

**WRITTEN CONSENT TO APPROVE REVITALIZATION OF THE COVENANTS,
RESTRICTIONS, CONDITIONS AND EASEMENTS FOR BOCA POINTE COMMUNITY
ASSOCIATION, INC.**

PURSUANT TO SECTIONS 720.403 – 720.407, FLORIDA STATUTES

RECITALS

- A. The undersigned is either the sole owner, co-owners, or authorized representative of the owner of the Lot indicated below in the signature block of Boca Pointe Community Association, a planned community (hereinafter: the “Parcel”). The undersigned is otherwise entitled to membership in Boca Pointe Community Association Inc. (hereinafter: the “Association”) by virtue of the ownership of said parcel.
- B. The undersigned hereby executes this Written Consent on behalf of the Owner(s) of the Parcel pursuant to the provisions of Section 720.405 and 617.0701(4)(a), Florida Statutes for the purpose of expressing approval or disapproval on the revitalization and revival of a certain document entitled Declaration of Covenants, Conditions, Restrictions and Easements of Boca Pointe Community Association which is recorded in Book 13764 Page 793 et seq. of the Public Records of Palm Beach County, Florida (“Covenants”). The Covenants is hereinafter referred to as both the “Previous Covenants” and the “Revived Covenants.”
- C. The undersigned hereby acknowledges and agrees that Boca Pointe Community Association is a residential community eligible to revive its covenants under Sections 720.403 – 720.407, Florida Statutes because:
1. All parcels proposed to be governed by the Revived Covenants were once governed by the Previous Covenants, but that has ceased to govern some or all of the parcels in the community; and
 2. The proposed Revived Covenants does not contain covenants that are more restrictive on the parcel owners than the covenants contained in the Previous Covenants; and
 3. The procedure being used to revive the Previous Covenants is in accord with the requirements of Section 720.405(6), Florida Statutes.
- D. Further, the undersigned acknowledges and agrees that:
1. The Association is an existing Florida corporation not for profit and the Articles of Incorporation and Bylaws of the Association are those currently existing; and
 2. The proposed Revived Covenants provides that the voting interest of each parcel owner shall be the same as the voting interests of the parcel owner under the previous governing documents; and
 3. The proposed Revived Covenants provides that the proportional-assessment obligations of each parcel owner shall be the same as proportional-assessment obligations of the parcel owner under the previous governing documents; and

4. The proposed Revived Covenants contains the same respective amendment provisions as the previous governing documents or, if there were no amendment provisions in the previous governing document, amendment provisions that require approval of not less than two-thirds of the affected parcel owners; and
 5. The proposed Revived Covenants contains no covenants that are more restrictive on the affected parcel owners than the covenants contained in the previous governing documents, except as permitted under Florida Statute section 720.404(3); and
 6. The proposed Revived Covenants complies with the other requirements for a declaration of covenants and other governing documents as specified in this chapter; and
 7. This Written Consent shall be binding on the successors, assigns, heirs, executors or beneficiaries of the undersigned.
- E. The undersigned acknowledges receipt of a copy of the complete text of the proposed Revived Covenants, the existing articles of incorporation and bylaws of the homeowners' association, and a graphic depiction of the property to be governed by the Revived Covenants simultaneous with receipt of this Written Consent form.
- F. The undersigned, by execution of this instrument, waives the calling of the meeting and formal notice of same.

WRITTEN CONSENT

I, BERKACH DONALD E owner (and/or authorized representative of Florida Limited Liability Company or Florida Corporation owning a LOT in Boca Pointe Community Association) of LOT 7610 MIRABELLA DR with legal description of: VALENCIA LT 114 in Boca Pointe Community Association Inc. hereby gives consent for revival of the Declaration of Covenants, Conditions, Restrictions and Easements of Boca Pointe Community Association pursuant to section 720.405(6), Florida Statutes.

Owner (or authorization representative of Florida entity owning a property / LOT in Boca Pointe Community Association

Signature: _____

Print Name: BERKACH DONALD E Date: _____

Title: Owner

Florida Limited Liability Company name (if applicable): _____