

HC  
This instrument was prepared by  
and to be returned to:  
SCOTT D. NEWSOM, ESQ.  
Becker & Poliakoff, P.A.  
111 North Orange Avenue  
Suite 1400  
Orlando, Florida 32801  
(407) 875-0955

Cross-Reference to Amended and Restated  
Declaration of Covenants and Restrictions for  
Hawks Nest at Aquarina, recorded in Official Records  
Book 7102, Page 1374 of the  
Public Records of Brevard County, Florida

**CERTIFICATE OF AMENDMENT TO THE**  
**AMENDED AND RESTATED DECLARATION OF**  
**COVENANTS AND RESTRICTIONS FOR**  
**HAWKS NEST AT AQUARINA**

WHEREAS, that certain Amended and Restated Declaration of Covenants and Restrictions for Hawks Nest at Aquarina was recorded on April 9, 2014 in Official Records Book 7102, Page 1374, *et seq.*, Public Records of Brevard County, Florida, and as subsequently amended from time to time (collectively, the "Declaration"); and

WHEREAS, Sections 17.3 through 17.6, inclusive, of the Declaration provide the method and procedure as to how the Declaration can be amended; and

WHEREAS, Section 17.5 of the Declaration provides that the Declaration may be amended by the approval of not less than two-thirds (2/3) of those voting interests of Hawks Nest at Aquarina Homeowners Association, Inc. (the "Association") that are present, either in person or by proxy, and voting at a duly noticed meeting of the Association at which a quorum is present; and

WHEREAS, at a duly called and noticed meeting of the membership of Hawks Nest at Aquarina Homeowners Association, Inc., a Florida not for profit corporation, held on July 10, 2014, a quorum of the Association's membership was present; and

WHEREAS, more than two-thirds (2/3) of the Association's voting interests that were present at that meeting on July 10, 2014, either in person or by proxy, approved of and/or affirmatively voted in favor of the proposed amendments to the Declaration; and

WHEREAS, the Declaration was amended and the amendment duly adopted in accordance with the provisions of the Declaration by the Association; and

NOW, THEREFORE, the undersigned hereby certify that the amendment to Section 7.18 of the Declaration attached hereto as **Exhibit "A"**, and incorporated herein by this reference in its entirety, is a true and correct copy of the amendment approved and/or adopted in accordance with the terms, conditions and requirements of the Declaration.

WITNESS our signatures hereto this 16<sup>th</sup> day of July, 2014.

WITNESSES:

**HAWKS NEST AT AQUARINA  
HOMEOWNERS ASSOCIATION, INC.,**  
a Florida not for profit corporation

Joy DiAntonio  
Print Name: Joy DiAntonio

By: Michael DiAntonio Sr.

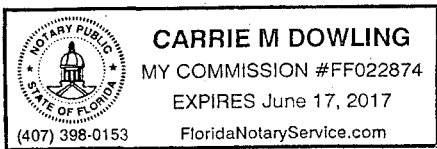
Franklin F. Carrasco  
Print Name: Franklin F. Carrasco

Print Name: Michael DiAntonio Sr.  
Title: President

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of July, 2014, by Michael DiAntonio Sr. (print name) as the President of **HAWKS NEST AT AQUARINA HOMEOWNERS ASSOCIATION, INC.**, a Florida not for profit corporation, on behalf of the corporation. He/She is  personally known to me, or  has produced \_\_\_\_\_ as identification.

NOTARY SEAL:



Carrie Dowling  
Notary Public, State of Florida  
Print Name: Carrie Dowling  
My Commission No.: FF022874  
My Commission Expires: June 17, 2017

WITNESSES:

*[Handwritten signature]*

Print Name: Edward Petrusa

Mary Jo Horvat

Print Name: Mary Jo Horvat

Attest: *[Handwritten signature]*

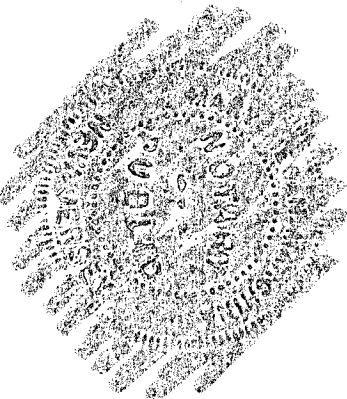
Print Name: Elizabeth Mahan

Title: Secretary

STATE OF New Jersey  
COUNTY OF Cape May

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July, 2014, by Elizabeth Mahan (print name) as the Secretary of **HAWKS NEST AT AQUARINA HOMEOWNERS ASSOCIATION, INC.**, a Florida not for profit corporation, on behalf of the corporation. He/She is  personally known to me, or  has produced \_\_\_\_\_ as identification.

NOTARY SEAL:



Mary M. Marchina  
Notary Public, State of New Jersey  
Print Name: Mary M. Marchina  
My Commission No.: \_\_\_\_\_  
My Commission Expires: 6/13/2015

**MARY MEGAN MARCHINA  
A NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 06/13/2015**

**EXHIBIT "A"**

**AMENDMENT**

**TO**

**AMENDED AND RESTATED**

**DECLARATION OF COVENANTS AND RESTRICTIONS**

**FOR**

**HAWKS NEST AT AQUARINA**

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

**Section 7.18 of the Amended and Restated Declaration of Covenants and Restrictions for Hawks Nest at Aquarina is hereby amended to read as follows:**

**7. GENERAL COVENANTS AND USE RESTRICTION**

(Sections 7.1 through 7.17, inclusive, remain unchanged)

**7.18 Leasing of Living Units.** All leases and/or rental agreements for a Lot, Parcel and/or Living Unit shall provide that the Association has the right to terminate that lease and to evict the Tenant and/or Resident upon the default by the Tenant and/or Resident in observing any of the provisions of any of the Governing Documents, the Master Declaration and/or any other instrument and/or document governing the Hawks Nest Property. The Owner of a leased Parcel, Lot and/or Living Unit shall be jointly and severally liable with his or her Tenant to the Association to pay any claim of injury, damage and/or property damage caused by the negligence, omissions and/or intentional acts of the Tenant without prejudice to any right of the Owner against the Tenant. Every lease shall be subordinated to this Amended Declaration and/or any lien filed by the Association or the Master Association whether before or after the lease was entered into. The initial term of any lease or rental agreement for any Parcel, Lot and/or Living Unit shall be for a period of not less than ~~ninety (90)~~ **thirty (30)** consecutive days. Any renewal, extension, update, and/or assignment of a lease and/or rental agreement constitutes

a separate lease and/or rental agreement for all intents and purposes under this Section 7.18 and shall be subject to the same requirements. **Notwithstanding anything to the contrary in this Section 7.18,** Neighborhood Covenants may establish **either more lenient or** stricter standards for particular Neighborhoods. In the event Neighborhood Covenants provide restrictions that are **either** more restrictive and/or stricter **or more lenient** than this Section 7.18, the ~~stricter and/or more restrictive~~ leasing provision **in those Neighborhood Covenants** shall control for that Neighborhood.

(The Remainder of the Declaration Remains Unchanged)

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