

PROPOSED AMENDMENT

AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
GONDOLIER APARTMENT CONDOMINIUMS AT CAPE CORAL

*Original Declaration of Condominium Recorded
in 2956/0050*

Additions indicated by underlining.

Deletions indicated by ~~striking through~~.

**Proposed Amendment No. 1: Article 8.6, Amended and Restated Declaration of
Condominium**

8. **ASSESSMENTS AND LIENS.** The Association has the power to levy and collect assessments against each unit and unit owner in order to provide the necessary funds for proper operation and management of the Condominium and for the operation of the Association, including regular assessments for each unit's share of the common expenses as set forth in the annual budget, and special assessments for unusual, non-recurring or unbudgeted common expenses. The Association may also levy special charges against any individual unit for any amounts other than common expenses which are properly chargeable against such unit under this Declaration or the Bylaws. Assessments can be levied and payment enforced as provided in Section 8 of the Bylaws and as follows:

(Section 8.1 – 8.5 Remain Unchanged)

- 8.6 Application of Payments; Failure to Pay; Interest.** Assessments and installments thereon paid on or before ten (10) days after the due date shall not bear interest, but all sums not paid by the tenth (10th) day shall bear interest at the highest rate allowed by law, currently 18% per year, until paid. Assessments and installments thereon shall become due, and the unit owner shall become liable for the assessments or installments, on the date established by the Bylaws or otherwise set by the Association for payment. ~~The Association may impose a late payment fee, in addition to interest, as allowed by law.~~ In addition to such interest the Association may charge an administrative late fee in an amount not to exceed the greater of \$25.00 or 5% of each installment of the assessment for which payment is late, or the maximum late fee permissible by law. All payments on account shall be applied first to interest, then to late payment fees and attorney's fees and costs, and finally to unpaid assessments as required by law. No payment by check is deemed received until the check has cleared.

(Remainder of Article 8 Remains Unchanged)

**CERTIFICATE OF AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
GONDOLIER APARTMENT CONDOMINIUMS AT CAPE CORAL**

THE UNDERSIGNED, being the duly elected and acting President of Cape Gondo Condominiums, Inc., a Florida corporation not for profit, does hereby certify that the AMENDMENT #1 set forth below was APPROVED at the annual meeting of the corporation on February 15, 2006 at which meeting a quorum was present and twenty eight votes were cast. The votes were Twenty One in favor and Seven opposed.

RESOLVED : That the President is hereby instructed to execute this certificate and cause it to be filed of public record.

Dated this 4th day of APRIL, 2006

Witness [Signature] By [Signature]
CAPE GONDO CONDOMINIUMS, INC.
President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 4 day of APRIL 2006

By ROBERT R. LEMIRE President of Cape Gondo Condominiums, Inc. ,a Florida Corporation, on behalf of the corporation
He is personally known to me or has produced NA- as identification and did not take an oath.

[Signature]
Signature of Notary Public

GERI WILLIAMSON
Print, type or stamp commissioned name of Notary Public

Commission No: DD446496



GERI WILLIAMSON
MY COMMISSION # DD 446496
EXPIRES: October 30, 2009
Bonded Thru Budget Notary Services