

Prepared By:
Seymour N. Singer, Esq.
Krongold & Singer, P.L.
201 Alhambra Circle, Suite 801
Coral Gables, Florida 33134

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR EAGLE'S NEST TOWNHOMES ASSOCIATION

This Second Amendment to the Declaration of Condominium For Eagle's Nest Townhomes Association, a Condominium, is made by Eagle's Nest Townhomes Condominium Association, Inc., a Florida not for profit corporation (the "Association").

RECITALS

WHEREAS, the Declaration of Condominium for Eagle's Nest Townhomes Association (the "Declaration") was recorded in Official Records Book 17830, Page 759, and was amended by First Amendment to the Declaration of Condominium For Eagle's Nest Townhomes Association recorded in Official Records Book 30641, at Page 1999, both of the Public Records of Broward County, Florida; and

WHEREAS, Article 12.2(a) of the Declaration allows amendment to the Declaration pursuant to approval of not less than 51% of the entire membership of the Board of Administration or not less than 75% of the apartments owners; and

WHEREAS, the Association desire to amend the Declaration as set forth herein (the "Amendment"); and

WHEREAS, the Amendment was adopted by 51% or more of the members of the Board of Administration at a duly called meeting with proper notice as required by the Declaration and applicable law.

NOW, THEREFORE, the Association hereby amends the Declaration of Condominium for Eagle's Nest Townhomes (the "Declaration") recorded in Official Records Book 17830, Page 759, and amended by First Amendment to the Declaration of Condominium For Eagle's Nest Townhomes Association recorded in Official Records Book 30641, at Page 1999, both of the Public Records of Broward County, Florida, as follows:

- I. Article 10.5 of the Declaration is hereby amended to create and add Section 10.5(J) as follows:

J. Providing Alternate Purchasers or Owners. The Association shall neither have the duty to provide an alternate purchaser or owner or lessee, nor shall it assume any responsibility for the denial of a sale or owner or lessee application, if the denial is based upon, including but not limited to, any of the following factors:

1. The person seeking approval (which shall include all proposed occupants) has been convicted of a felony involving violence to persons or theft or destruction of property; a felony demonstrating dishonesty or moral turpitude; any criminal offense involving illegal drugs; or any criminal offense involving sexual battery, sexual abuse, or lewd and lascivious behavior.
2. The sale, ownership, lease, or the application for approval, on its face, or the conduct of the applicant (including all proposed occupants), indicates that the person seeking approval intends to conduct himself in a manner inconsistent with the condominium documents, or that the sale or ownership or lease, if approved, would result in a violation of the Documents;
3. The person seeking approval (including all proposed occupants) has a history of disruptive behavior or disregard for the rights and property of others as evidenced by his criminal history, conduct in other residences, social organizations or associations, or by his conduct in this community as an occupant/guest of an apartment;
4. The person seeking approval (including all proposed occupants) or the apartment owner has failed to provide the information required to process the application in a timely manner; has materially misrepresented any fact or information provided in the application or screening process; has failed to pay the transfer/approval fee, or security deposit, or payment has been dishonored; has failed to make an appointment for or attend the personal screening; or has not agreed, failed to provide or refused to release to the Association the background investigation;
5. The person seeking to sell, own, or possess the apartment (including all proposed occupants) is delinquent in the payment of any assessments or other sums owed to the Association;
6. The person seeking approval (including all proposed occupants/applicants legally responsible, or who will be, legally responsible for payment of assessments) is financially unable to meet the obligations that are incumbent upon an apartment owner in the Condominium; the purchase or lease of the apartment is beyond the financial ability of the person seeking approval; inquiry into the financial responsibility of the person seeking approval indicates an inability to afford the rent, mortgage, maintenance assessment and other apartment obligations and other financial obligations not related to the apartment; the person seeking approval has not made or cannot make the security deposit required by Section 10.5(B) above, or payment has been dishonored; or the person seeking approval has a

history of not paying monetary obligations, has a poor credit history, or has a poor credit rating.

NOTE: NEW WORDS INSERTED IN THE TEXT ARE UNDERLINED AND WORDS DELETED ARE LINED THROUGH WITH HYPENS.

All other terms and conditions of said Declaration remain the same and apply to the property described therein except as modified by this Second Amendment.

IN WITNESS WHEREOF, Eagle's Nest Townhomes Condominium Association, Inc., a Florida not for profit corporation, has caused this Second Amendment to the Declaration to be executed this 9th day of May, 2003.

Witnesses:

Jane M Brock
Jane M. Brock

Judy Griffin
JUDY GRIFFIN

Print Name:

JOHN G. HUDIK

Print Name:

S. Kyle Robertson

Eagle's Nest Townhomes Condominium Association, Inc., a Florida not for profit corporation

By:

JOHN HUDIK President

Attest:

LYNNE ROBERTSON, Secretary

STATE OF FLORIDA)
)SS:
COUNTY OF BROWARD)

THE FOREGOING INSTRUMENT was acknowledged before me this 9 day of May, 2003, by John Hudik, as President, and S. Kyle Robertson, as Secretary, of Eagle's Nest Townhomes Condominium Association, Inc., a Florida not for profit corporation, on behalf of the corporation. They are personally known to me or have produced Florida Driver=s Licenses as identification and did take an oath.

Jane M Brock
Notary Public, State of Florida

Print Name: Jane M. Brock

My commission expires:

(Notary Seal)

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