

Record and return to:
Fairways at Grand Harbor
%Frances D. Sheehy
1367 Lyons Road
Coconut Creek, FL 33063

1819910
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INDIAN RIVER COUNTY FL
BK: 2132 PG:1808, Page1 of 4
02/12/2007 at 09:13 AM,

JEFFREY K BARTON, CLERK OF
COURT

AMENDMENT TO
DECLARATION OF CONDOMINIUM
OF

FAIRWAYS AT GRAND HARBOR, A CONDOMINIUM

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM (the "Amendment" is made by Fairways at Grand Harbor Condominium Association, Inc., a Florida Not-For-Profit Corporation (the "Association").

WITNESSETH:

WHEREAS, FAIRWAYS AT GRAND HARBOR, a Condominium (the "Condominium") was created by the recordation of the Declaration of Condominium (the "Declaration") for the Condominium on March 2, 2004 in Official Records Book 1699, at Page 1327, of the Public Records of Indian River County, Florida, and

WHEREAS, THE Declaration has been amended and modified in accordance with the terms and provisions of the Amendment to Declaration of Condominium (the "Prior Amendments") executed by the Developer, which Prior Amendments were filed for record on May 11, 2004 in Official Records Book 1729, at Page 2208; and on July 23, 2004 in the Official Records Book 1762, at Page 2477, of the Public Records of Indian River County, Florida; and

WHEREAS, the Association wishes to further amend the Declaration pursuant to certain provisions of the Declaration;

NOW, THEREFORE, the Association hereby amends the Declaration as follows:

1. The following provisions are being amended to comport with the increase in the number of board or directors from three (3) members to five (5) members and each shall read as follows:

VIII. AMENDMENT TO DECLARATION.

A. (2)(a). The vote of not less than a **majority** of the Board of Directors and the vote of members holding not less than 66-2/3% of the total votes of the Association; or

D. (2)(a). The vote of not less than **20%** of the Board of Directors and the vote of members holding not less than 10% of the total votes of the Association; or

XXI. RULES AND REGULATIONS.

A. As to the Common Elements - The Board of Directors may, by a **majority** vote, from time to time, adopt or amend previously adopted administrative rules and regulations governing the details of the operation, use, maintenance and control of the common elements of the Condominium and any facilities or services made available to the unit owners. The Board of Directors shall, from time to time, post at a conspicuous place on the Condominium Property, a copy of the rules and regulations adopted, from time to time, by the Board of Directors.

B. As to the Units - The Board of Directors may, by a **majority** vote, from time to time, adopt or amend previously adopted administrative rules and regulations governing and restricting the use and maintenance of the Unit(s) provided, however, that copies of such rules and regulations are furnished to each unit owner prior to the time the same become effective, and were applicable or desirable, copies thereof shall be posted at a conspicuous place on the Condominium Property.

C. Rules and Regulations - All rules and regulations adopted by the Board of Directors shall be deemed in effect until amended by the Board of Directors, and shall apply to and be binding upon all unit owners. The unit owners shall, at all times, obey said rules and regulations and shall use their best efforts to see that they are faithfully observed by their families, guests, invitees, servants and lessees. In order to change, amend or vary old or present rules and regulations and/or adopt new rules and regulations, the same shall be duly passed by at least a **majority** vote or consent of the Board of Directors; however, no vote of the membership shall be required. A change, amendment or adoption of a rule and regulations shall not require an amendment to the Declaration of Condominium or of the By-Laws, unless such change, amendment or adoption of a rule and regulation would conflict, in any manner, with any provision of this Declarations and/or the By-Laws.

2. The following provision is added:

XXXIII. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PERMIT.

A. Purpose and Powers of the Association. -

(1) The Association shall operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns' River Water Management District permit no. 40-061-26198-1 (Compliance #495874) requirements and applicable District rules, and shall assist in the enforcement of the Declaration of Covenants and Restrictions which relate to the surface water or stormwater management system.

(2) The Association shall levy and collect adequate assessments against members of the Association for the costs of maintenance and operation of the surface water or stormwater management system.

B. Dissolution. - In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system must be transferred to and accepted by an entity which would comply with Section 40C-42.027, F.A.C., and be approved by the St. Johns River Water

Management District prior to such termination, dissolution or liquidation.

C. Existence and Duration.- Existence of the Association commenced with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity, except as provided in Section XXIV, herein.

D. Property Description. - The property encompassed by this permit where the surface water management system will be located is that property so described by the Declaration of Covenants and Restrictions, as filed on March 2, 2004 and as subsequently amended.

E. Definitions. - "Surface Water or Stormwater Management System" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges.

F. Duties of Association. - The Association shall be responsible for the maintenance, operation and repair of the surface water or stormwater management system. Maintenance of the surface water or stormwater management system(s) shall mean the exercise of practices which allow the systems to provide drainage, water storage, conveyance or other surface water or stormwater management capabilities as permitted by the St. Johns River Water Management District. Any repair or reconstruction of the surface water or stormwater management system shall be as permitted or, if modified, as approved by the St. Johns River Water Management District.

G. Covenant for Maintenance Assessments for Association. - Assessments shall also be used for the maintenance and repair of the surface water or stormwater management systems including but not limited to work within retention areas, drainage structures and drainage easements.

H. Easement for Access and Drainage. - The Association shall have a perpetual non-exclusive easement over all areas of the surface water or stormwater management system for access to operate, maintain or repair the system. By this easement, the Association shall have the right to enter upon any portion of any lot which is a part of the surface water or stormwater management system, at a reasonable time and in a reasonable manner, to operate, maintain or repair the surface water or stormwater management system as required by the St. Johns River Water Management District permit. Additionally, the Association shall have a perpetual non-exclusive easement for drainage over the entire surface water or stormwater management system. No person shall alter the drainage flow of the surface water or stormwater management system, including buffer areas or swales, without the prior written approval of the St. Johns River Water Management District.

I. Enforcement. - The St. Johns River Water Management District shall have the right to enforce, by a proceeding at law or in equity, the provisions contained in the Covenants and Restrictions which relate to the maintenance, operation and repair of the surface water or stormwater system.

3. The foregoing amendment to the Declaration of Condominium of Fairways at Grand Harbor Condominium Association, Inc. was adopted by the membership at a Members Meeting held on September 26, 2006.

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

5. All provisions of the Declaration of Condominium of Fairways at Grand Harbor Condominium, Inc. are herein confirmed and shall remain in full force and effect, except as previously amended or specifically amended herein.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its President and its Secretary and its corporate seal affixed this 2 day of February, 2007.

WITNESSES:

FAIRWAYS AT GRAND HARBOR
CONDOMINIUM ASSOCIATION, INC.

Wendy Cowan
Printed Name: Wendy Cowan

By:

Carolyn Wester
Carolyn Wester, President

Nancy Olson
Printed Name: Nancy Olson

Wendy Cowan
Printed Name: Wendy Cowan

By:

Kelly Fischer
Kelly Fischer, Secretary

Nancy Olson
Printed Name: Nancy Olson

CORPORATE SEAL

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me on February 2, 2007, by Carolyn Wester, as President of Fairways at Grand Harbor Condominium Association, Inc. [] who is personally known to me, or [] who has produced identification _____.

Caryn H. Eichelberger

Notary Public

Printed Name: Caryn H. Eichelberger

Commission Expires: 2/6/08

Caryn H. Eichelberger

Commission #DD334913

Expires: Jul 06, 2008

Bonded Thru

Atlantic Bonding Co., Inc.

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me on February 2, 2007, by Kelly Fischer, as Secretary of Fairways at Grand Harbor Condominium Association, Inc. [] who is personally known to me, or [] who has produced identification _____.

Caryn H. Eichelberger

Notary Public

Printed Name: Caryn H. Eichelberger

Commission Expires: 2/6/08

Caryn H. Eichelberger

Commission #DD334913

Expires: Jul 06, 2008

Bonded Thru

Atlantic Bonding Co., Inc.