

Return to:

Marbrisa Villas FCH Inc

67 A South Marbrisa Way

Kissimmee FL 34743-143

LARRY WHALEY  
CLERK OF CIRCUIT COURT  
OSCEOLA COUNTY, FLORIDA

77P

CL 87066297 DR 1416/ 838  
Enc Rec. Date 07/14/97 Time 13:30

**CERTIFICATE OF AMENDMENTS  
TO  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR  
BUENAVENTURA LAKES SUBDIVISION, UNIT 4, MARRISA VILLAS**

and to

**BY-LAW  
OF**

**MARRISA VILLAS HOMEOWNERS ASSOCIATION, INC.**

THE UNDERSIGNED Officers of MARRISA VILLAS HOMEOWNERS ASSOCIATION, INC., the not-for-profit Florida corporation organized and existing to operate and maintain Buenaventura Lakes Subdivision, Unit 4, Marbrisa Villas, according to the Declaration of Covenants and Restrictions thereof, as recorded in O.R. Book 595, Page 406, et. seq., Public Records of Osceola County, Florida, hereby certify and confirm that the amendments set forth below were approved by not less than a majority of the Board of Directors and not less than fifty-one percent (51%) of the total votes of the membership of the Association.

additions indicated by underlining  
Deletions indicated by ~~strike-through~~  
Unaffected, omitted, language indicated by ...

**DECLARATION**

**ARTICLE VI- USE OF PROPERTY**

**Section 1: Protective Covenants.** In order to insure the uniformity and desirable appearance of the Property, to promote and maintain the value of the Living Units, to curtail the cost of insurance premiums, to promote harmony and cooperation among the occupants of the Living Units and as a safety precaution, the use of the individual Living Units and the Common Area and appurtenant facilities shall be in accordance with the following provisions.

**A. Residential Use.** A Living Unit shall be occupied and used only as a private, single-family residence and for no other purposes. ("Family"), for purposes of this Section shall be defined to mean any number or persons related by blood, adoption or marriage, or not more than two (2) unrelated persons living as a single housekeeping unit. Unless otherwise required by law, maximum occupancy of any Living Unit shall be determined as follows: at least 150 square feet shall be required for one occupant, and each additional occupant shall require an additional 100 square feet, until the total unit square footage is reached, at which point additional occupants shall be prohibited; provided that, every room used for sleeping must contain at least 70 square feet for one occupant, and each additional occupant in such sleeping room shall require an additional 50 square feet, and if this proviso shall establish a fewer maximum number of occupants than otherwise allowed herein, the fewer maximum occupancy number

This Instrument Prepared By:  
C. JOHN CHRISTENSEN, ESQ.  
Becker & Poliakoff, P.A.  
500 Winderley Place, Suite 104  
Maitland, FL 32751

of this proviso shall control. Notwithstanding the foregoing, the Board of Directors is hereby authorized to establish the Living Unit maximum occupancy at a number less than provided above if such lesser number does not diverge from any pertinent statute, or pertinent governmental rule, regulation or standard. No business, profession or trade of any type shall be conducted on any portion of The Property.

...

Section 6: Leasing.

...

B. "Occupant" for purposes of this section shall be defined to mean any person who physically resides at a Living Unit for more than thirty (30) consecutive days or more than sixty (60) days per year whether consecutive or nonconsecutive. "Lessee" for purpose of this section shall be defined to mean:

(1) any Occupant who is in possession of a Living Unit when the Owner thereof is not present; and/or

(2) any person giving any consideration for the rental or use of a Living Unit or any person who exchanges anything of value for the use of a Living Unit.

Notwithstanding the foregoing provisions, the term "Lessee" shall not include any occupant who is proven by the unit owner to be a member of the unit owner's immediate family and who is not giving any type of consideration for the rental or use of the Living Unit; the Board of Directors may require such proof in the form of a written statement from an attorney representing the unit owner. "Immediate family" for purposes of this exemption shall be defined as the owner's parents, grandparents, brother or sister.

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Section 7: Lease and Conditions

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C. Screening Fees. The Association may require the payment of a preset screening fee simultaneously with the giving of notice of the intention to lease, said screening fee to be set by the Board of Directors from time to time and shall be in conformance with applicable law; provided that, until otherwise changed by the Board the screening fee shall be in the amount of \$65.00.

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ARTICLE VIII - GENERAL PROVISIONS

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Section 7: Antennas. No television or radio antenna or tower shall be constructed or be attached or connected in any manner to any portion of any structure constructed on the Property. No exterior radio or television mast, tower, pole, wire, aerial, antenna or satellite receiving station or dish, antenna or appurtenances thereto, shall be erected on any Common Area except by the Association or its designee. Certain television, satellite, or other antenna systems may be erected or installed on a Living Unit, subject to compliance with the following requirements:

A. Permitted antennas include (collectively hereinafter referred to as "antennas");

(1) Direct broadcast satellite dishes (DBS) that are one (1) meter in diameter or less.

(2) Multi-channel, multi-point distribution service devices (MMDS) that are one (1) meter or less in diameter or diagonal measurement. Such devices may be mounted on "masts" to reach the height needed to establish line of sight contact with the transmitter provided no mast may be higher than twelve feet above the roof line of a Living Unit without prior written approval of the Board of Directors or its designated Architectural Review Committee.

(3) Television broadcast antennas for local stations, which may be any reasonable size, may be secured to a mast located no higher than twelve feet above the roof line of a Living Unit. Any mast located higher than twelve feet above the roof line must be approved in writing by the Board of Directors or its designated Architectural Review Committee.

B. Location of Antennas. To the extent feasible, all antennas must be placed in locations that are not visible from any street and in a location to minimize annoyance or inconvenience to other residents of the community, so long as such placement will still permit reception of an acceptable quality signal. The Board of Directors or its designated Architectural Review Committee may promulgate rules regarding such antenna location.

C. Color and Screening of Antennas. All antennas shall be painted to blend into the background against which they are mounted, so long as such paint will not interfere with an acceptable quality signal. All antennas may be screened from view from neighboring properties, and pedestrian and vehicular access areas, with landscaping plants or deco blocks commonly used in or about the community up to a height of 48 inches. Taller antennas may be screened to their full height if reasonably practicable and if the screening would not impair the reception of an acceptable quality signal and the screening is otherwise acceptable to the Board. The Board of Directors or its designated Architectural Review Committee may promulgate rules regarding such color and screening of antennas.

D. Safety Requirements. To safeguard the safety of the Living Unit owner, occupants of the Living Unit in which the antenna is located, neighboring property owners, and other owners and members in the community, it shall be the obligation of the owner to comply with all applicable local, state and federal safety requirements, including but not limited to obtaining a permit for the installation of the antenna, if any, hiring licensed contractors with sufficient expertise and adequate insurance to protect their work, installing the antenna away from power lines and other potentially dangerous areas, installing and using the antenna in accordance with safety recommendations and requirements of the antenna manufacturer, and in accordance with the customs and standards for the antenna industry, including compliance with electrical code requirements to properly ground the antenna, and installation requirements to properly secure the antenna.

E. The provisions of this Section 7 are meant to establish broad minimum standards; therefore, any rule promulgated by the Board of Directors or Architectural Review Committee more stringent than the provisions of this section shall be valid and given effect, and no conflict between this section and a more stringent rule shall be deemed to exist to defeat the more stringent rule.

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(The remainder of the Declaration is unchanged.)

BY-LAWS

ARTICLE V - OFFICERS

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Section 8. Duties. the duties of the officers are as follows:

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(d) Treasurer. The Treasurer shall receive and deposit in appropriate bank accounts all moneys of the Association and shall disperse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; shall keep proper books of account; shall cause an annual audit compilation review of the Association's books to be made by a public accountant at the completion of each taxable year; shall prepare an annual budget and a statement of income and expenditures to be presented to the members at the regular annual meeting, and deliver a copy of each to the members; and shall collect the assessments and promptly report to the Board of Directors the status of collections and of all delinquencies.

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(The remainder of the By-Laws is unchanged.)

Executed this 13 day of July, 1997.

Signed, sealed and delivered in the prassance of witnesses:

MARBRISA VILLAS HOMEOWNERS ASSOCIATION, INC.

William H. Allman, Jr. Print William H. Allman Jr.

By: Carlene A. Glander Print CARLENE A. GLANDER, President

William J. Fowey Print WILLIAM J. FOWEY

Address 106 East Madison Way Kissimmee Fl 34743

ATTEST:

William H. Allman, Jr. Print William H. Allman Jr.

By: Nona Chesterman Print NONA CHESTERMAN, Secretary

Carlene A. Glander Print CARLENE A. GLANDER

Address 55 W MARBRISA WAY KISSIMMEE FL 34743

(CORPORATE SEAL)

STATE OF FLORIDA COUNTY OF Osceola

BEFORE ME, the undersigned authority, personally appeared Carlene A. Glander and Nona Chesterman, to me personally known to be the President and Secretary, respectively, of MARBRISA VILLAS HOMEOWNERS ASSOCIATION, INC., or having produced identification and did/did not take an oath, and they severally acknowledged before me that they freely and voluntarily executed the same as such officers, under authority vested in them by said Corporation.

WITNESS my hand and official Seal in the State and County last aforesaid, this 13 day of July, 1997.

William H. Allman, Jr. Notary Public, State of Florida at Large. Printed Name: My commission expires:

