

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM,  
SUMMER PLACE CONDOMINIUM ASSOCIATION of BREVARD, INC.**

(CHANGES are identified as follows: **additions** are indicated by underlining, **deletions** are indicated by ~~striketrough~~, and **omitted but unaltered provisions** are indicated by ellipses . . . )

1. *To clarify and correct the Responsibility of Unit Owners as relates to attorney's intervention on behalf of the Association, changes to Article XIX paragraph two (2) are as follows:*

**ARTICLE VII: RESPONSIBILITY OF UNIT OWNERS**

. . .

~~In any action brought against a unit owner by the Association for damages, or injunctive relief due to such unit owner's failure to comply with the provisions of this Declaration or By-Laws of the Association, the prevailing party shall be entitled to court costs, reasonable attorney's fees and expenses incurred by it in connection with the prosecution of such action.~~

All attorney's fees and costs incurred by the Association in pursuing or defending any rights pursuant to this Declaration, or any rules or policies adopted by the Association, shall become a special assessment against the Owner and Unit which caused the violation(s) or defense by the Association, regardless of whether suit is brought or not, based on the affirmative vote of a majority of the Board of Directors during a meeting of the Board for which at least fourteen (14) days' notice was provided to the Unit's owners, which notice lists the adoption of a special assessment on the agenda. The assessment may be adopted once the violation has been cured or, if a lawsuit or petition or arbitration has been filed, a court order is entered in that lawsuit or arbitration finding the Association the prevailing party therein. The Association shall have no obligation to obtain an order determining the amount of attorney's fees to be awarded prior to being entitled to recover all charges incurred in the enforcement activity. The amendments to this provision shall apply to all owners and lots within the Condominium, regardless of when the violation arose and regardless of whether a demand to cure same has been filed before this amendment is recorded.