

This instrument was prepared by
and to be returned to:
SCOTT D. NEWSOM, ESQ.
Becker & Poliakoff, P.A.
111 North Orange Avenue
Suite 1400
Orlando, Florida 32801
(407) 875-0955

Cross-Reference to Declaration of
Condominium and Submission to Provisions
of Restatement of and Fourth Amendment
to Declaration of Covenants and Restrictions
Oceans West Planned Unit Development of
Oceans Atrium One, a Condominium, recorded in
Official Records Book 2980, Page 806 of the
Public Records of Volusia County, Florida

**CERTIFICATE OF AMENDMENT TO THE
DECLARATION OF CONDOMINIUM AND
SUBMISSION TO PROVISIONS OF RESTATEMENT OF
AND FOURTH AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS
OCEANS WEST PLANNED UNIT DEVELOPMENT OF
OCEANS ATRIUM ONE, A CONDOMINIUM**

WHEREAS, that certain Declaration of Condominium and Submission to Provisions of Restatement of and Fourth Amendment to Declaration of Covenants and Restrictions Oceans West Planned Unit Development of Oceans Atrium One, a Condominium was recorded on May 15, 1987 in Official Records Book 2980, Page 806, *et seq.*, Public Records of Volusia County, Florida, and as subsequently amended and/or supplemented from time to time (collectively, the "Declaration"); and

WHEREAS, Section 13 of the Declaration provides the method as to how the Declaration can be amended; and

WHEREAS, Section 13.2 of the Declaration provides that the Declaration may be amended by the approval of not less than a majority of the total number of votes to which the unit owners present and voting at a special meeting of the Oceans Atrium One Condominium Association, Inc. (the "Association") called for that purpose and by the approval of not less than a majority of the Association's Board of Directors at that same special meeting; and

WHEREAS, at a duly called and noticed meeting of the membership of Oceans Atrium One Condominium Association, Inc., a Florida not for profit corporation, held on September 16, 2013, more than a majority of the total number of eligible votes to which unit owners present and voting were entitled to approved of and/or affirmatively voted in favor of the proposed amendments to the Declaration; and

WHEREAS, more than a majority of the Association's Board of Directors voted to approve and/or affirmatively voted in favor of the proposed amendments to the Declaration; and

WHEREAS, the Declaration was amended and duly adopted in accordance with the provisions of the Declaration by the Association.

NOW, THEREFORE, the undersigned hereby certify that the amendments to the Declaration attached hereto as Exhibit "A" and incorporated herein by this reference in their entirety are true and correct copies of the amendments approved and/or adopted in accordance with the terms, conditions and requirements of the Declaration.

WITNESS my signature hereto this 31st day of October, 2013 at
Daytona Beach Shores, Volusia County, Florida.

WITNESSES:

OCEANS ATRIUM ONE
CONDOMINIUM ASSOCIATION, INC.,
a Florida not for profit corporation

Jane Rowland
Print Name: Jane Rowland

By: Susan M. Lenahan
Print Name: Susan M. Lenahan
Title: President

Wes Sattlerfield Jr
Print Name: Wes Sattlerfield Jr

Jane Rowland
Print Name: Jane Rowland

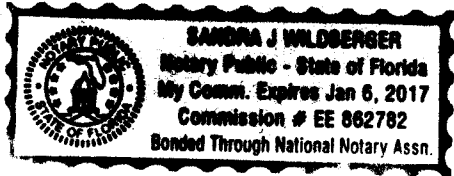
Attest: Deborah M. Kinose
Print Name: DEBORAH M. KINOSE
Title: Secretary

Wes Sattlerfield Jr
Print Name: Wes Sattlerfield Jr

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 31st day of October, 2013, by Susan Lenahan (print name) as the President of **OCEANS ATRIUM ONE CONDOMINIUM ASSOCIATION, INC.**, a Florida not for profit corporation, on behalf of the corporation. He/She is personally known to me, or has produced Florida Drivers License as identification.

NOTARY SEAL:

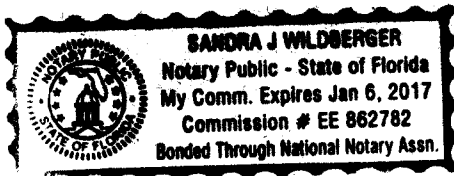


Sandra J Wildberger
Notary Public, State of Florida
Print Name: Sandra J Wildberger
My Commission No.: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 31st day of October, 2013, by Deborah Kinosh (print name) as the Secretary of **OCEANS ATRIUM ONE CONDOMINIUM ASSOCIATION, INC.**, a Florida not for profit corporation, on behalf of the corporation. He/She is personally known to me, or has produced Florida Drivers License as identification.

NOTARY SEAL:



Sandra J Wildberger
Notary Public, State of Florida
Print Name: Sandra J Wildberger
My Commission No.: _____
My Commission Expires: _____

AMENDMENTS
TO
DECLARATION OF CONDOMINIUM AND
SUBMISSION TO PROVISIONS OF RESTATEMENT OF AND
FOURTH AMENDMENT TO DECLARATION OF COVENANTS
AND RESTRICTIONS
OCEANS WEST PLANNED UNIT DEVELOPMENT OF
OCEANS ATRIUM ONE, A CONDOMINIUM

Additions indicated by **bold underlining**.
Deletions indicated by ~~striking through~~.

Amendment: The Declaration of Condominium and Submission to Provisions of Restatement of and Fourth Amendment to Declaration of Covenants and Restrictions Ocean West Planned Unit Development of Oceans Atrium One, a Condominium is hereby amended to enlarge and/or add to the common elements by converting Unit #101, which is currently owned by the Association, from a separate unit to becoming part of the common elements of the condominium.

Amendment: Section 2.4 of the Declaration of Condominium and Submission to Provisions of Restatement of and Fourth Amendment to Declaration of Covenants and Restrictions Ocean West Planned Unit Development of Oceans Atrium One, a Condominium is hereby amended to read as follows:

2.4 Common elements shall include the items stated in The Condominium Act, as it may be amended and/or renumbered from time to time, in addition to the items specified as common elements in this Declaration.

Amendment: Section 3.7 of the Declaration of Condominium and Submission to Provisions of Restatement of and Fourth Amendment to Declaration of Covenants and Restrictions Ocean West Planned Unit Development of Oceans Atrium One, a Condominium is hereby amended to read as follows:

3.7 Common elements. All property included in this condominium which is not within any living unit and which has not been designated as a limited common element shall be deemed common elements. **Notwithstanding anything to the contrary in this Declaration, and pursuant to Section 718.110(6) of the Florida Statutes, the common elements shall include what appears as and/or is identified as Unit 101 on Exhibit "B" of this Declaration.**

(Subsections 3.7(a) and 3.7 (b) remain unchanged)

c. Use; charges. The foregoing and all other common elements other than limited common elements, except as otherwise provided, shall be available for use by all unit owners without discrimination. That use will be without charge unless a charge is specifically authorized by this Declaration, except that the Association when permitted by law and authorized by its regulations may charge for the exclusive use of facilities from time to time if the exclusive use is made available to all unit owners. All revenue from those charges shall be treated as proceeds from assessments for common expenses and shall be applied to the payment of common expenses or added to common surplus. **Notwithstanding anything in this Declaration and to the extent permitted by Florida law, that portion of the common elements identified as Unit 101 on Exhibit "B" of this Declaration shall not be open and/or available for use by unit owners.**

Amendment: Section 7.2 of the Declaration of Condominium and Submission to Provisions of Restatement of and Fourth Amendment to Declaration of Covenants and Restrictions Ocean West Planned Unit Development of Oceans Atrium One, a Condominium is hereby amended to read as follows:

7.2 Voting rights. There shall be a total of ~~78~~ 77 votes to be cast by the owners of the condominium units. Such votes shall be apportioned and cast as follows: The owners of each condominium unit (designated as such on the exhibits to this Declaration **and as this Declaration is amended and/or supplemented from time to time**) shall be entitled to cast one (1) vote. Where a condominium unit is owned by the Association, no vote shall be allowed for such condominium unit. Where a condominium unit is owned by a corporation or by more than one person, the entity or all the owners thereof shall be collectively entitled to the vote assigned to such unit and such owners shall, in writing, filed with the Association, designate an individual who shall be entitled to cast the vote on behalf of the owners of such condominium unit until such authorization shall have been changed in writing. ~~The term "owner" as used herein shall be deemed to include the Developer.~~ **In the event of a conflict between this Section 7.2 and the Association's Articles of Incorporation and/or the Association's By-Laws, this Section 7.2 shall control.**

(The Remainder of the Declaration Remains Unchanged)
