

Record and return to:
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Palm Beach County, Florida
Joseph Abruzzo, Clerk
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CERTIFICATE OF AMENDMENT TO THE DECLARATION OF COVENANTS AND CONDITIONS, ARTICLES OF INCORPORATION AND THE BY-LAWS OF INDIAN CREEK PHASE IV B HOMEOWNERS ASSOCIATION, INC.

WHEREAS, the Declaration of Covenants and Conditions for Indian Creek Phase IV B Homeowners Association, Inc. was recorded in Official Records Book 4367, Page 257, of the Public Records of Palm Beach County, Florida, and subsequently amended (hereinafter collectively referred to as the "Declaration"); and

WHEREAS, the Articles of Incorporation for Indian Creek Phase IV B Homeowners Association, Inc. were recorded in Official Records Book 4367, Page 240, of the Public Records of Palm Beach County, Florida, and subsequently amended (hereinafter collectively referred to as the "Articles"); and

WHEREAS, the By-Laws of Indian Creek Phase IV B Homeowners Association, Inc. were recorded in Official Records Book 4367, Page 269, of the Public Records of Palm Beach County, Florida, and subsequently amended (hereinafter collectively referred to as the "By-Laws"); and

WHEREAS, the Declaration, Articles and By-Laws provide for amendments to the Declaration, Articles and By-Laws, as set forth herein.

NOW THEREFORE, the Declaration, Articles and By-Laws are hereby amended as follows:

Amendments to Declaration

1. Article V, Section 3(a) ("Maximum Annual Assessment") of the Declaration of Covenants and Conditions is hereby amended to read in its entirety as follows:

(insertions are underlined, and deletions of prior language are ~~stricken-through~~)

"(a) From and after January 1st of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year no more than five (5%) percent above the maximum assessment for the previous year without approval by written consent or by a vote at a members' meeting, of two-thirds (2/3) of each class at least a Majority of Members who are voting in person or by proxy, at a meeting duly called for this purpose cast a vote, as long as at least 30% of the Owners cast a vote."

2. Article V, Sections 5 and 6 (“Special Assessments”) of the Declaration of Covenants and Conditions is hereby amended to read in its entirety as follows:
(insertions are underlined, and deletions of prior language are ~~stricken through~~)

“Section 5. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Phase IV B Association may levy, in any assessment year, a special assessment applicable to that year only for, including without limitation, the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Phase or Community Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of ~~two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose~~ approval by written consent or by a vote at a members’ meeting, of a Majority of Members who cast a vote, as long as at least 30% of the Owners cast a vote.

Section 6. Notice and Quorum for Any Action Authorized Under Section 5. Written notice of any meeting called for the purpose of taking any action authorized under Section 5 above shall be sent to all members not less than thirty (30) days not more than sixty (60) days in advance of the meeting. ~~At the first such meeting called, the presence of members or of proxies entitled to cast sixty (60%) percent of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.”~~

3. Article VI, Section 8 (“Term and Amendment”) of the Declaration of Covenants and Conditions is hereby amended to read in its entirety as follows:
(insertions are underlined, and deletions of prior language are ~~stricken through~~)

“Section 8. Term and Amendment. The Covenants and Conditions of this Declaration shall run with and bind the Properties for a term of twenty (20) years from the date this Declaration is recorded, after which time same shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended ~~during the first twenty (20) year period by an instrument signed by not less than fifty-one (51%) percent of the Owners with the approval by written consent or by a vote at a members’ meeting, of a Majority of Members who cast a vote, as long as at least 30% of the Owners cast a vote.~~ Any amendment which would affect the surface water management system, including the water management portions of the Common Area, shall require the prior written approval of the South Florida Water Management District. All amendments shall be certified and recorded among the Public Records of Palm Beach County, Florida.”

Amendments to Articles of Incorporation

4. Article XII (“Amendment”) of the Articles of Incorporation is hereby amended to read in its entirety as follows:
(insertions are underlined, and deletions of prior language are ~~stricken through~~)

~~“These Articles of Incorporation may be altered, amended, changed, added to or repealed, at any duly called meeting of the Members provided: (1) Notice of the meeting shall contain a statement of the proposed amendment; (2) The amendment shall be approved by the affirmative vote of the members of the Corporation casting not less than seventy-five (75%) percent of the total vote of the Members of the Corporation; with the approval by written consent~~

or by a vote at a members' meeting, of a Majority of Members who cast a vote, as long as at least 30% of the Owners cast a vote; and (3) Said amendment shall be certified and recorded among the Public Records of Palm Beach County, Florida. Provided, however, that no amendment to these Articles of Incorporation shall adversely affect or have the potential of adversely affecting the marketability or construction of improvements in Indian Creek Phase IV B, Jupiter, Palm Beach County, Florida."

Amendments to By-Laws

5. The following paragraph in Article X of the By-Laws is hereby amended to read in its entirety as follows, with all other paragraphs in said Article to remain the same:

(insertions are underlined, and deletions of prior language are ~~stricken through~~)

"The Board of Directors shall mail copies of the proposed annual budget of assessments to the Voting Members annually, ~~so long as the initial Board remains in office or the Declarant is in control of the Board of Directors,~~ by written consent or by a vote at a members' meeting, of a Majority of Members who cast a vote, as long as at least 30% of the Owners cast a vote. ~~‡The Board shall not impose an assessment for any year greater than five (5%) percent above the prior fiscal year or calendar year's assessment without approval of two-thirds (2/3) of each class of Members qualified to vote in person or by proxy at a meeting duly called for this purpose~~

6. Article XIII ("Amendment of By-Laws") of the By-Laws is hereby amended to read in its entirety as follows:

(insertions are underlined, and deletions of prior language are ~~stricken through~~)

"These Bylaws may be amended, modified or rescinded ~~in accordance with Article X of the Articles of Incorporation~~ by written consent or by a vote at a members' meeting, of a Majority of Members who cast a vote, as long as at least 30% of the Owners cast a vote."

Except as otherwise expressly set forth herein, the terms and conditions of the Declaration, Articles and By-Laws, as previously amended, are hereby reaffirmed.

It is hereby certified that the foregoing amendments to the Declaration were approved by the written consent of the owners pursuant to 617.0701(4), *Florida Statutes*, of at least two-thirds (2/3) of the total Owners pursuant to Article VI, Section 8 of the Declaration and Florida Statute 720.306(1)(b), and that the foregoing amendments to the Articles of Incorporation and By-Laws were approved by not less than fifty-one percent (51%) of the total Members of the Association, pursuant to Article XII of the Articles of Incorporation and Article XIII of the By-Laws.

IN WITNESS WHEREOF, the undersigned President and Secretary have executed this Certificate of Amendment this 11th day of July, 2022.

INDIAN CREEK PHASE IV B HOMEOWNERS ASSOCIATION, INC.,
a Florida not-for-profit corporation

Witnesses:

[Signature]
(signature)
Melissa Vaughn
(printed name)

[Signature]
(signature)
Maria C. Forjan
(printed name)

[Signature]
(signature)
Melissa Vaughn
(printed name)

[Signature]
(signature)
Maria C. Forjan
(printed name)

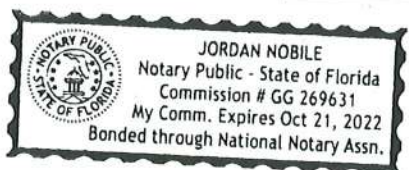
By: [Signature]
EDWARD YONKERS, President

Attest: [Signature]
CATHY YONKERS, Secretary

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11th day of July, 2022, by Edward Yonkers, as President, and Cathy Yonkers, as Secretary, respectively, of INDIAN CREEK PHASE IV B HOMEOWNERS ASSOCIATION, INC., who are personally known to me or have produced _____ as identification and who did take an oath.

Physical Presence: x
OR
Online Notarization: _____



(Notary Seal)

[Signature]

Notary Public
State of Florida
My Commission Expires: 10/21/2022