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January 25, 1999

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-01/28/99-01069-001  
\*\*\*\*\*43.75 \*\*\*\*\*43.75

Secretary of State  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

Re: Certificate of Amendment to the Declaration of Condominium of  
Mariners Bay Condominium and By-Laws of Mariner's Cove of  
Ormond Homeowners Assn., Inc. and Articles of Incorporation of  
Mariner's Bay of Ormond Homeowners Association, Inc.

Dear Sir/Madam:

Enclosed please find an original of the above-referenced document.  
Kindly file and provide a certified copy to our office. Our check  
#5220 in the sum of \$43.75 is included as payment for the filing  
fee of \$35.00 and the certified copy fee of \$8.75.

Please don't hesitate to contact me if you have any questions.

Sincerely,

*Dorothy L. Hukill*

Dorothy L. Hukill, P.A.

DLH/tas

enclosure

FILED  
99 JAN 28 AM 8:35  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Amend.  
2-3-99  
CC

**CERTIFICATE OF AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM OF  
MARINERS BAY CONDOMINIUM  
AND  
BY-LAWS OF MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.  
AND  
ARTICLES OF INCORPORATION OF  
MARINER'S BAY OF ORMOND HOMEOWNERS ASSOCIATION, INC.**

FILED  
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SECRET  
TALLAHASSEE, FLORIDA

NOTICE IS HEREBY GIVEN that at a duly called meeting of the members on October 27, 1998, by a vote of greater than three-fourths of the voting interests of the Association and after adoption of a Resolution proposing said amendment by the Board of Directors, the Declaration of Condominium of Mariners Bay Condominium, as originally recorded in Official Records Book 2157, Page 0001, et seq., and all amendments thereto, all of the Public Records of Volusia County, Florida, and the By-laws of Mariner's Cove of Ormond Homeowners Assn., Inc. and the Articles of Incorporation of Mariner's Bay of Ormond Homeowners Association, Inc., be and the same is hereby amended as follows:

1. The Declaration of Condominium of Mariners Bay Condominium, and the By-laws of Mariner's Cove of Ormond Homeowners Assn., Inc. and the Articles of Incorporation of Mariner's Bay of Ormond Homeowners Association, Inc., are hereby amended in accordance with Exhibit A attached hereto and entitled "Schedule of Proposed Amendments to the Declaration of Condominium of Mariners Bay Condominium and By-Laws of Mariner's Cove of Ormond Homeowners Assn., Inc and Articles of Incorporation of Mariner's Bay of Ormond Homeowners Association, Inc."

IN WITNESS WHEREOF, Mariner's Bay of Ormond Homeowners Association, Inc., has caused this Certificate of Amendment to be executed in accordance with the authority hereinabove expressed this 11 day of January, 1999.

MARINER'S BAY OF ORMOND  
HOMEOWNERS ASSOCIATION, INC.

By: Arnold Kump  
President  
Arnold Kump  
Print Name

ATTEST:

Mary Russell  
Secretary  
Mary Russell  
Print Name

STATE OF FLORIDA

COUNTY OF VOLUSIA

On this 11th day of January, 1999, personally appeared Arnell Kump and Mary Russell, President and Secretary respectively of Mariner's Bay of Ormond Homeowners Association, Inc. who are personally known to me or who produced a FL drivers license : a FL drivers license as identification and acknowledged before me that they executed this instrument on behalf of the Association and for the purposes herein expressed and who did take an oath.

Eva L. Selden  
Notary Public Signature

Eva L. Selden  
Print Notary Public Name

CC 441968  
Commission No.

My Commission Expires:  
4-8-99



EVA L SELDEN  
My Commission CC441968  
Expires Apr. 08, 1999  
Bonded by ANB  
800-852-5878

EXHIBIT "A"

**SCHEDULE OF PROPOSED AMENDMENTS**

**PROPOSED AMENDMENT TO  
SECTION 2 OF THE  
DECLARATION OF CONDOMINIUM  
OF  
MARINERS BAY CONDOMINIUM**

1. Section 2 of the Declaration of Condominium is amended to read as follows:

2. Definitions. The following words and terms used in this Declaration and in its exhibits, including but not limited to the Articles of Incorporation and By-Laws of Mariner's Cove Bay of Ormond Homeowners Assn- Association, Inc., shall be defined as follows, unless the context otherwise requires.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 2.1 OF THE  
DECLARATION OF CONDOMINIUM  
OF  
MARINERS BAY CONDOMINIUM**

2. Section 2.1 of the Declaration of Condominium is amended to read as follows:

2.1 Association. Association means Mariner's Bay of Ormond Homeowners Assn- Association, Inc., a non-profit Florida corporation.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 8.6 OF THE  
DECLARATION OF CONDOMINIUM  
OF  
MARINERS BAY CONDOMINIUM**

3. Section 8.6 of the Declaration of Condominium is amended to read as follow:

8.6 Votes. There shall be a total of ~~twenty-five (25)~~ twenty-six (26) votes to be cast by the owners of the Condominium Units, ~~(which provides for Unit 20 to be owned by the corporation and to be used for office facilities and a manager's living unit and shall not be entitled to a vote), to be cast as follows: the~~ owner of each Condominium Unit (designated as such on the exhibits attached to this Declaration) shall be entitled to cast one vote. ~~Where a condominium Unit or Units are owned by the managing non-profit corporation, no vote shall be allowed for such condominium Unit or Units.~~ Where a condominium Unit is owned by more than one person, all the owners thereof shall be collectively entitled to the vote assigned to such Unit and such owner shall, in writing, designate an individual who shall be entitled to cast the vote on behalf of the owners of such condominium Unit of which he is part until such authorization shall have been changed in writing. ~~The term "owner" as used herein shall be deemed to include the developer.~~

(CODING: Words ~~striken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 10.7 OF THE  
DECLARATION OF CONDOMINIUM  
OF  
MARINERS BAY CONDOMINIUM**

4. Section 10.7 of the Declaration of Condominium is amended to read as follows:

10.7 Signs. Except for ~~(a) signs or displays placed on the Condominium Property by the Developer as part of original construction and any replacement thereof;~~ (b) (a) signs or displays of a temporary nature located inside outside the Buildings, not visible to view from the exterior of the Building, at a place designated for signs or displays by the board of directors of the Association; ~~(c) (b) signs or displays required by governmental authority or as allowable by law and any replacement thereof;~~ (c) one 9" x 12" for sale or for rent or for lease sign placed in the window of the condominium unit; and (d) condominium unit identification numbers, (the size, color and shape of which shall be uniform and shall be determined by the board of directors by rule or regulation). ~~no "For Sale" or "For Rent" signs or any other type of sign, display or advertising shall be placed on the Condominium Property. All signs allowed herein, including any replacement to the signs or displays permitted herein, shall be uniform and the board of directors shall determine by rule or regulation the sign size (except as to (c) above), color, shape, font type, and location of all signs. Any repair or replacement to the signs or displays~~

~~permitted by (a) (c) and (d) above shall, to the extent possible,  
be identical to the sign or display repaired or replaced.~~

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 10.8 OF THE  
DECLARATION OF CONDOMINIUM  
OF  
MARINERS BAY CONDOMINIUM**

5. Section 10.8 of the Declaration of Condominium is amended to read as follows:

10.8 Parking Spaces. No trucks or other commercial vehicles, recreational vehicles, boats, house trailers, boat trailers, mobile homes, campers, or trailers of any description shall be parked in any surface parking space except with the written consent of the board of directors of the Association. This prohibition of parking shall not apply to vans and pickup trucks (so long as they are not registered as commercial vehicles), temporary parking of trucks and commercial vehicles, such as for pick up, delivery, and such other services as may be necessary.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 13.2 OF THE  
DECLARATION OF CONDOMINIUM  
OF  
MARINERS BAY CONDOMINIUM**

6. Section 13.2 of the Declaration of Condominium is amended to read as follows:

13.2 Resolution. A resolution for the adoption of a proposed

amendment may be proposed either by the board of directors of the Association or by the members of the Association entitled to vote at an Association meeting. Such members may propose such an amendment by instrument in writing directed to the president or secretary of the Association signed by a majority of such members. Amendments may be proposed by the board of directors by action of a majority of the board of directors at any regular or special meeting thereof. Upon an amendment being proposed as herein provided, the secretary of the Association shall call a special meeting of the members of the Association to be held not sooner than twenty days nor later than sixty days thereafter for the purpose of considering such amendment. Such amendment must be approved by the affirmative vote of ~~three-fourths of the total number of~~ eighteen (18) Association members entitled to vote.

(CODING: Words ~~striken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
THE TITLE OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.**

7. The title of the By-Laws is amended to read as follows:

BY-LAWS  
OF  
MARINER'S COVE BAY OF ORMOND HOMEOWNERS ASSOCIATION, INC.  
A CORPORATION NOT FOR PROFIT  
UNDER THE LAWS OF THE STATE OF FLORIDA

(CODING: Words ~~striken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 3.1 OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.**

8. Section 3.1 of the By-Laws is amended to read as follows:

3. Members Meeting.

3.1 Annual Meeting. The annual meeting of the members shall be held at the office of the Association at ~~10:00 A.M.~~ 7:00 P.M. on the first Monday of ~~January~~ April of each year for the purpose of electing directors and transacting any other business authorized to be transacted by the members, provided, however, if that day is a legal holiday, the meeting shall be held at the same hour on the next day that is not a legal holiday.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 4.1 OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.**

9. Section 4.1 of the By-Laws is amended to read as follows:

4. Directors.

4.1 Membership. Except for the initial board of directors, as provided in the Articles of Incorporation of the Association and as amended, there shall be not less than three (3) members but not greater than five (5) members on the board of directors; all members of the board of directors shall be members of the Association.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
SECTION 7.2 OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.**

10. Section 7.2 of the By-Laws is amended to read as follows:

7.2 Assessments. Assessments against the Unit Owners for their share of budgeted Common Expenses shall be made for the ~~calendar~~ fiscal year annually in advance on or before ~~December~~ May 20th preceding the year for which the assessments are made. Such assessments shall be due in equal installments, payable on the first day of each month of the fiscal year for which the assessments are made. If an annual assessment is not made as required, an assessment shall be presumed to have been made in the amount of the last prior assessment, and monthly installments on such assessment shall be due upon each installment payment date until changed by an amended assessment. In the event the annual assessment proves to be insufficient, the budget and assessment may be amended at any time by the board of directors. Unpaid assessments for the remaining portion of the ~~calendar~~ fiscal year left for which an amended assessment is made shall be payable in as many equal installments as there are full months of the ~~calendar~~ fiscal year left as of the date of such amended assessments, each such monthly installment to be paid on the first day of the month, commencing the first day of the next ensuing month. Provided, nothing herein shall serve to prohibit or prevent the board of directors from imposing a lump sum assessment in case of any immediate need or emergency. Any surplus remaining from the prior fiscal year assessment shall be used to reduce the assessment for

the forthcoming fiscal year.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

PROPOSED AMENDMENT TO  
SECTION 7.5 OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.

11. Section 7.5 of the By-Laws is amended to read as follows:

7.5 Fiscal Year. The fiscal year of the Association shall be ~~the calendar year~~ June 1 through May 31, provided, however, that the board of directors is expressly authorized to change to a different fiscal year from time to time, in accordance with the provisions and regulations ~~from time as~~ as herein provided~~7.~~  
~~†~~The secretary of the Association shall call a special meeting of the members of the Association to be held not sooner than twenty days nor later than sixty days thereafter for the purpose of considering such amendment. Such amendment must be approved by the affirmative vote of ~~three-fourths of a total number of~~ eighteen  
(18) Association members entitled to vote.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

PROPOSED AMENDMENT TO  
SECTION 7.6 OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.

12. Section 7.6 of the By-Laws is amended to read as follows:

7.6 ~~Audit~~ Review. An ~~audit~~ A review of the accounts

of the Association shall be made annually by a ~~certified public~~  
~~accountant~~ an outside bookkeeping service, and a copy hereof shall  
be furnished to each member of the Association entitled to vote  
within thirty days after its receipt by the board of directors.

(CODING: Words ~~stricken~~ are deleted; words underlined are  
additions.)

**PROPOSED AMENDMENT TO  
SECTION 9.2 OF  
THE BY-LAWS OF  
MARINER'S COVE OF ORMOND HOMEOWNERS ASSN., INC.**

13. Section 9.2 of the By-Laws is amended to read as follows:

9.2 Resolution. A resolution for the adoption of a  
proposed amendment may be proposed either by the board of directors  
of the Association or by the members of the Association entitled to  
vote at an Association meeting. Such members may propose such an  
amendment by instrument in writing directed to the president or  
secretary of the Association signed by a majority of such members.  
Amendments may be proposed by the board of directors by action of  
a majority of the board of directors at any regular or special  
meeting thereof. Upon an amendment being proposed as herein  
provided, the secretary of the Association shall call a special  
meeting of the members of the Association to be held not sooner  
than twenty days nor later than sixty days thereafter for the  
purpose of considering such amendment. Such amendment must be  
approved by the affirmative vote of ~~three-fourths of a total number~~  
~~of~~ eighteen (18) Association members entitled to vote.

(CODING: Words ~~stricken~~ are deleted; words underlined are  
additions.)

**PROPOSED AMENDMENT TO  
ARTICLE V, SECTION 5.1 OF THE  
ARTICLES OF INCORPORATION OF  
MARINER'S BAY OF ORMOND HOMEOWNERS ASSOCIATION, INC.**

14. Article V, Section 5.1 of the Articles of Incorporation is amended to read as follows:

**ARTICLE V**

**Directors**

5.1 The affairs of the Association will be managed by a board consisting of the number of directors fixed by the By-Laws, but not less than three directors. All directors shall be members of the Association.

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)

**PROPOSED AMENDMENT TO  
ARTICLE IX, SECTION 9.2 OF THE  
ARTICLES OF INCORPORATION OF  
MARINER'S BAY OF ORMOND HOMEOWNERS ASSOCIATION, INC.**

15. Article IX, Section 9.2 of the Articles of Incorporation is amended to read as follows:

**ARTICLE IX**

**Amendments**

9.2 A resolution for the adoption of a proposed amendment may be proposed either by the Board of Directors or by members of the Association. Directors and members not present in person or by proxy at the meeting to consider the amendment may express their approval in writing, provided such approval is delivered to the Secretary at or prior to the meeting. Except as hereinafter provided, approval of a proposed amendment must be either by:

- a. Not less than the affirmative vote of a majority

of the entire membership of the Board of Directors and not less than the affirmative vote of eighteen (18) members 75% of the votes of the entire membership of the Association, ~~or~~

~~b. Not less than 80% of the votes of the entire membership of the Association; or~~

~~c. Until the first election of the Board of Directors, only by all of the Directors.~~

(CODING: Words ~~stricken~~ are deleted; words underlined are additions.)