

THIS INSTRUMENT WAS PREPARED BY  
AND RETURN TO:  
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**CERTIFICATE OF AMENDMENT TO**  
**DECLARATION OF COVENANTS AND RESTRICTIONS OF QUAIL VILLAGE**

THE UNDERSIGNED as President and Secretary of Quail Village Homeowners Association, Inc., a Florida corporation not-for-profit (hereinafter the "Association"), pursuant to Florida Statutes and the Amended and Restated Declaration of Covenants and Restrictions of Quail Village recorded in the Public Records of Brevard County, Florida, in Official Records Book 8969, Page 1593, (hereinafter referred to as the "Declaration"), do hereby certify the First Amendment to the Amended and Restated Declaration of Covenants and Restrictions attached hereto and by reference made a part hereof (hereinafter the "Amendment") was duly adopted on November 17, 2022 at a meeting of the members.

Said Amendment was approved in accordance with the requirements of Article IX, Section 4, of the Declaration, by the affirmative vote of 2/3 of the Owners voting in person or by proxy. Proper notice was given for the meeting of the members pursuant to the Declaration, the Bylaws of the Association and Florida Statutes.

The Association is a homeowners association created pursuant to the laws of the State of Florida. With the exception of the attached Amendment, all other terms and conditions of the Declaration remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused these presents to be executed in its name, this 24<sup>th</sup> day of April, 2023.

[SIGNATURE PAGE FOLLOWS]

Signed, sealed and delivered in the presence of:  
**QUAIL VILLAGE HOMEOWNERS  
 ASSOCIATION, INC.**

By: William McKinney President  
 (Signature)  
 William McKinney, President

[Signature]  
 (Witness signature)

Bryan C. Hairell  
 (Print name of witness)

[Signature]  
 (Witness signature)

Susan Bailey  
 (Print name of witness)

STATE OF FLORIDA  
 COUNTY OF BREVARD

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24  
 day of April, 2023 by William McKinney, President of Quail Village Homeowners Association, Inc.

Kimberly L McGibany  
 NOTARY PUBLIC

[ ] Personally Known or  
 [X] Produced Identification FLDL

(SEAL)



Kimberly L McGibany  
 Comm.: HH 185160  
 Expires: Oct. 11, 2025  
 Notary Public - State of Florida

**QUAIL VILLAGE HOMEOWNERS  
 ASSOCIATION, INC.**

By: Lurinda Platt, Secretary  
 (Signature)  
 Lurinda Platt, Secretary  
 (Print name)

[Signature]  
 (Witness signature)

Bryan C. Hairell  
 (Print name of witness)

[Signature]  
 (Witness signature)

Susan Bailey  
 (Print name of witness)

STATE OF FLORIDA  
 COUNTY OF BREVARD

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24  
 day of April, 2023 by Lurinda Platt, Secretary of Quail Village Homeowners Association, Inc.

Kimberly L McGibany  
 NOTARY PUBLIC

[ ] Personally Known or  
 [X] Produced Identification FLDL

(SEAL)



Kimberly L McGibany  
 Comm.: HH 185160  
 Expires: Oct. 11, 2025  
 Notary Public - State of Florida

**FIRST AMENDMENT TO THE AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
QUAIL VILLAGE HOMEOWNERS ASSOCIATION, INC.  
AS ADOPTED BY MEMBERSHIP ON NOVEMBER 17, 2022**

**ARTICLE IV  
COVENANT FOR ASSESSMENTS**

3. **Maximum Annual Assessment.** The annual assessment may be increased each year, by the Board of Directors, by five percent (5%) **rounded up to the next whole dollar.** The assessment may be increased above five percent (5%) **rounded up to the next whole dollar** by a vote of the majority of the members (50% plus 1) present in person or by proxy at a meeting called for that purpose.

**NEW ARTICLE VII  
HOME INSPECTIONS**

1. All Owners are required to obtain an Exterior Inspection Report at owner's expense prepared by a licensed home inspector for their unit every five years and to provide a copy of that report to the Board of Directors. **Each Inspection Report shall list and describe every defect, deficiency, and/or concern identified on the exterior of the home and shall contain pictures of each listed item with a description of the location of the item sufficient for quick location.** Failure to do so will be interpreted as Neglect By Owner by the Board of Director, see Article VIII, section 5.
2. **Homes that have not submitted a current (within last 5 years) Inspection report will not be covered by HOA Maintenance. If the Inspection Report on file for a home becomes more than 5 years old, that home will not be covered by HOA Maintenance. If an Inspection Report is filed for a home not covered by HOA Maintenance, that home will not be covered by HOA Maintenance until the owner files proof that all the deficiencies identified in the newest Inspection Report have been corrected.**
3. **The required Home Inspection Report must cover all aspects of the exterior of the building so the HOA ACC can determine what maintenance is needed and covered by the HOA. A full Exterior Inspection or an Inspection for a Home Sale generally meets this requirement. Four Point (4P) Inspections and/or Wind Mitigation Reports (WMRs) do NOT meet this requirement.**
4. **When an Inspection Report is filed that does not cover the items deemed necessary by the HOA, the HOA will notify, by letter, the owner of such deficiencies and the owner will have 30 days to remedy the identified deficiencies for the Inspection Report to be accepted.**

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**NEW ARTICLE VIII  
MAINTENANCE**

The Board of Directors shall establish and publish standards for exterior maintenance including any changes proposed by Owners. Such standards shall include a requirement that the work be in compliance with all current building codes and completed by licensed, insured contractors, A&E firms and /or professional engineers. Drawings shall be approved by the Board of Directors or their ACC Committee. Any proposed changes shall also ensure that the color and quality of materials proposed to be used are consistent and conform to the existing general nature of the community.

1. **Owners are responsible to notify the Association as soon as possible of needed repairs. Repairs as a result of negligence or willful acts will be the owner's responsibility. Lack of timely notice will result in the Association doing the work and billing the owner.**
2. **Exterior Maintenance.** In addition to maintenance on the common areas, the Association will provide exterior maintenance on all buildings on the property including the following:
  - (a) Repair of exterior building surfaces including paint, stucco, siding , and repair to shingled roof surfaces.
  - (b) Repair of wood trim around doors and windows
  - (c) Repair of wood fascia boards on shingled(pitched) and flat roofs
  - (d) Repair of posts and beams supporting flat roofs
  - (e) Repair of privacy walls on porches (siding and interior framing)
3. **Owner Responsibility for Exterior Maintenance.** The following repairs are the responsibility of the Owner:
  - (a) **Roofs.** QVHA is not obligated nor responsible to do roof replacement. Pitched (shingled) roofs shall be re-roofed using architectural shingles with at least a 25 year manufacturer's warranty. The color of the new shingles shall be comparable to the color of the replaced shingles as possible **(medium to dark brown)**. Ridge vents shall be replaced with singles over ridge vents (not metal roof vents).
  - (b) Flat roofs and associated balcony railings, rafters, wood roof decking, roofing materials, and flashing for flat roof joints with walls and/or other roofs
  - (c) Courtyard Gates and privacy walls around atriums
  - (d) Entry walks and driveways in general
  - (e) Doors, windows, garage doors, screen doors and window screens, skylights, pergolas, gutters or downspouts
  - (f) **Chimney surfaces, chimney flashing,** chimney covers and flue spark arrestors
  - (g) Domestic appliances, for example air conditioner units, water softeners, hot tubs, etc.
  - (h) Utility Connections for example phone, tv cable, internet, water, sewer, and/or electricity
  - (i) Any latent defects of the original building structure (e.g. rebar corrosion or cracks in garage curb walls)
  - (j) Any exterior improvement approved by the Board and made by homeowner.

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**Subsequent Articles are renumbered as follows:**

<b>Article VIII becomes Article IX</b>	<b>Party Walls</b>
<b>Article IX becomes Article X</b>	<b>General Provisions</b>
<b>Article X becomes Article XI</b>	<b>Lenders Rights</b>
<b>Article XI becomes Article XII</b>	<b>Emergency Powers</b>