

This instrument prepared by and
Return to:

Matthew C. Shapiro, Esquire
Rice Law Firm, PA
222 Seabreeze Blvd.
Daytona Beach, FL 32118

**AMENDMENT TO
DECLARATION OF CONDOMINIUM OF
THE OCEAN SHORE CONDOMINIUM**

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE OCEAN SHORE CONDOMINIUM (“**Amendment**”) is made as of this 27th day of August, 2019, by The Ocean Shore Condominium Association, Inc.

WITNESSETH

WHEREAS, The Declaration of Condominium of The Ocean Shore Condominium was duly recorded in Official Records Book 4846, Page 2432, Public Records of Volusia County, Florida; and

WHEREAS, Section Thirteen (13) of the aforesaid Declaration of Condominium expressly authorizes an amendment thereto upon the vote of the appropriate number of unit owners; and

WHEREAS, an appropriate number of unit owners did properly vote to amend the aforesaid Declaration at a duly noticed meeting of the membership;

NOW THEREFORE, in consideration of the foregoing, the Declaration of Condominium is hereby amended as set forth herein:

Section 6.2 is amended and shall read as follows:

Maintenance, Repair and Replacement – Unit Owners. Each Unit Owner shall at his cost be responsible for the maintenance, repair and replacement of all parts of his Unit, including routine maintenance, minor repairs and minor replacements as provided in Paragraph 6.1, and including but not limited to maintenance, repair and replacement of all fixtures, windows, exterior doors, sliding glass doors, mechanical and electrical equipment such as heating and air conditioning systems and any other items of equipment, furnishings, or other items contained within each Unit or which serve only such Unit, except as otherwise provided in Paragraph 6.1. Whenever maintenance, repair or replacement, for which a Unit Owner is responsible, results from loss or damage which is covered by insurance maintained by the Association, the proceeds of such insurance received by the Association shall be used for the purpose of any

Text that is double underlined is added.

such maintenance, repair or replacement, except that the Unit Owner shall be required to pay such part of the cost of such maintenance, repair or replacement that, by reason of the applicability of any deductibility provision of such insurance, exceeds the amount of the insurance proceeds applicable to such maintenance, repair or replacement. The 2019 addition of windows, exterior doors, and sliding glass doors is intended to clarify a potential ambiguity within the Declaration and is not designed to shift responsibility from the Association to Unit Owners. It is the position of the Association, and a majority of its membership, that these items have always been included within this section.

Section 6.4 is amended and shall read as follows:

Changes, Improvements and Additions, Unit Owners. Except as otherwise provided herein, a Unit Owner may at his cost make such changes, improvements or additions to his Unit as he may desire, except that a Unit Owner shall not make any changes, improvements or additions to the exterior exposed to the elements parts of his Unit which the Association is required to maintain, repair or replace pursuant to the provisions of Paragraph 6.1. A Unit Owner may enclose his patio with screens but not with glass or other impervious materials. The design and construction of all such enclosures must be approved by the Association prior to their construction. A Unit Owner may not make aesthetic changes to an exterior door, window, or sliding glass door, including but not limited to design and/or color without approval from the Association.

Section 6.5 is added to the Declaration and shall read as follows:

Pursuant to Florida Statutes Section 718.113(5), the Board of Directors may install hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection that comply with or exceed the applicable building code. The cost of installation shall be a common expense, but the maintenance, repair and replacement after installation shall be the responsibility of Unit Owners. In the event the Board of Directors votes to install hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection, any Unit Owner who has previously installed these items at their own expense shall be entitled to a credit for their proportionate share of the cost of installation. In the event the Board of Directors elects to install the items permitted herein, the operation thereof shall be at the discretion of the Board of Directors but shall not be mandatory.

Except as expressly modified herein, all other provisions of the Condominium Declaration are hereby ratified and confirmed.

Text that is double underlined is added.

IN WITNESS WHEREOF, The Ocean Shore Condominium Association, Inc. has executed the above and foregoing Amendment this 6th day of September, 2019.

WITNESSES:

The Ocean Shore Condominium Association, Inc.

Joy Randolph
Signature of Witness

Kathleen Pirkle
President

Joy Randolph
Printed name of Witness

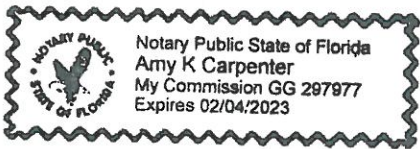
Deborah Kreinesst
Signature of Witness

Francis C. Archal
Secretary

Deborah Kreinesst
Printed Name of Witness

STATE OF FLORIDA)
COUNTY OF Volusia)

The foregoing instrument was acknowledged before me this 6th day of September, 2019, by Kathleen Pirkle and Francis Archal, as President and Secretary, who are () personally known to me or, () who have produced _____ as identification.



Amy K. Carpenter
Notary Public
Amy K. Carpenter
Printed Name of Notary Public

My Commission Expires: 02-04-2023

Text that is double underlined is added.

The Ocean Shore Condominium Special Membership Meeting
1075 Ocean Shore Blvd, Lobby
Ormond Beach, Florida 32176
August 27, 2019

The August 27, 2019 Special Membership Meeting of the Ocean Shore Condominium Association was called to order at 10:00 AM by the President, Kelly Pirkle. There was Roll Call of the Membership. Present were Kelly Pirkle(302), Paul Upchurch (401-402), Julie Tidwell(501), Bill Royle(502), Gary and Sherry Clarke(602), Bebe Acebal(701), and Mary Fox (702). Proxies were verified for Gerry Dennard (101), Mike Goodwin(201), John Ebenshade(202), John Dobmeier(301), and Ken Lee(601). These thirteen represent 93% of the membership.

Proof of notice of the special meeting of the membership was given.

The minutes of July 25, 2019 Board of Directors Meeting were approved as read. It was noted that the date for the Special Membership Meeting of August 20, 2019 as stated in the minutes was changed to August 27, 2019.

Following discussion of the three proposed Amendments to the Declaration of Condominium (see attached) the membership voted unanimously to accept all three amendments. There were 13 yes votes for each. The Amendment to Declaration of Condominium of the Ocean Shore Condominium made August 27, 2019 will be signed by the President and Secretary then filed with the State by our attorney, Matt Shapiro.

The meeting adjourned at 10:50 A.M.

Bebe Acebal
Secretary