

Prepared by and after recording return  
by mail to:

Denis A. Cohrs, Esquire  
Denis A. Cohrs, P.A.  
2575 Ulmerton Road, Suite 210  
Clearwater, FL 33762

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**AMENDMENT TO**  
**DECLARATION**  
**OF**  
**EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS**  
**FOR**  
**TUSCANY BY THE SEA, A CONDOMINIUM RESIDENCE**

**THIS AMENDMENT** to Declaration of Easements, Covenants, Conditions, and Restrictions for **Tuscany By The Sea, A Condominium Residence** (this "Amendment") is made this 9<sup>th</sup> day of March, 2007, by **Tuscany By The Sea Condominium Association, Inc.**, a Florida non-profit corporation (the "Association"), and the requisite number of Owners (as hereinafter defined) of the units at the condominium known as **Tuscany By The Sea, A Condominium Residence**.

**WITNESSETH:**

**WHEREAS**, the Association is the condominium association of Tuscany By The Sea pursuant to the Declaration of Easements, Covenants, Conditions, and Restrictions recorded in O.R. 14781, beginning at page 304, of the Public Records of Pinellas County, Florida (the "Declaration"); and

**WHEREAS**, the Declaration, pursuant to Section 26, provides in part that the Declaration may be amended with the approval of two-thirds (2/3) or more of the voting interests of the Condominium (as defined in the Declaration); and

WHEREAS, the Board of Directors of the Association has recommended to the Association and the Owners, approval of the amendments herein set forth; and

WHEREAS, the amendments herein set forth have been approved by two thirds (2/3) or more of all the Owners at a duly constituted meeting of the members; and

NOW, THEREFORE, the Association and the Owners hereby declare as follows:

1. **Amendment to Section 4.** The provisions of Section 4 of the Declaration, are hereby amended by adding Subsection 4.19 thereto as follows:

4.19 "Surface Water Management System Facilities" means the surface water management located in and about the Common Elements and shall include, but are not limited to all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, flood plain compensation areas, wetlands and any associated buffer areas and wetland mitigation areas.

2. **Amendment to Section 14.** The provisions of Section 14 of the Declaration, are hereby amended by adding Subsection 14.6 thereto as follows:

14.6 **Alteration of the Surface Water Management System.** No construction activities may be conducted relative to any portion of the Surface Water Management Facilities, including but not limited to digging or excavation, depositing fill, debris or any other material or item, constructing or altering any water control structure or any other construction to modify the Surface Water Management System facilities. If the Common Elements include a wetland mitigation area or a wet detention pond, no vegetation in these areas shall be removed, cut, trimmed or sprayed with herbicide without specific written approval from the District. Construction and maintenance activities which are consistent with the design and permit conditions approved by the District in the Environmental Resource Permit may be conducted without specific written approval from the District.


3. **No Other Amendments.** Except as set forth herein, all other terms, conditions and provisions of the Declaration, as amended, shall remain the same and shall be fully enforceable according to their terms.

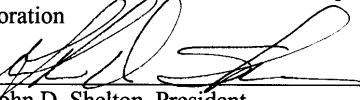
[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Association has executed this Amendment the day and date first above written.

Signed, sealed and delivered in the presence of:

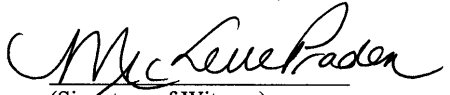
**TUSCANY BY THE SEA CONDOMINIUM ASSOCIATION, INC.**, a Florida non-profit corporation

  
\_\_\_\_\_  
(Signature of Witness)

By:   
\_\_\_\_\_  
John D. Shelton, President

Denis A. Cohrs  
\_\_\_\_\_  
(Print Name of Witness)

(CORPORATE SEAL)


  
\_\_\_\_\_  
(Signature of Witness)

Michelle Radon  
\_\_\_\_\_  
(Print Name of Witness)

STATE OF FLORIDA )  
COUNTY OF PINELLAS )

Sworn to and subscribed before me this 19<sup>th</sup> day of March, 2007, by John D. Shelton, as President of **TUSCANY BY THE SEA CONDOMINIUM ASSOCIATION, INC.**, a Florida non-profit corporation, who (  ) is personally known to me or (  ) has produced a Driver's License as identification.

\_\_\_\_\_  
Print Name:  
\_\_\_\_\_  
Notary Public State of Florida  
(SEAL)  
My Commission Expires:

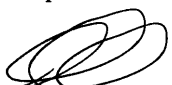
NOTARY PUBLIC-STATE OF FLORIDA  
 Denis A. Cohrs  
Commission # DD506622  
Expires: JAN. 31, 2010  
Bonded Thru Atlantic Bonding Co., Inc.


[Signatures Continue on Following Page]

[Signature Page to Amendment to Declaration]

Signed, sealed and delivered  
in the presence of:

**TUSCANY BY THE SEA CONDOMINIUM  
ASSOCIATION, INC.**, a Florida non-profit  
corporation

  
\_\_\_\_\_  
(Signature of Witness)

By:   
\_\_\_\_\_  
Patrick Chetcuti, Secretary

Denis A. Cohrs  
\_\_\_\_\_  
(Print Name of Witness)


(CORPORATE SEAL)


  
\_\_\_\_\_  
(Signature of Witness)

Cynthia L. Riccardi  
\_\_\_\_\_  
(Print Name of Witness)

STATE OF FLORIDA            )  
COUNTY OF PINELLAS        )

Sworn to and subscribed before me this 16<sup>th</sup> day of March, 2007, by Patrick Chetcuti, as  
Secretary of **TUSCANY BY THE SEA CONDOMINIUM ASSOCIATION, INC.**, a Florida non-  
profit corporation, who () is personally known to me or (-) has produced a Florida Driver's  
License as identification.

  
\_\_\_\_\_  
Print  
Name: Denis A. Cohrs  
\_\_\_\_\_  
Notary Public State of Florida  
(SEAL)  
My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
 Denis A. Cohrs  
Commission # DDS06622  
Expires: JAN. 31, 2010  
Bonded Thru Atlantic Bonding Co., Inc.

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