

1773690 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN RIVER CO FL, BK: 2063 PG: 2042, 08/02/2006 02:14 PM

Recording: \$

**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

Samuel A. Block, Esq.
21 Royal Palm Pointe, Suite 100
Vero Beach, FL 32960

**CERTIFICATE OF FIFTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND LIMITATIONS FOR OCEAN COLONY**

KNOW ALL MEN BY THESE PRESENTS:

THAT THIS CERTIFICATE OF FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND LIMITATIONS FOR OCEAN COLONY is made as of the 23 day of June, 2006, by OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation (hereinafter referred to as the "Association").

WITNESSETH:

WHEREAS, under ARTICLE XIII, Section 6, Amendments, the Declaration may be amended at any time and from time to time upon the execution and recording of an instrument executed by the President and Secretary of the Association acknowledging and affirming that the Owners holding not less than two-thirds (2/3rds) of the voting interests of the membership in the Association have approved said amendment; and

WHEREAS, all of the requirements necessary to effect an amendment to the Declaration have been met, including the holding of a special meeting of the membership after notice, at which a quorum was present and the amendments adopted.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confirmed, and for purposes of protecting the value, attractiveness, and desirability of the Property, as said Property is defined in the Declaration, the Association hereby amends the Declaration as follows:

1. The above recitals are affirmed as being true and correct and are hereby incorporated herein by reference.

2. The Declaration is hereby modified and amended as set forth below. Any conflicting provision in the Declaration is hereby declared to be modified, amended, or deleted to the extent that it conflicts with the following:

A. ARTICLE IX, ARCHITECTURAL CONTROL, Section 3, Powers and Duties of the ARB, sub-paragraph (b)(xvi) is hereby deleted in its entirety and shall now read as follows:

(b) Adoption of Initial Architectural Planning Criteria.

(xvi) Hurricane shutters and storm shutters shall be permissible within Ocean Colony as follows:

(1) "Hurricane Season" is defined as June 1 through November 30.

(2) "Lexan" or clear shutters may be installed on all sides of the home and left in place for the duration of the Hurricane Season.

(3) Other shutters or storm coverings may only be installed on non-curb side of the home during the Hurricane Season. At the time a hurricane warning is issued for the Subdivision, hurricane shutters may be installed on the remainder of the home and left in place until the end of Hurricane Season. In addition, hurricane shutters may be installed on the curbside of the home during the months of August, September, and October.

(4) At no time will plywood or shutters in disrepair be allowed.

(5) The installation and type of hurricane shutters shall be approved by the ARB and provided the same are integrated into the structure in a manner approved by the ARB. All decisions relative to this subparagraph shall be made by the Association in its sole discretion.

3. Except as specifically modified and amended by this instrument and except as previously modified and amended, the terms and conditions of the Declaration shall remain unchanged and in full force and effect and are expressly re-affirmed by this instrument.

IN WITNESS WHEREOF, the undersigned has hereunto caused this instrument to be executed on the date set forth above.

Signed, Sealed and Delivered
in the Presence of:

Wendy Powers
(Name:)
[Signature]
(Name:)
[Signature]

"ASSOCIATION"
OCEAN COLONY PROPERTY OWNERS'
ASSOCIATION, INC., a Florida corporation
By: Ann Wheeler
Ann Wheeler, President

Walter J. Colver
 (Name:)
Richard T. Vacca
 (Name:)

Attest: Richard T. Vacca
Richard Vacca, Secretary

STATE OF FLORIDA)
) :SS.
 COUNTY OF INDIAN RIVER)

I HEREBY CERTIFY that before me, an officer duly authorized to take acknowledgments, personally appeared Ann Wheeler and Richard Vacca, as President and Secretary, respectively, of OCEAN COLONY PROPERTY OWNERS' ASSOCIATION, INC., a Florida corporation, to me known to be the persons described in and/or who produced _____ as identification, and acknowledged before me that they executed the foregoing instrument on behalf of said corporation for the purposes therein set forth.

WITNESS my hand and official seal in the state and county last aforesaid this 23 day of June, 2006.

(SEAL)



MORGAN SMITH
 MY COMMISSION # DD 301919
 EXPIRES: March 21, 2008
 Bonded Thru Budget Notary Services

Morgan Smith
 Notary Public, State of Florida
Morgan Smith
 Printed Name of Notary
 My Commission Expires: