

AMENDMENT
OF
DECLARATION OF CONDOMINIUM
FOR
TYRONE FIFTH AVENUE APARTMENTS "A" & "E"

We, the undersigned, being all of the owners of the condominium parcels in Tyrone Fifth Avenue Apartments "A" & "E" do hereby amend and modify as hereinafter set forth, the Declaration of Condominium for Tyrone Fifth Avenue Apartments "A" & "E", and the By-Laws of Tyrone Fifth Avenue Apartments Association "A" & "E", heretofore filed in Official Records Book 2230, pages 650-685, and as filed in Condominium Plat Book 1, pages 28 and 29, Public Records of Pinellas County, Florida.

All of the provisions and conditions to the amendment of the said Declaration of Condominium and of the By-Laws as set forth in Paragraph 17 of said Declaration of Condominium have been fully complied with.

Paragraph 1. of the Declaration of Condominium above set forth is hereby amended and modified as follows:

1. SUBMISSION OF LAND TO CONDOMINIUM OWNERSHIP - The following described Real Property, hereinafter referred to as "Condominium Property," is hereby submitted to condominium ownership:

LEGAL DESCRIPTION TO SAID REAL PROPERTY IS
ATTACHED HERETO AS EXHIBIT "A" AND MADE A
PART HEREOF AS THOUGH SET FORTH IN FULL,

the same being in Pinellas County, Florida, owned in fee simple by the Owners together with the improvements constructed thereon shall be subject to the condominium form of ownership according to the terms and conditions of this Declaration.

Paragraph 5. of the Declaration of Condominium above set forth is hereby amended and modified as follows:

5. IDENTIFICATION AND PERCENTAGE OF COMMON ELEMENTS APPURTENANT EACH UNIT - The condominium apartments and all other improvements constructed on the condominium property as set forth in detail in the plans heretofore filed in Condominium Plat Book 1, page 28, marked Exhibit "C", and plans attached hereto and marked Exhibit "D-1" and "D-2". Each condominium apartment is described in said plans in

such a manner that there can be determined therefrom the identification, location, dimensions and size of such apartment as well as of the common elements appurtenant hereto, as further evidenced by the Engineer's and Surveyor's certificate attached hereto as Exhibit "F".

Each condominium apartment is identified by a number as shown on the plans attached hereto as Exhibits "D-1" and "D-2", and made a part hereof, so that no apartment bears the same designation as does any other apartment.

The undivided shares, stated as percentages, in the common elements appurtenant to each of the apartments are as follows:

<u>Apt. No.</u>	<u>Percent</u>	<u>Apt. No.</u>	<u>Percent</u>	<u>Apt. No.</u>	<u>Percent</u>	<u>Apt. No.</u>	<u>Percent</u>
A-1	3.596%	A-7	3.596%	E-1	5.308%	E-7	5.308%
A-2	3.596%	A-8	3.596%	E-2	3.596%	E-8	3.596%
A-3	5.308%	A-9	5.308%	E-3	3.596%	E-9	3.596%
A-4	3.596%	A-10	3.596%	E-4	5.308%	E-10	5.308%
A-5	3.596%	A-11	3.596%	E-5	3.596%	E-11	3.596%
A-6	5.308%	A-12	5.308%	E-6	3.596%	E-12	3.596%

Paragraph 17 of the Declaration of Condominium above set forth is hereby amended and modified as follows:

17. AMENDMENT - This Declaration of Condominium and By-Laws may be amended in the following manner:

(a) Declaration of Condominium - Amendments to this Declaration of Condominium shall be proposed and adopted in the following manner:

(1) Amendments to the Declaration of Condominium proposed by the condominium parcel owners or by the condominium parcel owners of a leasehold estate having an original term of ten (10) years or more, shall be adopted in the following manner:

(i) Notice - A written notice of the subject matter of the proposed amendment shall be served upon the fee simple owners of the condominium parcels and upon the owners of said leasehold estate, by United States Mail to the address which they have registered with the Condominium Association. Said notice shall be mailed at least fifteen days prior to the date of the meeting at which the proposed amendment is to be considered.

(ii) A resolution proposing the adoption of amendments to the Declaration must be approved by 75% of said owners; provided, however, that each condominium parcel shall be entitled to one vote for the owner of the leasehold estate and one vote for the fee simple owner. Providing further that in the event one or more persons are owners in fee simple of one condominium parcel, or more than one condominium parcel he or they shall have collectively as many votes as condominium parcels. The condominium parcel owners in fee simple who are unable to be present at the meeting at which the amendment is considered may register their approval or disapproval in writing.

(2) Amendments to the Declaration of Condominium proposed by the association, a management corporation or the association delegate, if the association has a contract outstanding with the same shall be adopted in the following manner:

(i) Notice - A written notice of the subject matter of the proposed amendment shall be served upon the fee simple owners of the condominium parcels and upon owners of said leasehold estate, by United States Mail to the address which they have registered with the Condominium Association. Said notice shall be mailed at least fifteen days prior to the date of the meeting at which the proposed amendment is to be considered.

(ii) A resolution proposing the adoption of amendments to the Declaration must be approved by 75% of said owners; provided, however, that each condominium parcel shall be entitled to one vote for the owners of the leasehold estate and one vote for the fee simple owners. Providing further that in the event one or more persons are owners in fee simple of one condominium parcel, or more than one condominium parcel, he or they shall have collectively as many votes as condominium parcels. The condominium parcel owners in fee simple who are unable to be present at the meeting at which the amendment is considered may register their approval or disapproval in writing.

(3) Recording - Upon the adoption of the amendment the association or its delegate, through its officers, shall certify

the amendment as having been duly adopted and shall cause the amendment to be recorded in the Public Records of Pinellas County, Florida, from which time, it shall be effective.

(b) Association By-Laws - The By-Laws of the Association shall be amended in the following manner:

(1) Notice of the subject matter of the proposed By-Law change shall be in writing and served in the same manner as provided for notice for the amendment to the Declaration of Condominium.

(2) Approval of the Association - The amendment to these By-Laws must receive the same approval of the Association as required in sub-paragraph (a) 1. (ii) and (a) 2. (ii) of this paragraph.

(3) Recording - Upon the amendment of the By-Laws the Association or its delegate, through its officers, shall certify the amendment as having been duly adopted and shall cause the amendment to be recorded in the Public Records of Pinellas County, Florida, from which time it shall be effective.

Paragraph 24. of the Declaration of Condominium above set forth is hereby amended and modified as follows:

24. TERMINATION - All of the unit owners in fee simple and all of the owners of a leasehold estate having an original term of ten years or more, may remove the condominium property from the provision of this declaration and of the provision of Chapter 711 Florida Statutes by an instrument to that effect, duly recorded, provided that all the holders of all liens affecting any of the condominium parcels consent thereto or agree, in either case by instruments duly recorded, that their lien be transferred to the percentage of the undivided interest of the unit owner in the property as hereinafter provided.

Upon removal of the condominium property from the provisions of this declaration and from the provisions of Chapter 711 Florida Statutes, the condominium property shall be deemed to be owned in common by the unit owners. Unless otherwise provided in the declaration, the undivided interest in the property owned in common by each unit owner shall be the percentage of undivided interest previously owned by such owner in the common elements.

Paragraph 4 of the By-Laws of Tyrone Fifth Avenue Apartments Association "A" & "E" above set forth is hereby amended and modified as follows:

4. MEMBERS & VOTING - A member shall be the owner of a leasehold estate having an original term of ten (10) years or more of a condominium parcel in Tyrone Fifth Avenue Apartments "A" & "E", a Condominium. In the event there is no owner of such leasehold estate for a condominium parcel, then a member shall be the owner or owners in fee simple of such condominium parcel. Each member shall be entitled to one vote for every condominium parcel owned for the purpose of electing governors and for transacting any other business authorized to be transacted by the members provided, however, that in no event shall there be more than one vote cast for each condominium parcel.

A. The annual Members' Meeting shall be held at the office of the Association at 8:00 o'clock P.M., Eastern Standard Time, on the Second Monday in December of each year for the purpose of electing governors after the expiration of the original term as set forth in the declaration, and for transacting any other business authorized to be transacted by the members; provided, however, if that day is a legal holiday, the meeting shall be held at the same hour on the next succeeding day.

B. Special Members' Meetings shall be held whenever called by the Chairman, Vice-Chairman or by a majority of the Board of Governors and must be called by such officers upon receipt of written request from one-third of the entire membership.

C. Notice of All Members' Meetings stating the time and place and the purpose for which the meeting is called shall be given by the Chairman or Vice-Chairman or Secretary unless waived in writing. Such notice shall be in writing to each member as his address appears on the books of the Association and shall be mailed not less than ten (10) days nor more than sixty (60) days prior to the date of the meeting. Notice shall be sent by certified mail.

D. A Quorum at Members' Meetings shall consist of persons entitled to cast a majority of the votes of the entire membership,

The joinder of a member in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such member for the purpose of determining a quorum. When a quorum is present at any meeting, holders of a majority of the voting rights present in person or represented by written proxy shall decide any question brought before the meeting, unless the question is one upon which by express provisions of the statutes, the Declaration of Condominium, or of the By-Laws a different vote is required, in which case such expressed provision shall govern and control the decision.

E. The Vote of the Owners of a condominium parcel owned by more than one person or by a corporation or other entity shall be cast by the person named in the certificate signed by all of the owners of the condominium parcel and filed with the Secretary of the Association. Such certificate shall be valid until revoked by a subsequent certificate. If such a certificate is not on file, the vote of such owners shall not be considered in determining the requirements for a quorum nor for any other purpose.

F. Proxies. Votes may be cast in person or by proxy. Proxies shall be valid only for the particular meeting designated therein and must be filed with the Secretary before the appointed time of the meeting.

G. Approval or Disapproval of a condominium parcel owner upon any matter, whether or not the subject of an Association meeting shall be by the same person who would cast the vote of such owner if in an association meeting.

H. Adjourned Meetings. If any meeting of members cannot be organized because a quorum has not attended, the members who are present either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

I. The Order of Business at annual members' meetings, and as far as practical at all other members meetings, shall be:

- (1) Election of Chairman of the meeting.
- (2) Calling of the roll and certifying of proxies.
- (3) Proof of Notice of Meeting or Waiver of Notice.
- (4) Reading and disposal of any unapproved minutes.
- (5) Reports of governors.

- (6) Reports of committees
- (7) Election of inspectors of election.
- (8) Election of Governors
- (9) Unfinished Business.
- (10) New Business.
- (11) Adjournment

Paragraph 5A of the By-Laws of Tyrone Fifth Avenue Apartments Association "A" & "E" above set forth is hereby amended and modified as follows:

5. GOVERNORS.

A. The Board of Governors shall consist of four persons. Each member of the Board of Governors shall be either the Owner of a condominium parcel as set forth in paragraph 4 above, have an interest therein, or in the event of a corporate ownership, any officer or designated agent thereof excepting however the original Board of Governors need not be owners.

This amendment to the Declaration of Condominium and the By-Laws of the Association together with Exhibits attached hereto made and entered into this 1 day of March, 1966.

WITNESS:

[Handwritten Signature]
[Handwritten Signature]

[Handwritten Signature]
Joseph Zappala
[Handwritten Signature]
Alene E. Rothman
Beatrice Beatty
Walter T. Zappala

We, the undersigned, being all of the members of the Board of Governors and being all of the officers of Tyrone Fifth Avenue Apartments Association "A" & "E" do hereby certify that the above and foregoing amendments to the Declaration of Condominium of Tyrone Fifth Avenue Apartments "A" & "E" and of the By-Laws of Tyrone Fifth Avenue Apartments Association "A" & "E" have been duly adopted after full

compliance with the terms and conditions to amendments.

Sheldon L. Rothman
Governor and Chairman, Sheldon L. Rothman

Joseph Zappala
Governor and Vice-Chairman, Joseph Zappala

Albert C. Werly
Governor and Secretary, Albert C. Werly

John Beatty
Governor and Treasurer, John Beatty

STATE OF FLORIDA)
COUNTY OF PINELLAS) ss:

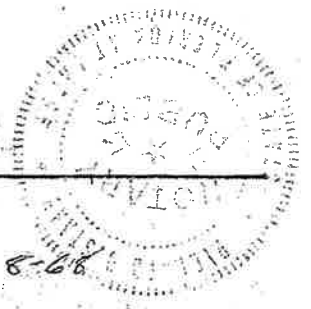
I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, JOSEPH ZAPPALA and CAROLE V. ZAPPALA, his wife, SHELDON L. ROTHMAN and ARLENE E. ROTHMAN, his wife, JOHN BEATTY and BEATRICE BEATTY, his wife, and SHELDON L. ROTHMAN, as Governor and Chairman, JOSEPH ZAPPALA, as Governor and Vice-Chairman, ALBERT C. WERLY, as Governor and Secretary, and JOHN BEATTY, as Governor and Treasurer, of Tyrone Fifth Avenue Apartments Association "A" & "E", a Florida Corporation, to me well known and known to me to be the persons described in and who executed the foregoing Amendment of the Declaration of Condominium, and they acknowledged before me that they executed the same freely and voluntarily and for the purposes therein expressed.

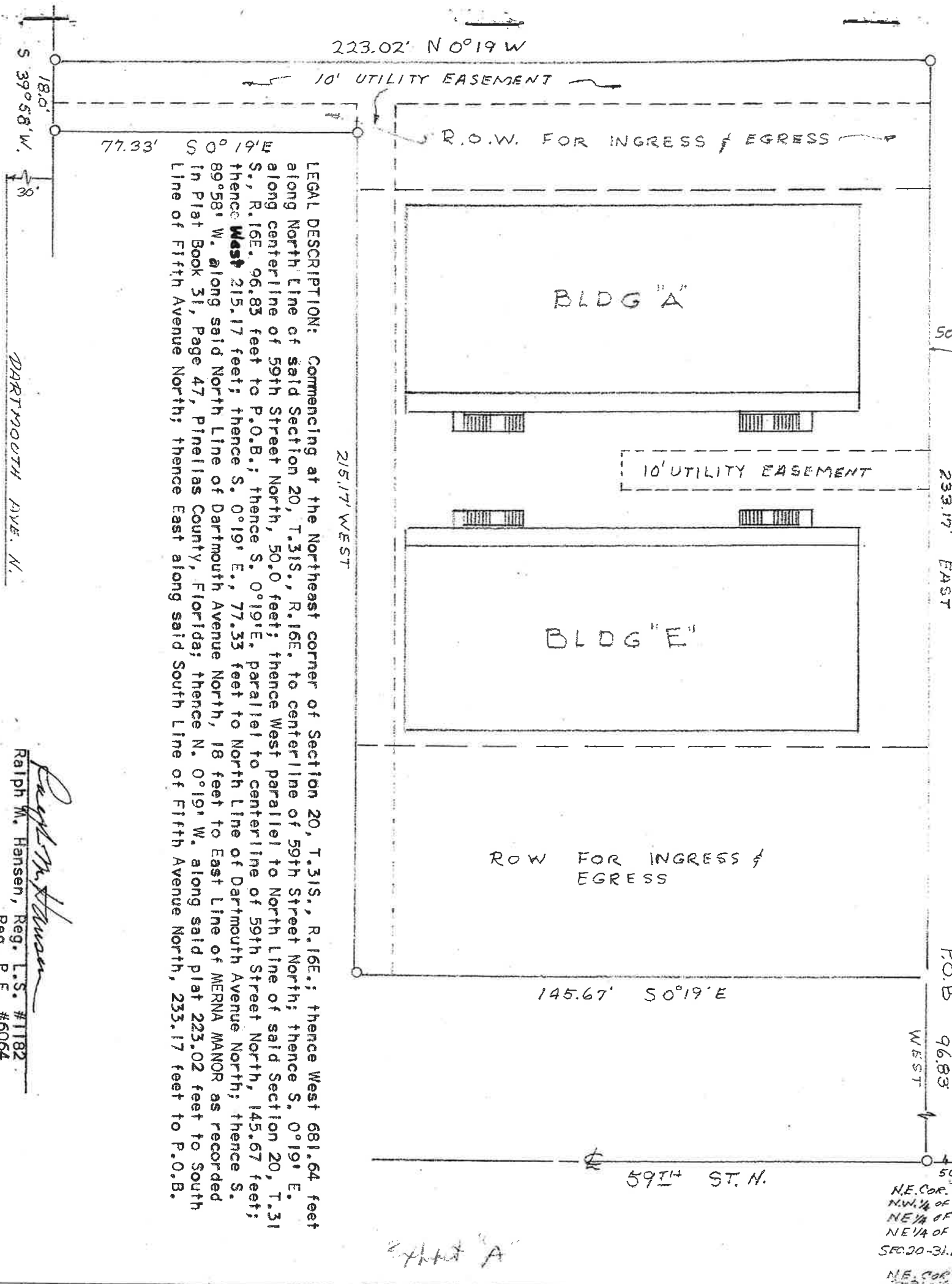
WITNESS my hand and official seal at St. Petersburg, County of Pinellas, State of Florida, this 1 day of March, A.D., 1966.

Notary Signature

NOTARY PUBLIC

My Commission expires: 12-8-66





LEGAL DESCRIPTION: Commencing at the Northeast corner of Section 20, T.31S., R.16E.; thence West 681.64 feet along North Line of said Section 20, T.31S., R.16E. to centerline of 59th Street North; thence S. 0°19' E. along centerline of 59th Street North, 50.0 feet; thence West parallel to North Line of said Section 20, T.31 S., R.16E. 96.85 feet to P.O.B.; thence S. 0°19' E. parallel to centerline of 59th Street North, 145.67 feet; thence West 215.17 feet; thence S. 0°19' E.; 77.33 feet to North Line of Dartmouth Avenue North; thence S. 89°58' W. along said North Line of Dartmouth Avenue North, 18 feet to East Line of MERRA MANOR as recorded in Plat Book 31, Page 47, Pinellas County, Florida; thence N. 0°19' W. along said plat 223.02 feet to South Line of Fifth Avenue North; thence East along said South Line of Fifth Avenue North, 233.17 feet to P.O.B.

Ralph M. Hansen
 Ralph M. Hansen, Reg. L.S. #1182
 Reg. P.E. #6064

EXHIBIT "A"

A F F I D A V I T

STATE OF FLORIDA)
) ss:
COUNTY OF PINELLAS)

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned authority, RALPH M. HANSEN, President of HANSEN ENGINEERING, INC., a Florida Corporation, who, after being first duly sworn as required by law, deposes and says as follows:


I, RALPH M. HANSEN, am a Registered Land Surveyor, #1182, and a Registered Professional Civil Engineer, #6064, authorized to practice in the State of Florida, and do hereby certify that from the survey, building plans, floor plans, maps, sketches; and together with the working of the Declaration of Condominium of TYRONE FIFTH AVENUE APARTMENTS "A" & "E", a Condominium, is a correct representation of the improvements described, and there can be determined therefrom the identification, location, dimensions and size of the common elements and of each unit in the TYRONE FIFTH AVENUE APARTMENTS "A" & "E", a Condominium.

Further Affiant saith naught.

Ralph M. Hansen
RALPH M. HANSEN, President
HANSEN ENGINEERING, INC.

Sworn to and subscribed before me this 7 day of March
1966.

[Signature]
Notary Public
My Commission Expires: 12-8-68

A circular notary seal for the State of Florida, containing the text "NOTARY PUBLIC STATE OF FLORIDA" and a star in the center.