

WHEN RECORDED RETURN TO:

Robert A. Cooper, Esq.  
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**CERTIFICATE OF AMENDMENT TO THE  
DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS OF  
AVIAN PLACE**

THE UNDERSIGNED, being the President of AVIAN PLACE HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association"), does hereby certify that the foregoing Amendment to the Declaration of Covenants, Restrictions and Easements of Avian Place Homeowners Association, Inc. was duly approved, adopted and enacted by the affirmative vote of the proper percentage of voting interests of the Association at a members meeting called for that purpose at which a quorum was present held on April 22, 2013. **The original Declaration of Covenants, Restrictions and Easements of Avian Place Homeowners Association, Inc. was recorded on November 14, 2003 in Official Records Book 4121, Page 201 (Instrument No. 6044865), in the Public Records of Lee County, Florida (the "Declaration").**

**AMENDMENT TO DECLARATION**

Language being added is underlined and language being deleted is ~~struck through~~.

Amendment to Article XI, Subsection I.2. Amendment and Modification. Article XI, Subsection I.2. of the Declaration is amended as follows:

2. After the Turnover Date, these Covenants may be amended by: (i) the consent of the Owners owning at least thirty percent (30%) ~~two-thirds (2/3)~~ of all Lots; together with (ii) the approval or ratification of a majority of the Board. The aforementioned consent of the Owners ~~owners~~ owning thirty percent (30%) ~~two-thirds (2/3)~~ of the Lots may be evidenced by a writing signed by the required number of Owners or by the affirmative vote of the required number of Owners ~~owners~~ at any regular or special meeting of the Association called and held in accordance with the Bylaws evidenced by a certificate of the President, Secretary or an Assistant Secretary of the Association.

Except as specifically amended hereby, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the President of Avian Place Homeowners Association, Inc. has caused this Certificate of Amendment to be executed as of the date set forth below.

**WITNESSES:**

Joyce Jones  
Signature  
Joyce Jones  
Printed Name of Witness

Robert E. Gellan  
Signature  
Robert E. Gellan  
Printed Name of Witness

**AVIAN PLACE HOMEOWNERS  
ASSOCIATION, INC.**

By: Thomas A. Taggart  
Thomas A. Taggart, President

Date: 12/14/2016

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 14th day of December, 2016, by Thomas A. Taggart, as President of Avian Place Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation, who is ( ) personally known to me or who has (✓) produced Florida Driver's License as identification.

Lisa Reitbauer  
Notary Public  
LISA REITBAUER  
Printed Name

My Commission Expires:

