

Instrument prepared by and after recording return to:  
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**CERTIFICATE OF FIRST AMENDMENT  
TO  
AMENDED AND RESTATED DECLARATION OF COVENANTS  
OF  
FOREST PARK MASTER PROPERTY OWNERS ASSOCIATION, INC.**

The undersigned President of THE FOREST PARK MASTER PROPERTY OWNERS ASSOCIATION, a Florida not-for-profit corporation (the "Association"), does hereby certify that the following amendment to the Amended and Restated Declaration of Covenants of the Association was approved by the required vote of the Members at a meeting held on the 25th day of March, 2020.

The Amended and Restated Declaration of Covenants was originally recorded at Official Records Instrument No. 5778411, et. seq., Public Records of Collier County, Florida.

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

**Amendment to Amended and Restated Declaration of Covenants: Article 5,  
Membership and Voting Rights**

**5.03 Transfer**

- (a) **Approval Required.** No parcel owner may dispose of a parcel or any ownership interest in a parcel by sale or gift (including agreement for deed) without prior written approval of the Board of Directors.
- (b) **Devise or Inheritance.** If any parcel owner acquires his title by devise or inheritance, his right to occupy or use the parcel shall be subject to the approval of the Board of Directors under Section 5.04 below. The approval shall not be denied to any devisee or heir who was the prior owner's lawful spouse or non-spouse companion at the time of death, or was related to the owner by blood or adoption within the first degree.
- (c) **Other Transfers.** If any person acquires title in any manner not considered in the foregoing subsections, that person shall no right to occupy or use the parcel and residence before being approved by the Board of Directors under the procedures outlined in Section 5.04 below.

(d) **Committee Approval.** To facilitate transfers proposed during times when many of the members are not in residence, the Board of Directors may by resolution delegate its approval to an *ad hoc* committee, which shall consist of at least three (3) members. The Chairman of the committee shall be deemed Vice-President, and as such shall be empowered to execute Certificates of Approval on behalf of the Association.

#### 5.04 **Procedure**

(a) **Notice to Association.**

1. **Sale or Gift.** An owner of a parcel intending to make a sale or gift of his parcel or any interest therein shall give to the Board of Directors or its designee written notice of such intention at least thirty (30) days before the intended closing date, together with the name and address of the proposed purchaser or donee, a copy of the executed sales contract, if any, and such other information as the Board may reasonably require. The Board may require a personal interview with any purchaser or donee and his spouse or non-spouse companion, if any, as a pre-condition to approval.
  2. **Devise, Inheritance or Other Transfers.** The transferee of a parcel must notify the Board of Directors of his ownership and submit a certified copy of the instrument evidencing his ownership and such other information as the Board may reasonably require. The transferee shall have no occupancy or use rights until and unless approved by the Board, but may sell or lease the parcel following the procedures set out in this Declaration.
  3. **Failure to give notice.** If no notice is given, the Board of directors, at its election, may approve or disapprove at the time it learns of the transfer. If a parcel owner fails to obtain the Association's approval prior to selling an interest in the parcel, such failure shall create a rebuttable presumption that the seller and the purchaser intent to violate the covenants of this Declaration and shall constitute good cause for Association disapproval.
- (b) **Board Action.** Within thirty (30) days after receipt of the requested notice and all information or interviews requested, or not later than sixty (60) days after the notice required by paragraph 5.04(a)(1) is received, whichever occurs first, the Board shall approve or disapprove the transfer. If a transfer is approved, the approval shall be stated in a Certificate of Approval executed by the President or the Vice President of the Association in recordable form and delivered to the transferee of the parcel. If the Board neither approves nor disapproves within the time limits set forth above, such failure shall be deemed the equivalent of approval, and on demand, the Board shall issue a Certificate of Approval to the transferee.



(c) Disapproval. Approval shall be withheld or denied only for good cause, and then only if a majority of the whole Board so votes, after receiving a written opinion of counsel that good cause exists. Only the following may be deemed to constitute good cause for disapproval:

1. The person seeking approval has been convicted of a felony involving violence to persons or property, a felony involving possession or sale of a controlled substance, or a felony demonstrating dishonesty or moral turpitude;
2. The person seeking approval has a record of financial irresponsibility, including without limitation prior bankruptcies, foreclosures, or bad debts;
3. The person seeking approval gives the Board reasonable cause to believe that person intends to conduct himself in a manner inconsistent with the covenants and restrictions applicable to the property;
4. The person seeking approval has a history of disruptive behavior or disregard for the rights or property of others;
5. The person seeking approval has evidenced an attitude of disregard for Association rules by his conduct in Forest Park as a tenant, parcel owner, or occupant of a residence;
6. The parties to the proposed transfer have failed to provide the information, fees, or interviews required to process the application in a timely manner, or provided false information during the application process; or
7. The transaction, if sale or gift, was concluded by the parties without having sought or obtained the prior approval required herein.

**5.05 Exception.** The provisions of paragraphs 5.03 and 5.04 are not applicable to the acquisition of title by a first mortgagee who acquires title through the mortgage, whether by foreclosure or deed in lieu of foreclosure.

**5.06. Unapproved Transfers.** Any sale or transfer of ownership of a parcel which is not approved, or which is disapproved pursuant to the terms of this Declaration, shall not be concluded, and if it is concluded in disregard of this Section, shall be void or voidable by the Association unless subsequently approved in writing by the Board.

**5.07. Fees Related to the Sale, Lease or Other Transfers.** Whenever the Board's approval is required to allow the sale, lease or other transfer of interest in a parcel, the Association may charge the owner a preset fee for processing the application, which fee

shall not exceed one hundred dollars (\$100) per applicant.

IN WITNESS WHEREOF, this Certificate of Amendment has been executed by the President of the Association this 31 day of March, 2020.

THE FOREST PARK MASTER PROPERTY OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation

By: [Signature]  
Rick Huggins, President

STATE OF FLORIDA        )  
  ) §:  
COUNTY OF LEE         )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of March, 2020 by Rick Huggins, as President of THE FOREST PARK MASTER PROPERTY OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation. He  is personally known to me OR  has produced a \_\_\_\_\_ driver's license as identification and acknowledged executing the same under authority vested in him by said corporation and the seal affixed thereto is the seal of said corporation.

[NOTARY STAMP/SEAL]

[Signature]  
Notary Public  
My Commission Expires:



Brantley Oakey  
Commission # GG118573  
Expires: June 25, 2021  
Bonded thru Aaron Notary