

Prepared by and return to:

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Tampa, FL 33607

**CERTIFICATE OF AMENDMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
TAMPA PALMS OWNERS ASSOCIATION
AND
NOTICE OF PRESERVATION PURSUANT TO SECTION 712.05(2)(b), FLORIDA STATUTES**

THIS CERTIFICATE OF AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR TAMPA PALMS OWNERS ASSOCIATION (the "Amendment"), is made this 27 day of October, 2021 by TAMPA PALMS OWNERS ASSOCIATION, INC., a Florida corporation not for profit (the "Association").

This Certificate of Amendment is indexed under the legal name of the Association executing this Certificate, references the recording information of the Declaration of Covenants, Conditions and Restrictions, and is intended to preserve and protect the Declaration of Covenants, Conditions and Restrictions from extinguishment by operation of Chapter 712, Florida Statutes.

RECITALS

WHEREAS, certain Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association (the "Declaration"), recorded in Official Records Book 4753, Page 1345, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Amendment to the Declaration of Covenants, Conditions and Restrictions for the Tampa Palms Owners Association, recorded in Official Records Book 5510, Page 1710, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Corrective Amendment to Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 6516, Page 842, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, Inc., recorded in Official Records Book 8031, Page 303, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, Inc., recorded in Official Records Book 8036, Page 1640, *et seq.*, of the Public Records of Hillsborough County, Florida; and

Certificate of Amendment to the Declaration of Covenants, Conditions, And Restrictions for Tampa Palms Owners Association and Notice of Preservation

WHEREAS, the Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 24461, Page 867, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Certificate of Amended Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 24716, Page 383, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 25531, Page 1175, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 25697, Page 265, *et seq.*, of the Public Records of Hillsborough County, Florida; and

WHEREAS, the Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association and Notice of Preservation Pursuant to Section 712.05(2)(b), Florida Statutes, recorded as Instrument #2021526831 of the Public Records of Hillsborough County, Florida; and

WHEREAS, Section 712.05(2)(b), Florida Statutes, provides for preservation of a covenant or restriction by filing a notice of preservation with an amendment to a community covenant or restriction that references the covenant or restriction to be preserved. The covenants or restrictions to be preserved are:

- i. Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 4753, Page 1345, *et seq.*, of the Public Records of Hillsborough County, Florida;
- ii. Amendment to Declaration of Covenants, Conditions and Restrictions for the Tampa Palms Owners Association, recorded in Official Records Book 5510, Page 1710, *et seq.*, of the Public Records of Hillsborough County, Florida; and
- iii. Corrective Amendment to Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 6516, Page 842, *et seq.*, of the Public Records of Hillsborough County, Florida; and
- iv. Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, Inc., recorded in Official Records Book 8301, Page 303, *et seq.*, of the Public Records of Hillsborough County, Florida; and
- v. Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, Inc., recorded in Official Records Book 8036, Page 1640, *et seq.*, of the Public Records of Hillsborough County, Florida; and
- vi. Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 24461, Page 867, *et seq.*, of the Public Records of Hillsborough County, Florida; and

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And Restrictions for Tampa Palms Owners Association and Notice of
Preservation*

- vii. Certificate of Amended Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 24716, Page 383, et seq., of the Public Records of Hillsborough County, Florida; and
- viii. Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 25531, Page 1175, et seq., of the Public Records of Hillsborough County, Florida; and
- ix. Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association, recorded in Official Records Book 25697, Page 265, et seq., of the Public Records of Hillsborough County, Florida; and
- x. Certificate of Amendment to the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association and Notice of Preservation Pursuant to Section 712.05(2)(b), Florida Statutes, recorded as Instrument #2021526831, of the Public Records of Hillsborough County, Florida; and

WHEREAS, Article XIII, Section 2 of the Declaration provides that the Declaration may be amended by the affirmative vote or written consent, or any combination thereof, of Voting Members representing sixty (60%) percent of the total votes of the Association; and

WHEREAS, Tracy Falkowitz, President and Deborah Libertiny, as Secretary of Tampa Palms Owners Association, Inc., do hereby certify that the following amendments to the Declaration of Covenants, Conditions, Restrictions and Easements of Tampa Palms Owners Association have been approved at the Annual Meeting of the Members and the Budget Meeting, held on September 14, 2021, by the affirmative vote of Voting Members representing sixty (60%) percent of the total votes of the Association; and

WHEREAS, Association wishes to place this Amendment in the Public Records of Hillsborough County, Florida;

NOW THEREFORE, Association declares that every portion of the real property subject to the Declaration shall be subject to the provisions of this Amendment.

General Provisions. The foregoing Recitals are true and correct and are incorporated into and form a part of this Amendment. All initially capitalized terms not defined herein shall have the definitions for such terms as provided in the Declaration.

(Where applicable, the following “~~strike through~~” text will be deleted and the following new text will be added “underscored”).

I. Article X, Section 7 of the Declaration of Covenants, Conditions and Restrictions for Tampa Palms Owners Association is amended to read as follows:

Section 7. Subordination of the Lien to First Deeds of Trust and First Mortgages. The lien of assessments, including interest, late fees (subject to the limitations of Florida law as may be amended from time to time), and costs (including attorney’s fees) provided for herein, shall be subordinate to the lien of any first Mortgage upon any Unit. The sale or transfer of any Unit shall not affect the assessment lien.

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However, The sale or transfer of any Unit pursuant to judicial or nonjudicial foreclosure of a first Mortgage shall not extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Unit from lien rights for any assessments thereafter becoming due. Where the Mortgagee of a first Mortgage of record or other purchaser of a Unit obtains title, the first Mortgagee shall not be liable for the share of the common expenses or assessments by the Association chargeable to such Unit except the lesser of the prior one (1) year of regular periodic or special assessments or one percent (1%) of the original mortgage debt. Any remaining unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the Units, including such acquirer, his successors and assigns the first purchaser. Where the transfer, whether by purchase at a foreclosure sale or by deed in lieu of foreclosure is directly to a 3rd party, that party shall be liable for unpaid assessments, interest, late fees and costs, including attorney fees, as specified at Section 720.3085 FS, as may be amended from time to time.

IN WITNESS WHEREOF, the undersigned has executed this Amendment on behalf of the Association this 27 day of October, 2021.

Signed, sealed and delivered in the presence of:

[Signature]
Print Name: Maria E. Fries

[Signature]
Print Name: Andrew Lynn

[Signature]
Print Name: Brian Koerber

[Signature]
Print Name: Bernice D French

TAMPA PALMS OWNERS ASSOCIATION, INC., a Florida not for profit corporation

By: [Signature]
Tracy Falkowitz, President

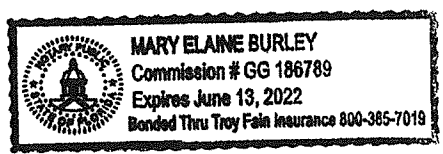
Attest:
By: [Signature]
Deborah Libertiny, Secretary

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, this day personally appeared, Tracy Falkowitz, as President of Tampa Palms Owners Association, Inc., a Florida not for profit corporation, by means of [] physical presence or [] online notarization, as officer of said corporation and severally acknowledged before me that she executed the foregoing Certificate of Amendment to the Declaration of Covenants, Conditions, and Restrictions for Tampa Palms Owners Association and Notice of Preservation Pursuant to Section 712.05(2)(b), Florida Statutes, freely and voluntarily for and on behalf of said corporation, for the uses and purposes therein mentioned and intended, and with full and specific authority of the Board of Directors of said corporation in their behalf.

WITNESS my hand and official seal this 20 day of October, 2021.

[Signature]
Notary Public
My Commission expires: _____

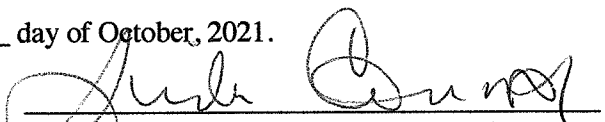


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Preservation*

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, this day personally appeared, Deborah Liberty, as Secretary of Tampa Palms Owners Association, Inc., a Florida not for profit corporation, by means of physical presence or online notarization, as officer of said corporation and severally acknowledged before me that she executed the foregoing Certificate of Amendment to the Declaration of Covenants, Conditions, and Restrictions for Tampa Palms Owners Association and Notice of Preservation Pursuant to Section 712.05(2)(b), Florida Statutes, freely and voluntarily for and on behalf of said corporation, for the uses and purposes therein mentioned and intended, and with full and specific authority of the Board of Directors of said corporation in their behalf.

WITNESS my hand and official seal this 27 day of October, 2021.



Notary Public
My Commission expires: 03/27/2024

