

**CERTIFICATE OF AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OF  
SANIBEL HARBOUR YACHT CLUB, A CONDOMINIUM**

THE UNDERSIGNED, being the duly elected and acting President of Sanibel Harbour Yacht Club Condominium Association, Inc., a Florida not-for profit corporation (the "Association"), does hereby certify that the following amendment to the **Declaration of Condominium of Sanibel Harbour Yacht Club, A Condominium (the "Declaration")** was adopted by the written consent of the necessary voting interest pursuant to section 14(1)(c) of the Declaration. The legal description of the Lee County, Florida real property subject to these amended restrictions is set forth in the original Declaration of Condominium of Sanibel Harbour Yacht Club, A Condominium, referenced herein.

The Declarant executed and recorded that certain Declaration of Condominium of Sanibel Harbour Yacht Club Condominium Association, Inc., a Condominium as recorded on April 6, 2006 at Instrument Number 2006000142556, as amended by the First Amendment to the Declaration recorded on November 3, 2006 at Instrument Number 2006000418280, as further amended by the Second Amendment to the Declaration recorded on March 13, 2007 at Instrument Number 2007000081679, as further amended by the Third Amendment to the Declaration recorded on June 12, 2007 at Instrument Number 200700196840, as further amended by that certain Fourth Amendment to the Declaration recorded on July 24, 2007 at Instrument Number 2007000230728 and as further amended by that certain Fifth Amendment to the Declaration recorded on November 16, 2010 at Instrument Number 2010000284052, all in the Public Records of Lee County, Florida (the "Declaration"); and

*Additions indicated by underlining.  
Deletions indicated by ~~striking through~~.*

**Article 14, Section 1, Subsections (a) and (c) of the Association's Declaration of Condominium is hereby amended as follows:**

Section 1. **AMENDMENT BY UNIT OWNERS.**

(a) An amendment to this Declaration of Condominium may be proposed by the Board of Directors acting upon a vote of a majority of the Directors or by Unit Owners owning not less than a majority (or fifty-one percent) ~~four-fifths (4/5)~~ of the total Voting Interests, whether by vote at a meeting of members or by an instrument in writing signed by them. A proposal to amend this Declaration of Condominium shall contain the full text of the provision to be amended. New words shall be inserted in the text and underlined or highlighted and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it shall not be necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation shall be inserted immediately preceding the proposed amendment in substantially the following language:

"Substantial re-wording of Declaration of Condominium.  
See Article \_\_\_ for present text."

(c) At the special meeting called to consider a proposed amendment, such amendment must be approved by an affirmative vote of Unit Owners owning not less than a majority (or fifty-one percent)

~~four-fifths (4/5)~~ of the total Voting Interests. In the alternative, a proposed amendment may be adopted without the holding of a special meeting if within ninety (90) days from the mailing or delivery thereof to all Unit Owners the amendment is approved in writing by members of the Association owning not less than a majority (or fifty-one percent) ~~four-fifths (4/5)~~ of the total Voting Interests. If the amendment shall be adopted by either method, such amendment shall be transcribed and certified by the President and include the recording data identifying this Declaration of Condominium, shall be executed in the form required for execution of a deed and shall be recorded in the Public Records of Lee County, Florida within ten (10) days from the date of adoption and shall become effective on the date of recording. A copy of the amendment in the form in which it has been placed of record shall be delivered to all Unit Owners, but delivery of such copies shall not be in a condition precedent to the effectiveness of the amendment. At any meeting held to consider a proposed amendment, the written vote of any Unit Owners shall be recognized if the Unit Owners are not in attendant at the meeting or represented by limited proxy, provided such written vote is delivered to the Secretary of the Association prior to the meeting or at such meeting.

*(the remainder of the Declaration remains unchanged and in full force and effect)*

SANIBEL HARBOUR YACHT CLUB  
CONDOMINIUM ASSOCIATION, INC.  
a Florida not-for-profit corporation

By: Peter Mazzagatti, Pres.  
Peter Mazzagatti, President

Chad Edmunds  
Witness

Chad Edmunds  
Printed Name of Witness

Patrick Hawley  
Witness

Patrick Hawley  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF Lee

Sworn to and subscribed before me, an officer duly authorized in Lee County, Florida to take acknowledgments, by Peter Mazzagatti, President of Sanibel Harbour Yacht Club Condominium Association, Inc., to me personally known and who did take an oath, on this 31 day of May, 2012.

C. L. Carotta  
Notary Public

C. L. Carotta  
Printed name of Notary  
My Commission Expires: 3.30.2014

