



FILE NUM 20130020525 OR BOOK PAGE 257180378 DATE: 01/14/2013 15:08:47 Pgs 0376 - 376 (3pgs)  
Sharon R. Beck, CLERK & COMPTROLLER

**AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OF  
THE FOUNTAINS OF PALM BEACH CONDOMINIUM, INC.**

Trevi Court as recorded in Official Record Book 2022, Page 911  
Public Records of Palm Beach County, Florida

As used herein (unless substantially reworded), the following shall apply:

- A. Words in the text which are ~~stricken~~ indicate deletions from the present text.
- B. Words in the text which are underlined indicate additions to the present text.
- C. Whenever an ellipsis (...) appears in the text, this indicates that this portion of the present text remains intact to the point where the next typewritten material appears.

New language is underlined; deleted language is ~~struck through~~.

**EXHIBIT "A"  
AMENDMENTS TO THE DECLARATION OF CONDOMINIUM  
OF  
FOUNTAINS OF PALM BEACH CONDOMINIUM, INC.  
("DECLARATION")**

1. The Preamble to the Declaration shall be amended by the deletion of the following clauses:

~~WHEREAS, The Fountains of Palm Beach Condominium, Inc. ("Trevi Court") is part of the Fountains country club community featuring the amenities of Fountains Country Club, Inc. ("Country Club"); and~~

~~WHEREAS, the value of the units in Trevi Court and the lifestyle of the residents is positively influenced by Country Club amenities being maintained in an attractive and first class manner; and~~

~~WHEREAS, the Board of Directors of Trevi Court ("Association") has observed a trend whereby an increasing number of owners in the Fountains country club community, including Trevi Court Owners, have elected to discontinue their memberships in, or have elected not to join, the Country Club; and~~

~~WHEREAS, it is the judgment of the Board of Directors of Association that such a trend, if permitted to continue, may ultimately threaten the financial ability of Country Club to maintain its amenities in an attractive and first class manner; and, further, that the financial inability of Country Club to maintain its amenities may adversely impact the values of Trevi Court Owners' Units and the quality of residents' lifestyles in Trevi Court; and~~

~~WHEREAS, Association has the responsibility to take actions necessary to preserve the value of Trevi Court Owners' Units and the quality of lifestyle of the residents of Trevi Court; and~~

~~WHEREAS, every Unit Owner took title to a Unit at Trevi Court subject to the knowledge that the Declaration could be amended, from time to time, with the requisite approval vote of the Trevi Court Owners; and~~

~~WHEREAS, the Board of Directors of Association, applying its business judgment, after examination and investigation has determined that the Trevi Court Owners should be permitted to vote upon amendments to the Declaration which, in conjunction with similar amendments to other governing documents to be adopted by the residents in Fountains South and Fountains North, would:~~

- (a) ~~not disturb the non-affiliated status of those Trevi Court Owners who are presently not members of Country Club, for so long as those Trevi Court Owners maintain their present non-affiliated status; and~~

New language is underlined; deleted language is struck through.

~~(b) require all persons or entities who become Trevi Court Owners after the date of adoption of these Amendments to become members of Country Club;~~

the foregoing being a reasonable method to ensure that the Country Club amenities, which are a basic feature of the entire Fountains country club community, are maintained in an attractive and first-class manner in order to enhance the value of Trevi Court Owners' Units and the quality of lifestyles at Trevi Court;

2. Article I, Section N of the Declaration, is hereby amended as follows:

N. Unit Owner or Owner of a Unit, or Parcel Owner, means the owner of a Condominium parcel, ~~as of the date of recordation of these Amendments in the Public Records of Palm Beach County, Florida ("Effective Date"). After the Effective Date, no person(s) or entity shall acquire title to and become a Unit Owner of a Unit as provided herein unless the person(s) or entity shall comply with Article XIII, Section A of this Declaration. Notwithstanding the foregoing, the following shall not be deemed a transfer of an interest under this Declaration requiring compliance with Article XIII, Section A: (a) a surviving spouse obtaining title by operation of law; (b) a former spouse obtaining title by operation of a final decree or judgment of divorce; or (c) family member(s) obtaining title directly or as beneficiaries by means of a bona fide family planning device.~~

3. Article I, Section W is hereby deleted from the Declaration as follows:

~~W. Country Club means and refers to Fountains Country Club, Inc. ("Country Club") located within the Fountains country club community, and the facilities, properties and improvements appurtenant thereto.~~

4. Article I of the Declaration is hereby amended as follows:

~~For purposes of clarification, and with the express intention of making no modification to the assessment provisions of this Declaration, the following is provided: Notwithstanding any term herein to the contrary, the financial obligations of Country Club membership and other direct obligations of a Unit Owner to the Country Club as provided for in Article XIII, Section A of this Declaration shall not be a Common Expense hereunder.~~

5. Article XIII of the Declaration is hereby amended by the deletion of the following paragraphs:

~~A. COUNTRY CLUB MEMBERSHIP. A person or a corporation, partnership, trust or other entity obtaining title to a Unit is required, as a condition of being a Unit Owner in Trevi Court, to become a member of Country Club. The requirements for membership in Country Club shall be as set forth in Country Club's governing documents, as they may be amended from time to time.~~

~~B. Notwithstanding the foregoing, the operation and effectiveness of Article XIII, Section A shall be conditioned upon: (a) the right of Unit Owners who are members of Country Club as of the Effective Date, to step down to Social Tennis Membership or Charter Social Membership status from Golf Membership status without such Unit Owner members being limited by any minimum number of Golf Memberships; and (b) the criteria for Country Club membership for the transferee of title to a Unit being ministerial only; i.e., limited to; (i) providing requisite information as may be reasonably required for Country Club records; (ii) filling out a standard application; and (iii) payment of the necessary sums as may be required by the Country Club from time to time.~~

~~C. Unit Owners of record, as evidenced by deeds or other instruments of conveyance recorded in the Public Records of Palm Beach County, Florida, who are not members of Country Club as of the Effective Date (defined in Article I, Section N herein) are not required to become members of Country Club. However, when such Unit Owners who are not members of Country Club purport to convey their Units, the grantees of such conveyances, together with the grantees of all other Unit Owners, shall be required to comply with Article XIII, Section A.~~

~~D. Nothing herein shall repeal or affect the right of any current Owner, or new purchaser of a Unit in this condominium, to acquire a Charter Social Membership from the Country Club under the terms~~

New language is underlined; deleted language is ~~struck through~~.

and conditions of the "Settlement Agreement Affecting Membership in Fountains Country Club", recorded in Official Records Book 6149, Page 200, et seq., of the Public Records of Palm Beach County, Florida.

E. A Mortgagee of Record acquiring title to a unit as a result of foreclosing a mortgage on a Unit or deed in lieu of foreclosure, shall not be required to become a member of Country Club. The purchaser of a Unit from such a Mortgagee of Record, where seller Mortgagee of Record has acquired title to a Unit as a result of foreclosing a mortgage on the Unit or deed in lieu of foreclosure, shall be subject to the requirement of becoming a member of Country Club and complying with Article XIII, Section A.

F. If Association acquires title to a Unit as a result of foreclosing a lien or deed in lieu of foreclosure, the Association shall not be subject to the requirement of becoming a member of Country Club; provided, however, the purchaser of a Unit from the Association shall be subject to the requirement of becoming a member of Country Club and complying with Article XIII, Section A.

G. If the Country Club acquires title to a Unit, the Country Club shall not be subject to the requirement of becoming a member of Country Club; provided however, the purchaser of a Unit from the Country Club shall be subject to the requirement of becoming a member of Country Club and complying with Article XIII, Section A.

H. A purchaser who acquires title to a Unit at a duly advertised public sale conducted by the clerk of the court, sheriff, or county tax collector, with open bidding provided by law (e.g. execution sale, foreclosure sale, judicial sale, or tax sale), shall be subject to the requirement of becoming a member of Country Club and complying with Article XIII, Section A.

6. Article XI, Section A of the Declaration is hereby amended by the deletion of the following paragraph:

If the Association does not approve the sale of a Unit because the intended purchaser or transferee has not complied with Article XIII, Section A of this Declaration, then the proposed sale or transfer shall not take place. If the Association shall disapprove a transfer of an interest in a Unit for any reason other than non-compliance with Article XIII, Section A, the provisions of Article XI, Section A shall apply.

WE HEREBY CERTIFY that the above Amendment to the Declaration of Condominium was approved by the Board of Directors and by not less than 66 2/3% votes of the membership present in person or by proxy (members entitled to vote) with a quorum present at an Annual Meeting of the Unit Owners held on December 10, 2012 at 6:30 P.M. in Fountains Hall.

THE FOUNTAINS OF PALM BEACH  
CONDOMINIUM, INC.

By:

David Schwartz, President  
Trevi Court

Attest:

Melinda Bond, Vice-President  
Trevi Court

STATE OF FLORIDA )  
COUNTY OF PALM BEACH)

On this 12<sup>th</sup> day of December, 2012, appeared before me, David Schwartz and Melinda Bond as President and Vice-President, respectively, of The Fountains of Palm Beach Condominium, Inc., a Florida corporation not-for-profit, who are personally known to me, and acknowledge that they executed the foregoing Notice for the purposes therein expressed and did (did not) take an oath.

Witness my hand and seal the day and year last above written.

My Commission Expires:

Mindy Ilyse Kopeloff  
Notary Public

Mindy Ilyse Kopeloff  
Printed Notary Name

