

This Instrument prepared by: William C. Irvin, Esq., P. O. Box 606, Cocoa Beach, Florida 32931

REC. FEE	\$ 16.00
DOC. ST.	\$
INT. TAX	\$
SER. CHG.	\$
REFUND	\$

Stamp: STAMP TAXES SIGNED
 Clerk: Cecil Court Brevard Co Florida



RECORDED
 FEB 3 1982
 624082

AMENDMENT TO DECLARATION OF CONDOMINIUM OF ATLANTIC GARDENS CONDOMINIUM

KNOW ALL MEN BY THESE PRESENTS, That EDWARD J. BRENNER and AUDREY A. BRENNER, his wife, whose post office address is 8401 N. Atlantic Avenue, Cape Canaveral, Florida, herein called the Developer, is the Developer of ATLANTIC GARDENS CONDOMINIUM project and that the ATLANTIC GARDENS CONDOMINIUM project was established under the Declaration of Condominium of ATLANTIC GARDENS CONDOMINIUM dated March 28, 1980, which Declaration was subsequently recorded in Official Records Book 2227, Pages 2442 through 2515, Public Records of Brevard County, Florida, and

WHEREAS, under the provisions of Article 15 of the said Declaration of Condominium, so long as the Developer is entitled to elect a majority of the members of the Board of Administration of this Condominium project, the Developer may amend the said Declaration of Condominium subject to certain limitations, and

WHEREAS, the Developer is on this date still entitled to elect a majority of the Board of Administration of the Condominium and now desires to amend the said Declaration of Condominium, and

WHEREAS, the proposed amendments are permitted under the said provisions of said Article 15 of the Declaration of Condominium.

NOW, THEREFORE, the Developer does hereby amend the Declaration of Condominium of ATLANTIC GARDENS CONDOMINIUM dated March 28, 1980 and recorded in O. R. Book 2227, Pages 2442 through 2515, Public Records of Brevard County, Florida in the following respects:

1. A scrivener's error was made in the writing of the Declaration of Condominium by which the Condominium Association or corporation was named and referred to as ATLANTIC GARDENS CONDOMINIUM ASSOCIATION, INC. instead of the correct name which is: ATLANTIC GARDENS OWNERS ASSOCIATION, INC. and this scrivener's error is hereby corrected by

624082

1982 FEB -3 PM 2:43

OFF. REC. 2350

PAGE 0141

changing the name of the Association from Atlantic Gardens Condominium Association, Inc. to ATLANTIC GARDENS OWNERS ASSOCIATION, INC.; and all instances in the said Declaration in which the words "Atlantic Gardens Condominium Association, Inc." are used, are hereby changed to: ATLANTIC GARDENS OWNERS ASSOCIATION, INC."

2. The 6th paragraph of Article 8, which article is entitled: Common Expenses, Assessments, Collections, Lien and Enforcement, Limitations, is hereby amended to read as follows: "If any assessment or installment on any assessment, (including monthly maintenance assessments) is not paid within ten (10) days from due date, the owner responsible for making the assessment payment shall also pay a late payment charge of \$5.00 per month for each month or any part thereof that the said assessment or installment remains unpaid.

3. Amendments to Exhibit "A" by which storage closets shown on certain sheets of Exhibit "A" as limited common elements appurtenant to a certain unit are changed by making those storage closets appurtenant to different units than those presently shown in said Exhibit "A" to correct location errors and to make the storage closet appurtenant to the unit to which the electric light fixture therein is wired, as follows:

A. The storage closet numbered 3 as shown on Sheet 8 of said Exhibit "A", which storage closet is located on the east side of Unit C-3, is hereby changed to storage closet 4, so that the said storage closet will hereafter be a limited common element appurtenant to Unit C-4 instead of Unit C-3.

B. The storage closet numbered 20 as shown on Sheet 4 of said Exhibit "A", which storage closet is located on the south side of Unit A-19, is hereby changed to storage closet 3, and it shall hereafter be a limited common element appurtenant to Unit C-3 instead of Unit A-19. Unit A-20 shall continue to have appurtenant to it as a limited common element storage closet numbered 20 as shown on Sheet 5 of Exhibit "A".

C. The storage closet numbered 3 as shown on Sheet 16 of said Exhibit "A", which storage closet is located on the south side of Unit C-3 is hereby changed to storage closet 6, so that the said storage closet will hereafter be

OFF. REC.
2350

-2-

PAGE
0142

a limited common element appurtenant to Unit G-6.

D. The storage closet numbered 6 as shown on Sheet 16 of Exhibit "A", which storage closet is located on the south side of Unit G-5, is hereby changed to storage closet 3, so that this storage closet will hereafter be a limited common element appurtenant to Unit G-3.

4. The first paragraph of Article VII of the Articles of Incorporation (Exhibit "B" to the Declaration of Condominium), is hereby amended so that hereafter it shall read as follows: "The affairs of the corporation shall be managed by the Board of Administration. The first Board of Administration of the corporation shall consist of three (3) members as named herein. The number of Members of the Board of Administration is subject to change by the owners as provided in Article 7 of the Declaration of Condominium. After the owners have elected all members of the Board of Administration, the Board members shall serve for the term of office for which such Board Member was elected in accordance with the provisions of Paragraph 4A of the By-Laws."

5. By-Law numbered 4 is hereby amended as follows: Paragraph A thereof entitled: Term of Office is amended to read as follows:

A. Term of Office: Beginning with the election of Board Members at the meeting of the owners at which control of the Association is turned over to the owners by the Developer, each Board Member shall serve for the term for which he has been elected, which term will either be one (1) year or two (2) years, unless such member shall become incapacitated, shall die or he shall no longer be otherwise qualified to serve, in which event his membership on the Board shall terminate upon the happening of said event. If a Member shall resign, his Membership shall terminate upon the election of his successor. At the meeting of the owners at which the Developer will turn over control of the Association, and at each subsequent annual meeting thereafter, the owners shall elect one (1) Member of the Board for a two (2) year term and all other members elected at the said meeting shall serve for a term of one (1) year. The member receiving the greatest number of votes at each such annual meeting shall serve for the two (2) year term and all other members elected at those meetings shall serve one (1) year terms."

-3-

OFF. REC.
2350

PAGE
0143

6. By-Law numbered 17 entitled: Rules and Regulations, is hereby amended by the addition of the following paragraph:

"The rules and regulations of the Condominium project in effect at the time the owners take control of the Association from the Developer shall thereafter be amended or changed by the Board only in accordance with the following procedure: Each such proposed change shall be referred in writing to all owners for vote. The letter of reference shall contain not more than a single page explanation of the Board's opinion of the advantage or advantages of the proposed rule change and shall also include any statement, not more than one page in length, opposing the proposed rule change in the event that such a statement opposing the proposed change is submitted to the Board at the meeting at which circulation of the proposed rule change is approved by the Board. Owners shall have no more than thirty (30) days from date of mailing by the Board to the owners of the proposed rule change to respond in writing as to the owner's approval or disapproval of the proposed rule change. Unless a simple majority of the owners' responses shall approve the proposed rule change within the said thirty (30) day period, the proposed rule change shall not become effective and the Board shall be bound by the simple majority vote of the owners responding in regard to each proposed rule change. No vote of an owner in regard to a proposed rule change shall be counted by the Board unless such vote shall have been received by the Board within the said thirty (30) day period beginning with the date of mailing as stated above.

IN WITNESS WHEREOF, the above stated Developer has caused these presents to be signed and sealed this 22nd day of January, 1982.

Signed, Sealed and Delivered in the Presence of:

Yvonne B. Macalton
Katherine B. Diamond

Edward J. Brenner (L.S.)
EDWARD J. BRENNER

Audrey J. Brenner (L.S.)
AUDREY J. BRENNER

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EDWARD J. BRENNER and AUDREY A. BRENNER, his wife, to me known to be the persons described in and who executed the foregoing Amendment to Declaration of Condominium and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22nd day of January, 1982.

John F. Macalister
NOTARY PUBLIC

My Commission Expires: _____

Notary Public, State of Florida at Large
My Commission Expires Sept. 27, 1982



OFF. REC.
2350

PAGE
0145