

**AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
OF INDIAN RIVER CLUB, A CONDOMINIUM**

The following amendment is made to the AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF INDIAN RIVER CLUB, A CONDOMINIUM, recorded in Official Records Book 8325, Page 1, *et seq.*, of the Public Records of Brevard County, Florida (additions are indicated by underlining, deletions are indicated by ~~striketrough~~, and omitted but unaltered provisions are indicated by ellipses):

[...]

14. USE RESTRICTIONS. Use of the property submitted for condominium ownership shall be in accordance with the following use restrictions and reservations:

[...]

14.12 Smoking. Except as provided herein below, smoking or vaping shall be prohibited within individual Units, indoor and outdoor Limited Common Elements, including but not limited to Limited Common Element balconies and terraces, and all indoor and outdoor Common Elements, including but not limited to the pool area, and recreational facilities. No Unit Owner shall smoke or vape, or permit smoking or vaping by any occupant, agent, tenant, invitee, guest, friend, or family member within individual Units, indoor and outdoor Limited Common Elements, including but not limited to Limited Common Element balconies and terraces, and all indoor and outdoor Common Elements, including but not limited to the pool area, and recreational facilities.

Smoking or vaping in violation of this rule shall constitute a nuisance pursuant to the terms and provisions of the governing documents of the Association. "Smoking" shall include the inhaling, exhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, or any other product containing any amount of tobacco, marijuana or other similar heated or lit product, and the use of any electronic cigarette, vaping device, or similar product that produces vapor, aerosol, or smoke, whether or not containing nicotine, marijuana, or any other substance.

Notwithstanding the said prohibition against smoking or vaping, the Board of Directors may designate (or remove from designation) an outdoor area for smoking or vaping, provided the smoking or vaping area(s) shall not cause secondhand smoke or aerosol to drift into indoor or outdoor Common Elements, Limited Common Elements, or individual Units. Unit Owners and their occupants, agents, tenants, invitees, guests, friends, and family members shall be responsible for properly disposing of cigarette butts, cigars, wrappers, vaping cartridges, other related materials.

Unit Owners holding title to a Unit as of the date of recording of this Amendment in the Public Records of Brevard County, Florida ("Effective Date") shall only be permitted to smoke or vape within their Unit and upon their Limited Common Element balcony or terrace, up until such time that the Unit Owner no longer holds ownership to the Unit. Upon transfer of ownership of the Unit, whether by deed, inheritance, or operation of law, all subsequent Unit Owners shall be prohibited from smoking or vaping within individual Units, indoor and outdoor Limited Common Elements, including but not limited to Limited Common Element balconies and terraces, and all indoor and outdoor Common Elements, including but not limited to the pool area, and recreational facilities.

[...]

**THIS DOCUMENT PREPARED BY
AND RETURN TO:**

Sonia A. Bosinger, Esq.
ARIAS BOSINGER LACQUANTTI
845 E. New Haven Ave.
Melbourne, FL 32901

-----the space above this line is reserved for recording purposes-----

**CERTIFICATE OF AMENDMENT TO AMENDED AND RESTATED DECLARATION
OF CONDOMINIUM OF INDIAN RIVER CLUB, A CONDOMINIUM**

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, as President and Secretary of INDIAN RIVER CLUB ASSOCIATION, INC. (hereinafter "Association"), pursuant to the Florida Statutes and the AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF INDIAN RIVER CLUB, A CONDOMINIUM, recorded in Official Records Book 8325, Page 1, *et seq.*, of the Public Records of Brevard County, Florida, as amended and supplemented (hereinafter "Declaration"), hereby certify that the AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF INDIAN RIVER CLUB, A CONDOMINIUM, which amendment is attached hereto and by reference made a part hereof (hereinafter "Amendment"), was duly adopted at a meeting of the members on the 15 day of April, 2026 (hereinafter the "Meeting").

Said Amendment was approved at the Meeting in accordance with the requirements of Section 18.4 of the Declaration by the affirmative vote of a majority of the entire Voting Interests of the Association. Proper notice was given for the Meeting pursuant to the Bylaws of the Association and the Florida Statutes. The Notice of the Meeting stated the purpose, time, date and location of the Meeting.

The Association is a condominium 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 shall remain in full force and effect.

IN WITNESS HEREOF, the Association has caused these presents to be executed in its name, this 15 day of April, 2026.

Signed, sealed and delivered
in the presence of:

INDIAN RIVER CLUB
ASSOCIATION, INC.

WITNESS 1:

Lisa H Brown
(Sign) [Signature]
(Print) Lisa H Brown
(Post Office Address) 1025 Rockledge Dr, 202A
(City/State/Zip) Rockledge, FL 32955

PRESIDENT:

By: Deme D Kroger
(Sign) [Signature]
(Print) TERRIE T Kroger
(Post Office Address) 1049 Rockledge Dr #506B
(City/State/Zip) Rockledge, FL 32955

WITNESS 2:

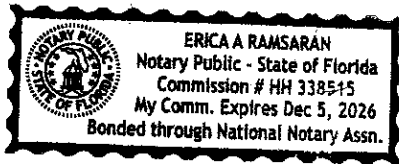
[Signature]
(Sign) Gina Silva
(Print) Gina Silva
(Post Office Address) 1025 Rockledge Drive #407A
(City/State/Zip) Rockledge, FL 32955

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of physical presence
or online notarization, this 15 day of April, 2026, by
TERRIE KROGER, as President of INDIAN RIVER CLUB ASSOCIATION, INC.,
a Florida not for profit corporation, on behalf of the corporation, who is personally known to
me or who has produced _____ as identification.

NOTARY PUBLIC

[Signature] (Sign)
ERICA RAMSARAN (Print)



State of Florida, At Large
My Commission Expires: 12-5-2026

Signed, sealed and delivered
in the presence of:

INDIAN RIVER CLUB
ASSOCIATION, INC.

WITNESS 1:

L. Brown
(Sign)
Lisa H Brown
(Print)
1025 Rockledge Dr, 202A
(Post Office Address)
Rockledge, FL 32955
(City/State/Zip)

SECRETARY:

Attested: *Gina Silva*
(Sign)
GINA SILVA
(Print)
1025 Rockledge Drive #407A
(Post Office Address)
Rockledge, FL 32955
(City/State/Zip)

WITNESS 2:

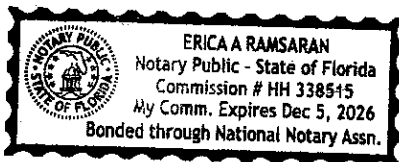
Dave J Kroger
(Sign)
TERRI T KROGER
(Print)
1049 Rockledge Dr #5066
(Post Office Address)
Rockledge, FL 32955
(City/State/Zip)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of physical presence
or online notarization, this 15 day of APRIL, 2026 by
Gina Silva, as Secretary of INDIAN RIVER CLUB ASSOCIATION, INC.,
a Florida not for profit corporation, on behalf of the corporation, who is personally known to
me or who has produced _____ as identification.

NOTARY PUBLIC

E. Ramsaran (Sign)
ERICA RAMSARAN (Print)



State of Florida, At Large
My Commission Expires: 12-5-2026