

This instrument prepared by:
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**CERTIFICATE OF AMENDMENT TO THE
DECLARATION OF CONDOMINIUM AND BY-LAWS OF
HYPOLUXO'S MARINER'S CAY, A CONDOMINIUM**

I HEREBY CERTIFY that the Amendment attached as Exhibit "A" to this Certificate was duly adopted as an Amendment to the Declaration of Condominium and By-Laws of Hypoluxo's Mariner's Cay which is recorded in Official Records Book 15590, at Page 1782 of the Public Records of Palm Beach County, Florida. Written consent to the Amendment was given in accordance with Florida Statute 617.0701(4).

DATED this 14th day of October, 2005.

WITNESSES:

1. Sign: Sarah Wilson
Print: Sarah Wilson
2. Sign: Gilbert Moore
Print: GILBERT MOORE

**HYPOLUXO'S MARINER'S CAY
CONDOMINIUM ASSOCIATION, INC.**

By: Sydney Sperber
Print: Sydney Sperber
Title: PRESIDENT
Address: 50 Sealia Drive
Hypoluxo FL 33462

STATE OF FLORIDA) ss.
COUNTY OF PALM BEACH)

BEFORE ME personally appeared Ms. Sydney Sperber, President of Hypoluxo's Mariner's Cay Condominium Association, Inc., who is personally known to me or who has produced Florida Driver License identification and who did take an oath, to be the individual who executed the foregoing instrument and acknowledged to and before me that he executed such instrument as President of the Association with due and regular corporate authority, and that said instrument is the free act and deed of the Association.

WITNESS my hand and official seal this 14th day of October, A.D. 2005.

(SEAL)



NOTARY PUBLIC

Sign: Maryann Valliere
Print: Maryann Valliere
State of Florida at Large
My Commission Expires:

**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM AND BY-LAWS
FOR HYPOLUXO'S MARINER'S CAY CONDOMINIUM ASSOCIATION, INC.**

(Words underlined are added and words ~~lined through~~ are deleted).

1. Article III. J. of the Declaration of Condominium of Hypoluxo's Mariner's Cay, A Condominium, entitled "Units; Appurtenance; Possession and Enjoyment" is amended as follows:

No Unit may be partitioned or subdivided. There are covered parking garages (each a "Garage") within the Condominium Property. All Garages shall be common elements and shall be available for uses designated by the Board of Directors of the Association, except that so long as the Developer owns at least one (1) Unit in the Condominium, it shall have the right and authority to assign, transfer or lease, for consideration, all unassigned Garages. Any Garage assigned by the Developer shall be deemed to constitute a limited common element appurtenant to the Unit to which the Garage is assigned. The assignment of the appurtenant Garage for each such Unit shall be made by the Developer by an unrecorded Assignment. Upon the assignment of a Garage to a particular Unit, the same shall be an appurtenance to said Unit and shall pass as an appurtenance thereto. The limited common element Garage Assignments may be transferred to another Unit Owner. Not less than 14 days prior to the transfer of the Garage Assignment, the transferor (Unit Owner transferring the Garage Assignment) shall provide written notice to the Association of said transfer. The notice shall specify the Unit and Unit Owners from which the Garage Assignment is to be transferred, the Unit and Unit Owners to which the Garage Assignment is to be transferred, and the date of transfer. Upon the transfer of the Garage Assignment to another Unit, the same shall be an appurtenance to said Unit and shall pass as an appurtenance thereto.

2. Article III. A. of the By-Laws, entitled "Directors and Officers" is amended to add the following paragraph:

III. A.

7. The Association Board of Directors shall always be comprised of an odd number of Directors. The number of Directors in the Association shall be not less than three (3) nor more than five (5), as provided below. The Board shall determine the number of Directorships for the succeeding year at a Board meeting prior to the election of the Board of Directors. Commencing with the first election of a five (5) member Board of Directors, the term of office for the three candidates receiving the most votes shall be two years. The term of office for the two candidates receiving the next two highest number of votes shall be one year. In the year the Directors with the initial one year term expire, all Board of Directors shall be elected for a two (2) year term of office.

Exhibit "A"