



SAMOUCE, MURRELL & GAL, P.A.
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September 24, 2009

Derek Beebe, Manager
Monterrey Condominium Association, Inc.
980 Cape Marco Drive
Marco Island, FL 34145

**RE: Amendment to the Amended and Restated Declaration of Condominium for
Monterrey, a Condominium**

Dear Derek:

Pursuant to the approval by the membership of Monterrey Condominium Association, Inc. on September 3, 2009, enclosed please find the original Amendment to the Amended and Restated Declaration of Condominium for Monterrey, a Condominium, recorded September 15, 2009, at O.R. Book 4491, Pages 1897 *et seq* in the public records of Collier County. The original documents should be kept with the other official records of the Association. The Association may wish to distribute a copy to the membership.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Kind regards,
SAMOUCE, MURRELL & GAL, P.A.

A handwritten signature in black ink, appearing to read 'Robert C. Samouce', written over a horizontal line.

Robert C. Samouce
For the Firm

RCS/tm

Enclosures

CERTIFICATE OF AMENDMENT

INSTR 4341410 OR 4491 PG 1897
RECORDED 9/15/2009 8:46 AM PAGES 2
DWIGHT E. BROCK
COLLIER COUNTY CLERK OF THE CIRCUIT COURT
REC \$18.50

THE UNDERSIGNED, being the duly and acting President of Monterrey Condominium Association, Inc., a Florida corporation not for profit, hereby certifies that at a meeting of the members held on September 3, 2009, where a quorum was present, after due notice, the resolution set forth below was duly approved by the vote indicated for the purpose of amending the Declaration of Condominium for Monterrey, a Condominium, as originally recorded in O.R. Book 2136 at Pages 0352 *et seq.*, of the Public Records of Collier County, Florida, as previously amended.

The following resolution was approved by at least two-thirds (2/3rds) of the voting interests who were present and voting.

(for use by Clerk of Court)

RESOLVED: That the Amended and Restated Declaration of Condominium for Monterrey, a Condominium, is hereby amended and the amendment is adopted in the form attached hereto, and made a part hereof.

Date: 9-9-09

MONTERREY CONDOMINIUM ASSOCIATION, INC.

(1) *Richard F. Bergmann*
Witness
Print Name: Richard F. BERGMANN

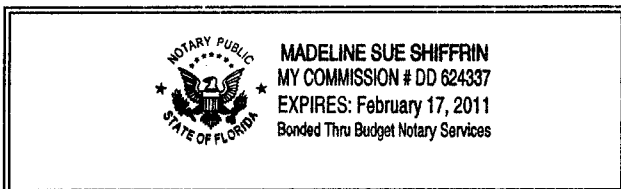
By: *James Brousil*
James Brousil, President
980 Cape Marco Drive
Marco Island, FL 34145

(2) *DeeDee Beebe*
Witness
Print Name: DeeDee Beebe

(CORPORATE SEAL)

**STATE OF FLORIDA
COUNTY OF COLLIER**

The foregoing instrument was acknowledged before me this 9th day of SEPTEMBER, 2009 by James Brousil, as President of the aforementioned Corporation, on behalf of the Corporation. He is personally known to me or has produced _____ as identification.



Madeline Sue Shiffrin
Signature of Notary Public

This instrument prepared by Robert C. Samouce, Esq., Samouce, Murrell & Gal, P.A., 5405 Park Central Court, Naples, FL 34109.

Print, Type, or Stamp Commissioned Name of Notary Public) (Affix Notarial Seal)

**AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM
FOR
MONTERREY, A CONDOMINIUM**

The Amended and Restated Declaration for Monterrey, a Condominium, shall be amended as shown below:

Note: New language is underlined; language being deleted is shown in ~~struck-through~~ type.

Section 8.2 of the Amended and Restated Declaration shall be amended to read as follows:

8.2 Exclusive Use; Transfer of Use Rights. The exclusive right to use a limited common element is an appurtenance to the unit or units to which it is designated or assigned. If, after all of the units have been sold, the exclusive use of any assignable limited common element was not, for any reason, assigned to the use of a specific unit or units by the Developer, the Association may do so. The right of exclusive use of each limited common element passes with the unit to which it is assigned, whether or not separately described, and cannot be separated from it; ~~except that the use rights to particular parking places, other than the first space assigned to each unit by the Developer,~~ may be exchanged between units, or transferred to another unit (as long as such exchange or transfer will leave each unit with at least one (1) assigned parking space), as follows:

- (A) The unit owners desiring to exchange such use rights shall submit a written request to the Board of Directors. If the Board approves the exchange, the owners involved shall then execute a Certificate of Transfer which shall include the recording data identifying this Declaration, and be executed by the Association and the owners with the formalities required for the execution of a deed.
- (B) The transfer of use rights shall be completed and effective when the Certificate is recorded in the Public Records of Collier County, Florida. The costs of preparing and recording the Certificate shall be borne by the unit owners desiring the exchange or transfer.