

① MAV-06-188 #35.50 KFC

**This instrument prepared by:**

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**CERTIFICATE OF AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
EASEMENTS FOR BERKELEY FOREST**

THIS AMENDMENT is made this 31<sup>st</sup> day of December 2006, by Berkeley Forest Homeowners Association, Inc., a Florida not for profit corporation (“Association”).

WHEREAS, the Association subjected itself to certain Declaration of Covenants, Conditions, Restrictions and Easements for Berkeley Forest (“Declaration”), which Declaration was recorded in Official Records Book 2003, Page 1976, *et seq.*, of the Public Records of Santa Rosa County, Florida.

WHEREAS, the Declaration is silent regarding the requisite percentage of votes required to amend the Declaration. Florida Statutes §720.306(1)(b) requires that an Amendment to the Declaration be duly adopted by an affirmative vote of at least two-thirds or sixty-six (66.66%) percent of the total voting power in the Association either in person or by proxy at a duly called meeting, or by written consent without a meeting in a manner permitted by law for its amendment.

WHEREAS, more than two-thirds or sixty-six (66.66%) percent of the total voting power of the Association have, by written ballot, voted for and approved amending the following articles of the Declaration.

MAV 06/18/07

**NOW THEREFORE**, in consideration of the aforementioned premises, pursuant to Florida Statute, it is hereby declared that:

1. ARTICLE TEN, Section 10.1 of the Declaration is amended to read as follows:

Section 10.1. – Radio and Television Antennas. In compliance with the Federal Communications Commission and the Telecommunication Act of 1996, this provision shall not apply to the installation of a direct broadcast satellite dish which is less than one (1) meter in diameter. Excepting the above, no alteration to or modification of any radio, television or cable systems erected by Declarant or any cable system vendor on the Lots or on Association lands shall be permitted, nor shall an Owner construct, use or operate any external radio, television antenna, satellite dish or other such apparatus without the prior written consent of the Architectural Control Committee. Nothing herein contained shall be deemed to prohibit radio and television antenna systems erected or constructed wholly within a dwelling.

2. ARTICLE FOURTEEN, Section 14.4 of the Declaration is amended to read as follows:

Section 14.4 – Parking. All motor vehicles shall be parked either in a driveway or within garages on a regular basis and shall not be parked in the streets; however, parking shall be permitted in said streets when an Owner has guests on a short term, temporary basis. At no time is overnight street parking allowed.

3. ARTICLE TWENTY-TWO of the Declaration is amended to read as follows:

All types of firearms, including but not limited to shotguns, rifles, pistols, pellet, BB guns, paintball guns or air rifles are prohibited from being used, discharged or displayed upon any part of the Subdivision.

4. ARTICLE THIRTY-FIVE of the Declaration is amended to include the following Section:

Section 35.12 – Fines. In addition to the remedies provided for in this Declaration, the By-laws and the Articles of Incorporation, the Board of Directors shall have the power to adopt and publish rules and regulations which it deems necessary for the administration of the affairs of the Association and to impose sanctions and fines for violations of the Declaration, the By-laws and the published rules and regulations of the Association. Furthermore, the Board of Directors may suspend, for a reasonable period of time, the rights of a member, or a member's tenants, guests or invitees, or both, to use common areas and facilities and may levy

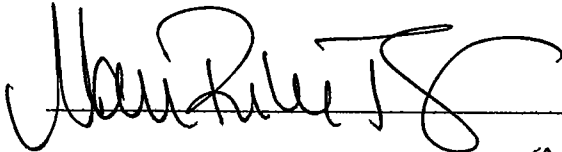
reasonable fines, not to exceed \$100.00 per violation, against any member or any tenant, guest, or invitee. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed \$1,000.00 in the aggregate.

5. Except as expressly amended by this amendment, the Declaration shall remain in full force and effect as originally recorded and previously amended. This Amendment shall run with the title to the Property and will bind and inure to the benefit of the owners thereof.

IN WITNESS WHEREOF, the undersigned, as the Board of Directors certify that this Amendment has been adopted by the members of the association, holding at least two-thirds (66.66%) percent of the votes in the Association, by written consent, in a manner permitted by Florida law. This Amendment shall become effective upon its recording in the Public Records of Santa Rosa County, Florida.

Dated this 31<sup>st</sup> day of December, 2006.

Witnesses:

  
\_\_\_\_\_

Print Name: MARION RILEY TAYLOR

  
\_\_\_\_\_

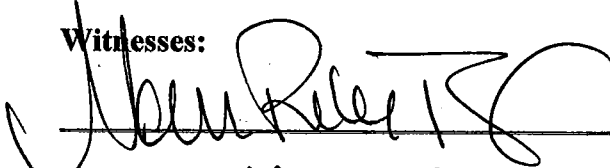
Print Name: Laura Roesch

**BERKELEY FOREST HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation:**

  
\_\_\_\_\_

By: \_\_\_\_\_  
Its: President

Witnesses:

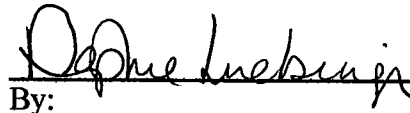
  
\_\_\_\_\_

Print Name: MARION RILEY TAYLOR

  
\_\_\_\_\_

Print Name: Laura Roesch

**ATTEST:**


  
\_\_\_\_\_

By: \_\_\_\_\_  
Its: Secretary

STATE OF Florida

COUNTY OF Santa Rosa

The foregoing instrument was acknowledged before me this 31 day of December, 2006, by Karen A. Tonti, as President for Berkeley Forsest Homeowners Association, Inc., a Florida not for profit corporation, on behalf of the corporation whom is either personally known to me or provided the following as identification \_\_\_\_\_


 Marion Riley Taylor  
My Commission DD228881  
Expires October 28, 2007


  
Notary Public: MARION RILEY TAYLOR

STATE OF Florida

COUNTY OF Santa Rosa

The foregoing instrument was acknowledged before me this 31 day of December, 2006, by Daphne Luschniger, as Secretary of Berkeley Forest Homeowners Association, Inc., a Florida not for profit corporation, on behalf of the corporation whom is either personally known to me or provided the following as identification \_\_\_\_\_

 Marion Riley Taylor  
My Commission DD228881  
Expires October 28, 2007

  
Notary Public: MARION RILEY TAYLOR