Kevin C. Karnes, Lee County Clerk of the Circuit Court & Comptroller
INSTR# 2024000069667, DocType RES, Pages 3, Recorded 3/12/2024 at 12:36 PM, DeputyClerk WMILLER
Rec Fees: $27.00 ERECORD

Instrument prepared by and after recording return to:
Steven M. Falk, Esq., Falk Law Firm, P.A.
7400 Trail Blvd., Suite 103
Naples, FL 34108
(239) 596-8400

(Space above line for recording information)

CERTIFICATE OF AMENDMENT

THE UNDERSIGNED, being the President of Bonita Fairways Community Association, Inc., a Florida corporation not for profit, does hereby certify that at the Special Members' Meeting held on March 6, 2024, at which a quorum was present, after due notice, the Voting Representatives approved the amendment attached hereto as Exhibit "A". The Declaration of Covenants, Conditions and Restrictions for Bonita Fairways was recorded in O.R. Book 2872, Page 2887, Public Records of Lee County, Florida.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and the seal of the corporation.

Witnesses:

Print Name: Montana Annable
8910 Terrene Court, #200
Bonita Springs, FL 34135

Print Name: LISA LYNCH
8910 Terrene Court, #200
Bonita Springs, FL 34135

BONITA FAIRWAYS COMMUNITY ASSOCIATION, INC. (SEAL)

By: Donald Griffin
Donald Griffin
Its: President
8910 Terrene Court, #200
Bonita Springs, FL 34135

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12th day of March, 2024, by (✓) physical presence or ( ) on line notarization, by Donald Griffin, as President of Bonita Fairways Community Association, Inc., the corporation described in the foregoing instrument, who is (✓) personally known to me or who has produced _____ as identification.

(SEAL)

Notary Public State of Florida
Theresa M Minniti
My Commission HH 052955
Expires 10/13/2024

Theresa M Minniti
Notary Public
My Commission Expires: 10-13-2024

EXHIBIT A

AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR BONITA FAIRWAYS

Additional language indicated by underlining.

A new Section 9.12 is created to read as follows:

9.12 Resale Capital Contribution. A resale capital contribution in the amount of $2,500.00 shall be due and payable to the Community Association by the transferee upon the conveyance of title to a Lot or Living Unit. Payment of the resale capital contribution shall be the obligation of the transferee of the Lot or Living Unit. For the purposes of this Section 9.12, the term "conveyance" shall mean the transfer of title to a Lot or Living Unit by deed or other authorized means of conveyance, with or without valuable consideration, and shall also refer to a transfer of possession and beneficial ownership by means of an agreement for deed, transfer of an interest in a land trust or similar conveyance of a beneficial interest. If the Owner is a corporation, limited liability company or other business entity, the term "conveyance" shall include the sale, issuance or transfer of any voting capital stock or interest of the Owner or of any corporate entity which directly or indirectly controls the Owner which shall result in a change in the voting control of the Owner or the legal entity or persons who control the Owner. If the Owner is a partnership, the sale, issuance or transfer of a majority interest therein, or the transfer of a majority interest in or a change in the voting control of any partnership which directly or indirectly controls the Owner, or the transfer of any portion of any general partnership or managing partnership interest which shall result in a change of control over the Owner, shall be deemed a "conveyance" within the meaning of this Section 9.12. Notwithstanding the foregoing, the following conveyances shall be exempt from payment of the resale capital contribution: (a) to the Owner's spouse; (b) to any person who was a co-Owner immediately prior to such conveyance; (c) to the Owner's estate, surviving spouse or other heirs, resulting from the death of the Owner; (d) to a trustee or the Owner's current spouse, solely for bona fide estate planning or tax reasons; (e) to a mortgagee, the Community Association or a Neighborhood Association pursuant to a final judgment of foreclosure or deed in lieu of foreclosure; (f) to a person or entity that acquires a Lot or Living Unit not more than one year after such person or entity conveyed a different Lot or Living Unit. However, such exemption shall not be available if an Owner acquires an additional Lot or Living Unit while retaining title to a Lot or Living Unit; and (g) to the purchaser of a Lot or Living Unit from Home Dynamics Bonita, LLC, Home Dynamics Bonita Fairways, LLC, Cedar Green Homes, L.L.C., or their affiliates, successors and assigns. Upon a conveyance that occurs following the exempt transfers

described in (a) through (g) above, the resale capital contribution shall be due and payable. The legal obligation to pay the resale capital contribution shall be secured by a lien against the Lot or Living Unit, together with interest at the maximum legal rate of interest permitted by Florida law, along with such administrative late fee as set forth in Section 720.3085, Florida Statutes, as amended from time to time. The Community Association shall have the authority to collect an unpaid resale capital contribution in the same manner as unpaid assessments, including foreclosure of the lien, in the manner set forth in Section 720.3085, Florida Statute, as amended from time to time. Resale capital contributions shall be deposited into the Community Association's reserve account and will be used solely for capital improvements or repayment of loans obtained to finance capital improvements.

Note: Pursuant to the Supplemental Declaration recorded in Instrument #2021000296451, Public Records of Lee County, Florida, Home Dynamics Bonita, LLC agreed to pay an initial capital contribution to Bonita Fairways Community Association, Inc. in the amount of $475.00 upon each closing of a lot to a third-party purchaser that is subject to the Declaration of Covenants and Conditions. The obligation to pay the initial capital contribution is not affected by new Section 9.12.