

Re:   
ROBERT & ANDRESS  
850 PARK SHORE DR 3RD FLOOR  
NAPLES FL 34103

(Space above line for recording information)

CERTIFICATE

THE UNDERSIGNED, being the duly elected and acting President of Newcastle Condominium Association, Inc., a Florida corporation, not for profit, does hereby certify that at a duly called meeting of the Board of Directors held on October 17, 1996, where a quorum was present, after due notice, the following Resolution was approved and adopted by the Board of Directors. The Declaration of Condominium for Newcastle, a Condominium, was originally recorded at O.R. Book 1489, Pages 528, et seq., Public Records of Collier County, Florida.

WHEREAS, the first sentence of Section 12.9 of the Declaration of Condominium states:

No vehicle prohibited by the terms and conditions of the Master Declaration shall be permitted on the condominium property.

WHEREAS, the fourth sentence of Section 12.9 of the Declaration of Condominium states:

Parking of commercial vehicles (including any vehicles with commercial lettering thereon) other than those temporarily present on the condominium property for a business purpose, boats, trailers, semi-trailers, boat trailers, campers, recreation vehicles (RVs), travel trailers, motorcycles, mobile homes, motor homes, busses, tractors, pick-up trucks in excess of 3/4 ton, and other such similar vehicles are prohibited on the condominium property. The repair of vehicles on the condominium property is prohibited, except in the case of any emergency (emphasis added).

WHEREAS, the Declaration of Condominium is subject to the Second Restated and Amended Declaration of Covenants for Berkshire Lakes recorded in O.R. Book 1903 at Pages 699 et seq., Public Records of Collier County, Florida ("Master Declaration").

WHEREAS, Section 13.2 of the Master Declaration prohibits in pertinent part the keeping or parking of "trucks", without further qualification as to the weight of such trucks.

WHEREAS, the qualification as to the weight of prohibited trucks in the fourth sentence of Section 12.9 of the Declaration of Condominium is without legal effect, given that it is conflict with the first sentence of Section 12.9, which states that vehicles prohibited by the Master Declaration are similarly prohibited by the Declaration of Condominium.

WHEREAS, in the past, the Board of Directors may not have uniformly prohibited trucks at Newcastle;

NOW THEREFORE, the Board of Directors hereby resolves:

1. The Board of Directors hereby grandfather all trucks which are being permanently parked at Newcastle by unit owners or tenants as of the date hereof.

2. The Board of Directors is resolved to strictly enforce from this date forward the prohibition on trucks from the Master Declaration, which is incorporated by reference in the first sentence of Section 12.9 of the Declaration of Condominium.

3. The Board of Directors desires to place all interested parties on notice as to the appropriate interpretation of Section 12.9 of the Declaration of Condominium in light of the foregoing by resolving that all trucks shall be prohibited at Newcastle, without reference to the 3/4 ton weight limitation set forth in Section 12.9, which is without legal effect.

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

NEWCASTLE CONDOMINIUM  
ASSOCIATION, INC. (SEAL)

By: Sandra S. Newman  
SANDRA S. NEWMAN, President

Jennifer Dominguez  
Witness  
Print Name: JENNIFER DOMINGUEZ

Cynthia A. Smith  
Witness  
Print Name: Cynthia A. Smith

STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of OCTOBER, 1996, by SANDRA S. NEWMAN, as President of Newcastle

Condominium Association, Inc., the corporation described in the foregoing instrument, who is personally known to me or who has produced as identification and who took an oath, and acknowledged executing the same under authority vested in him/her by said corporation.

*Jennifer Dominguez*  
Notary Public  
My Commission Expires:

*Jennifer Dominguez*  
Printed Name of Notary Public

OFFICIAL NOTARY SEAL  
JENNIFER DOMINGUEZ  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC412079  
MY COMMISSION EXP. OCT. 6, 1994

Instrument prepared by and return to:

Steven M. Falk, Esq.  
Roetzel and Andress, A Legal  
Professional Association  
850 Park Shore Drive, Third Floor  
Naples, FL 34103

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