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Palm Beach County, Florida  
Sharon R. Bock, CLERK & COMPTROLLER  
Pgs 0072 - 76; (5pgs)

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM  
BERKSHIRE B CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the declaration of Condominium and Bylaws for Berkshire B Condominium has been duly recorded in the Public Records of Palm Beach County, Florida, in Official Records Book 11019, at Page 789; and Official Records Book 13393, Page 1169, Amendment to the Declaration;

WHEREAS, the Bylaws for Berkshire B Condominium are attached as an Exhibit thereto, and

WHEREAS, as a duly called and noticed meeting of the membership of Berkshire B Condominium Association, Inc., a Florida not-for-profit Corporation, held on \_\_\_\_\_, 2016, the aforementioned Declaration of Condominium and Bylaws were amended pursuant to the provisions of said Declaration and Bylaws.

NOW, THEREFORE, the undersigned hereby certify that the following amendment to the Declaration and Bylaws are a true and correct copy of the amendment by the membership.

As used herein (unless substantially recorded) the following shall apply:

- A. Words in the text which are lined through with hyphens indicate deletions from the present text.
- B. Words in the text which are underlined indicate additions to the present text.
- C. Whenever an ellipsis (...) appears in the text this indicates that this portion of the present text remains intact to the point where the next typewritten material appears.

**ARTICLE XIII: of the Declaration entitled "Use and Occupancy" hereby is declared as follows:**

**A: Use and Occupancy Rules and Guidelines in the absence of the Owner**

(...The owner of a unit shall occupy and use his apartment unit as a single family private dwelling, for himself...) His or Her Companion or Partner (... and the adult members of his family, and his social guests while he is residing, and for no other purpose. Only the owner's adult children...) or Companion or Partner (... may occupy the unit in the owner's absence, with prior...) written (...approval of the Board of Directors...)

(...The owner of a unit shall occupy and use his apartment unit as a single family dwelling, for himself and the adult members of his family, and his social guests, who may visit for a maximum of 30 days per year, and for no other purpose..). Unless approval of the board is given for an extension of the 30 days. No investigation will be required be it Financial or Criminal of the adult children.

(...No children under fifteen (15) years of age shall be permitted to reside in any of the units or rooms thereof in this Condominium, except that children may be permitted to visit and temporarily reside for reasonable periods, not in excess of 30 days, in any calendar year...)

**A Condo owner can request that his immediate family, be it Mother, Father, Sister, Brother, Grand Children (18yrs +), Companion or Partner be allowed to reside in this condo, in their absence. A criminal investigation must be done and received in ample time, for the Board to meet, review and approve before any family member will be permitted to reside in their condo. The owner of the Condo must put in writing their request to the Board of Directors for any/all persons to be considered for residence in their absence by not less than 30 days prior.**

**It will be required that said condo owner provide the Board, in writing, guidelines as to who will be staying in their condo and an estimate for what length of time they will be in residence. The condo owner will be responsible to maintain their insurance for their condo, and keep all utilities in full operation in their absence. The tenants will be responsible to read the bylaws provided to them and to follow all rules of Berkshire B Condo Association.**

(...Housing for Older Persons:

This Condominium shall be "housing for older persons" as such term is defined in the Federal Fair Housing Amendment Act of 1988.

To demonstrate an intent by the association to provide housing for persons Fifty-five (55) years of age or older and inasmuch as this Association was designed as part of an adult community, it shall be required as of the effective date of this amendment that at least eighty (80) percent of the units must be occupied by at least (1) person fifty-five (55) years of age or older per unit. This amendment shall include units under leasehold, if any.

The Board, upon application and review, may grant exceptions to occupancy and allow a limited number of persons under the age of fifty-five (55) years to occupy units within the condo when the Board finds undue hardship to the applicant.

All prospective owners, lessees or occupants shall be notified of this restriction and must show proof of age. The restriction and its enforcement is not an admission that the condominium in any way engages in interstate commerce or is in any way subject to Federal laws on housing...)

In no event may more than three (3) persons permanently occupy a one-bedroom unit and no more than four (4) persons may permanently occupy a two-bedroom unit.

The unit owner shall not permit or suffer anything to be done or kept in his unit which will increase the rate of insurance on the Condominium property, or which will

obstruct or interfere with the rights of other unit owners, or annoy them by unreasonable noises, or otherwise, nor shall the unit owners commit or permit any nuisance, immoral or illegal acts in or about the Condominium property.

No animals or pets of any kind shall be kept in any unit, or on any property of the Condominium, except with the written consent of and subject to the Rules and Regulations adopted for the keeping of said pets, by the Board of Directors; provided that they are not kept, bred or maintained for any commercial purposes, and further provided that such house pets causing or creating a nuisance or unreasonable disturbance, shall be permanently removed from the property subject to these restrictions, upon three (3) days written notice from the Board of Directors of the Association.

The unit owner shall not cause anything to be affixed or attached to, hung, displayed or placed on the exterior walls, including awnings and/or storm shutters, doors or windows of the buildings; nor shall they grow any type of plant, shrubbery, flower, vine or grass outside their unit; nor shall they place any furniture or equipment outside their unit, except with the prior written consent of the Board of Directors, and further, when approved, subject to the Rules and Regulations adopted by the Board of Directors. No clothes line or similar device shall be allowed on any portion of the Condominium property, nor shall clothes be hung anywhere except in such area as is designated by the Board of Directors. No laundry facilities or equipment shall be permitted in any unit.

No person shall use the common elements or any part thereof, or a Condominium unit, or the Condominium property and recreational facilities or any part thereof, in any manner contrary to or not in accordance with the Rules and Regulations pertaining thereto, as from time to time may be promulgated by the Association. No person shall use the recreational facilities in any manner contrary to or not in accordance with the Rules and Regulations pertaining thereto as from time to time may be promulgated by the Lessor under the Long-Term Lease.

The initial Rules and Regulations are as set forth in the By-Laws of the Association, which are annexed hereto as "Exhibit No. 2", and the same shall be deemed effective until amended, as provided in the By-Laws.

WITNESS my signature hereto this 21 day of MARCH, 2016, at Palm Beach County, Florida.

**Berkshire B Condominium Association, Inc.**

**By: Frank LaFountain, President**

**Attest: Arlynn Abramson, Secretary**

Frank LaFountain  
President

Arlynn Abramson  
Secretary

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 31 day of MARCH, 2016, by Frank LaFountain, President, and Arlynn Abramson, Secretary, of Berkshire B Condominium Association, Inc. a Florida not-for-profit corporation, on behalf of the corporation. They are Personally known \_\_\_\_\_ or have Produced Identification X.

Type of Identification Produced:

DRIVERS LICENSE  
DRIVERS LICENSE

(Signature)

JAMES FARNACH

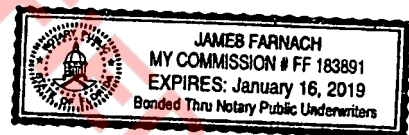
(Print)

Notary Public, State of Florida

My Commission Expires:

(SEAL)

1-16-2019



# CERTIFICATION OF APPROVAL

We hereby certify that this amendment was approved by a majority of vote of the membership of Berkshire B Condominium Association, 46R Berkshire B West Palm Beach, Florida 33417.

By: [Signature], President

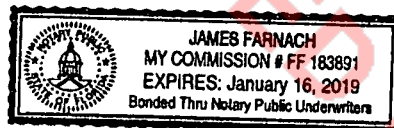
Attest: [Signature], Secretary

State of Florida, County of Palm Beach

The foregoing instrument was acknowledged before me this 21 day of MARCH, 2018 by FRANK LAFOUNTAIN, President and FRANK, Secretary. Both are personally known to me and ( ) did or ( ) did not take an oath. The President (please check one of the following) ( ) is personally known to me or ( ) has produced DRIVERS LICENSE (type of identification) as identification and (please check one) ( ) did or ( ) did not take an oath. The Secretary (please check one of the following) ( ) is personally known to me or ( ) has produced DRIVERS LICENSE (type of identification) as identification and ( ) did or ( ) did not take an oath.

[Signature] Notary Public

JAMES FARNACH Printed Notary Name



Occupancy

1-16-2019