

SACHS SAX CAPLAN

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STEVEN G. RAPPAPORT, ESQ.
ALSO ADMITTED IN THE DISTRICT OF COLUMBIA
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January 5, 2012

Board of Directors
Captiva Property Owners Association, Inc.
c/o Solid Rock Property Management, LLC
P.O. Box 880475
Boca Raton, FL 33488-0475

**Re: Captiva Property Owners Association, Inc.
Our File No. 7030.01**

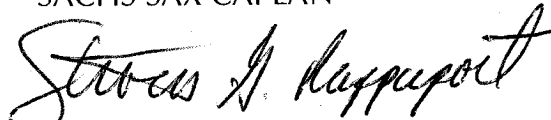
Dear Members of the Board:

Enclosed please find the recorded amendments to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Captiva. As you can see, the amendments were recorded on December 21, 2011, in Official Records Book 24920, at Page 869, in the Public Records of Palm Beach County, Florida. Please note that we have retained a copy for our document file.

Should you have any additional questions or concerns regarding this matter, please do not hesitate to contact us.

Very truly yours,

SACHS SAX CAPLAN



STEVEN G. RAPPAPORT

SGR/eb
Enclosures

M:\Association\Captiva\Letter\BOD letter re filed amendment 1-5-12.wpd

This Instrument prepared by
and to be returned to:
Steven G. Rappaport, Esquire
Sachs Sax Caplan
6111 Broken Sound Parkway NW, Suite 200
Boca Raton, FL 33487
(561) 994-4499

CFN 20110474557
OR BK 24920 PG 0869
RECORDED 12/21/2011 15:46:50
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0869 - 870; (2pgs)

**CERTIFICATE OF AMENDMENT
TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CAPTIVA**

I HEREBY CERTIFY that the amendments attached as Exhibit "A" to this Certificate were duly adopted as amendments to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Captiva. The original Declaration of Covenants, Conditions and Restrictions for Captiva is recorded in Official Records Book 3373, at Page 631, in the Public Records of Palm Beach County, Florida. The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Captiva is recorded in Official Records Book 23092, at Page 444, in the Public Records of Palm Beach County, Florida. The attached amendment was approved by the members by written consent in lieu of a meeting pursuant to Section 617.0701(4), Fla. Stat.

DATED this 13 day of December, 2011.

WITNESSES

CAPTIVA PROPERTY OWNERS ASSOCIATION,
INC.

MJD

Signature

By: Mark Leber

Mark Leber, President

President

MARTIN DEISEN

Print Name

By: Deborah Scelza

DEBORAH SCELZA, Secretary

Secretary

Teri Kaluris

Signature

Teri Kaluris

Print Name

STATE OF FLORIDA)

) ss:

COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 13 day of Dec, 2011, by Mark Leber, as President, and Deborah Scelza, as Secretary, of Captiva Property Owners Association, Inc., who are Personally Known or Produced Identification .

Type of Identification Produced: _____

(SEAL)

Sue Andron
NOTARY PUBLIC, State of Florida at Large

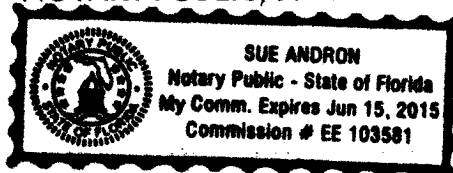


EXHIBIT "A"

**AMENDMENTS
TO THE AMENDED AND RESTATED DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CAPTIVA**

The original Declaration of Covenants, Conditions and Restrictions for Captiva is recorded in Official Records Book 3373, at Page 631, in the Public Records of Palm Beach County, Florida. The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Captiva is recorded in Official Records Book 23092, at Page 444, in the Public Records of Palm Beach County, Florida.

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

Item 1: Article I, Section 1, of the Declaration of Covenants, Conditions and Restrictions for Captiva ("Declaration"), shall be amended as follows:

1. "Association" shall mean and refer to CAPTIVA PROPERTY OWNERS ASSOCIATION, INC., its successors and assigns, which shall be governed by Chapters 617 and 720, Fla. Stat., as same may be amended from time to time.

Item 2: Article V, Section 7, of the Declaration shall be amended as follows:

7. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any bona fide first mortgage excluding purchase money mortgages. For subordination purposes, the Association's lien relates back to the recording of the original Declaration. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to the foreclosure of such first mortgage, or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof. Notwithstanding any term herein to the contrary, for all mortgages encumbering a Lot or Tract and recorded in the Public Records after the effective date of this amendment, the provisions of Section 720.3085, Fla. Stat., as now exist or may hereafter be amended, shall apply to the mortgagee's obligation for the payment of assessments or other charges accruing prior to the date the mortgagee obtains title to the Lot or Tract. In addition, and notwithstanding the foregoing, any other purchaser or other person who otherwise acquires title at a foreclosure sale shall be governed at all times by the provisions of Chapter 720, Fla. Stat., as may now exist or may hereafter be amended from time to time. A Parcel Owner is jointly and severally liable with the previous Parcel Owner for all unpaid assessments that came due up to the time of transfer of title, including but not limited to foreclosure and/or deed in lieu of foreclosure except as provided under law pursuant to Section 720.3085, Fla. Stat., as same may be amended from time to time.