

Prepared by and returned to:

Becker & Poliakoff, P.A.
Yeline Goin, Esquire
4001 Tamiami Trail North, Suite 410
Naples, FL 34103

**CERTIFICATE OF AMENDMENT
AND
NOTICE OF PRESERVATION PURSUANT TO SECTION 712.05(2)(b), FLORIDA
STATUTES**

**SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
WYNDEMERE
AND
SECOND AMENDED AND RESTATED BYLAWS
OF WYNDEMERE HOMEOWNERS ASSOCIATION, INC.**

WE HEREBY CERTIFY that the following amendment to the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Wyndemere was duly adopted by at least three-fourths (3/4ths) of the voting interests at a duly noticed meeting held on the 16th day of November 2018, where a quorum (i.e. 190 voting interests or more) was present, for which notice was given on the 16th day of October 2018. Of 634 total voting interests, 476 votes were needed for passage. 633 voting interests were present and voted in favor of said amendment. No votes were cast against it.

Further, the following amendment to the Second Amended and Restated Bylaws of Wyndemere Homeowners Association, Inc. was duly adopted by at least a majority of the voting interests at a duly noticed meeting held on the 16th day of November 2018, where a quorum (i.e. 190 voting interests or more) was present, for which notice was given on the 16th day of October 2018. Of 634 voting interests, 318 votes were needed for passage. 633 voting interests were present and voted in favor of said amendment. No votes were cast against it.

The original Declaration of Covenants, Conditions and Restrictions is recorded at O.R. Book 916, Page 1080 *et seq.* of the Public Records of Collier County, Florida, and was amended and/or supplemented at O.R. Book 955, Page 981, *et seq.*, O.R. Book 1111, Pages 1710, *et seq.*, O.R. Book 1165, Page 1113, *et seq.*, O.R. Book 1170, Page 747, *et seq.*, O.R. Book 1200, Page 800, *et seq.*, O.R. Book 1205, Page 1699, *et seq.*, O.R. Book 1233, Page 1789, *et seq.*, O.R. Book 1277, Page 1350, *et seq.*, O.R. Book 1284, Page 1095 *et seq.*, O.R. Book 1287, Page 2257, *et seq.*, O.R. Book 1341, Page 108, *et seq.*, O.R. Book 1351 Page 1968 *et seq.*, O.R. Book 1362, Page 1634, *et seq.*, O.R. Book 1362, Page 1651, *et seq.*, O.R. Book 1566, Page 735, *et seq.*, O.R. Book 1568, Page 938, *et seq.*, O.R. Book 1615, Page 1533 *et seq.* (Amended and Restated

Declaration of Covenants, Conditions and Restrictions), O.R. Book 1978, Page 2304, *et seq.*, O.R. Book 2260, Page 2066, *et seq.*, O.R. Book 2570, Page 2109 *et seq.* (Second Amended and Restated Declaration of Covenants, Conditions and Restrictions), O.R. Book 2667, Page 642, *et seq.*, O.R. Book 4448, Page 1308, *et seq.*, and O.R. Book 5528, Page 3014, *et seq.*, all of the public records of Collier County, Florida (hereinafter referred to collectively as the "Declaration").

The legal description of the Property is identified in Exhibits A, B, and C of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions, recorded at O.R. Book 2570, Page 2109 *et seq.* of the Public Records of Collier County, Florida.

The Second Amended and Restated Bylaws for Wyndemere Homeowners Association, Inc. was recorded at O.R. Book 2570, Page 2109, *et seq.*, and amended at O.R. Book 2667, Page 642, *et seq.*, O.R. Book 4448, Page 1308, *et seq.*, and O.R. Book 5120, Page 946, *et seq.*, all of the public records of Collier County, Florida.

This Certificate of Amendment shall also serve as a preservation of the Declaration, as amended and/or supplemented from time to time, pursuant to Section 712.05(2)(b), Florida Statutes.

Additions indicated by underlining.

Deletions indicated by ~~strike-through~~.

Amendment No. 1: Article VI Section 3 A. of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions to read as follows:

- A. Parking. Only four wheel uncovered passenger automobiles, sport utility vehicles and passenger vans may be parked in Wyndemere for a period exceeding eight (8) hours. Covered vehicles that are permitted by the preceding sentence must be kept in a closed garage or completely within a carport and covered with a form-fitted cover designed specifically for that vehicle. All other vehicles, including, but not limited to, commercial vehicles must be kept in a closed garage, unless otherwise provided by this Paragraph A.

No trucks, including but not limited to pick-up trucks, sport utility trucks (such as the Chevrolet Avalanche, Cadillac Escalade EXT, Hummer H2 SUT or H3T, Ford Sport Trac or any other vehicle with a cargo or storage box) shall be parked in Wyndemere between the hours of midnight (12:00 a.m.) and seven o'clock a.m. (7:00 a.m.) unless kept in a closed garage. For the purposes of this Paragraph A, "commercial vehicles" shall mean those automobiles, vans, and trucks which are not designed for customary, personal/family purposes, and those vehicles which contain commercial lettering. The absence of commercial type lettering or graphics on a vehicle shall not be dispositive as to whether it is a commercial vehicle. No boat, boat trailer or other trailer of any kind, camper, mobile home, golf cart, covered vehicle or disabled vehicle shall be permitted in Wyndemere unless kept in a closed garage. No maintenance or repair shall be done upon or to any vehicle (including four wheel passenger automobiles), except within a closed garage (except in an emergency). Nothing herein shall prohibit the establishment by the Master Association of an area within Wyndemere designated and available for the storage of prohibited vehicles if the establishment of such storage facility is otherwise permitted

by applicable government regulation and the ARC. No vehicle shall be parked anywhere but on paved areas intended for the purpose. Parking on lawns or landscaped areas is prohibited. There shall be no parking on any street in Wyndemere between the hours of midnight (12:00 a.m.) and seven o'clock a.m. (7:00 a.m.). These restrictions shall not preclude the temporary parking, during normal contractor hours, within Wyndemere of trucks, commercial vehicles and open-bed vehicles used by outside vendors to furnish necessary service or construction or any non-commercial vehicles during the period a unit's driveway is undergoing active repair, replacement or maintenance. Temporary use of waste collection, trailers or storage receptacles, during interior construction, may be used outside the residence on the driveway for a period not to exceed three (3) days unless additional time is approved in advance by the ARC.

Amendment No. 2: Article 3.19 of the Second Amended and Restated Bylaws to read as follows:

3.19 Executive and Other Committees. To facilitate the performance of the Master Association so it may function ~~during times when some of the Governors are not in residence, without having to fully convene all Governors,~~ an Executive Committee shall exist which shall consist of the President, Vice-President, Treasurer, Secretary, and a standing Governor who is on the Facilities and Planning Committee. Executive Committee meetings may be called by the President in the same manner as provided for Board meetings in Section 3.6 of the Bylaws. The minutes of all Executive Committee meetings shall be available to all Governors and will be distributed to all Governors upon request. In no event shall the Executive Committee: 1.) approve or recommend to members actions or proposals required to be approved by members by any statute or the Governing Documents, 2.) fill vacancies on the Board or any Committee thereof, 3.) adopt, amend, or repeal the Bylaws, or 4.) approve the assessment or expenditure of funds not presently accounted for in any current budgets, including the Board Designated Emergency Fund, of the Association. The Board of Governors also may, by resolution, designate such other standing or temporary committees as it may deem advisable. Each such committee shall have such authority as shall be specified in the resolution designating such committee, The Board of Governors shall have the power at any time to remove any member of any committee or committees (except the President), with or without cause, and to fill vacancies in and to dissolve any committee or committees. Each committee designated by the Board of Governors shall keep regular minutes of its meetings and shall report the same to the Board when required. The designation of any committee and the delegation thereto of authority shall not operate to relieve the Board of Governors or any member thereof, of any responsibilities imposed by law. In addition to the obligation to keep minutes of all meetings, the meetings of any committee, including the Architectural Review Committee, must be conducted with all other formalities as required for the Board.

Nothing in this Section 3.19 shall alter or limit the emergency powers provided for in Section 3.20 of these Bylaws.

WYNDEMERE HOMEOWNERS ASSOCIATION, INC.

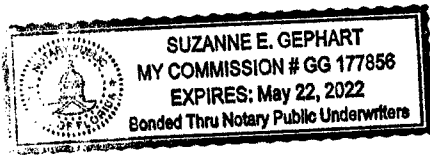
Heather Goodwin
Witness Signature
Heather Goodwin
Printed Name

By: [Signature]
Lester LaBov, President

Margaret A. Cole
Witness Signature
Margaret A. Cole
Printed Name

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 21ST day of DECEMBER 2018 by Lester LaBov, as President of Wyndemere Homeowners Association, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or has produced as identification. If no type of identification is indicated, the above-named person is personally known to me.



Notary Public [Signature]
Printed Name _____
State of Florida _____
My Commission Expires _____

Heather Goodwin
Witness Signature
Heather Goodwin
Printed Name

Attest: Marilyn Kacy
Marilyn Kacy, Secretary

Margie A. Cole
Witness Signature
Margie A. Cole
Printed Name

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 21ST day of DECEMBER 2018, by Marilyn Kacy as Secretary of Wyndemere Homeowners Association, Inc., a Florida corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification. If no type of identification is indicated, the above-named person is personally known to me.



Notary Public Suzanne E. Gephart
Printed Name _____
State of Florida _____
My Commission Expires _____

ACTIVE: 11745557_2