

This instrument prepared by:
Christopher J. Shields, Esq.
PAVESE LAW FIRM
1833 Hendry Street
Fort Myers, Florida 33901

**CERTIFICATE OF AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF
SANIBEL MOORINGS CONDOMINIUM ASSOCIATION, INC.**

THE UNDERSIGNED, being duly elected and acting President and Secretary, respectively, of the SANIBEL MOORINGS CONDOMINIUM ASSOCIATION, INC., a non-profit Florida corporation, do hereby certify that the resolutions set forth below were approved, evidenced by a written statement or ballot manifesting their intention that such amendments be adopted. The resolutions were approved and adopted by the votes indicated for the purposes of amending the Amended and Restated Declaration of Condominium of Sanibel Moorings Condominium Association, Inc., a Condominium, as originally recorded in Official Records Book 772, Page 452, *et seq.* and as later amended and restated in Official Records Book 4438, Page 2119, *et seq.* in the Public Records of Lee County, Florida.

1. The following resolution was approved by at least sixty-seven percent (67%) of the voting interests of the Association present in person or by proxy at a duly noticed Annual Meeting:

RESOLVED: That Section 14.7 of the Amended and Restated Declaration for Sanibel Moorings entitled "Smoking" is hereby amended as shown on Exhibit "A", and made a part hereof.

RESOLVED: That the officers and directors are hereby instructed and authorized to execute the aforementioned documents and cause them to be filed of Public Record, together with a Certificate of Amendment.

Dated this 20 day of November, 2016.

**SANIBEL MOORINGS
CONDOMINIUM ASSOCIATION, INC.**

James E. Fox
Signature
Jari A. Cordisco
Printed Name of Witness

By: James E. Fox
Print Name: James E. Fox
Title: Sanibel Moorings, President

Signature

Printed Name of Witness

Attest: _____
Print Name: _____
Title: _____, Secretary

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 20 day of November, 2016, by James E. Fox, President of the Sanibel Moorings Condominium Association, Inc., a non-profit Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced personally known as identification and did not take an oath.



GRACE A. MAZZARELLA
MY COMMISSION # FF 996758
EXPIRES: May 26, 2020
Bonded thru Budget Notary Services

Grace Mazzarella
Notary Public Signature
My Commission Expires: MAY 26, 2020

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____, Secretary of the Sanibel Moorings Condominium Association, Inc., a non-profit Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification and did not take an oath.

Notary Public Signature
My Commission Expires: _____

Dated this 23 day of November, 2016.

**SANIBEL MOORINGS
CONDOMINIUM ASSOCIATION, INC.**

Signature _____

Printed Name of Witness _____

Kathryn J. Hallberg
Signature

KATHRYN J. HALLBERG

Printed Name of Witness _____

By: _____

Print Name: _____

Title: _____, President

Attest: _____

Print Name: William C. Hallberg

Title: Sanibel Moorings, Secretary

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, President of the Sanibel Moorings Condominium Association, Inc., a non-profit Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification and did not take an oath.

Notary Public Signature
My Commission Expires: _____

Minnesota
STATE OF ~~FLORIDA~~)
COUNTY OF ~~LEE~~)

Dakota
The foregoing instrument was acknowledged before me this 23 day of November, 2016, by William C. Hallberg, Secretary of the Sanibel Moorings Condominium Association, Inc., a non-profit Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced MNDL, as identification and did not take an oath.



Elizabeth Olson

Notary Public Signature
My Commission Expires: January 31, 2020

**AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF
CONDOMINIUM OF SANIBEL MOORINGS CONDOMINIUM ASSOCIATION, INC.**

The Amended and Restated Declaration of Condominium of Sanibel Moorings Condominium ("Declaration") shall be amended as follows (otherwise, all other provisions shall remain the same):

Language to be added is underlined. Language to be deleted is ~~struck through~~.

14. USE RESTRICTIONS. Use of the property submitted to condominium ownership shall be in accordance with the following use restrictions and reservations:

Section 14.1 through Section 14.6 shall remain unchanged.

14.7 **Smoking.** Smoking is prohibited on or within all areas of the Condominium property, whether located outside or inside, including, but not limited to, all Units, any Common Elements, or Limited Common Element areas, including, but not limited to, lanais, screened porches, balconies, decks, walkways, building entrances, the grounds, and Condominium facilities such as recreational facilities including the pool area, grill area and any other common elements. Smoking is defined as carrying, burning or otherwise using, handling or controlling any lighted, smoldering or electronic smoking device or product containing tobacco, herbs, liquid or any other substance for the purpose of inhalation, including, but not limited to, cigarettes, cigars, pipes, vaporizing devices or electronic cigarettes. Each owner is responsible for the compliance with this restriction by the owner and all residents within the owner's unit, and for all tenants, occupants, guests, and invitees of such owner including all overnight guests registered with the Association through the Sanibel Moorings Rental Program ("Overnight Guests"). This Section 14.7 shall be effective on the later of January 1, 2017 or the date that this amendment is recorded in the Public Records of Lee County, Florida ("Effective Date"). This Section 14.7 shall not apply to tenants, lessees and Overnight Guests whom have entered into a lease agreement or a bona-fide rental agreement through the Association's Rental Program prior to the Effective Date of this Section 14.7 for the term of the lease agreement or rental agreement. This Section 14.7 shall apply to tenants, lessees and Overnight Guests whose lease agreement or rental agreement is entered into, renewed or extended on or after the Effective Date of this Section 14.7.