

**This Instrument Prepared by  
and Record and Return to:**

John L. Soileau, Esq.  
Watson, Soileau, DeLeo,  
Burgett & Pickles, P.A.  
3490 North US Highway 1  
Cocoa, Florida 32926  
Our File No.: 11-5719

**CERTIFICATE OF AMENDMENT  
TO DECLARATION OF CONDOMINIUM OF  
HARBOR ISLES CONDOMINIUM ASSOCIATION OF BREVARD, INC.**

Pursuant to Section 718.112(1), Florida Statutes (2014), and the provisions of the Declaration of HARBOR ISLES, A CONDOMINIUM, provided in the Declaration recorded in Official Records Book 2731, Page 574, Public Records of Brevard County, Florida and pursuant to the approval of the Association at the duly-noticed meeting thereof, which was held on February 24, 2015, the Declaration is amended as follows:

**1. Section 1D of the By-Laws shall be amended to provide as follows:**

The fiscal year of the Association shall be ~~October 1<sup>st</sup> through September 30<sup>th</sup>~~ the calendar year.

**2. Article X, Paragraph H of the Declaration shall be amended to provide as follows:**

An owner shall not place or cause to be placed in the walkways or in or on any other common areas and facilities, stairs, or stairwells, any furniture, packages or objects of any kind: except for those items that have been approved as a rule or have been approved by vote of the Board of Administration. Such rules are subject to amendment from time to time by the Board of Administration. Such areas shall be used for no other reason than for normal transit through them. Such items shall not impede egress or ingress from any unit, nor shall same interfere with normal transit along walkways, stairs or stairwells.

**3. The second paragraph under Article I of the Declaration shall be amended to provide as follows:**

The provisions of the Florida Condominium Act as amended from time to time are

hereby adopted herein by express reference and shall govern the condominium and the rights, duties and responsibilities of apartment owners hereof, ~~except where permissive variances therefrom appear in the Declaration and the By-Laws and Articles of Incorporation of HARBOR ILES CONDOMINIUM ASSOCIATION OF BREVARD, INC., a Florida corporation not for profit.~~

4. **The 14<sup>th</sup> paragraph under Article VII of the Declaration shall be amended to provide as follows:**

The provisions of Section 718.116 of the Florida Condominium Act as amended from time to time are incorporated herein by reference and made a part hereof, and the Association shall have all of the powers and duties as set forth in said Section 718.116, as well as all the powers and duties set forth in this Article VII of this Declaration, where the same are not in conflict with or limited by Section 718.116.

5. **The 16<sup>th</sup> paragraph under Article VII of the Declaration shall be amended to provide as follows:**

When the mortgagee of a first mortgage of record, ~~or other purchaser,~~ of a condominium unit obtains title to the condominium parcel as a result of foreclosure of the first mortgage, or as the result of a deed given in lieu of foreclosure, such acquirer of title and its successors and assigns shall ~~not~~ be liable for the share of common expenses or assessments by the Association pertaining to the condominium parcel or chargeable to the former unit owner of the parcel which became due prior to acquisition of title as a result of the foreclosure, to the extent provided by the Condominium Act as amended from time to time, unless the share is secured by a claim of lien for assessments that is recorded prior to the recording of the foreclosed mortgage. The unpaid share of common expenses or assessments are common expenses collectible from all of the unit owners, including such acquirer, its successors and assigns. ~~The foregoing provision may apply to any mortgages of record and shall not be restricted to the first mortgage(s) of record.~~ A first mortgagee acquiring title to a condominium parcel as a result of foreclosure, or a deed in lieu of foreclosure, may not during the period of its ownership of such parcel, whether or not such parcel is unoccupied, be excused from the payment of some or all of the common expenses coming due during the period of such ownership.

6. **The 20<sup>th</sup> paragraph under Article VII of the Declaration shall be deleted in its entirety as follows:**

~~As to priority between the lien of a recorded mortgage and the lien for any assessment, the lien for assessment shall be subordinate and inferior to any recorded mortgage, unless the assessment is secured by a claim of lien which is recorded prior to the recording date of the mortgage.~~

7. The 21<sup>st</sup> paragraph under Article VII of the Declaration shall be amended to provide as follows:

Any person purchasing or encumbering a unit shall have the right to rely upon any statement made in writing by an officer of the Association regarding assessments against units which have already been made and which are due and payable to the Association, and the Association and the members shall be bound thereby. ~~No action or suit shall be brought to enforce foreclosure of any lien arising under this Declaration after two (2) years from the date of any unpaid assessment.~~

IN WITNESS WHEREOF, the Association has caused this instrument to be signed in its name and by its President this 2<sup>nd</sup> day of MARCH, 2015, for purposes of recording in the Brevard County Public Records as required by the Florida Condominium Act.

**CERTIFICATE OF ASSOCIATION**

The undersigned officer of HARBOR ISLES CONDOMINIUM ASSOCIATION OF BREVARD, INC. hereby certifies that the foregoing Amendment to the Declaration of Condominium was adopted by the Association at a duly called meeting held on February 24, 2015.

**HARBOR ISLES CONDOMINIUM ASSOCIATION OF BREVARD, INC.**

WITNESSES:

X Karen P. Stacey  
Print Name: Karen P. Stacey

BY: Richard Njus  
Print Name: Richard Njus  
President

X Lorraine Barrella  
Print Name: Lorraine Barrella

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of March, 2015, by Richard Njus, as president of Harbor Isles Condominium Association of Brevard, Inc., on behalf of the corporation who produced 15 personally known to me as identification and did not take an oath.

Notary Public Lorraine Barrella  
Name: LORRAINE BARRELLA  
State of Florida at Large (SEAL)  
My Commission Expires:

