

This instrument prepared by:
Christopher J. Shields, Esq.
PAVESE LAW FIRM
1833 Hendry Street
Fort Myers, Florida 33901
(239) 334-2195

**CERTIFICATE OF AMENDMENT
TO THE
RULES AND REGULATIONS
OF
HERITAGE COVE COMMUNITY ASSOCIATION, INC.**

THE UNDERSIGNED, being duly elected and acting President and Secretary, respectively, of **HERITAGE COVE COMMUNITY ASSOCIATION, INC.**, a Florida corporation not-for-profit, do hereby certify that the resolution set forth below was approved at a duly authorized Board Meeting of the Association. The resolution was approved and adopted by the Board for the purposes of amending the Rules and Regulations of Heritage Cove Community Association, Inc.

The following resolution was approved by the Board of Directors pursuant to its authority in Section 4(F) of the Bylaws of Heritage Cove Community Association, Inc. and the Declaration of Covenants, Conditions and Restrictions for Heritage Cove.

The original Declaration of Covenants, Conditions and Restrictions for Heritage Cove is recorded at O. R. Book 3178, Page 965, *et seq.*, and as may have been subsequently amended, in the Public Records of Lee County, Florida.

The property encompassed by the Declaration of Covenants, Conditions and Restrictions is described in Plat Book 64, Pages 90 through 100 for Heritage Cove, Phase I; in Plat Book 67, Pages 52 through 55 for Heritage Cove, Phase II; in Plat Book 70, Pages 58 and 59 for Heritage Cove, Phase III; and in Plat Book 72, Pages 58 and 59 for Heritage Cove, Phase IV, all of the Public Records of Lee County, Florida.

RESOLVED: That the Rules and Regulations be, and hereby are, amended in the form attached hereto as **Exhibit "A"**, and made a part hereof; and

RESOLVED: That the Officers and Directors are hereby instructed and authorized to execute the aforementioned documents and cause them to be filed of public record, together with a Certificate of Amendment.

Dated this 23rd day of September, 2014.

WITNESSES (2):

Sign: Carol M. Elkindy
Print: Carol M. Elkindy

Sign: Donna Deal
Print: DONNA DEAL

HERITAGE COVE COMMUNITY ASSOCIATION, INC.

By: Patricia S. Clarke
Print: PATRICIA S. CLARKE
Title: President

WITNESSES (2):

Sign: Edward Metz
Print: EDWARD METZ

Sign: James J. Buffen
Print: JAMES J. BUFFEN

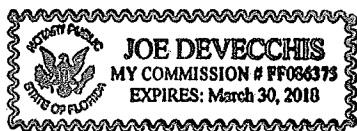
ATTEST:

By: Lee Carey
Print: LEE CAREY
Title: Secretary

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 23rd. day of September, 2014, by Patricia S. Clarke, **President** of **Heritage Cove Community Association, Inc.**, who (check one): is personally known to me OR produced _____ as identification.

(Notary Seal/Stamp)



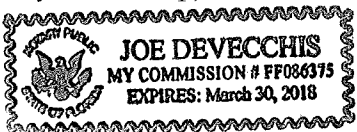
Notary Public – State of Florida

Sign: Joe DeVecchis
Print: Joe DeVecchis
My Commission Expires: March 30, 2018

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 23rd. day of September, 2014, by Lee Carey, **Secretary** of **Heritage Cove Community Association, Inc.**, who (check one): is personally known to me OR produced _____ as identification.

(Notary Seal/Stamp)



Notary Public – State of Florida

Sign: Joe DeVecchis
Print: Joe DeVecchis
My Commission Expires: March 30, 2018

**HERITAGE COVE
COMMUNITY ASSOCIATION
MEMBERSHIP GUIDE
RULES AND REGULATIONS**

APRIL 20TH 2014

The following Rules and Regulations have been adopted, and will be administered by the **HERITAGE COVE COMMUNITY ASSOCIATION Board of Directors** and may be changed at any time by the Board. It is the intent of your directors to limit these Rules and Regulations so that everyone will obtain maximum use and enjoyment of our facilities. Although they place some restrictions on members and guest activities, they are intended to respect the rights of the membership as a whole.

VERY IMPORTANT! Please observe the 20 mile per hour posted speed limit in our community. It is very dangerous to walk in the street. Because of our quiet and peaceful location we tend to forget. Blind spots and aging eyes create numerous hazards. Please use good common sense when walking and riding bicycles

MEMBER PRIVILEGES

Membership is defined to include adults residing in a unit (as described in the Homeowner's Documents). When two or more persons or other legal entity owns any lot or unit of record, only three persons from such unit shall be members.

Privileges as a member or guest may be revoked immediately for:

- 1) Defacing, marring or otherwise causing destruction of common property.
- 2) Violation of the laws of the community, county, state, and/or Federal laws, i.e. all pets must be leashed when outside, properly licensed and vaccinated. (Florida State Law)

A suspension of member or guest privileges could be enacted, or fine levied if Heritage Cove rules and regulations are not followed.

TRANSFER OF MEMBERSHIP

An owner may transfer his right of enjoyment of the common areas and facilities to his tenants provided that a complete transfer form is signed by the owner and submitted to the Community Center office. You will be required to pay a nonrefundable transfer fee of \$100.00, and the transfer will be in accordance with the policies set by the Board of Directors. The owner's privileges are rescinded during the period specified on the transfer form. The transferee must be renting and residing in the unit for which the privileges are transferred. (Please ask a member of the office staff for a transfer form.

GUESTS AND RELATIVES

Guests or relatives using the facilities: The Residents shall be responsible for the conduct of their guests at all times. One resident will accompany not more than four minor children.

CLARIFICATION

Members and Transferees shall be referred to throughout this document as residents. When making reference to the Board of Directors, this also includes any appointed representative for the Board. **Guest** (Heritage Cove Master Declaration - Page 3 1.3)- means any person who is physically present in, or occupies a Living Unit on a temporary basis at the invitation of the Owner or other legally permitted occupant, without the payment of consideration. Invitee (Amendment to the Declaration of Covenants, Conditions and Restrictions for Heritage Cove April 16, 2002 1.37) - means any person who is visiting within the community at the invitation of the owner or his/her permitted occupant.

COMMUNITY CENTER RULES

Residents and guests are to be respectful of Community Center staff, Vendors, and volunteers, and are not permitted to reprimand or in any way, interfere with the management of the Community Center. Residents, guests, and invitees shall conduct themselves in an orderly fashion as ladies and gentlemen.

The Board of Directors and the Social committee are responsible for the usage of the facilities of the Community Center.

Illegal activities such as gambling are prohibited.

Profanity is not permitted at any common property of the Association.

Smoking is not permitted within 50 feet of the community center and pool area.

Unauthorized persons shall not tamper with or adjust the environmental system or multi-media systems.

No private radios, tape decks or TVs are allowed anywhere in the Community Center, pool area, computer room, fitness center, tennis courts, bocce ball courts, shuffleboard courts, or horseshoe areas without the use of earphones, unless the Board of Directors authorizes their use for a supervised activity.

Animals are not permitted in the Community Center, Pool Areas, Tennis Courts,

Horseshoe Pits, Bocce Ball courts, or Shuffleboard

Courts. Animal waste must be picked up and disposed of properly. Do not put trash or animal waste in the storm drains. This ends up in YOUR Lake!

Proper attire is to be worn at all times in accordance with acceptable practice for the particular area of the club facilities. The wearing of uncovered and/or wet bathing suits is not allowed in the Community Center. No bare feet are allowed. Anyone not conforming to the dress code will be required to leave.

AGE REQUIREMENT: Children under the age of 18 must be accompanied and directly supervised by an adult within the Community Center inclusive of the **computer room**. No one under the age of 18 is allowed in the Fitness Center or allowed to play pool on the pool table.

Subscriptions, petitions, or notices that do not concern the Community Center's affairs, shall not be distributed or posted on Community Center property, without prior approval of the Board of Directors. Bulletin Boards are available for the residents. There is a bulletin board available for non-residents in the craft room. Items placed on the boards need to be dated and initialed by either a member of the Board of Directors or a member of the office staff or they will be removed.

Personal property should not be left unattended on Community property. The Community Center is not responsible for lost or stolen personal property.

PRIVATE PARTIES

Community Center may be rented out for private parties of residents upon approval and review by the Social Committee or the Board of Directors assigned this responsibility. Rentals DO NOT include use of the computer room, fitness room, oven, pool table, Swimming Pool, or library. There is a refundable damage deposit required with an hourly fee as set by the Board of Directors for Community Center rental.

PRIVATE PARTIES NON RESIDENT

Community Center may be rented out. When non-residents are the majority, a required security deposit of \$100.00 will be required, along with an hourly rental fee of \$20.00 per hour. The security deposit is refundable as long as no damage has been incurred. Rentals do not include use of the Computer Room, Fitness Room, Oven, Pool Table, Swimming Pool, or Library.

Paper products such as plates, napkins and disposable forks, spoons, knives, Coffee, creamer and sweeteners are not to be used for private parties but are to be supplied by the renters, or the non - renters.

Residents, guests, and invitees using any area of the Community Center are responsible for leaving it clean after its use.

The cost of replacing any Community Center property that is broken damaged or removed by a resident or guest shall be charged to the resident involved.

All decorations for private parties, other than table centerpieces, must have the approval of the Social Committee or the Board of Directors.

COMPUTER ROOM RULES

No adult or gaming web sites are allowed on Association equipment. Failure to comply could result in the loss of computer room privileges. Users are not permitted to adjust, change or interfere with existing settings or software. You **may not** introduce new software or add or remove any hardware. Users must provide their own paper for the printer. Limit use time to thirty (30) minutes when others are waiting to use a computer. Children under the age of 18 are not permitted in the computer room without direct adult supervision.

FITNESS CENTER

Residents and guests use the fitness room at their own risk. It is recommended that you consult your physician prior to beginning any exercise program. **CHILDREN UNDER THE AGE OF 18 ARE NOT PERMITTED TO USE THIS FACILITY.**

Fitness and exercise equipment must be wiped down (sanitized) after EACH USE. Use materials provided to wipe the equipment after each use.

Turn off the television if no one is watching it when you leave.

There will be no banging or throwing of weights allowed. Report equipment that is inoperable or in need of service to the office staff.

No open beverage containers or food is allowed in the fitness center except plastic spill-proof water bottles.

DRESS CODE: Fitness shoes must be worn at all times. No sandals, dress shoes or open toe shoes allowed. Proper attire is: Gym shorts, shirts and/or appropriate warm-up suits. Under no circumstances will men be allowed in the weight room bare-chested.

SWIMMING POOL / JACUZZI (Hot Tub)

Residents and guests are entitled to the use of the pool and Jacuzzi from dawn to dusk. **Use of the pool and/or Jacuzzi from dusk to dawn is a violation of Florida state statute.**

Since there is no lifeguard on duty, users swim at their own risk. There is a 911 emergency phone located next to the men's outside bathroom door. Guests over the age of 18 may use the pool area without a resident present. One resident will accompany not more than four minor children in pool or pool area. Diaper-age children must have on swim diapers. Children aged 12 and under are not allowed in the Jacuzzi (hot tub).

All pool area equipment is on a first come basis. No reservation of chairs or tables is allowed. Towels or other personal items may not be used to reserve chairs except when the resident is physically present in the pool area.

Proper bathing suits must be worn. No jeans or cut-offs will be allowed.

No food or beverages are allowed within four (4) feet of the pool and/or Jacuzzi area. No chairs, coolers or other objects are allowed within four (4) feet of the pool. This is a Florida State Law.

No glass is allowed within the enclosed area of the pool.

No pool furniture of any kind shall be removed from the area. No pool furniture is allowed in the pool or Jacuzzi (hot tub).

No **running**, pushing or boisterous play is allowed on the pool deck. No diving **or jumping** into the pool is allowed.

Pool depths are measured in feet. Our bathing load for the swimming pool is 88 persons.

Minor children MUST be monitored by an authorized adult AT ALL TIMES.

Everyone is asked to shower before entering the pool. Anyone with open sores, cuts or a communicable disease may NOT enter the pool or shower areas.

The Board of Directors may block off times during which the pool will be reserved for meets, water aerobics and other special functions.

The pool will on occasion be closed for repairs and/or cleaning. This is a necessary maintenance to keep our pool efficient, healthy and beautiful. Cooperate with vendors, volunteers, and office staff doing necessary maintenance.

TENNIS COURTS

Residents and their guests shall have the right to use the community courts at any time the tennis courts are open. The operating hours are daily from dawn to 10:00 p.m., or as determined by the Board of Directors. Variations of time will depend on the season, weather and utilization of the facility. Courts are not to be used when the nets are lowered. No food will be permitted on the courts. Tennis Courts are not to be used for any other purpose.

CLARIFICATION: Guest (Heritage Cove Master Declaration - Page 3 1.3) means any person who is physically present in, or occupies a Living Unit on a temporary basis at the invitation of the Owner or other legally permitted occupant, without the payment of consideration. Invitee (Amendment to the Declaration of Covenants, Conditions and Restrictions for Heritage Cove April 16, 2002 1.37) - means any person who is visiting within the community at the invitation of the owner or his/her permitted occupant.

FEES FOR INVITEES: may be implemented at anytime by the Board of Directors. A resident may have only one invitee per tennis session.

Lessons are only for unit owners, their lessees, and team members.

TENNIS DRESS CODE: Tennis shoes must be worn at all times (Black-soled shoes or jogging shoes are not allowed.) Men's attire shall consist of tennis shorts, shirts, and/or appropriate warm-up suits. Male players will not be allowed to play bare-chested. Women's attire shall consist of tennis shorts, skirts, dresses, and/or appropriate warm-up suits.

COURT RESERVATIONS: All residents and guests are encouraged to use the reservation sign-up sheets posted in the Community Center. Players without reserved court time are always welcome, but are asked to check the reservation sign-up sheet for prior reservations. Reservation sheet will be located in the Community Center hallway. Those desiring to reserve court time on weekends should do so prior to the end of the business day on Friday. Reservations can be made one (1) week in advance. Players are requested to limit play to one (1) hour for singles and (1½) one and one-half hours for doubles. Players without a reserved court time will be asked to relinquish a court which has previously been reserved. The Board of Directors may block off times during which the courts will be reserved for leagues, special functions or tournaments.

Brush court and lines after play. No excessive noise, ball abuse or profanity will be tolerated. Do not lean or climb on the nets, fences, etc.

Players are asked to enter the courts they plan to play on through the appropriate entry gate. Do not enter through an entry gate of a court in use.

SPECIAL EVENTS / FEES

Special events may be scheduled throughout the year involving the use of the facilities as designated by the Board of Directors or the Social Committee. During these times, the facilities to be used, as well as dates for proposed events, will be on display in the Community Center.

Applications (if needed) for events will also be posted or available upon request.

Special Events include education programs (lessons, clinics, etc.), open tournaments (tennis, bocce ball, horseshoes, shuffle board, etc.), or social activities (potluck dinners, classes, dances, holiday events, etc.). Fees and information about upcoming activities will be posted on the bulletin boards in the Community Center, on our Community Channel 195, and on the Heritage Cove Association Website. (www.heritagecovewebsite.com)

LAKES

The lakes are designed for visual enjoyment only, no swimming or boating. Let's keep them beautiful - please do not deposit any refuse in our lakes. You may fish from the pier, from the main lake side's or off your own lot. Please be mindful that fishing from an individual's property in one of the side lakes should only be done after obtaining permission from that owner.

No feeding of alligators, birds, or any other wild animals is permitted. This is a violation of Florida State Law. THE LAW DOES NOT MENTION THAT FEEDING DUCKS IS A VIOLATION; HOWEVER IT WOULD BE IMPOSSIBLE TO FEED THE DUCKS AND NOT DRAW OTHER ANIMALS TO FEED WHICH WOULD THEN BE IN VIOLATION. THEREFORE WE WILL INCLUDE NOT FEEDING THE DUCKS AS A HERITAGE COVE RULE). Residents cannot seek removal of alligators on or in common elements. Problems with alligators must be reported to the property manager or a Master Board Director.

The Walking path around the lake is for pedestrian traffic only, i.e. walkers, joggers. No bikes, roller-skates, skate boards, roller blades, or motorized vehicles will be allowed except for those required for handicapped or disabled mobility.

PRESERVE RULES

Heritage Cove has 8.84 acres of Preserve.

Only Florida indigenous (native) plants can grow in the Preserve. A list of approved indigenous plants is available from Lee County. Planting in the Preserve by residents is prohibited by law.

Residents shall not encroach into the Preserve. Clearly identify your property line. Encroachment will result in fines levied by Lee County against the Master Association and individual homeowner.

Dumping in the Preserve is forbidden. This includes yard waste, solid waste, liquid waste, or any substance even if it is bio-degradable.

Chemical treatment of the Preserve is forbidden. Only authorized and licensed contractors are permitted to use chemicals in the Preserve. Preserve conditions are monitored quarterly and reported to Lee County.

Removal or destroying of any plants in the Preserve is prohibited.

MISCELLANEOUS/PARKING

There will be no solicitation by any person anywhere in the Community Center or elements, for any cause whatsoever, unless specifically authorized by the Board of Directors or their representative.

VEHICLES

Parking areas are marked in a manner that permits maximum use with a minimum of inconvenience. Anyone found parking improperly may be towed away at Owner's expense.

Vehicles parked on common elements (grounds) that impede normal traffic or impede emergency service vehicles will be towed at owner's expense.

COLF CARTS:

Golf carts, as per Florida Motor Vehicles, section 316.2125, must be equipped with efficient brakes, reliable steering apparatus, safe tires, rear view mirror, and red reflector warning devices on both front and rear. No person under the age of 14 may operate a golf cart. Operation of a golf cart is limited to the hours between sunrise and sunset unless the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

LOW SPEED VEHICLES:

Florida Motor Vehicles sections 320.01 (42) defines a low speed vehicle as any 4 wheel electric vehicle who's top speed is greater than 20 MPH but not greater than 25 MPH. A low speed vehicle may be operated only on streets where posted speed limit is 35 MPH or less. A low speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rear view mirrors, windshield, seat belts, and vehicle identification numbers (VIN). These vehicles must be registered and insured. A valid driver's license is required to operate these vehicles.

BICYCLES:

All bicycles are to be parked in the bicycle rack. No vehicles shall be stored at any place on the common elements.

Automobiles shall be parked in the striped parking spaces established for such purposes and not on any grassy areas. Inoperable vehicles are not permitted to be stored, parked, or have major repairs (motor overhauls, transmission repairs, etc.) done on common grounds.

Parking restrictions of certain types of vehicles for designated periods of time are covered in our Heritage Cove Declaration of Covenants, Conditions and Restrictions (Documents) and these restrictions will be upheld.

IRRIGATION WATER RULES

Irrigation rules apply principally to single family homeowners. Residents in villas and condos have no control of irrigation water. Single family residents control irrigation water use by means of a programmable zone timer

located on their property. The single family resident has responsibility for irrigation equipment from the feed "T" connection at the *mainline*. The irrigation water is delivered to a shut off valve located just inside the property line. The shut off valve is the primary irrigation water cut off for a property. The homeowner must comply with state, county, and local laws governing water use.

The Master Board may invoke more stringent water restrictions and homeowners are required to comply with those restrictions. Additionally, the irrigation water delivery system may be shut down by the Master Board to insure water use compliance with the permit issued to Heritage Cove by South Florida Water Management District. Current irrigation water restriction information is available at the office.

STORM SHUTTERS

Many of us leave for an extended period of time during the Florida hurricane season and wish to protect our homes while we are gone. The ARC and the Board of Directors have adopted rules relating to storm shutters. Storm shutters must be white or the same color as your home. If they are not one of these colors, they cannot be put up more than 72 hours (3 days) prior to an approaching named storm warning and must be removed within 72 hours after the storm. Please arrange for someone else to do this if you will not be here.

GATE SECURITY

Each month a Four (4) digit number Gate Code is published on the Heritage Cove web site and channel 195. This number may be used when you are not traveling in a car with a security sticker and/or there is no one home to allow access using the telephone. You may give it to a family member coming into town when you know you will be away from the unit upon their arrival or for other valid and important reasons. For your continued security and your community security, please be careful to guard this number and give it out very discriminately.

Be sure ALL GATES ARE FULLY OPEN before entering the gated area.

Health and Safety

The Heritage Cove Community Association, INC. common areas (elements), specifically those areas within 50 feet of the clubhouse (Community Center), swimming pool, tennis courts, bocce courts, shuffleboard courts, horseshoe pits, or wherever two or more people congregate on common areas (elements) are designated **SMOKE FREE AREAS** with regard to cigarette, cigar, or pipe smoking. This rule precludes any necessity of having posted "No Smoking" signs.

Recognized Holiday Seasons

The Holiday Season (aka Christmas or Winter Holiday) runs from Thanksgiving to January 2nd. Temporary outdoor decorations (electric lighting and inanimate objects) are permitted for use **FIVE (5)** days prior to Thanksgiving Day until January 15th of each year. All such decorations shall not be offensive to the community as decided by the Master Board of Directors. Any outdoor decorations outside the Holiday Season must be approved by the ARC.

Street Walking, Jogging, and Running

Heritage Cove has a walking path around the lake behind the Community Center. Also, the sidewalk around Brant point Circle may be used for walking.

Walking, jogging, or running on streets without sidewalks within Heritage Cove must be done in the oncoming traffic lane **AGAINST** the traffic flow as a matter of safety so you can see oncoming traffic. No more than two walkers, joggers, or runners may be side by side (abreast). Walking, jogging, or running on streets with sidewalks in Heritage Cove is prohibited. It is against the law in the State of Florida to do so. Should you elect to ignore this ruling you could be ticketed by law enforcement.

DISCIPLINARY ACTIONS

Because there are sometimes a few individuals who will not observe these rules, the following infractions will be brought to the attention of the Board of Directors for disciplinary action and possible suspension of privileges and or fines.