

**Prepared by and Return To:**

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Courts, Brevard County  
# Pgs:3

**SECOND AMENDMENT TO THE GARRETT'S RUN, A CONDOMINIUM DECLARATION OF CONDOMINIUM**

WHEREAS, that certain Garrett's Run, a Condominium Declaration of Condominium was caused to be recorded at Official Records Book 2970, Page 1800, Public Records of Brevard County, Florida; and

WHEREAS, the Garrett's Run, a Condominium Declaration of Condominium recorded at Official Records Book 2970, Page 1800, Public Records of Brevard County, Florida was previously amended at Official Records Book 6145, Page 1556, Public Records of Brevard County, Florida (hereinafter collectively referred to as "Declaration"); and

WHEREAS, Section 10.1 of the Declaration provides that the Declaration may be amended, changed or added to at any time and from time to time by a majority vote of APARTMENT OWNERS present in person or by proxy at a meeting of the Members at which a quorum has been attained; and

WHEREAS, a Meeting of the Members of the Association was duly noticed and held on the 6th day of April 2013; and

WHEREAS, at said meeting, a quorum of the Members of the Association was present in person or by proxy; and

WHEREAS, at said meeting, a majority of the Members present in person or by proxy voted in favor of this amendment.

NOW, THEREFORE, this Second Amendment to the Declaration shall become effective upon the recordation of same in the Public Records of Brevard County, Florida.

1. Recitals. The foregoing whereas clauses are hereby incorporated into this First Amendment to the Declaration.

2. Capitalized Terms. All capitalized terms set forth herein shall have the same meaning as those set forth in the Declaration.

3. Section 7.6 of the Declaration is hereby amended to read as follows:

Section 7.6. Leasing APARTMENT UNITS. In order to maintain a Community of congenial residents, protect property values, and promote marketability of APARTMENT UNITS within the Garrett's Run Condominium, apartment leasing shall be restricted to twenty percent (20%) of the total number (120) of APARTMENT UNITS comprising Garrett's Run Condominium. Henceforth, APARTMENT UNIT owners desiring to lease their APARTMENT UNIT, but prohibited from doing so due to the twenty percent (20%) leasing restriction, can request to be placed on a leasing waiting list. Priority for determining which APARTMENT UNIT owner will be next permitted to lease his / her APARTMENT UNIT, at such time as less than twenty percent (20%) of the APARTMENT UNITS are occupied by renters, shall be determined solely by the leasing waiting list, on a first come, first serve basis. The twenty percent (20%) leasing restriction shall not apply to those who are APARTMENT UNIT owners at the time this leasing Amendment is approved who do not vote in favor of its passage. This exclusion, however, terminates once the current owner sells or otherwise transfers title to his / her APARTMENT UNIT. This restriction on leasing has been adopted to address the requirement of the Federal Housing Authority (hereinafter referred to as "FHA") that FHA purchase money mortgages are not available for approval unless minimum owner occupancy requirements are met. Leasing shall be defined as regular, exclusive occupancy of an APARTMENT UNIT by any person or persons other than the owner for a period of greater than thirty (30) days. The intent of this provision is to absolve the Association of the unreasonable

**DELETION INDICATED BY STRIKE-OUT, NEW TEXT INDICATED BY UNDERLINE**

burden of providing proof to a court of law that a formal leasing arrangement exists between an APARTMENT UNIT owner and an occupant.

No lease shall have a term of less than ~~seven (7)~~ twelve (12) months. No rooms may be rented and no transient tenants shall be accommodated in any APARTMENT UNIT, nor shall any lease of an APARTMENT release or discharge the owner thereof of compliance with any of his obligations and duties as an APARTMENT UNIT owner. All of the provisions of the Declaration of Condominium, Articles of Incorporation, Bylaws, and Rules and Regulations of the ASSOCIATION pertaining to use and occupancy shall be applicable and enforceable against any person occupying an APARTMENT UNIT as a tenant to the same extent as against an APARTMENT UNIT owner, and a covenant upon the part of each such tenant to abide by the Rules and Regulations of the ASSOCIATION, and the terms and provisions of the Declaration of Condominium, Articles of Incorporation and Bylaws and designating the ASSOCIATION as the APARTMENT UNIT owner's agent for the purpose of and with the authority to terminate any such lease agreement in the event of violations by the tenant of such covenant, shall be an essential element of any such lease or tenancy agreement, whether specifically expressed in such agreement or not. For purposes of the foregoing authority to terminate lease agreements for violations, the ASSOCIATION is made the APARTMENT UNIT owner's irrevocable agent for purposes of prosecuting an action for eviction under Florida's Residential Landlord Act.

4. Section 8.5 of the Declaration is hereby amended to read as follows:

Any sale, gift or lease not authorized pursuant to the terms of this Declaration shall be void unless subsequently approved by the ASSOCIATION, subject to the provisions of paragraph 8.6 hereof. No individual or entity shall own more than two APARTMENT UNITS in Garrett's Run at any given time.

5. Full Force and Effect. Except as amended herein, all covenants, restrictions, easements, and provisions of the Declaration shall remain in full force and effect.

**WITNESSES:**

**GARRETT'S RUN CONDOMINIUM ASSOCIATION, INC.**

Lynn Hiott  
Signature  
Print Name: Lynn Hiott

BY: Kathryn Heisey  
Print Name: Kathryn Heisey  
Title: President

Michelle Davis  
Signature  
Print Name: Michelle Davis

Date: 8/23/13

STATE OF FLORIDA  
COUNTY OF BREVARD

This Second Amendment to the Garrett's Run a Condominium Declaration of Condominium was acknowledged before me this 28<sup>th</sup> day of August, 2013, by Kathryn Heisey, as President of the Garrett's Run Condominium Association, Inc.

Michelle Davis  
Notary Public Signature  
Notary Stamp or Seal:



**ATTEST:**

**WITNESSES:**

**GARRETT'S RUN CONDOMINIUM  
ASSOCIATION, INC.**

Lynn Hiott  
Signature  
Print Name: Lynn Hiott

BY: Angelo Laviano  
Print Name: Angelo Laviano  
Title: Secretary

Michelle Davis  
Signature  
Print Name: Michelle Davis

Date: 6/22/13

STATE OF FLORIDA  
COUNTY OF BREVARD

This Second Amendment to the Garrett's Run, a Condominium Declaration of Condominium was acknowledged before me this 22<sup>nd</sup> day of August, 2013, by Angelo Laviano, as Secretary of the Garrett's Run Condominium Association, Inc.

Michelle Davis  
Notary Public Signature  
Notary Stamp or Seal:



**MICHELLE DAVIS**  
MY COMMISSION # EE 157648  
EXPIRES: January 21, 2016  
Bonded Thru Budget Notary Services