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Palm Beach County, Florida  
Dorothy H Wilken, Clerk of Court

This instrument prepared by:  
Larry Z. Glickman, Esq.  
Sachs, Sax & Klein, P.A.  
Suite 4150, 301 Yamato Road  
Boca Raton, FL 33431

**CERTIFICATE OF AMENDMENT  
to the  
AMENDED AND RESTATED  
DECLARATION OF COVENANTS AND RESTRICTIONS for  
ABERDEEN PLANNED UNIT DEVELOPMENT and  
ABERDEEN PLANNED COMMERCIAL DEVELOPMENT**

THIS CERTIFICATE OF AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS FOR ABERDEEN PLANNED UNIT DEVELOPMENT AND ABERDEEN PLANNED COMMERCIAL DEVELOPMENT is made this 26<sup>th</sup> day of February, 2004, by the President and Vice President of Aberdeen Property Owners Association, Inc., as follows:

**WITNESSETH:**

WHEREAS, that certain Amended and Restated Declaration of Covenants and Restrictions for Aberdeen Planned Unit Development and Aberdeen Planned Commercial Development was recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 11915, at Page 1674 et seq. ("Master Declaration"); and

WHEREAS, Aberdeen Property Owners Association, Inc. is the POA under the Master Declaration; and

WHEREAS, pursuant to paragraph 12.1.3 of the Master Declaration, amendments to the Master Declaration are to be recorded in the Public Records of Palm Beach County, Florida;

NOW, THEREFORE, the President and Vice President of the Master Association hereby certify the following:

1. That pursuant to paragraph 12.1.3 of the Master Declaration, on February 5, 2004, greater than two thirds (b) of the Members present and voting at a duly called meeting of the Board of Directors of the POA, at which a quorum was present throughout,

approved the adoption of those certain amendments to the Master Declaration, attached hereto and made a part hereof as Exhibit "A" ("Amendments").

2 That the adoption of the Amendments appears in the minutes of the Master Association and is unrevoked.

4. That the Amendments run with and bind the Properties as defined in the Master Declaration for the same period and to the same extent as does the Master Declaration.

Witnesses (as to both):		ABERDEEN PROPERTY OWNERS ASSOCIATION, INC.
<u>Desiree Delcon</u> 1 <sup>st</sup> Witness		By: <u>George Shilling</u> Signature
<u>Desiree Delcon</u> Printed Name		<u>GEORGE SHILLING</u> President Printed name
<u>Laura Koinig</u> 2 <sup>nd</sup> Witness		ATTEST:
<u>Laura Koinig</u> Printed Name		<u>Michael P. Fuchs</u> Signature
		<u>Michael P. Fuchs</u> Vice President Printed Name

STATE OF FLORIDA )

) SS:

COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of February, 2004, by George Shilling, as President, and Michael Fuchs, as Vice President of Aberdeen Property Owners Association, Inc., a Florida not-for-profit corporation, on behalf of said Association. They are personally known to me or have produced \_\_\_\_\_ as identification.

Julie Hansen

NOTARY PUBLIC, State of Florida



New language is double underlined; deleted language is ~~struck through~~.

**EXHIBIT "A"**

**AMENDMENT to the  
AMENDED AND RESTATED  
DECLARATION OF COVENANTS AND RESTRICTIONS for  
ABERDEEN PLANNED UNIT DEVELOPMENT and  
ABERDEEN PLANNED COMMERCIAL DEVELOPMENT**

WHEREAS, the Declaration at Article 1 defines Eastern Residential Area and Western Residential Area Members, Owners and Units; and

WHEREAS, the Declaration at Article 3 provides that only those directors representing a specific Area shall be entitled to vote on matters solely affecting that particular Area; and

WHEREAS, the Declaration at Article 6 defines Eastern Residential Area and Western Residential Area Assessments attributable to an Area; and

WHEREAS, the Board of Directors has determined that it would be beneficial to the entire Aberdeen community to clarify the ability of the Eastern Residential Area or Western Residential Area Members to amend the Declaration in a manner affecting only that Area, so long as the Area so amending completely absorbs the expense of implementation and enforcement thereof;

NOW, THEREFORE, in furtherance of this clarification, the Board of Directors has submitted the following Amendment to the Declaration to the Members for approval:

Article 12 General Provisions, Section 12.1 Amendment of the Declaration is hereby amended as follows:

12.1 Amendment. This Declaration may be amended upon the recordation of an appropriate instrument in the Public Records of the Palm Beach County, subject to the following provisions:

12.1.1 Any amendment to this Declaration which would affect the surface Water Management System, including the water management portions of the Common Areas, must have the prior approval of the South Florida Water Management District.

12.1.2 Any duly adopted amendments to this Declaration shall run with and bind the Properties for the same period and to the same extent as do the covenants and restrictions set forth herein.

New language is double underlined; deleted language is ~~struck through~~.

12.1.3 An amendment to this Declaration requires the approval of two-thirds (b) of the Members present and voting at a duly called meeting of the Board of Directors of the POA at which a quorum exists. An amendment shall take effect upon its recording in the Public Records of Palm Beach County, Florida.

12.1.4 As an alternative to the amendment procedure in paragraph 12.1.3 above, an amendment may be made affecting only the Eastern Residential Area or the Western Residential Area ("Area Amendment"), under the procedures set forth in this paragraph 12.1.4, subparagraphs (a) through (d).

(a) Any director may submit a proposed Area Amendment to the entire Board of Directors for procedural approval under paragraph 3.4 of this Declaration; the director so submitting must be from the Area which is the subject of the proposed Area Amendment. If the submission is not seconded by another director from the same Area as the director making the original submission, and, further, if the entire Board does not approve the submission by majority vote, the Area Amendment may not proceed. For purposes of an Area Amendment, the Club shall be deemed to be included in the Western Residential Area.

(b) An Area Amendment must expressly provide that the cost and expense, including legal expense, of: (i) preparation, (ii) adoption, (iii) enforcement, and (iv) defense of the Area Amendment shall be borne as an Area Assessment under Section 6.4 solely by the Area so affected; and, further, that the Area so affected shall indemnify all Members and Owners not in said Area, including Commercial Owners, from all such cost, expense and any damages.

(c) In order to be adopted, an Area Amendment to this Declaration requires the approval of a majority of the total number of votes entitled to be cast by the directors representing the Area so affected (including the Club, if the proposed Area Amendment affects the Western Residential Area), which votes shall be cast at a meeting of the Board, subject to the following:

(i) Each director appointed by the homeowners association or condominium association ("sub-Association") in the Area so affected shall cast all of the votes which he or she is entitled to cast either for or against the Area Amendment as instructed by his or her sub-Association. The procedure for instructing the directors shall be as provided in sub-subparagraph (ii) below.

New language is double underlined; deleted language is ~~struck through~~.

(ii) Instruction by the sub-Association to the director representing the sub-Association shall be given by the members of the sub-Association by means of a vote to be conducted by the POA throughout the Area so affected and tabulated on a sub-Association basis. The level of approval required to instruct each director representing each sub-Association to vote in the affirmative shall be by a majority of the total number of votes entitled to be cast by the members of each sub-Association.

(d) An Area Amendment shall take effect upon the later of: (i) an Effective Date set forth in the Area Amendment; or (ii) the date of its recording in the Public Records of Palm Beach County, Florida.

12.1.5 In the event an Area Amendment is adopted in accordance with Section 12.1.4 above, the same or a substantially similar amendment cannot be adopted as a non-Area Amendment or as an Area Amendment affecting the Residential Area that was originally unaffected by such Area Amendment without a majority vote of the members of the sub-associations in the non-affected Residential Area approving such amendment. This Section 12.1.5 may not be amended or repealed unless such amendment or repeal is approved by a majority vote of the members of the sub-associations from both the Eastern and Western Residential Areas.