

Prepared by and return to:
S. Kyla Thomson, Esq.
Goede, DeBoest & Cross, PLLC
6609 Willow Park Drive, Second Floor
Naples, Florida 34109
(239) 331-5100

**CERTIFICATE OF AMENDMENT
TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTION FOR NAPLES RESERVE AND
THE AMENDED AND RESTATED BYLAWS OF NAPLES RESERVE HOMEOWNERS
ASSOCIATION, INC.**

I HEREBY CERTIFY that the following amendments to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Naples Reserve and the Amended and Restated Bylaws of Naples Reserve Homeowners Association, Inc., were duly adopted by the Association membership at the duly noticed Special Meeting of the Members, at which quorum was present, held on the 20th day of April 2023.

The original Declaration of Covenants, Restrictions, Conditions and Bylaws for Naples Reserve was recorded at Official Records Book 4953, Page 3586, *et seq.*, of the Public Records of Collier County, Florida. The Amended and Restated Declaration of Covenants, Restrictions, Conditions and Easements and the Bylaws for Naples Reserve was recorded at Official Records Book 5155, Page 661, *et seq.*, of the Public Records of Collier County, Florida.

WITNESSES

**NAPLES RESERVE HOMEOWNERS
ASSOCIATION, INC.,**
a Florida not for profit corporation

Indiana Davila
Signature of First Witness

Heidi Devlin
By: Heidi Devlin, President

Indiana Davila
(Printed Name of First Witness)

[Signature]
Signature of Second Witness

Thomas J. Hernandez
(Printed Name of Second Witness)

[Notary acknowledgement on following page.]

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 24th day of April, 2023, by Heidi Devlin, as President of Naples Reserve Homeowners 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 24th day of February 2023.

(NOTARY STAMP/SEAL)



Julie Concannon
Notary Public for the State of Florida
Print Name: Julie Concannon
My Commission Expires: 8/9/2025

NOTARY
CERTIFIED COPY

Naples Reserve Homeowners Association, Inc.

Proposed Amendments

Additions are underlined.

Deletions are ~~stricken through~~.

1. Article XVII, Section 4 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions shall be amended as follows:

Article XVII
GENERAL PROVISIONS

4. Litigation. No judicial or administrative proceeding shall be commenced or prosecuted by the Association unless approved by a vote of a majority seventy five percent (75%) of the votes eligible to be cast by Members by voting in person, by proxy or electronically at a Members Meeting where a quorum has been obtained, ~~in the Association~~. This Section shall not apply, however, to: (i) actions brought by the Association to enforce the provisions of this Declaration; (ii) the imposition and collection of Assessments as provided in the "Assessments" Article hereof; (iii) proceedings involving challenges to ad valorem taxation; or (iv) counterclaims brought by the Association in proceedings instituted against it. ~~In the event any claim is made against Declarant by the Association or any litigation is instituted against Declarant or any of its affiliates by the Association, then the Association shall assess all Members (other than the Declarant) for the costs of claim or litigation, including without limitation attorneys' fees incurred, and funds from Common Assessments shall not be used for any such claim or litigation. In any judicial or administrative proceeding, the prevailing party shall be entitled to receive reasonable attorneys' fees costs.~~

2. Article XI, Section 5 of the Amended and Restated Bylaws shall be amended as follows:

5. Budget

The Board of Directors ~~shall~~ must adopt a budget for each fiscal year that ~~shall~~ must include sufficient funds required to defray the expenses of the Association for the fiscal year and to provide and maintain funds for the accounts established by the Board of Directors (including a capital replacement reserve), in accordance with ~~good accounting practices~~ generally accepted accounting principles (GAAP) as set forth in Article XI, Section 7, below.

Any material alteration expenditure proposed by the Board of more than \$200,000 requires the approval of sixty-seven percent (67%) of the votes cast by Members by voting in person, by proxy, or electronically at a Members Meeting where a quorum has been obtained. Any such expenditure must first be drawn from available funds in the Working Capital Account before consideration of a Special Assessment.