

CERTIFICATE OF AMENDMENT  
TO ARTICLE V, OF THE FIRST AMENDED DECLARATION  
OF EASEMENTS, COVENANTS, CONDITIONS  
AND RESTRICTIONS OF SUTTON PLACE

NOTICE IS HEREBY GIVEN that Article V, of the First Amended Declaration of Easements, Covenants, Conditions and Restrictions of Sutton Place, as recorded in Official Records Book 4795 at Page 1499 in the Public Records of Hillsborough County, Florida be and the same are, hereby amended in accordance with Composite Exhibit "E" attached thereto and entitled, "Amendments to Article V, of the First Amended Declaration of Easements, Covenants, Conditions and Restrictions of Sutton Place."

Said material amendments were approved at a meeting of owners by at least 67% of the total allocated votes in the Association after adoption of a resolution proposing such amendments by the Board of Directors and after notice being given to all owners of the subject matter of the proposed amendments prior to the meeting on May 7, 1991, at which the proposed amendments were adopted.

IN WITNESS WHEREOF, Sutton Place Homeowners Association, Inc. has caused these amendments to the First Amended Declaration of Easements, Covenants, Conditions and Restrictions to be executed in its name by the President, and the corporate seal affixed, and attested to by its Secretary, this 18 day of JUNE, 1991, at Tampa, Hillsborough County, Florida.

Signed, sealed and delivered in the presence of:

SUTTON PLACE HOMEOWNERS ASSOCIATION, INC.

*Sandra L. Alcazar*

By: *Francis Maggi*  
President

RECORD VERIFIED

*Richard Ake*

ATTEST:

Clerk of Circuit Court  
Hillsborough County, Fla.  
By Sandra L. Neely, D.C.

By *Jacquelyn S. Pawloski*  
Secretary

STATE OF FLORIDA

RICHARD AKE  
CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY

COUNTY OF HILLSBOROUGH

THE FOREGOING INSTRUMENT was acknowledged before me on this 18 day of JUNE, 1991, by FRANCIS L. MAGGI, as President for Sutton Place Homeowners Association, Inc.

*Sandra L. Alcazar*  
NOTARY PUBLIC-STATE OF FLORIDA

D:SUTTON6

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES: MAR. 3, 1992  
BOND - THRU NOTARY PUBLIC UNDERWRITERS

PREPARED BY PATRICIA LIEB LEARNER OF  
ANDERSON & ORCUTT, PA

RETURN TO ANDERSON & ORCUTT, PA ✓  
501 E. KENNEDY BLVD  
STE. 1100  
TAMPA, FL 33602

1991 JUN 28 PM 4:05

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AMENDMENT TO ARTICLE V, OF THE FIRST AMENDED  
DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS  
AND RESTRICTIONS OF SUTTON PLACE

Article V, Section 5.01 shall be amended to add a new section h to read as follows:

5.01. For each lot owned within the property whereupon all improvements have been actually completed by Developer, Developer hereby covenants, and each owner of any lot by acceptance of a deed thereto, whether or not it is so expressed in such deed, is deemed to covenant and agree to pay to the Association the following:

- a. An annual General Assessment;
- b. An annual Exterior Maintenance Assessment;
- c. Special Assessment for Capital Improvements;
- d. Special assessments for property taxes levied and assessed against the common area of facilities;
- e. Specific assessments against any particular lot that are established pursuant to any provision of this Declaration or applicable Amended or Supplemental Declaration as provided in this Article;
- f. All excise taxes, if any, that from time to time, may be imposed upon all or any portion of the assessments established by this Article;
- g. Any required contributions to the Working Capital Fund established under this Article;
- h. Special Assessments for Exterior Maintenance.

All of the foregoing, together with interest and all costs and expenses of collection, including reasonable attorneys' fees, are a continuing charge on the land secured by a continuing lien upon the lot against which each assessment is made. Each such assessment, together with interest and all costs and expenses of collection, including reasonable attorneys' fees, also is the personal obligation of the person who was the owner of such lot when such assessment fell due. Such personal obligation for delinquent assessments shall not pass to an owner's successors in the title unless assumed expressly in writing; however, the above referred to lien shall continue to be enforceable against the lot.

Word to be deleted are lined through with hyphens.  
New words to be inserted are underlined.

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EXHIBIT "E"

AMENDMENT  
TO THE FIRST AMENDED DECLARATION OF EASEMENTS, COVENANTS  
CONDITIONS AND RESTRICTIONS OF SUTTON PLACE

Article V shall be amended to add a new section 5.05.1 to read as follows:

Special Assessment for Exterior Maintenance

5.05.1. In addition to the annual assessment, the Association, acting by and through the Board of Directors, may levy in any assessment year a special maintenance assessment applicable to that year only for the purpose of defraying, in whole or in part, the costs of any repair or replacement of exterior building surfaces, including but not limited to roofs, gutters, downspouts and building siding, which repair or replacement is necessitated by a reasonable need to prevent consequential damage to a lot or lots or the common area. A special assessment for exterior maintenance may vary from section to section of the property to reflect any variance in repair or replacement costs because of differences in the design, construction, or materials being repaired or replaced. The Board of Directors adopting such assessment shall provide at least thirty (30) days prior written notice to each member of the Association of the meeting of the Board of Directors to be held to consider such assessment. Such special assessment is not an increase in the Annual Assessment subject to the limitations of the preceding sections of this Article. All monies received from any special exterior maintenance assessment pursuant to this section shall be allocated by the Board of Directors into separate budgetary accounts that may not be used for any other purpose other than that for which the assessment was adopted.

Words to be deleted are lined through with hyphens.  
New words to be inserted are underlined.

Please see Article V for present text of this section.

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PLL:bsc

EXHIBIT "E"