

This instrument was prepared by
LANCE D. CLOUSE, Esquire,
BECKER & POLIAKOFF, P.A.
401 SE Osceola Street, First Floor
Stuart, Florida 34994

**CERTIFICATE OF AMENDMENT
AMENDMENTS
TO THE
DECLARATION OF CONDOMINIUM
ESTABLISHING
WEST PASSAGE, A CONDOMINIUM,
AMENDMENT
TO THE
ARTICLES OF INCORPORATION
OF
WEST PASSAGE ASSOCIATION, INC.,
AND
AMENDED AND RESTATED BYLAWS
OF
WEST PASSAGE ASSOCIATION, INC.**

WHEREAS, the Declaration of Condominium Establishing West Passage, a Condominium ("Declaration") was recorded in Official Records Book 591, commencing at Page 1690 of the Public Records of Indian River County, Florida;

WHEREAS, the Articles of Incorporation of West Passage Association, Inc. ("Articles") were recorded in Official Records Book 591, commencing at Page 1737 of the Public Records of Indian River County, Florida;

WHEREAS, the Bylaws of West Passage Association, Inc. ("Bylaws") were recorded in Official Records Book 591, commencing at Page 1751 of the Public Records of Indian River County, Florida;

WHEREAS, at the Members' Meeting held on March 14, 2016, the membership approved, by a vote in excess of that required by the governing documents, the amendments to the Declaration, the Articles, and the Amended and Restated By-Laws as attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the attached amendments to the Declaration, Articles and Bylaws be amended as set forth therein.

IN WITNESS WHEREOF, we have affixed our hands this 19th day of April 2016, in Indian River County, Florida.

WITNESSES:

Rizy W Spruill
Print Name: Rizy W Spruill
Kimberly Adkins
Print Name: Kimberly Adkins

WEST PASSAGE ASSOCIATION, INC.

By: Arthur Newhouse III
ARTHUR NEWHOUSE, III, President

STATE OF FLORIDA)
COUNTY OF INDIAN RIVER)

The foregoing instrument was acknowledged before me this 19th day of April 2016, by **ARTHUR NEWHOUSE, III**, as President of West Passage Association, Inc., a Florida not-for-profit corporation.

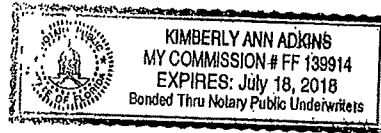
Personally Known ✓
Produced Identification

- OR -

NOTARY PUBLIC, STATE OF FLORIDA

Type of Identification

Kimberly Ann Adkins
Print Name: Kimberly Ann Adkins
My Commission Expires: July 18, 2018



ACTIVE: 8372076_1

LANCE D. CLOUSE, ESQ.
BECKER & POLIAKOFF, P.A.
RIVER OAK CENTER • 401 SE OSCEOLA STREET, FIRST FLOOR • STUART, FL 34994
TELEPHONE (772) 286-2990

**AMENDMENTS
TO THE
DECLARATION OF CONDOMINIUM
ESTABLISHING
WEST PASSAGE, A CONDOMINIUM
AND
AMENDMENT
TO THE
ARTICLES OF INCORPORATION
OF
WEST PASSAGE ASSOCIATION, INC.**

NOTE: NEW WORDS INSERTED IN THE TEXT ARE UNDERLINED AND WORDS DELETED ARE LINED THROUGH WITH HYPHENS.

1. Amendment to Article X, Section (B) of the Declaration, as follows:

Interest; Application of Payments. Assessments and installments on such assessments, which are paid on or before ten days after date when due, will not bear interest, but all sums not paid on or before ten days after the date when due will bear interest at the highest lawful rate of ten percent (10%) per annum from the date when due until paid. All payments upon account will be first applied to interest, then to any administrative late fee, then to any costs and reasonable attorney's fees incurred in collection, and then to the delinquent assessments payment first due. The foregoing is applicable notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment.

2. Amendment to Article X, Section (F) of the Declaration, as follows:

Liability of Mortgagee, Lienor or Judicial Sale Purchaser for Assessments. Where the mortgagee of an institutional first mortgage of record acquires title to an apartment as a result of such foreclosure, or where said mortgagee accepts a deed to an apartment in lieu of foreclosure, such acquirer of title, his heirs, executors, legal representatives, successors and assigns, will not be liable for the share of common expenses or assessments by the Association pertaining to such apartment or chargeable to the former owner of such apartment which became due prior to such acquisition of title except as otherwise provided in Section 718.116(1)(b)1., Florida Statutes, as amended or renumbered from time to time. Any such unpaid share of common expenses or assessments, if not reasonably collectible from the prior owner, will be deemed to be common expenses, collectible from all of the apartment owners, including such acquirer of title, his heirs, executors, legal representatives, successors and assigns.

Any person who acquires an interest in an apartment, except as hereinabove described, shall not be entitled to its occupancy or to the enjoyment of its common

elements or limited common elements until all unpaid assessments due and owing by the former owner have been paid.

3. Amendment to Article V, Section 5.1 of the Articles of Incorporation, as follows:

The affairs of the Association will be managed by a board consisting of the number of directors determined by the Bylaws of the Association, but not less than three directors; and in the absence of such determination will consist of three directors. ~~Directors need not be members of the Association.~~ Eligibility to serve as a Director shall be as provided in the Bylaws.