

This Instrument Prepared by and Record and Return to:

John L. Soileau, Esquire
Watson, Soileau, DeLeo & Burgett, P.A.
P. O. Box 236007
Cocoa, Florida 32923-6007
Our File No: 99-0064



CFN 2005222264 06-22-2005 03:10 pm
OR Book/Page: 5487 / 8616

CERTIFICATE OF AMENDMENT
TO DECLARATION OF CONDOMINIUM OF
CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC.

Pursuant to Section 718.112(1), Florida Statutes (2004), and the provisions of the Declaration of Condominium of CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC., as recorded in Official Records Book 3579, Page 2223, Public Records of Brevard County, Florida, and all amendments thereto, and pursuant to the approval of the Board and members of the Association at the duly-noticed meeting thereof, which was held on May 18, 2005, the Declaration of Condominium is amended as follows:

1. **Section 16.7 of the Declaration** is amend to provide as follows:

Leases. No portion of a Unit (other than an entire Unit) may be rented. All leases must be in writing and shall provide that the Association shall have the right to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration, the Articles of Incorporation and By-Laws of the Association, applicable rules and regulations, or other applicable provisions of any agreement, document or instrument governing the Condominium or administered by the Association. All leases shall be subject to this Declaration, the Articles of Incorporation, By-Laws, and Rules and Regulations of the Association. Subleasing of Units is prohibited. No lease of a Unit shall release or discharge the Unit Owner from the Unit Owner's compliance with this Declaration, or any of the Unit Owner's other duties as a Unit Owner. The leasing of Units shall also be subject to the prior written approval of the Association, and all prospective tenants must be interviewed, before occupancy, by a member or designee of the Board. All Unit Owners will be jointly and severally liable with their tenants to the Association for any amount which is required by the Association to effect such repairs or to pay any claim for injury or damage to property caused by the negligence of the tenant. No unit may be leased for a term of less than one (1) year. In no event may the total number of leased units exceed ten (10) percent of the total number of units in the Condominium. In the event the maximum number of units are leased, the Association shall maintain a waiting list and will place owners on the waiting list upon an owner's written request. The owners will be placed on the waiting list in order; beginning with the oldest written request. The waiting list shall be an official record of the Association and will be made available for inspection pursuant to Chapter 718, Florida Statutes. At such time as the total number of leased units falls below the ten (10) percent threshold, the Association will provide written notification to as many owners on the waiting list as possible, without exceeding the ten (10) percent threshold, that such owners have the opportunity to lease their units. Notification by the Association to an owner of the opportunity to lease does not constitute an approval of the owner's lease or lessee; an owner must still comply with the requirements of this Section. Once an owner is notified by the Association that he or she has the opportunity to lease his or her unit, said owner must provide the Association with the name, address and telephone number of a prospective lessee within forty-five (45) days of the Association's written notice of opportunity to lease; failing which, said owner will forfeit his or her opportunity to lease at that time, and will be placed at the end of the waiting list if such owner so desires. An owner will not be placed on the waiting list if said owner's unit is leased at the time such owner requests to be placed on the waiting list. In the event an owner owns more than one (1) unit, such owner may only lease one (1) unit. Upon termination or expiration of a lease, if an owner desires to

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 25.00 Serv: 0.00
Mfg: 0.00 Excise: 0.00
nt Tax: 0.00

re-lease his or her unit to a different or additional lessee, upon written notice to the Association, the owner will be placed on the waiting list and must follow the procedures of this Section. This restriction regarding leasing shall only be effective with regard to owners who acquire their unit after the effective date of this Amendment. Also, it is the intention of the membership that the condominium be and remain housing for older persons, and the Board shall have the power to utilize practices and procedures necessary to ensure ongoing compliance with applicable law. The Board may require proof of age from residents at periodic intervals to document the foregoing. At least 80% of the Units must be occupied by at least one person 55 years of age or older. If a Unit is leased and the tenant or lessee vacated the Unit prior to the expiration of one (1) year, the Unit may not be occupied by another tenant or lessee within one (1) year from the date that the prior tenant or lessee initially occupied the Unit. For example, if the vacating tenant or lessee initially occupied the Unit on January 15, 2000, the Unit may not be occupied by another tenant or lessee until January 15, 2001.

IN WITNESS WHEREOF, the Association has caused this instrument to be signed in its name and by its President and Secretary this 14th day of June, 2005, for purposes of recording in the Brevard County Public Records as required by the Florida Condominium Act.

**C A R M E L R E T I R E M E N T
C O N D O M I N I U M A S S O C I A T I O N , I N C . ,**
a Florida corporation



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BY: *Elmer G. Stein*
Print Name: ELMER G. STEIN
As its president

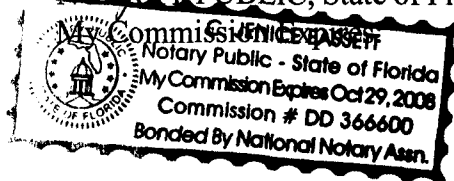
BY: *Elaine Schultz*
Print Name: ELAINE SCHULTZ
As its secretary

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day of June, 2005, by Elmer Stein, **President** of CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC. Association Inc., on behalf of the corporation who produced FL Driver license as identification and did not take an oath.

Jenice Bassett

NOTARY PUBLIC, State of Florida at Large

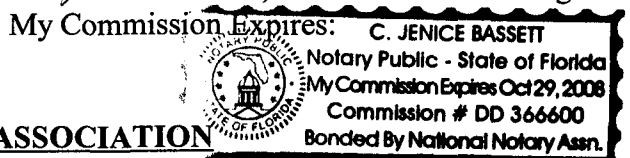


STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day of June, 2005, by Elaine Schultz, **Secretary** of CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC. Association Inc., on behalf of the corporation who produced FL D.L. as identification and did not take an oath.

Jenice Bassett

NOTARY PUBLIC, State of Florida at Large



CERTIFICATE OF ASSOCIATION

The undersigned, as **President** and **Secretary** of CARMEL RETIREMENT

CONDOMINIUM ASSOCIATION, INC., hereby certify the foregoing Amendment to the Declaration of Condominium was adopted by the membership of the Association at a duly called meeting held on May 18, 2005.

Dated this 14th day of June, 2005.

WITNESSES:

CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC.

Gail Murphy
Print Name:

By: Elana Stein
Print Name: ELANA C. STEIN
As its president

Jenice Bassett
Print Name:

WITNESSES:

CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC.

Gail Murphy
Print Name:

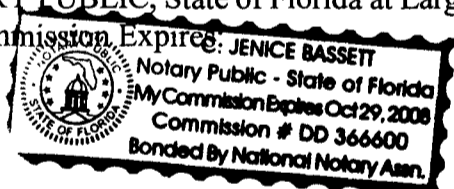
By: Elaine Schultz
Print Name: EI AINE SCHULTZ
As its secretary

Jenice Bassett
Print Name:

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day of June, 2005, by Elana C. Stein President of CARMEL RETIREMENT CONDOMINIUM ASSOCIATION, INC., on behalf of the corporation who produced FL. D. L. as identification and did not take an oath.

Jenice Bassett
NOTARY PUBLIC, State of Florida at Large
My Commission Expires: JENICE BASSETT



STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day of June, 2005, by Elaine Schultz Secretary of Carmel Retirement Condominium Association, Inc., on behalf of the corporation who produced FL. D. L. as identification and did not take an oath.

Jenice Bassett
NOTARY PUBLIC, State of Florida at Large
My Commission Expires:

