

**AFFIDAVIT OF J. FRED RISK**

J. Fred Risk (Risk), being duly sworn, on his oath, does depose and say:

That from 1973 through 1979 he was the duly elected president of Moorings Bay Corp., an Indiana corporation which was the sole general partner of Moorings Bay Limited Partnership, a Florida limited partnership. In 1973 and 1974 Moorings Bay Limited Partnership was the sole beneficial owner of the following described land held in trust by Fred C. Tucker, Jr., Trustee, said land being located in the State of Florida, County of Collier, City of Naples, to wit:

All of Lot 1 and Lot 2 of Block 15;  
All of lot 1 of Block 16; and  
All of Parcel "B" of the Moorings Unit No. 5 according to the Plat thereof as recorded in Plat Book 6, pages 4 and 5, Collier County Public Records, Collier County, Florida;  
EXCEPT therefrom the hereinafter described proposed Condominium Parcel:

Commencing at the Northeast Corner of Lot 1 of Block 16 of The Moorings Unit No. 5 according to the plat thereof as recorded in Plat Book 6, pages 4 and 5, Collier County Public Records, Collier County, Florida; thence along the North line of Lot 1 of said Block 16, South 89°-24'-40" West 140.14 feet; thence South 0°-35'-20" East 30.00 feet for the PLACE OF BEGINNING of the Condominium Parcel herein described;

thence South 0°-35'-20" East 275.41 feet  
thence South 62°-30'-00" West 65.09 feet;  
thence South 27°-30'-00" East 86.61 feet;  
thence North 62°-30'-00" East 507.04 feet;  
thence North 16°-30'-00" West 305.08 feet;  
thence North 73°-30'-00" East 125.00 feet;  
thence South 16°-30'-00" East 346.91 feet;  
thence South 23°-00'-00" West 100.52 feet;  
thence South 62°-30'-00" West 154.16 feet;  
thence North 9°-30'-38" West 29.03 feet;  
thence South 71°-59'-22" West 67.99 feet;  
thence South 26°-30'-38" East 44.97 feet;  
thence South 62°-30'-00" West 239.52 feet;  
thence South 82°-40'-00" West 271.84 feet;  
thence North 0°-35'-20" West 238.40 feet;  
thence South 60°-48'-07" East 21.31 feet;  
thence North 20°-41'-53" East 67.99 feet;  
thence North 77°-48'-07" West 38.15 feet;  
thence North 0°-35'-20" West 193.31 feet;  
thence North 89°-24'-40" East 140 feet to the Place of

Beginning;  
subject to easements and restrictions of record;  
containing 5.5 Acres more or less.

1912495 OR: 2034 PG: 0105  
RECORDED IN THE OFFICIAL RECORDS OF COLLIER COUNTY, FL  
07/20/95 at 09:40AM BY MERRILL N. JOHNSON, CLERK

Date: MERRILL N. JOHNSON  
800 HARBOUR DRIVE  
NAPLES FL 33940

ENC 77E 10.56

That Moorings Bay Limited Partnership constructed condominium units on the above described land and created the Admiralty Point Condominium Association.

That on April 24, 1974 Fred C. Tucker, Jr., Trustee, as Lessor, entered into a 99 year lease of the above described real estate to Admiralty Point Condominium Association as Lessee, which lease allocated a portion of the lease rental to be paid by each unit. Unit owners did not have an option to purchase their pro rata share undivided interest in the fee simple lands subject to the 99 year land lease.

That subsequent to the execution of the above described 99 year land lease, a change was made in the Florida statutes governing the sale of condominium units which statute required that all condominium unit purchasers and owners must be granted an option to acquire their pro rata undivided interest in the fee simple lands as an alternative to leasing.

Thereupon Moorings Bay Limited Partnership gave each Unit owner or purchaser in Admiralty Point condominium an option to acquire their pro rata share undivided interest in the fee simple in the leased land.

That subsequently all Unit owners or purchasers of all the units of Admiralty Point condominium exercised their options and thereby purchased their pro rata share undivided interest in fee simple in the leased lands.

That therefore, the portion of the above described 99 year land lease requiring land lease payments ceased to be of any force and effect and all Unit owners were and are forever released from the obligation thereunder to pay said Unit's pro rata share, or any other units share, of any rents due under the terms of the said 99 year land lease.

That by this affidavit the undersigned does hereby declare that all obligations of any Unit owner, present or future to pay rent under the above described 99 year land lease have been forever extinguished.

*J. Fred Risk*  
\_\_\_\_\_  
J. Fred Risk

STATE OF FLORIDA        )  
COUNTY OF COLLIER    )

Sworn to and subscribed before me by J. Fred Risk, personally known to me this 24<sup>th</sup> day of February, 1995.



*Merrill N. Johnson*  
\_\_\_\_\_  
Notary Public

Notar:  
NOTICES & ADDRESSES  
954 PARK SHORES DR 3RD FLOOR  
NAPLES FL 34103

(Space above line for recording information)

**CERTIFICATE OF AMENDMENT**

The purpose of this Certificate of Amendment is to record Amendments to the Rules and Regulations adopted by the Board of Directors at Admiralty Point Condominium Association, Inc., on April 28, 1997. A copy of the amendments are attached hereto as Exhibit "A". The Rules and Regulations of Admiralty Point Condominium Association, Inc. are recorded at O.R. Book 2031, Page 1571, Public Records, Collier County, Florida. The original Declaration of Condominium for Admiralty Point Condominium was recorded at O.R. Book 653 at Page 1462 and the original Declaration of Condominium for Admiralty Point II was recorded at O.R. Book 935 at Page 1746, Public Records, Collier County, Florida.

IN WITNESS WHEREOF, the undersigned has hereunto set his/her hand and the seal of the corporation.

ADMIRALTY POINT CONDOMINIUM  
ASSOCIATION, INC.

(SEAL)

Robert Dlugozima  
Witness  
Print Name: Robert Dlugozima

By: David Wilcox  
David Wilcox, President

Nelson Kelber  
Witness  
Print Name: Nelson Kelber

STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 13<sup>th</sup>  
day of June, 1997, by Steven M. Falk, as President of  
Admiralty Point Condominium Association, Inc., the corporation  
described in the foregoing instrument, who is personally known to  
~~me or who has produced~~ \_\_\_\_\_ as identification and  
who took an oath, and acknowledged executing the same under  
authority vested in him/her by said corporation.



John D. Dlugozis  
Notary Public  
John D. Dlugozis  
Printed Name of Notary Public

My Commission Expires:

Instrument prepared by and return to:

Steven M. Falk, Esq.  
Roetzel and Andress,  
a Legal Professional Association  
Trion Centre  
850 Park Shore Drive  
Third Floor  
Naples, FL 34103



JOHN D. DLUGOZIS  
My Commission 00070000  
Expires Jul. 31, 1999  
Created by ACE  
888-888-8376

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## EXHIBIT A

**REPORT OF THE AD HOC COMMITTEE TO PROPOSE CHANGES IN OUR  
RULES CONCERNING GARAGES, CAR PORTS AND PARKING  
(RULES 24, 25, 26, 27 and 28)**

The Committee recommends that the Board adopt the following changes in Rules 25, 27 and 28:

In Rule 25, after the fourth sentence, add the following sentence:  
No signs or advertising may be displayed on any vehicle except that appearing on license plate holders or plates in lieu of a front license plate.

In Rule 27, after the first sentence, add the following sentence:  
Passenger vehicles, i.e., autos, vans and station wagons, are restricted to a height of 6 feet 2 inches and a length of 19 feet.

In Rule 28, after the second sentence, add the following sentence:  
A van or passenger car equipped for use by a handicapped person will be permitted in the parking lots without the permission of the manager unless the vehicle is a recreational camper in which case the prior permission of the manager is required.

The change in Rule 25 is proposed following an informal survey of owners which indicated that most owners believe advertising signage on autos degrades the appearance of Admiralty Point, especially since we have a bulletin board in the East Clubhouse where owners may post information such as the sale of an automobile.

The change in Rule 27 is dictated by the space limitations in the West Building garage. The height limitation is required due to an overhead water pipe near the exit to the garage which if ruptured would cause serious problems.

The change in Rule 28 is proposed to provide ready parking space for vehicles used by handicapped persons. In addition, your committee suggests the Board consider designating one specific parking spot reserved for use by a vehicle used by a handicapped person.

Paul Scheetz, Chairman  
Merrill Johnson

Retn:  
ROETZEL & ADDRESS  
850 PARK SHORE DR 3RD FLOOR  
NAPLES FL 34103

(Space above line for recording information)

**CERTIFICATE OF AMENDMENT**

The purpose of this Certificate of Amendment is to record an Amendment to the Rules and Regulations adopted by the Board of Directors of Admiralty Point Condominium Association, Inc., on April 17, 2000. A copy of the Amendment is attached hereto as Exhibit "A". The Rules and Regulations of Admiralty Point Condominium Association, Inc. are recorded at O.R. Book 2031, Page 1571, Public Records, Collier County, Florida. The original Declaration of Condominium for Admiralty Point Condominium was recorded at O.R. Book 653 at Page 1462 and the original Declaration of Condominium for Admiralty Point II was recorded at O.R. Book 935 at Page 1746, Public Records, Collier County, Florida.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and the seal of the corporation.

ADMIRALTY POINT CONDOMINIUM  
ASSOCIATION, INC.  
(SEAL)

Irvin Winter

Witness

Print Name: IRVIN WINTER

Robert Dlugozima

Witness

Print Name: Robert Dlugozima

By: Dr. Bernard Pecaro  
Dr. Bernard Pecaro, President

STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of June, 2000, by Dr. Bernard Pecaro as President of Admiralty Point Condominium Association, Inc., the corporation described in the foregoing instrument, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath, and acknowledged executing the same under authority vested in him by said corporation.

Donna D. Dlugozima  
Notary Public  
Donna D. Dlugozima  
Printed Name of Notary Public

My Commission Expires:

Instrument prepared by and return to:  
Steven M. Falk, Esq.  
Roetzel and Address  
850 Park Shore Drive Third Floor  
Naples, FL 34103

NOTARY PUBLIC - STATE OF FLORIDA  
DONNA D. DLUGOZIMA  
COMMISSION # CC 833840  
EXPIRES 07/28/01  
PRINTED THRU 154 1-888-NOTARYFL

**PROPOSED AMENDMENT  
RULES AND REGULATIONS  
FOR  
ADMIRALTY POINT, A CONDOMINIUM**

Words stricken are deletions:  
Words underlined are additions.

Proposed Amendment to Rule 20:

**20. STRUCTURAL CHANGES, OR ALTERATIONS OR REMODELING:** No structural changes or alterations shall be made in any unit, nor to the common elements, except as authorized by the Board of Directors and the issuance of an approved Construction Permit. Unit owners must furnish to the Building and Architecture Committee any drawings or specifications that may be required as a part of the approval process prior to the issuance of the Permit. Any and all structural changes, alterations or remodeling projects creating noise, dust or dirt shall not be allowed during the period between November 1st and May 1st. No Construction Permit will be issued for any project unless and until the Building and Architecture Committee is satisfied and concludes the work can be timely completed. The Board MAY shut down any project that extends beyond the permissible time period. This rule is not intended to apply to painting, carpeting or papering. All contractors must be licensed and insured. Any project which requires multiple trades or crafts must have a licensed General Contractor.

**EXHIBIT "A"**

3349128 OR: 3507 PG: 1391

RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL  
02/24/2004 at 03:20PM DWIGHT E. BROCK, CLERK  
RRC FEE 15.00

Ashley D. Lupo, Esq.  
Roetzel and Andress, L.P.A.  
850 Park Shore Drive, Third Floor  
Naples, FL 34103

Retn:  
ROETZEL & ANDRESS  
850 PARK SHORE DR 3RD FLOOR  
NAPLES FL 34103

(Space above line for recording information)

**CERTIFICATE OF AMENDMENT**

The purpose of this Certificate of Amendment is to record Amendments to the Rules and Regulations adopted by the Board of Directors of Admiralty Point Condominium Association, Inc., on January 20, 2003 (Rule 33(2)(d) Boat Docks), October 27, 2003 (Rule 06, Balconies) and October 27, 2003 (Rule 11, Building and Grounds). A copy of the Amendments are attached hereto as Exhibit "A". The Rules and Regulations of Admiralty Point Condominium Association, Inc. are recorded at O.R. Book 2031, Page 1571, Public Records, Collier County, Florida. The original Declaration of Condominium for Admiralty Point Condominium was recorded at O.R. Book 653 at Page 1462 and the original Declaration of Condominium for Admiralty Point II was recorded at O.R. Book 935 at Page 1746, Public Records, Collier County, Florida.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal of the corporation.

ADMIRALTY POINT CONDOMINIUM  
ASSOCIATION, INC.  
(SEAL)

Edward L. Swank  
Witness  
Print Name: EDWARD L. SWANK

By: Dr. Bernard Pecaro  
Dr. Bernard Pecaro, President

Jay L. Swallen  
Witness  
Print Name: JAY L. SWALLEN

STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of January, 2004 by Dr. Bernard Pecaro as President of Admiralty Point Condominium Association, Inc., the corporation described in the foregoing instrument, who is personally known to me or who has produced as identification and who took an oath, and acknowledged executing the same under authority vested in by said corporation.

Donna D. Dlugozima  
Notary Public

Donna D. Dlugozima  
Printed Name of Notary Public  
My Commission Expires:



DONNA D. DLUGOZIMA  
MY COMMISSION # DO 221387  
EXPIRES: July 28, 2007  
Bonded Thru Budget Notary Services

**PROPOSED AMENDMENTS  
RULES AND REGULATIONS  
FOR  
ADMIRALTY POINT, A CONDOMINIUM**

Additions indicated by underlining.

Deletions indicated by ~~hyphens~~.

Proposed Amendment to Rule 06.

**06. BALCONIES:** All wearing surfaces of individual balconies, patios, and roof garden terraces shall be the responsibility of the unit owner, who shall be responsible for any damage to the unit owner's own unit and units adjacent and below caused by water leakage or other problems caused by applied surfaces. The acceptable surfaces for balconies is ceramic type tile, or epoxy sealant approved by the Building and Architectural Committee. The Association shall be responsible for repairs to the concrete deck.

When replacing hard surface floor coverings on balconies, patios, ~~and roof gardens and terraces, sound deadening underlayment approved in writing prior to installation by the Building/ Architectural Committee and by the Board of Directors is acceptable.~~ in the West building, ~~(The~~ exterior sliding glass door thresholds must be raised, the concrete slab and underlying reinforcing rods ("rebars") repaired, and the concrete surface waterproofed, all in accordance with Admiralty Point specifications.

Inflated rafts, cushions, sailing gear and similar recreational equipment shall not be stored on balconies. No clothes-lines are permitted. Nothing shall be draped or hung from balcony railings, except holiday decoration during the season. Such prohibitions shall include but not be limited to bathing suits, towels, beach mats and mops. No garments, rugs, mops or other objects shall be dusted or shaken from the balconies and windows of a unit. Nothing shall be thrown or dropped from balconies and windows of a unit. Hosing balconies or screens is prohibited. Watering of plants, sweeping and mopping of balconies shall be done so as not to bother persons residing on lower or adjacent units. Cooking is not permitted on balconies.

Owners who leave their units unoccupied for more than four days must clear their unscreened or unshuttered balconies of furniture and loose objects. In the event that this clearance must be done by our condominium staff for storm safety measures, the owners will be charged an amount approved by the Board of Directors.

Proposed Amendment to Rule 11.

**11. FLOOR COVERINGS IN UNIT INTERIORS:** Ceramic tile, marble and other hard surface floor coverings are allowed in ~~limited to~~ bathrooms, ~~(not including adjacent dressings areas~~

and closets), foyers, hallways and kitchens with acceptable sound deadening underlayment approved in writing prior to installation by the Building/Architectural Committee and subject to approval by the Board of Directors.

First floor units may use hard surface floor coverings throughout the entire unit interior, with acceptable sound deadening underlayment material as approved in writing prior to installation by the Building/Architectural Committee and the Board of Directors.

An owner of two units, with one unit directly above the other, may use hard surface floor coverings throughout the top unit interior, with acceptable sound deadening underlayment material as approved in writing prior to installation by the Building/Architectural Committee and subject to approval by the Board of Directors. If, however, the owner of two units, as set forth herein, places hard surface floor coverings throughout the upper floor unit, and later conveys the upper floor unit separately from the lower floor unit, the upper floor unit must comply with the same standards as all other single units that are not on the first floor, whereby hard surface floor coverings are allowed only in bathrooms, including adjacent dressing rooms and closets, foyers, hallways and kitchens with acceptable sound deadening underlayment, which must be approved in writing prior to installation by the Building/Architectural Committee and by the Board of Directors.

Proposed Amendment to Rule 33(2)(d)

33. **BOAT DOCKS.**

(2) Application for and Leasing of Dock Space

(d) Dock space rentals shall be limited to boats at least eighteen and one-half (18 ½) feet in length and ~~not in excess of thirty seven (37) feet in length including the length of the boat's bowsprit and having a beam (width) not more than eleven and one half feet (11 ½),~~ provided that the foregoing length and width requirements no boat, regardless of length, including all accessories and attachments (I.e. swim platforms, anchors, bowsprit, outboards, dinghies, davits, etc.) may extend more than 42' out from the seawall, irregardless of how the boat is moored. All boats must be moored perpendicular to the seawall. The above rule shall not apply to any boat presently leased under a lease dated prior to May 6, 1991. No exception to this limitation shall be granted except by authority of the Board of Directors.