

CERTIFICATE OF AMENDMENT

THE UNDERSIGNED, being the duly and acting President of The Preserve Association, Inc., a Florida corporation not for profit, hereby certifies that at a meeting of the members held on December 14, 2023, where a quorum was present, after due notice, the resolution set forth below was approved by the vote indicated for the purpose of amending the Design and Development Standards for the Preserve Association, Inc., as originally recorded at O.R. Book 1442, Pages 1432 *et seq.*, of the Public Records of Collier County, Florida.

The following resolution was approved by concurrence of at least a majority of the Board of Directors.

RESOLVED: That the Design and Development Standards for The Preserve be hereby amended and the amendment is adopted in the form attached hereto, and made a part hereof.

Date: 1/25/24

THE PRESERVE ASSOCIATION, INC.

(1) *CKigel*
Witness
Print Name: Cassandra Kigel

By: *Scott McDonald*
Dr. Scott McDonald, President
98 Wyndemere Way
Naples, FL 34105

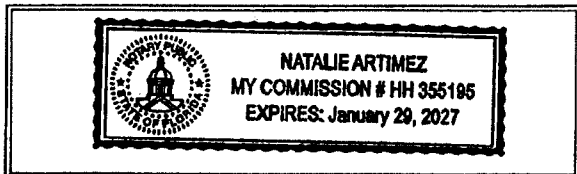
(2) *Patricia Scherry*
Witness
Print Name: PATRICIA Scherry

(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 25 day of January, 2024, by Dr. Scott McDonald, President of the aforementioned Corporation, on behalf of the Corporation by means of physical presence or online notarization. He is personally known to me or has produced _____ as identification.



Natalie Artimez
Signature of Notary Public

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

This instrument prepared by Robert E. Murrell, Esq., The Murrell Law Firm, P.A., 5415 Jaeger Road, Suite B, Naples, FL 34109.

Exhibit A

The Preserve Association, Inc.
Design and Development Standards
Adopted on December 14, 2023

This design and development standards to the Amended and Restated Declaration of Covenants, Restrictions Conditions and Easements ~~Restrictions~~ for the Preserve recorded in Official Records Book ### 2205 at Page ~~365 1777~~ of the Public Records of Collier County is published by the Architectural Review Committee in accordance with Section ~~3.2.1.8~~ 11 of said Declaration.

In accordance with the provisions of the Amended and Restated Declaration of Covenants, Restrictions Conditions, and Easements ~~Restrictions~~ for The Preserve, section ~~3.2.11~~ (pages 6-14 10-12), dated ~~recorded October 2, 1984~~ July 11, 1996, an Architectural Review Committee is established for The Preserve referred to in this document as ARC-PAP and as Committee in the Declaration.

The purpose of the ARC-PAP Committee shall be to protect the high aesthetic standards of The Preserve and to ensure that any modifications or alterations to existing structures or grounds maintain a harmonious relationship to the original structure and neighboring properties.

To meet this purpose “no improvement or structure of any kind, including, without limitation, any building, wall, fence, swimming pool, ~~tennis court~~, driveway pavement, or screened enclosure, shall be erected, or placed or maintained and no addition, alteration, modification change to any such improvement or structure shall be made without the prior written approval of the ARC-PAP Committee.”

The ARC-PAP Committee shall consist of at least three (3) persons appointed by the Board of Directors of the Association. Approval or disapproval by a majority of the Committee members of any proposed improvement or alteration to the structure or grounds of a dwelling shall constitute the official approval or disapproval of the ARC-PAP Committee.

A request for an appeal shall be submitted in writing to the Board of Directors ~~ARC (Architectural Review Committee of the Wyndemere Master Homeowner’s Association)~~ within ten (10) days after issuance of a decision by the Preserve Committee ARC-PAP (see Section 3.2.1.211.11). Any approval or disapproval by the ARC-PAP and/or Board of Directors shall also be subject to review by the Architectural Review Committee of the Wyndemere Master Homeowners Association (referred to in this document as ARC-WHOA and as ARC in the Declaration).

Approval by the ~~Committee~~ ARC-PAP shall be required before construction or any alteration is initiated with the exception of any non-structural changes located inside an owner’s lanai courtyard which serves only that unit. “In order to obtain the approval of the ~~Committee~~ ARC-PAP, a complete set of plans and specifications for proposed construction and any and all other reasonably requested information and materials related thereto shall be submitted to the ~~Committee~~ ARC-PAP for its review. The plans shall include, as appropriate, the proposed location, grade, elevations, shape, dimensions, exterior color plans, landscaping plans, approximate costs, and nature, type and color of material to be used.”

Any interior construction or alteration that could affect the occupancy and general enjoyment of the adjoining occupant of a ~~Pond Apple~~ Preserve unit shall also require the submission of a detailed description and plan of the proposed construction to the ~~Committee~~ ARC-PAP for review and approval. The detailed plan submitted should include coverage of all changes and/or additions to the various

electrical, plumbing, drainage and water supply systems – particularly as they affect the common systems of the neighborhood.

~~“The Committee~~ ARC-PAP shall evaluate all plans utilizing standards of the highest level as to the aesthetic quality and materials and workmanship to be used and as to suitability and harmony of location, structure and external design in relation to surrounding topography and structures.”

All building criteria shall meet the standards as established in Planned Unit Development (PUD) of Wyndemere and the ~~Architectural Review Committee of the Master Homeowner’s Association~~ ARC-WHOA or whichever is more restrictive.

~~“The Committee~~ ARC-PAP is empowered to publish or modify from time to time, design and development standards for the Preserve, including but not limited to standards for the following:

1. Architectural design of improvements
2. Fences, walls, and similar structures
3. Exterior building materials and colors
4. Exterior landscaping
5. Exterior appurtenances relating to utility installation
6. Signs and graphics, mailboxes and exterior lighting
7. Driveway pavement
8. All buildings, landscaping and improvements on lands owned or controlled by the Association.

The standards shall be reasonable and in conformance with the plan of development of The Preserve and Wyndemere.”

STANDARDS (I)

~~Materials used in any modification or alteration shall, in all cases, match those now existing on the structure, except that “Hardiplank” (TM Reg.) Cedermill fiber cement siding may also be used as siding, or must be approved by the ARC of The Preserve Association, Inc.~~ **Materials used in any modification or alteration shall in all cases match those currently in use except that “HardiePlank” (TM Reg.) Fiber Cement Cedarmill or similar may also be used as siding or must be approved by the ARC-PAP and ARC-WHOA.**

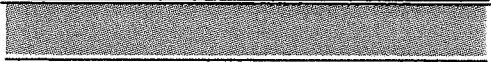



~~Exterior Paint Stain Colors (exterior) must either match the original color or be a close color match to one of the following exterior stain colors now used in Pond Apple~~ **follow the Sherwin Williams (SW) color palette below or a matching equivalent may be used:**

<u>Color</u>	<u>Exhibit</u>
Natural Cypress #75 (Benjamin Moore*)	338/340, 342/344
	362/364, 366/368
Safari #C-27 (Benjamin Moore*)	354/356, 374/376
Santa Fe Brown #C-73 (Benjamin Moore*)	358/360
Wheat Bran #BM-72-29 (Sherwin Williams)	399/401, 403/405

Trim: White Shoulders #2482W 407/409, 411/413
 (Flex Bon)

Windjammer #C-48 (Benjamin Moore*) 350/352

*Benjamin Moore Moorwood Exterior Stains

COLOR SWATCH	COLOR NAME	COLOR CODE	
	Accessible Beige	SW7936	Body
	Utterly Beige	SW6080	Body
	Diverse Beige	SW6079	Body
	Amazing Grey	SW7044	Body
	Loggia	SW7506	Body
	Kilim Beige	SW6106	Body
	Moderate White	SW6140	Trim
	Neutral Ground	SW7568	Trim
	White Heron	SW7627	Trim
	Futon	SW7101	Trim

Exterior staining-painting of a structure (all of which are two-unit structures) requires approval from the ARC-PAP and ARC-WHOA and must be done on both units at the same time and be of the same color. Exterior staining of any unit (each residential building in The Preserve consists of two single family units) must be the same as, or compatible with, the color of the adjoining unit. IF THERE IS TO BE A COMPATIBLE STAINING SELECTION, THE PRIOR WRITTEN APPROVAL BY THE PRESERVE ARCHITECTURAL COMMITTEE MUST BE OBTAINED.

Structure is defined as the villa, garage/garage door, fence, wall and entrance way. The following descriptive definitions apply:

Trim – the applied finish on the exterior of a building as moldings around openings (window trim, exterior door trim, garage door trim and entryway trim).

Fence – a barrier made from wood or an approved wood substitute like Hardi board that is intended to mark a boundary or enclose a space.

Body – the exterior portion of the building that is intended to enclose the interior, air-conditioned living area of the building.

Interior courtyard - located in Even-number residences at the front of the property and in Odd-number residences on the side or rear of the property, may be painted without ARC approval.

Garage door color, if not the same color as the rest of the structure, must be a close relative of the building color. Colors of sharp contrast (for example – red, blue, or green) are not permitted on garage doors. Any garage door which is replaced must be replaced with a 32-panel door, 4 panels high and 8 panels across, as approved by the ARC of The Preserve Association, Inc.

Driveways – any changes to the current, concrete driveway pavement (such as Bomanite), excluding pavers, must be of light, neutral tones and be constructed in such a way that the new surface will be as durable as the current surface and will not impede the normal flow of water away from the structure. The surface must also be flush with the existing street gutter and any section of an abutting driveway surface. a total replacement of driveway with approved brick pavers.

Asphalt pavement is not permissible.

Roofs are to be shingled with cedar shakes. Asphalt or wood shingles, clay or cement tiles are not permissible. Roofs. If owners of adjoining villas having a common roof agree, re-roofing may consist of heavy weight fiberglass shingles with a minimum forty (40) year warranty which are similar to or better than those presently used on the roofs of the residences on Golf Cottage Drive in Wyndemere. In the event the owners of the adjoining villas having a common roof cannot agree, then cedar shake shingles shall be used for re-roofing. Any changes to current roof must be asphalt shingle. The shingle color/ texture must be the same for both owners and timing of the work must be coordinated with the attached neighbor. Wood shingles, metal, clay or cement tiles are not permissible.

Screen Enclosures must be made of dark brown, anodized aluminum.

Fences, if approved by the Committee ARC-PAP, are not to be visible from the street and must be of a style and color that compliments the residence. In no case shall a fence (excepting one surrounding a swimming pool) exceed a height of four feet (4') nor be located in such a manner that it interferes with lawn mowing. A fence should be anodized aluminum of suitable color dark brown, wrought iron, or open wood style. No chain link, wire, or wood stockade type fencing will be permitted.

Lawn Decorations – artificial ornaments of any type are not permissible on any lawn.

Plantings. A wide variety of trees and plants are allowed in Pond Apple providing the existing streetscape is maintained. Guidance from a qualified, landscape professional is recommended before any plantings are done in the front or rear yards of a property. A list of acceptable and unacceptable plantings may be obtained from Wyndemere Homeowners Association's (WHOA) "Recommended Landscape Plant Palette."

Unacceptable plants/trees are: Areca Palm, Australian Pine, Brazilian Pepper, Coconut Palm, Earleaf Acacia, Eucalyptus, Italian Cypress, Manila Palm, Melaleuca, Norfolk Island Pine, Royal Palm, Silk Oak.