

Prepared by and Return To:

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Casselberry, Florida 32707
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**CERTIFICATE OF SECOND AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OF TOPAZ OCEANFRONT, A CONDOMINIUM**

This Certificate of Second Amendment to the Declaration of Condominium of Topaz Oceanfront, A Condominium ("Second Amendment") is made this 9th day of June, 2021 by TOPAZ OCEANFRONT CONDOMINIUM ASSOCIATION, INC. ("Association"), a Florida not for profit corporation.

WITNESSETH

WHEREAS, the Declaration of Condominium of Topaz Oceanfront, A Condominium ("Original Declaration") was recorded at Book 4534, Page 3016, in the Public Records of Brevard County, Florida, as amended by the Amendment to Declaration of Condominium of Topaz Oceanfront, A Condominium ("First Amendment") recorded at Book 4593, Page 0685, in the Public Records of Brevard County, Florida. The above listed documents are herein collectively referred to as the "Declaration";

WHEREAS, pursuant to Section 6.4 of the Declaration, "no amendment shall change the configuration or size of any Unit in any material fashion, materially alter or modify the appurtenances to any Unit, or change the fractional interest by which the Owner of a Unit shares the Common Expenses and owns the Common Elements and Common Surplus, unless a majority of the total voting interest of the affected Unit(s), and all record owners of mortgages or other liens thereon, shall join in the execution of the amendment.";

WHEREAS, the membership wishes to change the fractional percentage of the members common expense obligation to be based on unit square footage rather than equally split across all 28 unit owners. Said Second Amendment is attached hereto at Exhibit 1;

WHEREAS, pursuant to Section 6.5, the Association has provided all current mortgage holders known to the Association with a Joinder and Consent pursuant to Section 24.3 of the Declaration and Section 718.110(11), *Florida Statutes*.

WHEREAS, all known mortgage holders were notified by letter dated February 17, 2021, pursuant to the requirements of Section 718.110(11)(c), *Florida Statutes*, and have not responded to the request for Joinder and Consent to the proposed amendment. Said mortgagor notice letters are available for inspection as part of the Association's official records, and;

WHEREAS, the Association noticed and held a membership meeting on May 25, 2021, at which meeting a majority of the affected property owners approved of this Second Amendment

attached hereto at Exhibit 1.

NOW, THEREFORE, the Association hereby amends the Declaration heretofore filed as follows:

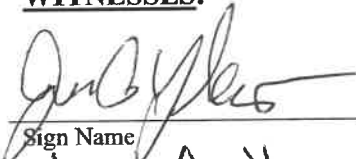
1. The foregoing recitals are true and correct and are incorporated into and form a part of this Second Amendment.

2. In the event there is conflict between this Second Amendment and any provision of the Declaration this Second Amendment shall control.

3. The Declaration and this Second Amendment and the exhibits attached hereto shall be read as one document wherever possible.

4. The Association's Declaration is hereby amended as indicated on Exhibit 1, attached hereto. All provisions that are not specifically amended herein remain in full force and effect. New amendments are indicated by **strikethrough** for removed language and **underline** for new language.

WITNESSES:



Sign Name

Jon A. YENCHO

Print Name



Sign Name

Russell P. Kimler

Print Name



Sign Name

Donald J. Constantino

Print Name

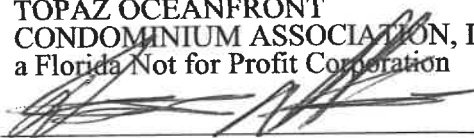


Sign Name

Brandon Parrish

Print Name

TOPAZ OCEANFRONT
CONDOMINIUM ASSOCIATION, INC.,
a Florida Not for Profit Corporation

By: 

Sign Name

Dominic Derusso

Print Name

Its: **President**

By: 

Sign Name

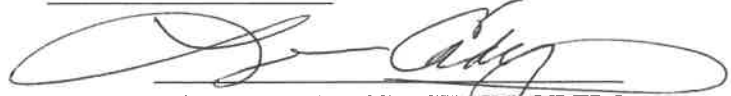
Gary Smith

Print Name

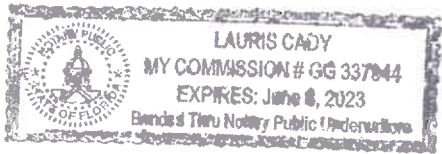
Its: **Secretary**

STATE OF FLORIDA)
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 9th day of June, 2021, by, DOMINIC DERUSSO as President of Association, who is personally known to me or, X produced FL DL as identification.



NOTARY PUBLIC - STATE OF FLORIDA
Lauris Cady
Print Name of Notary



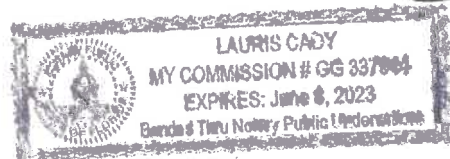
My Commission Expires: June 8 2023
Serial/Commission No.: GG 337044

STATE OF FLORIDA)
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 9th day of June, 2021, by, GARY SMITH as Secretary of Association, who is personally known to me or, X produced FL DL as identification.



NOTARY PUBLIC - STATE OF FLORIDA
Lauris Cady
Print Name of Notary



My Commission Expires: June 8 2023
Serial/Commission No.: GG 337044

EXHIBIT 1

Pursuant to Section 6.4 of the Declaration, the Association hereby amends the below specified provisions of the Declaration as follows:

• **Section 5.1 of the Declaration is hereby amended as follows:**

5.1 Percentage Ownership and Shares. The undivided percentage interest in the Common Elements and Common Surplus, and the fractional share of the Common Expenses, appurtenant to each Unit ~~is one twenty-eighth (1/28)~~, **is based upon the total square footage of each Unit in uniform relationship to the total square footage of each other Unit. The total approximate square footage of all units, including balconies, is approximately 69,162 square feet. Specifically, the percentage interest and common expense obligation for each Unit is identified as follows:**

UNIT	APPROX. SQ.FT.	PERCENT INTEREST
201	1,996 sqft, including balconies	2.89%
202	2,664 sqft, including balconies	3.85%
203	2,265 sqft, including balconies	3.27%
204	2,265 sqft, including balconies	3.27%
205	2,664 sqft, including balconies	3.85%
206	1,996 sqft, including balconies	2.89%
301	1,996 sqft, including balconies	2.89%
302	2,664 sqft, including balconies	3.85%
303	2,265 sqft, including balconies	3.27%
304	2,265 sqft, including balconies	3.27%
305	2,664 sqft, including balconies	3.85%
306	1,996 sqft, including balconies	2.89%
401	1,996 sqft, including balconies	2.89%
402	2,664 sqft, including balconies	3.85%
403	2,265 sqft, including balconies	3.27%
404	2,265 sqft, including balconies	3.27%
405	2,664 sqft, including balconies	3.85%
406	1,996 sqft, including balconies	2.89%
501	1,996 sqft, including balconies	2.89%
502	2,664 sqft, including balconies	3.85%
503	2,265 sqft, including balconies	3.27%
504	2,265 sqft, including balconies	3.27%
505	2,664 sqft, including balconies	3.85%
506	1,996 sqft, including balconies	2.89%
601	1,996 sqft, including balconies	2.89%
602	4,885 sqft, including balconies	7.06%
604	4,885 sqft, including balconies	7.06%
606	1,996 sqft, including balconies	2.89%
TOTAL:		100%