

**CERTIFICATE OF AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION
OF
CONDOMINIUM OF SPINNAKER POINT, A CONDOMINIUM**

The Amended and Restated Declaration of Condominium of Spinnaker Point, A Condominium has been recorded in the public records of Indian River County, Florida at Official Records Book 1280, Page 227 et. seq. and amended at Official Records Book 1341, Page 1149 et. seq. The same Amended and Restated Declaration of Condominium of Spinnaker Point, A Condominium is hereby amended as approved by the Membership by vote sufficient for approval at the Members' Meeting held on April 21, 2009.

1. Article IV, Section H is amended to read as follows:

**IV
DEFINITIONS**

H. Common Expenses means all expenses and assessments properly incurred by the Association for the condominium, including, but not limited to:

1. Expenses of administration, expense of insurance, maintenance, operation, repair, replacement and betterment of the common elements, limited common elements or additional facilities, if any, and of the portions of the apartments to be maintained by the Association.
2. Expenses declared common expenses by the provisions of this Declaration or the By-Laws of the Association.
3. Expenditures or amounts of assessments by the Association for payment of costs that are the responsibility of a unit owner, including but not limited to costs of repair of damage to a unit in excess of insurance upon a unit.
4. Any valid charge against the condominium property as a whole.
5. Expenses concerning the Association's submerged land lease, identified as Lease #310022434, with the State of Florida for the submerged land under the thirty finger piers.

(The balance of Article IV remains unchanged)

2. Article IX, Section B is amended to read as follows:

IX
MAINTENANCE, ALTERATION AND IMPROVEMENT

B. Common Elements

2. Alterations and Additions. There will be no material alterations or substantial additions to the common elements or limited common elements without prior approval in writing by the record owners of not less than sixty-seven percent (67%) of the apartments.

(The balance of Article IX remains unchanged)

3. Article XIV, Section E is amended to read as follows:

XIV
USE RESTRICTIONS

E. Leasing. After approval by the Board of Directors of the Association elsewhere required, entire apartments may be rented, provided the occupancy is only by the Lessee, members of his family, and his social guests. No rooms may be rented and no transient tenants may be accommodated. All leases must be for a minimum term of thirty (30) days and no apartment may be rented more than two (2) times in any calendar year.

(The balance of Article XIV remains unchanged)

4. Article XIX, Section E is amended to read as follows:

XIX
AMENDMENTS

E. Statutory Amendments. The Board of Directors of the Association, acting alone, may adopt an amendment to this Declaration of Condominium for the purpose of conforming it to the Florida Statutes without regard to any requirements for approval of amendments by Association members.

(The balance of Article XIX remains unchanged)

5. The foregoing amendments to the Amended and Restated Declaration of Condominium of Spinnaker Point, A Condominium were adopted by the membership by a vote sufficient for approval at the Members' Meeting on April 21, 2009.

6. The adoption of this amendment appears upon the minutes of said meeting and is unrevoked.

7. All provisions of the Amended and Restated Declaration of Condominium of Spinnaker Point, A Condominium are herein confirmed and shall remain in full force and effect, except as specifically amended herein.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its President, its Secretary and its corporate seal affixed this 28th day of May 2009.

WITNESSES AS TO PRESIDENT: SPINNAKER POINT ASSOCIATION, INC.

Shawn Neher
Printed Name: Shawn Neher

By: Steven G. Smith
Steven G. Smith, President

Donna R. Murphy
Printed Name: Donna R. Murphy

STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was acknowledge before me on May 28, 2009, by Steven G. Smith as President of Spinnaker Point Association, Inc. [] who is personally known to me, or [] who has produced identification [Type of Identification: _____].

NOTARY PUBLIC-STATE OF FLORIDA
Caryn H. Eichelberger
Commission #DD791201
Expires: JULY 06, 2012
Notarial Seal  BONDED THRU ATLANTIC BONDING CO., INC.

Caryn H. Eichelberger
Notary Public

WITNESSES AS TO SECRETARY: SPINNAKER POINT ASSOCIATION, INC.

Teresa A. Stuckler
Printed Name: TERESA A. STUCKLER

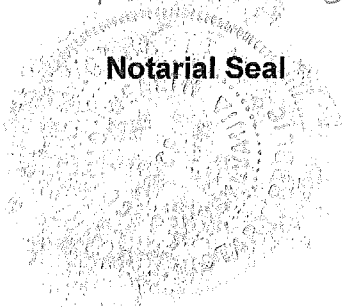
By: James D. Finchbaugh
JAMES D. FINCHBAUGH, Secretary

Ryan J. Sweitzer
Printed Name: Ryan J. Sweitzer

CORPORATE
SEAL

STATE OF FLORIDA PA
COUNTY OF York

The foregoing instrument was acknowledge before me on 5/12, 2009, by James D. Finchbaugh as Secretary of Spinnaker Point Association, Inc. [] who is personally known to me, or [] who has produced identification [Type of Identification: personally known to me + photo ID].

Notarial Seal 

Christine A. Garrett
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Christine A. Garrett, Notary Public
City of York, York County
My Commission Expires June 23, 2009
Member, Pennsylvania Association of Notaries