

Prepared by, record and return to:  
Seth D. Chipman, Esq.  
96 Willard Street, Ste. 204  
(321) 639-1300

**CERTIFICATE OF AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions ("Declaration") for BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC. was originally recorded in Official Records Book 2743, Page 2022, and all amendments thereto, in the Public Records of Brevard County, Florida, and pursuant to a vote of approval as set forth in the Declaration, the Declaration is amended as follows:

**1. Article IV, Section 3 of the Declaration is amended as follows:**

Section 3. Maximum Annual Assessment. ~~Until January 1 of the year immediately following the conveyance of the first Lot to an owner, the maximum annual assessment shall be \$240.00 per year, (\$20.00 per month) per Lot.~~

- a. ~~From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the~~ The maximum annual assessment may be increased each year not more than ~~five percent (5%)~~ ten percent (10%) above the maximum assessment for the previous year without a vote of the membership.
- b. ~~From an after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the~~ The maximum annual assessment may be increased above ~~five percent (5%)~~ ten percent (10%) by a vote of ~~two-thirds (2/3)~~ a majority of members attending a meeting who are voting in person or by proxy, at a meeting duly called for this purpose.
- c. The board of Directors may fix the annual assessment at an amount not in excess of the maximum.

**CERTIFICATE OF ASSOCIATION**

The undersigned, as President of BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC., hereby certifies that the foregoing Amendment to the Declaration was adopted by the membership of the Association, whose votes were cast in person or by proxy at a meeting duly held on April 23, 2024 and reconvened on June 18, 2024.

IN WITNESS WHEREOF, the undersigned has caused this Amendment to the Declaration of BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC., to be duly executed as of the date and year set forth below.

WITNESSES (two required)

BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.

Jenna Bauden  
Print Name: Jenna Bauden

By: Edith Beach  
Print Name: Edith Beach  
Its: President

B. A. Conner  
Print Name: Beth A Conner

Address: 4058 Marlberry Lane  
Melbourne, FL 32901

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of June, 2024, as Edith Beach, of BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC., who is personally known to me or who has produced \_\_\_\_\_ as identification and who did not take an oath.

Notary Public:

Rebecca A. Ruiz  
Name: REBECCA A. RUIZ  
My Commission Expires: \_\_\_\_\_



Rebecca A. Ruiz  
Comm #HH054512  
Expires: Oct. 18, 2024  
Bonded Thru Aaron Notary