Consent and Joinder to be executed this 15<sup>th</sup> day of October, 2001.

Witnesses:

  
\_\_\_\_\_  
Witness #1 Signature  
LYNNE KANTER  
Printed Name

  
\_\_\_\_\_  
JOHN USDAN, TRUSTEE under  
unrecorded Land Trust Agreement  
dated as of January 1, 1997

  
\_\_\_\_\_  
Witness #2 Signature  
SACHIN SRIFF  
Printed Name

STATE OF New York  
COUNTY OF New York

The foregoing instrument was acknowledged before me on this 1st day of October, 2001, by JOHN USDAN, as Trustee under an unrecorded Land Trust Agreement dated as of January 1, 1997, on behalf of the Land Trust. He is personally known to me [ ] or has produced \_\_\_\_\_ as identification.

Isabelle W. Clark  
Notary Public  
ISABELLE W. CLARK  
Print or Type Name  
41-4690162  
Notary Commission Number

I am a Notary Public for  
the State of New York  
and my commission  
expires on  
5/31/2003

(SEAL)

ISABELLE W. CLARK  
Notary Public, State of New York  
No. 41-4690162  
Qualified in Queens County  
Commission Expires 5/31/2003

## EXHIBIT A

DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID PARCEL BEING BLOCK "D" AND PART OF TRACT "C" AND PART OF TRACT "P" OF HERITAGE COVE, PHASE I, A SUBDIVISION AS RECORDED IN PLAT BOOK 64, PAGES 90-100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

## BLOCK "D" OF SAID HERITAGE COVE PHASE I:

TOGETHER WITH: PART OF SAID TRACT "C" MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "P"; THENCE S.87°25'55"E., FOR 128.12 FEET; THENCE N.76°00'10"E., FOR 47.92 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.76°00'10"E., FOR 91.72 FEET; THENCE S.19°50'52"E., FOR 61.01 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 554.00 FEET, A CENTRAL ANGLE OF 25°18'21", A CHORD BEARING OF S.07°11'42"E. AND A CHORD LENGTH OF 242.70 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 244.69 FEET TO THE CUSP OF A CURVE, CONCAVE WESTERLY, HAVING: A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 12°35'57", A CHORD BEARING OF N.00°50'29"W. AND A CHORD LENGTH OF 21.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 21.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.07°08'28"W., FOR 134.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 51°59'53", A CHORD BEARING OF N.33°08'24"W. AND A CHORD LENGTH OF 87.67 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 90.75 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.59°08'21"W., FOR 66.92 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 140.00 FEET, A CENTRAL ANGLE OF 08°51'16", A CHORD BEARING OF N.54°42'43"W. AND A CHORD LENGTH OF 21.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 21.64 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: PART OF SAID TRACT "P" MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "P"; THENCE S.87°25'55"E., FOR 128.12 FEET; THENCE N.76°00'10"E., FOR 47.92 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.76°00'10"E., FOR 91.72 FEET; THENCE N.53°46'06"E., FOR 86.91 FEET TO AN INTERSECTION WITH A CURVE, CONCAVE NORTHEASTERLY, HAVING: A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 44°51'02", A CHORD BEARING OF N.64°28'33"W. AND A CHORD LENGTH OF 89.65 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 91.98 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.42°03'02"W., FOR 32.50 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 17.50 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.87°03'02"W. AND A CHORD LENGTH OF 24.75 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 27.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A POINT ON THE SOUTH RIGHT OF WAY LINE OF BRANT POINT CIRCLE OF SAID HERITAGE COVE PHASE I; THENCE S.47°56'58"W., ALONG SAID SOUTH RIGHT OF WAY LINE OF BRANT POINT CIRCLE, FOR 78.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 04°07'47", A CHORD BEARING OF S.50°00'52"W. AND A CHORD LENGTH OF 34.23 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 34.24 FEET TO A POINT ON SAID CURVE; THENCE S.37°55'15"E., LEAVING SAID SOUTH RIGHT OF WAY LINE FOR 52.16 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 140.00 FEET, A CENTRAL ANGLE OF 12°21'50", A CHORD BEARING OF S.44°08'10"E. AND A CHORD LENGTH OF 30.15 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 30.21 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 8.5716 ACRES MORE OR LESS

OR BK 03559 PG 2436

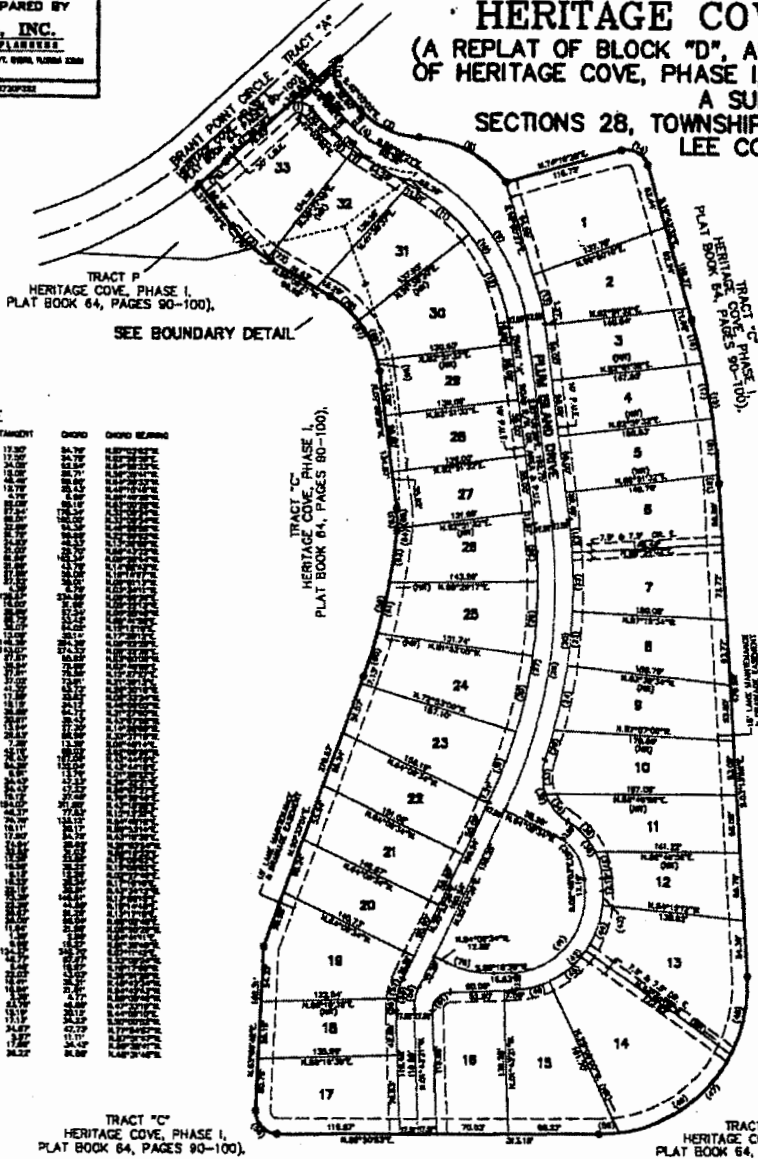
THIS INSTRUMENT WAS PREPARED BY  
**INK ENGINEERING, INC.**  
 ENGINEERS - SURVEYORS - PLANNERS  
 18, (NW) 102 - 0405 - 20th CENTRAL AVE., SUITE 10 - FT. WORTH, TEXAS 76102  
 TEL. (817) 342-1100

JOB NUMBER: 8720      FILE NUMBER: 8720/22

# HERITAGE COVE, PHASE III

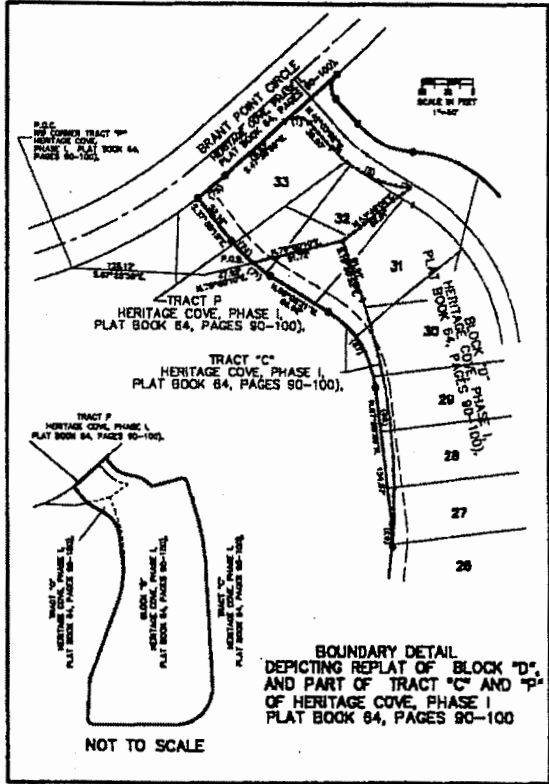
(A REPLAT OF BLOCK "D", AND PART OF TRACT "C" AND "P"  
 OF HERITAGE COVE, PHASE I, PLAT BOOK 64, PAGES 90-100),  
 A SUBDIVISION IN  
 SECTIONS 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA

PLAT BOOK      PAGE



**CURVE TABLE**

NO.	ARC LENGTH	CENTRAL ANGLE	PI	TANGENT	CHORD	CHORD BEARING
1	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
2	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
3	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
4	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
5	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
6	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
7	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
8	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
9	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
10	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
11	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
12	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
13	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
14	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
15	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
16	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
17	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
18	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
19	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
20	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
21	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
22	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
23	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
24	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
25	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
26	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
27	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
28	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
29	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
30	10.00	18.00	3.1416	3.18	10.00	S 72.00 W
31	10.00	18.00	3.1416	3.18	10.00	S 72.00 W



**BOUNDARY DETAIL**  
 DEPICTING REPLAT OF BLOCK "D",  
 AND PART OF TRACT "C" AND "P"  
 OF HERITAGE COVE, PHASE I  
 PLAT BOOK 64, PAGES 90-100

NOT TO SCALE

TRACT "C"  
 HERITAGE COVE, PHASE I,  
 PLAT BOOK 64, PAGES 90-100,

TRACT "C"  
 HERITAGE COVE, PHASE I,  
 PLAT BOOK 64, PAGES 90-100,

D.O. 8 84-01-200.000