

Prepared by and return

Steven H. Mezer, Esq. ✓
Bush Ross Gardner Warren & Rudy, P.A.
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INSTR # 2002269236
OR BK 11842 PG 1057

RECORDED 08/10/2002 08:00 AM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DEPUTY CLERK B King

**CERTIFICATE OF AMENDMENT TO
THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR
FAIRVIEW SUBDIVISION**

We, William Morris, as President, and Betty Piccirilli, as Secretary of the Fairview Property Owners Association, Inc. and hereby attest as follows:

WHEREAS, Fairview Subdivision a/k/a Sun City Center Unit 40 is a platted subdivision in Hillsborough County appearing in Plat Book 60, Page 42 of the Public Records of Hillsborough County, Florida and is subject to that Declaration of Covenants and Restrictions for Fairview Subdivision as recorded in Official Records Book 4941, page 1003 et. seq. of the Public Records of Hillsborough County; and

WHEREAS, Fairview Property Owners Association, Inc., is the homeowners association formed for the administration of the Fairview Subdivision a/k/a Sun City Center Unit 40 and the Declaration of Covenants and Restrictions; and

WHEREAS, Article XIV, Section 2., of the Declaration of Covenants and Restrictions for Fairview Subdivision a/k/a Sun City Center Unit 40 as recorded in Official Records Book 4941, Page 1003 of the public records Hillsborough County, Florida provides that said Declaration of Covenants and Restrictions for Fairview Subdivision a/k/a Sun City Center Unit 40 may be amended on or before January 1, 2004 by an instrument executed by the Association with the formalities from ninety percent (90%) of all Homeowners; and

WHEREAS, attached hereto are instruments signed by not less than ninety percent (90%) of all of the homeowners approving the Amendment to Article III, Section 4(iii) for Fairview Subdivision a/k/a Sun City Center Unit 40;

THEREFORE, we hereby certify that the attached Amendment to Article III, Section 4a. (ii) and (iii) in accordance with the requirements of Article XIV, Section 2., of the Declaration of Covenants and Restrictions for Fairview Subdivision a/k/a Sun City Center Unit 40 has been duly approved by a sufficient number of homeowners within Fairview Subdivision subdivision a/k/a Sun City Center Unit 40 and that we have been authorized and directed to record this instrument in the Public Records of Hillsborough County, Florida.

Page Three - Certificate of Amendment
Fairview Property Owners Assn., Inc.

Article III Section 4 a. (ii) of Declaration of Covenants and Restrictions is amended to read as follows:

(ii) ~~Each Unit, if occupied, shall be occupied by at least one (1) person fifty (50) years of age or older. No children under the age of eighteen (18) years shall occupy any Unit provided however, that such children may visit and temporarily occupy such Unit for periods not to exceed thirty (30) days in any calendar year. The Association shall have the right to extend said period of visitation within any calendar year.~~

Each Unit, if occupied, shall be occupied by at least one (1) person fifty-five (55) years of age or older; provided, however, that upon written petition, the Board of Directors shall grant a waiver of this restriction only to persons who are either at least fifty (50) years of age (based upon date of birth) but no more than fifty-five (55) years of age (based upon date of birth) if at least one (1) person fifty (50) years of age or older will occupy the Unit that is the subject of the petition or who are less than fifty-five (55) years of age under the following circumstances: 1) if such person occupied the Unit with another qualifying occupant who was fifty-five (55) years of age or older at time of death or vacating Unit; 2) if such person inherits the Unit; or 3) if a person less than fifty-five (55) years of age or a business entity acquires the Unit through foreclosure of its mortgage or through a deed in lieu of foreclosure of said mortgage. In any event, the result of such waivers must result in at least eighty percent (80%) of all the Units in the Community being occupied by persons fifty-five (55) years of age or older. The Board of Directors may grant such waiver for a limited time period and upon such terms and conditions as deemed necessary by the Board of Directors to protect the Housing for Older Persons exemption of the Community. No person under the age of eighteen (18) years of age shall reside in any Unit; provided, however, that such persons under the age of eighteen (18) may visit overnight such Unit for periods not to exceed thirty (30) days in any calendar year. In addition to the foregoing restriction, the Community as a whole is subject to certain age restrictions as recorded in O. R. Book 4522, Page 860 and amended in O. R. Book 4644, page 1500, and in O. R. Book 6724, Page 1206, all of the public records of Hillsborough County, Florida (hereinafter collectively referred to as the "Community Age Restriction").

CODING: The full text to be amended is stated: New words to be inserted are double-underlined, words to be deleted are stricken through.

Certificate of Amendment - Page Four
Fairview Property Owners Assn., Inc.

Article III, Section 4(iii) of the Declaration of Covenants and Restrictions is created as follows:

iii. All lessors (owners) shall conform to all regulations stated in the Declaration of Covenants and Restrictions and in the Articles of Incorporation.

- a. At least one (1) lessee (renter) shall be age fifty-five (55) or older.
- b. Each Unit may be rented only to a single family or equivalent thereof. Lessee may have guests subject to above regulations.
- c. No individual under age eighteen (18) may reside overnight in a unit for longer than thirty (30) days in any calendar year nor may any such individual use any unit as an address on any form of identification, including but not limited to, drivers licenses, car registrations or voter registration.
- d. All Lessors (owners) shall be members of the Association and Community Association, shall not be delinquent in payment of any assessment and shall have no outstanding violations of the Declaration, Bylaws, or Rules and Regulations adopted thereunder.
- e. All Lessors (owners) may only rent or lease a unit once each quarter of the calendar year regardless of the period for which a unit is rented or leased.
- f. Owners shall remain responsible for all assessments and fees (utilities, dues, etc.).
- g. Sub-leasing is prohibited. Leasing of less than the entire unit is prohibited.
- h. The Association through its Board of Directors shall be notified by the Owner of intent to lease, prior to the inception of any lease, and will be provided with a copy of any executed lease of a Unit.

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Dated this 8 day of July, 2002.

(Corporate Seal)

FAIRVIEW PROPERTY OWNERS
ASSOCIATION, INC.

By: William F. Morris
WILLIAM MORRIS, President

Betty Piccirilli
BETTY PICCIRILLI, Secretary

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that this 8 day of July, 2002 before me personally appeared William Morris and Betty Piccirilli, as President and Secretary respectively of Fairview Property Owners Association, Inc. to me well known to be the persons who executed before Certificate of Amendment to the Declaration of Covenants and Restrictions and acknowledged before me according to law that each has made and subscribed the same for the purposes therein mentioned and set forth.

In Witness Whereof, I have hereunto set my hand and official seal this 8 day of July, 2002.

(SEAL)

Kathy E. Trimmer
NOTARY PUBLIC, State of Florida
My Commission Expires: _____



THIS IS NOT A CERTIFIED COPY

EXHIBIT "A"

DESCRIPTION: A parcel of land lying in the West 1/2 of Section 18, Township 32 South, Range 20 East and in the East 1/2 of Section 13, Township 32 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 13, run thence $S.01^{\circ}53'58''E.$, 1090.46 feet along the East boundary of said Section 13 to a point on the centerline of South Pebble Beach Boulevard as recorded in Plat Book 57, Page 58, Public Records of Hillsborough County, Florida; thence along said centerline, $S.25^{\circ}00'00''W.$, 397.11 feet; thence $S.65^{\circ}00'00''E.$, 50.00 feet to a point on the Easterly right-of-way line of said South Pebble Beach Boulevard, said point also being the Point of Beginning; thence along the South boundary of Sun City Golf Course, $S.64^{\circ}34'00''E.$, 1050.00 feet; thence $S.31^{\circ}08'48''E.$, 357.00 feet; thence $S.69^{\circ}08'48''E.$, 244.26 feet to a point on a curve; thence Southwesterly, 374.57 feet along the arc of a curve to the right having a radius of 1970.00 feet and a central angle of $10^{\circ}53'39''$, (chord bearing $S.41^{\circ}34'22''W.$, 374.01 feet) to a point of compound curvature; thence Northwesterly 39.91 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of $91^{\circ}28'23''$, (chord bearing $N.87^{\circ}14'38''W.$, 35.81 feet); thence $S.48^{\circ}29'34''W.$, 50.00 feet; thence $N.41^{\circ}30'26''W.$, 232.93 feet to a point of curvature; thence Northwesterly, 150.92 feet along the arc of a curve to the left having a radius of 375.00 feet and a central angle of $23^{\circ}03'34''$, (chord bearing $N.53^{\circ}02'13''W.$, 149.91 feet) to a point of tangency; thence $N.64^{\circ}34'00''W.$, 899.99 feet to a point of curvature; thence Northwesterly, 103.21 feet along the arc of a curve to the left having a radius of 675.00 feet and a central angle of $08^{\circ}45'40''$, (chord bearing $N.68^{\circ}36'50''W.$, 103.11 feet) to a point of tangency; thence $N.73^{\circ}19'40''W.$, 17.83 feet to a point of curvature; thence Southwesterly 39.92 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of $91^{\circ}29'19''$, (chord bearing $S.60^{\circ}55'41''W.$, 35.81 feet) to a point on the aforesaid Easterly right-of-way line of South Pebble Beach Boulevard; thence along said Easterly right-of-way line, Northeasterly 334.08 feet along the arc of a curve to the right having a radius of 1950.00 feet and a central angle of $09^{\circ}48'58''$, (chord bearing $N.20^{\circ}05'31''E.$, 333.67 feet) to a point of tangency; thence $N.25^{\circ}00'00''E.$, 182.53 feet to the Point of Beginning.

Containing 15.86 acres, more or less

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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By: William F. Morris
WILLIAM MORRIS, President

Betty Piccirilli
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COUNTY OF HILLSBOROUGH

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In Witness Whereof, I have hereunto set my hand and official seal this 8 day of July, 2002.

(SEAL)

Kathy E. Trimmer
NOTARY PUBLIC, State of Florida
My Commission Expires: _____

