

Prepared by and return to:
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Goede, DeBoest & Cross, PLLC
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**CERTIFICATE OF AMENDMENT TO THE
AMENDED AND RESTATED
DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
FOR
THE SHORES AT BERKSHIRE LAKES
AND THE
AMENDED AND RESTATED BYLAWS OF
THE SHORES AT BERKSHIRE LAKES MASTER HOMEOWNER'S ASSOCIATION, INC.**

I HEREBY CERTIFY that the following amendments to the Amended and Restated Declaration of Restrictions and Protective Covenants and the Amended and Restated Bylaws of The Shores at Berkshire Lakes Master Homeowner's Association, Inc., were duly adopted by the Association membership at the duly noticed Meeting of the Members of the Association on the 10th day of September 2024. Said amendments were approved by a proper percentage of voting interests of the Association.

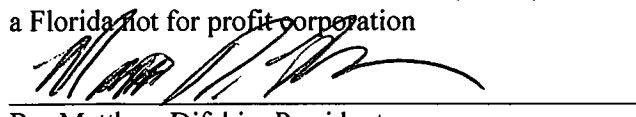
The original Declaration of Restrictions and Protective Covenants and Bylaws for The Shores at Berkshire Lakes Master Homeowner's Association, Inc. were recorded at Official Records Book 2463, Page 0858, *et seq.*, of the Public Records of Collier County, Florida. The Amended and Restated Declaration of Restrictions and Protective Covenants and Bylaws for The Shores at Berkshire Lakes Master Homeowner's Association, Inc. were recorded at Official Records Book 5646, Page 2905, *et seq.*, of the Public Records of Collier County, Florida.

WITNESSES

THE SHORES AT BERKSHIRE LAKES MASTER HOMEOWNER'S ASSOCIATION, INC.,
a Florida not for profit corporation



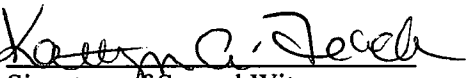
Signature of First Witness




By: Matthew Difabio, President



(Printed Name of First Witness)



Signature of Second Witness

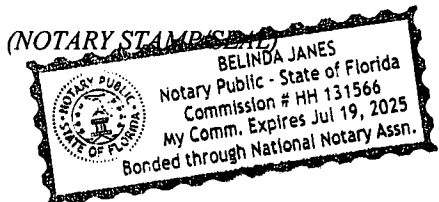


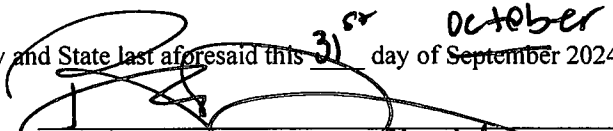
(Printed Name of Second Witness)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged [or if an affidavit "sworn to and subscribed"] before me, by means of physical presence or online notarization, this 31 day of ~~September~~ ^{October}, 2024, by Matthew Difabio, as President of the Shores at Berkshire Lakes Master Homeowner's Association, Inc., who is personally known to me, or [] has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 31st day of ~~September~~ ^{October} 2024.





Notary Public for the State of Florida
Print Name: Belinda Janes
My Commission Expires: 7/19/2025

PROPOSED AMENDMENTS
TO THE
AMENDED AND RESTATED
DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
FOR
THE SHORES AT BERKSHIRE LAKES
AND THE
AMENDED AND RESTATED BYLAWS OF
THE SHORES AT BERKSHIRE LAKES MASTER HOMEOWNER'S ASSOCIATION, INC.

Section 4 of the Declaration is amended to read as follows. NOTE: The following is a substantial rewording of Section 4 of the Declaration. For present text, see the existing Declaration and amendments thereto.

4. **ARCHITECTURAL CONTROL.**

4.1 The Architectural Control Committee. The architectural review and control functions of the Master Association shall be administered and performed by the Master Board of Directors. The Master Board of Directors may appoint an Architectural Control Committee ("ACC") to make recommendations to and otherwise assist the Master Board of Directors with this function. The ACC shall consist of at least three (3) but not more than five (5) persons, who shall be Members of the Master Association. All members of the ACC shall be appointed by and shall serve at the pleasure of the Master Board of Directors. The Master Board of Directors has the authority to overrule, void, or otherwise modify in all respects any recommendations made by the ACC.

The members of the ACC shall receive no compensation for services other than reimbursement for actual expenses approved in advance by the Master Board of Directors incurred by them in the performance of their duties hereunder. The ACC shall, with the prior approval of the Master Board of Directors, have the power to engage the services of professionals for compensation for purposes of aiding the ACC in carrying out its functions.

4.2 Powers and Duties of the ACC. The ACC shall have the following powers and duties:

(A) To recommend, from time to time, to the Master Board of Directors the creation or modification and/or amendments to the architectural control criteria ("Architectural Guidelines"), performance criteria, and application and review procedures. Any Architectural Guidelines or modifications or amendments to it shall be consistent with the provisions of this Declaration and shall not be effective until adopted by the Master Board of Directors at a meeting duly called and noticed and at which a quorum is present. The Master Association shall make the Architectural Guidelines available to Owners as set forth in Section 720.303 of the Act.

(B) To require submission of at least one complete set of all plans and specifications for any proposed Improvement, the construction, installation, or modification of which is proposed upon any Parcel or the Preserve, as applicable, together with a copy of any required governmental

permits, and an application fee in the amount published in the Architectural Guidelines or adopted by the Master Board of Directors. The ACC may also require the submission of samples (e.g., building materials and colors proposed for use on any Parcel) and may require such additional information as reasonably necessary for the ACC to evaluate the proposed Improvement per this Declaration and the Architectural Guidelines. Upon request by the ACC, the proposed contractor(s) shall supply a copy of all required business licenses and evidence of insurance with such coverage and amounts as the ACC may reasonably require.

4.3 Improvements Requiring Approval; Review of Proposed Construction. No "Improvement" (which shall include without limitation any improvement such as a building, fence, wall, sign, site paving, grading, driveway, pool, parking and building addition, alteration, exterior painting, exterior lighting, gas tank installation, generator installation, screen enclosure, sewer, drain, disposal system, decorative building, landscaping, landscape device or object) on a single family Parcel or Villa Parcel, and no alteration to the exterior color, roof, and building materials of the Preserve buildings, shall take place until the requirements below have been fully met.

4.4 Procedure. The Master Board of Directors shall have forty-five (45) days after delivery by the Owner of all required information, plans, and materials to approve or deny an application. If no decision is made within such period, said plans shall be deemed approved unless, within the same period, the Master Board of Directors denies the plan, in which case, regardless of any action or inaction by the Master Board, the plan shall be deemed denied. All changes, alterations, or modifications to an approved plan must also be approved according to these same requirements.

4.5 Meetings of the Architectural Control Committee. The ACC shall meet from time to time as necessary to perform its duties hereunder. A majority of the ACC shall constitute a quorum to transact business at any meeting of the ACC, and the action of a majority present at a meeting at which a quorum is present shall constitute the action of the ACC. Given the advisory role of the ACC, meetings of the ACC are not subject to the notice requirements of the Act or Section 4.15 of the Bylaws.

4.6 Variances. The ACC may recommend, and the Master Board of Directors may approve, variances from compliance with any of the Architectural Guidelines or this Declaration, as they may be amended from time to time when circumstances such as topography, natural obstructions, hardship, aesthetics, or environmental require. If such variances are recommended and approved by the Master Board of Directors, no violation of the covenants, conditions, and restrictions contained in this Declaration shall be deemed to have occurred with respect to the matters for which the variances were granted. The granting of such a variance shall not, however, operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provisions hereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting his or her use of the Lot, including, but not limited to, zoning ordinances and setback lines or requirements imposed by any governmental or municipal authority.

4.7 No Waiver. The recommendation to approve or deny an Improvement by the ACC, or any plans and specifications or drawings for any work performed or proposed shall not be deemed to constitute a waiver of any right to withhold recommendation to any identical or similar proposal subsequently or additionally submitted for consideration, whether such submission is by that applicant or another applicant. Similarly, a recommendation to deny an Improvement by the ACC of any plans, specifications, or drawings for any work performed or proposed shall not be deemed to constitute a waiver of any right to any identical or similar proposal subsequently or additionally submitted for consideration, whether such submission is by that applicant or another applicant.

4.8 No liability. No review or approval by the ACC or the Master Board of Directors shall imply or be deemed to constitute an opinion by the ACC or the Master Board, nor impose upon the ACC, the Master Association, the Master Board of Directors, or the Master Association's Officers and agents, or any other party, any liability for the design, installation or construction of Improvements, including, but not limited to, structural integrity, design, quality of materials, and compliance with building code or life and safety requirements. Approval hereunder does not constitute governmental approval. It is the sole responsibility of the Owner to obtain the necessary permits and meet all governmental requirements, including applicable building and design codes. The scope of review and approval by the ACC and the Master Board of Directors is limited solely to whether the Improvements comply with the Architectural Guidelines.

Section 4.15 of the Bylaws is amended to read as follows:

Additions are underlined.

Deletions are ~~stricken through~~.

4.15 Committees.

The Board of Directors may appoint from time to time such standing or temporary committees as the Board deem necessary and convenient for the efficient and effective operation of the Association. Any such committee shall have the powers and duties assigned to it in the resolution creating the committee. If required by the Act, as the same may be amended from time to time, committee meetings shall be open to attendance by any Member, and notice of committee meetings shall be posted in the same manner as required in Section 4.8 above for Board meetings, except for such committee meetings between the committee and its attorney with respect to: proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege; personnel matters; or other meetings permitted to be closed under the Act. As of the effective date of these Bylaws, Section 4.8 also applies to the meetings of any committee or other similar body, when a final decision will be made regarding the expenditure of Association funds, and to ~~the Architectural Review Committee, if one has been established pursuant to the Declaration~~ meetings of any body vested with the power to approve or disapprove architectural decisions, in accordance with the requirements of the Act.