

WCI Communities, Inc., a Delaware corporation, hereby declares as follows:

Section 1: Introduction and Submission

1.1 The Land. The Developer owns the fee title to certain land located in Lee County, Florida, as more particularly described in Exhibit No. 1 hereto (the "Land").

1.2 Submission Statement. The Developer hereby submits that the Land together with all improvements from time to time erected or to be installed thereon to the condominium form of ownership and use in the manner provided for in the Florida Condominium Act as it exists on the date hereof, subject to the reservations, easements and restrictions of record.

1.3 Property Subject to Certain Restrictions and Easements. The Condominium Property (as defined hereinafter) is subject to the covenants, conditions, restrictions, and reserved rights of the Developer contained in this Declaration. The Condominium Property also is subject to (a) the covenants, conditions, restrictions, easements and reserved rights contained in that certain Amended and Restated Declaration and Protective Covenants for Pelican Landings, as recorded in Official Records Book 2198, Page 1873, public records of Lee County, Florida, as has been and may be amended from time to time ("Community Declaration"); (b) the covenants, conditions, restrictions, easements and reserved rights contained in that certain Declaration and General Protective Covenants for The Colony at Pelican Landing as recorded in Official Records Book 2775, Page 3845, public records of Lee County, Florida, as has been and may be amended from time to time; (c) the terms and provisions of that certain Broadband Service Easement as recorded in Official Records Book 3202, Page 1881, public records of Lee County, Florida; (d) those certain easements granted to the Bayside Improvement Community Development District for maintenance of certain conservation areas located on the Condominium Property, pursuant to that certain Grant of Easement recorded in Official Records Book 3958, Page 36, public records of Lee County, Florida; (e) those certain easements granted to Florida Power & Light Company pursuant to that certain Grant of Easement recorded in Official Records Book 3958, Page 31, public records of Lee County, Florida; (f) those certain easements granted to Bonita Springs Utilities, Inc. pursuant to that certain Grant of Utility Easement recorded in Official Records Book 3965, Page 2482, public records of Lee County, Florida; (g) the terms and provisions of that certain Interlocal Agreement between Pelican Marsh Community Development District, Bay Creek Community Development District, and Bayside Improvement Community Development District recorded in Official Records Book 2651, Page 3626, public records of Lee County, Florida; (h) the terms and provisions of that certain Agreement between the Florida Department of Community Affairs and Pelican Landing Communities, Inc. recorded in Official Records Book 2552, Page 1815, public records of Lee County, Florida; (i) the easements granted pursuant to that certain Conservation Easement to State of Florida Department of Environmental Protection recorded in Official Records Book 2679, Page 1917, public records of Lee County, Florida; (j) the terms and provisions of that certain Agreement between David Sexton and State of Florida Department of Environmental Protection recorded in Official Records Book 2679, Page 1937, public records of Lee County, Florida; (i) the terms and provisions of that certain Declaration of Restrictive Covenants recorded in Official Records Book 2679, Page 2039, public records of Lee County, Florida; (j) the terms and provisions of that certain Agreement between State of Florida Department of Community Affairs and Pelican Landings Communities, Inc. recorded in Official Records Book 2552, Page 1815, public records of Lee County, Florida; (k) those certain easements declared and/or granted pursuant to that certain Declaration and Grant of Easements recorded in Official Records Book 3598, Page 3899, public records of Lee County, Florida; (l) such other easements as shown on the Condominium Plat, on any subdivision plat which impacts the Condominium Property, as contained in any future amendments to this Declaration, or as declared by the Developer pursuant to reserved rights contained herein; and (m) all other instruments of record which were in existence prior to recording of this Declaration.

1.4 Name. The name by which this condominium is to be identified is LA SCALA AT THE COLONY, A CONDOMINIUM (the "Condominium").

Section 2: Definitions

For purposes of this Declaration and the exhibits attached hereto, the following terms shall have the respective meanings ascribed to them in this Section, except where the context clearly indicates a different meaning or a specific limited meaning is detailed: