

Prepared by and return to:
Gerstin & Associates
40 S.E. 5th St., Suite 610
Boca Raton, FL 33432

[Space Above This Line For Recording I

***Certificate of Amendment to the Boca Greens Homeown
Declaration of Covenants and Restrictions, By-Laws, and Aru***

WHEREAS, the Boca Greens Homeowners' Association, Ir
Declaration of Covenants & Restrictions ("Declaration") recorded in C
of the Public Records of Palm Beach County, Florida;

WHEREAS, at a duly called and noticed meeting of the membership of the Association on
March 28, 2023, amendments to the *Declaration*, (Exhibits 1-3) were duly passed by the members
in accordance with the Association's Governing Documents and applicable Florida law;

NOW THEREFORE, the undersigned hereby certify the amendments to the *Declaration*,
attached hereto as Exhibits 1-3 are true and correct copies thereof which were duly passed by the
membership of the Association.

IN WITNESS WHEREOF, my signature affixed below on this 30 day of March, 2023.

Witness: Shane DiVano

Boca Greens Homeowners' Association, Inc.

Print name: Shane DiVano

By: Victoria Jaffie
Victoria Jaffie, President

Witness: Michelle J. Rath

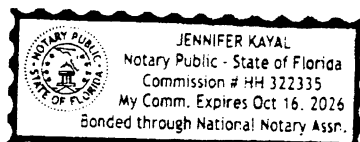
Print name: Michelle J. Rath

By: Sheila Cohen
Sheila Cohen, Secretary

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 30 day of March, 2023 by Victoria Jaffie
and Sheila Cohen, who ☒ are personally known to me or ☐ who produced
as identification.

[Notary Seal]



Jennifer Kayal
Notary Public
Printed Name: Jennifer Kayal

Exhibit 1

Amendment 1 of 3

Full text of amendment to the Revived Declaration of Covenants and Restrictions for Boca Greens ("Declaration") as recorded in the Official Records of Palm Beach County beginning at Book 25330 and Page 0009 (underlines are additions and ~~strikethroughs~~ are deletions).

8.4 Vehicles and Parking; Access Control. The following restrictions apply irrespective of whether the Properties in question lie within areas owned by or dedicated to a governmental entity. These restrictions apply to all owners, members, and their guests and invitees. Additionally, owners with tenants are responsible to ensure their tenant's vehicles conform to the Association's restrictions. ÷

~~A.~~ A. Prohibited Vehicles or Items. This Section A lists ~~prohibited vehicles or items~~ ("Prohibited Vehicles"), ~~which are prohibited anywhere on the Properties, except within the garage of a Dwelling Structure with the garage door fully closed at all times except when vehicles are in use, unless such vehicle or item is listed in Section B Below, in which case it shall not be prohibited outside of the garage;~~

~~B.~~

~~Trucks, including pick-up trucks, whether or not a camper top is added;~~

1. motorcycles, ~~dirt bikes~~ or other two-wheeled motorized vehicles;
mopeds and other self-powered bicycles;

~~trucks, whether covered or uncovered, whether with a bed top or without;~~

2. agriculture vehicles;

~~— dune buggies, swamp buggies and all terrain and off road vehicles;~~

3. any trailer or other device transportable by vehicular towing;

4. semis, tractors or tractor trailers;

5. buses;

6. limousines;

7. travel trailers;

8. commercial vehicles as defined below;

9. vehicles which are an eyesore at the sole discretion of the board of directors;

10. motorcycle delivery wagons;

11. sprinter vans or vans designed to mimic sprinter vans. The board of directors, at its sole discretion, can determine whether a van mimics a sprinter van and is not allowed in the community;

12. any type of vehicle with external hookups for access to items such as waste disposal and/or water.

13. ~~c~~ampers or vans modified to serve as campers;

14. recreational vehicles;

15. mobile homes or mobile houses;

16. truck mounted campers attached or detached from the truck chassis;

17. motor homes or motor houses;
18. motor vehicles not having any bodies whatsoever, or incomplete bodies;
19. passenger automobiles that have been converted to a different type of motor vehicle by replacing the original body or by modifying the exterior of the vehicle;
20. vehicles that are noisy, unsightly or junkers, or which have flat or missing tires, at the sole discretion of the board of directors;
21. vans, unless permitted by Section B.6 below; and
22. boats, ~~and~~ boat trailers, jet skis, or other watercraft; and
23. ~~other such motor vehicles~~ any vehicle which has been modified to emit sounds or noises in excess of the vehicle's original factory configuration (including, but not limited to, aftermarket exhaust systems, intake systems, or horns); and
24. any vehicle in which the suspension has been modified to raise the height of the vehicle beyond its original factory configuration;
25. any vehicle whose body was modified on the aftermarket to accommodate tires larger than the tires issued by the vehicle's manufacturer;
26. any vehicle with a cover on it;
27. any vehicle wrapped or painted (fully or partially) in patina or, based upon a determination by the board of directors, a paint or wrap designed to mimic the appearance of rust;
28. pickup trucks whose gross tonnage is more than a ½ ton;
29. pickup truck or vehicle with an uncovered bed;
30. vehicles that operate with more than four tires;
31. vehicles with more than two axles;
32. non-operational vehicles or vehicles in an obvious state of disrepair, at the sole discretion of the Association's Board of Directors;
33. vehicles without a current registration or license plate;
34. vehicles that cannot be operated legally on public roadways or streets;
35. vehicles undergoing repairs or maintenance, other than minor repairs taking less than an hour;

A.B. Exceptions to A above. The following shall not be considered Prohibited Vehicles, subject to other provisions in this Declaration or in the Rules and Regulations of the Association not inconsistent with this Section 8.4:

1. Moving vans for the purpose of loading and unloading, but at no time during the hours of 5:00 p.m. to 8:00 a.m.
2. Vehicles, regardless of classification, necessary for the maintenance care or protection of the Properties, during regular business hours, and only for the time period during which the maintenance, care or protection is being provided.
3. Service and delivery vehicles, servicing the Properties, regardless of classifications, during regular business hours and only for that period of time to render the service or delivery in question.

4. Vehicles for handicapped person, "handicapped" being defined by any fair housing law.
5. Police and Emergency vehicles. Police and emergency vehicles are exempt.
6. Certain vans which are permitted. Vans with only two axles and windows on both sides of the vehicle adjacent to at least the first two rows of passenger seats, that are not otherwise prohibited by this Section 8.4, are permitted.
- ~~6. A two axle van as defined below which is not a commercial vehicle as defined below; which contains windows on the rear of the vehicle, on both sides of the vehicle adjacent to the first row of seating, and also at least one set of windows on each side of the vehicle beyond the windows adjacent to the first row of seating.~~

B.C. Classifications and Definitions.

1. ~~The most current edition of the N.A.D.A. Official Used Car Guide~~Kelley Blue Book (www.kbb.com) ("GuideKBB") shall determine the classification of whether a vehicle is in fact a truck or van. ~~If the GuideKBB does not contain reference to a particular vehicle, then the manufacturer's classification shall control.~~

If publication of ~~the GuideKBB~~ shall be discontinued, an equivalent ~~publication resource~~ shall be selected by the Board of Directors to be used to determine vehicle classifications hereunder. Except as otherwise provided as to certain vans under Subsection B.6 above, a State registration or title classification shall have no bearing on determination of the classifications under this Section 8.4.

2. A "commercial or vocational vehicle" shall mean any of the following:

- ~~i. motor vehicle which has an outward appearance of being used in connection with business, (e.g., the vehicle displays work equipment to view and/or is commercially lettered or contains a commercial or business logo). Actual use of the vehicle shall yield to its outward appearance. A vehicle with a covered sign or logo shall still be considered to be a commercial vehicle. A vehicle with a removable sign or logo shall not, with the sign/logo removed, be considered to be a commercial vehicle unless it meets the definition of "commercial vehicle" even without the sign or logo.~~A "commercial motor vehicle" as defined in Florida Statute § 320.01(25), as may be amended from time to time, but which is currently defined as any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight.

- ii. A “commercial motor vehicle” as defined in Florida Statute, §316.003(13), as may be amended from time to time, but which is currently defined as any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle: (a) has a gross vehicle weight rating of 10,000 pounds or more; (b) is designed to transport more than 15 passengers, including the driver; or (c) is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).
 - iii. Any vehicle that can be classified as a commercial vehicle or commercial motor vehicle pursuant to Florida Statutes, as amended from time to time.
 - iv. Any motor vehicle which: (1) has an outward appearance of being used in connection with vocational, business or commercial purposes, (2) the exterior surface is painted or covered in a color coordinated manner according to a particular company, product, logo or identity; or (3) contains signs, logos or writing on its body or its interior that can be seen from outside the vehicle, expressing a company name, vocation, service, product, business, website, email, or street address, social media profile, or username and/or telephone number. A vehicle with removable writing shall not be considered to be a commercial vehicle while the writing is removed unless it otherwise meets a definition of “commercial vehicle” even with the writings removed. Actual use of the vehicle shall yield to its outward appearance.
 - v. A vehicle that maintains exposed ladders, tools, or other such visible equipment that can be utilized in the furtherance of commercial activity. Actual use of the vehicle shall yield to its outward appearance.
- ~~2. A “truck” shall mean any motor vehicle which is classified as a truck in accordance with Subsection C.1 above.~~
3. A “van” shall mean any motor vehicle which is classified as a truck in accordance with Subsection C.1 above, ~~and or~~ which is recognized by the manufacturer to be a type of a van, ~~and which has two (2) axles.~~

C.D. The following additional regulations apply:

- 1. No repair (including changing of oil) of a vehicle shall be made on Properties except for minor repairs necessary to permit removal of a vehicle and that which take less than one hour to complete. Washing, waxing, or the changing of tires of a vehicle is permitted. The foregoing cannot be performed as a business, ~~or or~~ commercial enterprise, or a fundraising activity.

2. No motor vehicle which is of the type of vehicle which is unregistrable or unregistered shall be driven or operated on any of the Properties at any time for any reason, and all vehicles must be currently licensed and registered.
3. No motor vehicle, including moving vans, shall be parked at any time on the grass/swales of the Properties (except for landscaping equipment at the direction of the Board of Directors).
4. Racing engines and loud exhausts shall be prohibited.
5. No vehicle shall be parked such that it blocks any sidewalk, except where otherwise necessary by moving vans and then only for loading and unloading.
6. All vehicles must be in working order; no vehicles on blocks, jacks or ramps, shall be permitted.
7. Parking on the streets is prohibited between the hours of 12 midnight and 7:00 a.m. inclusive, except as otherwise allowed by the Rules and Regulations.
8. No moped, dune buggies, dirt bikes, swamp buggies, off-road vehicles, goped, go-cart, or all-terrain vehicle, motorized scooter, powered bicycle or similar items can shall be operated or driven anywhere within the Community, but same may be transported by trailer or operated by foot power and must be kept in an owner's garage with the door fully closed. The foregoing prohibition shall not apply to ~~golf carts or to~~ motorcycles and mopeds that are registered with The State of Florida and insured.
9. All otherwise permissible pickup trucks and other vehicles with a bed must fully cover and secure the bed while on the Properties unless the vehicle is in a garage with the garage door closed.
- 8-10. All low-speed vehicles must be registered, insured, maintained, and operated in accordance with Florida law, as amended from time to time. All low-speed vehicle owners must submit proof of registration and insurance to the Association prior to operating on the Properties. Only individuals with a valid, state-issued license to drive a vehicle may operate a low-speed vehicle on the Properties. All permissible low-speed vehicles must be kept in the owner's garage with the door fully closed when not in use.
11. All golf carts that do not qualify as low-speed vehicles according to Florida law must be registered with the Association prior to use within the Association. As part of the registration process, golf cart owners must show proof of current property damage and personal injury insurance, by a financially sound insurance carrier, rated AM Best "A" IX or better, licensed and authorized to do business in

The State of Florida, covering the use of the golf cart along with any other information requested by the Association.

i. All golf carts must be operated in accordance with Florida law as amended from time to time.

ii. Persons under the age of 14 years old are prohibited from operating a golf cart within the Association.

i.—iii. To the fullest extent of the law, in consideration of the Association allowing the use of the golf cart in the Association and by its operation in the Association, the owner of a golf cart agrees to defend, indemnify, and forever hold harmless the Association, its officers, directors, agents, employees, property manager, and property management company from any liabilities damages, costs, penalties, fines, fees, losses, suits, demands, causes of action, judgments, obligations, claims, and expenses including but not limited to reasonable attorney's fees and court costs (whether pre-trial, trial, post-trial, appellate, mediation, arbitration, and/or in connection with any administrative proceeding) arising out of or related to any loss, damage or injury to any person or property however caused, or from any matter whatsoever arising out of or in connection with the use of the golf cart.

D.E. Remedy of Towing. If upon the Association's provision of that notice required by Section 715.07, Florida Statutes and applicable County Ordinances, as amended from time to time, an offending vehicle owner does not remove a prohibited or improperly parked vehicle from the Properties, the Association shall have the power and right to have the vehicle towed away at the vehicle owner's expense.

E.F. Alternative/Concurrent Remedies. Whether or not the Association exercises its right to have the vehicle so towed, the Association shall nonetheless have the right to seek compliance with this Section 8.4 by injunctive and other relief through the courts; and/or any other remedy conferred upon the Association by law or the Governing Documents. The Association's right to tow shall in no way be a condition precedent to any other remedies available to the Association incident to the enforcement of this Section 8.4.

F.G. Access Control; No Security. The Community is a private, gated community into which the Association limits access. **Such access shall not be considered as the Association providing security.** The access control personnel of the Association shall prohibit access into the Community and follow any requirements imposed by the Rules and Regulations, unless the Owner or Occupant either: (1) Purchases a remote device that activates the access control gates into the Community; (2) displays an Association access decal in the windshield of the vehicle in the location directed by the Association for viewing by the Association's access control personnel; or 3) provides the access control personnel with the Owners or Occupant's identification code. Guests, invitees and contractors of Owners and Occupants must register with the access control personnel prior to gaining access into the Community, and only upon receiving such Owner's or Occupant's telephonic authorization to permit access, or alternatively, if the Owner or Occupant registers specific

guests, invitees and contractors with the access control personnel prior to access; the foregoing is subject to any additional requirements set forth in the Rules and Regulations.

G.H. Grandfather Clause. To the extent that a vehicle or item is prohibited by this Section 8.4, but was permitted under the Original Declaration, then the vehicle or item in question shall be grandfathered but shall not be replaced unless the replacement vehicle or item complies with this Section 8.4.

No further changes.

Exhibit 2

Amendment 2 of 3

Full text of amendment to the Amended and Restated By-Laws of Boca Greens Homeowners' Association, Inc. ("By-Laws") as recorded in the Official Records of Palm Beach County beginning at Book 25330 and Page 69 (underlines are additions and ~~strikethroughs~~ are deletions).

This amendment replaces Section 8 in its entirety with the following:

Section 8. SYSTEM OF FINES AND/OR SUSPENSIONS FOR NON-COMPLIANCE.

8.1. The Board of Directors may levy fines and suspensions in accordance with Chapter 720, Florida Statutes, as amended from time to time ("Act").

8.2. Fines for a continuing violation may be levied in the maximum daily amount allowed by the Act and may exceed \$1,000 in the aggregate.

8.3. A fine may become a lien on the parcel/lot to the extent permitted by the Act.

8.4. Concurrent Remedies. The fine and/or suspension system may be invoked independently of, or concurrently with, any other remedies provided for by law or in the Governing Documents. As such, the fine and/or suspension system is not a condition precedent to the Association's pursuit of other remedies available to it under the Governing documents or under the law. Also, the fact that a fine is levied and/or paid does not constitute compliance or an excusal of the underlying violation(s) if in fact the violation(s) remain(s).

No further changes.

Exhibit 3

Amendment 3 of 3

Full text of amendment to the Revived Declaration of Covenants and Restrictions for Boca Greens ("Declaration") as recorded in the Official Records of Palm Beach County beginning at Book 25330 and Page 0009 (underlines are additions and ~~strikethroughs~~ are deletions).

Section 8.7 No Business Activity. No business or commercial activity or enterprise of any kind whatsoever shall be erected, maintained, operated, carried on, permitted or conducted on the Properties, including Lots, subject to the following: ; ~~provided, however that the following shall not violate this Section 8.7:~~

A. Any business which both qualifies as a home occupation under the applicable zoning code and can be conducted entirely through telecommunications is permissible. ~~shall be permitted. However, a day care or child care facility or operation (regardless of age) shall not be permitted, irrespective of whether same is a home occupation.~~

~~A.B.~~ Any business or commercial activity or enterprise which involves either in-person visits by clients, customers, contractors, vendors, agents, employees, or other persons, or goods/materials being shipped/mailed/sent/delivered to or from a Lot is prohibited.

~~B.C.~~ The practice of leasing Lots.

~~C.D.~~ The business of operating the Association.

No further changes.