

PREPARED BY AND SHOULD BE
RETURNED TO:
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KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2005472463 11/29/2005 at 07:07 AM
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Condominium Plats pertaining
hereto are filed in Plat Book 1, Pages 35 and 36.

**AMENDMENT TO DECLARATION OF
TOWNS APARTMENTS, INC., NO. 5, A CONDOMINIUM**

WHEREAS, the Board of Directors and Unit Owners of TOWN APARTMENTS, INC., NO. 5, hereinafter referred to as Association, desires to amend the Declaration for said condominium association, which Declaration of Condominium and Bylaws have been filed and recorded in and for Pinellas County, Florida, within O.R. Book 2313, beginning with Page 668, et seq.

WHEREAS, a meeting of the Board of Directors of the association and said unit owners/members was duly called in accordance with the Declaration of Condominium and Bylaws, after proper notice was given to the unit owners/members.

WHEREAS, such meeting took place on September 6, 2005, there was present a quorum of Directors and a quorum of unit owners/members as defined and required by the Bylaws, Articles of Incorporation, and the Declaration of Condominium for said Association.

WHEREAS, after due consideration, of said proposed amendment, which amendment was proposed by resolution by said Directors, same was presented for a vote, and accepted by the required vote of the Board of Directors, and said amendment was approved by the vote of the required percentage of unit owners/members

according to the provisions of the Bylaws, Articles of Incorporation, and the Declaration of Condominium for said Association.

WHEREAS, that the Board of Directors and the unit owners/members have approved the Amendment to the Declaration, said Amendment is hereinafter provided.

NOW THEREFORE, said Declaration shall be hereby amended pursuant to the heretofore stated authority and requirements, which amendment is to be provided within said Declaration of Condominium and By-Laws, and said amendment is as follows:

20. OBLIGATIONS OF MEMBERS:

(g) HOUSING FOR OLDER PERSONS. Notwithstanding any provision to the contrary, this Association is designated housing for older persons and this housing is intended and operated for occupancy by at least one person who is fifty-five (55) years of age or older and shall allow no permanent occupancy of any unit by an individual under the age of fifty-five (55), unless there is at least one (1) person who is 55 or over in residence in the unit or as provided herein.

Notwithstanding same, the Board in its sole discretion shall have the right to establish hardship exceptions to permit persons between the ages of forty-five (45) and fifty-five (55) to permanently reside in the condominium and allowing for surviving spouses and heirs already in residence to continue to occupy the unit, providing that said exceptions shall not be permitted where granting of such exception would result in less than 80% of the units having less than one (1) resident fifty-five (55) years of age or older.

The Board of Directors shall establish policies and procedures for the purpose of assuring that the required percentage of over fifty-five (55) occupancy is maintained at all times. The Board, or its designee, shall have the sole and absolute authority to deny occupancy of a unit by any person(s) who would create a violation of the necessary percentage of over fifty-five (55) occupancy. Permanent occupancy or residency is defined in the Rules and Regulations of the Association as may be promulgated by the Board, from time to time.

The rules and regulations regarding the use of the unit by persons under the age of fifty-five (55) as provided herein are subject to the rules and regulations passed by the Board of Directors of this Association. No unit shall, at any time, be permanently occupied by any persons who are under forty-five (45) years of age, except that persons below the age of forty-five (45) are permitted to visit and temporarily reside for such periods as may be permitted by the Association's governing documents.

This amendment shall be binding upon all newly occupied units after the date the amendment is passed by the unit owners and recorded in the Public Records, and shall be binding upon all forms of conveyances of units, if allowed, including sale, lease or agreement for deed, etc.

~~(g) Not allow any children under sixteen (16) years of age to reside on the premises except as permitted under the regulations established from time to time by the Association.~~

RESOLVED, further, that said Amendment to the Declaration of the Association is hereby adopted, approved and the Board of Directors shall have same recorded in the Public Records of Pinellas County, Florida.

TOWN APARTMENTS, INC., NO. 5

BY: Joseph A. Langevin
President

BY: Richard E. Kemp
Secretary VICE PRES

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 15th day of Nov., 2005, by Joseph A. Langevin, the President and Richard E. Kemp, the Secretary, who are personally known to me or who have produced personally known / personally known as identification and who did take an oath and depose and says that they executed the foregoing Amendment and acknowledge to and before me that they executed said Amendment for the purpose therein expressed.

Witness my hand and official seal this 15th day of Nov., 2005.

Elaine A. King
Notary Public

My commission expires:



ELAINE A. KING
Notary Name Typed/Printed

(CODING: Words in underscored type indicate changes from original Declaration of Condominium and By-Laws and deletions from the original Declaration of Condominium and By-Laws are shown by strike outs. Unless otherwise provided herein, all provisions of the Declaration of Condominium and By-Laws are not affected by this Amendment and shall remain the same.)