

3/30/2021 4:13 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2652228

This instrument prepared by:  
Richard A. Weller, Esq.  
Najmy Thompson, P.L.  
1401 8<sup>th</sup> Avenue West  
Bradenton, Florida 34205

**CERTIFICATE OF AMENDMENT  
TO THE DECLARATION OF CONDOMINIUM OF CURRY COVE, A CONDOMINIUM**

WHEREAS, the Declaration of Condominium of Curry Cove, a Condominium (the "Declaration") was recorded in Official Record Book 1791, Pages 1389 et seq., in the Public Records of Sarasota County, Florida, and

WHEREAS, the owners, as members of the Curry Cove Condominium Association, Inc. (the "Association"), have found it necessary to amend the Declaration, and

NOW THEREFORE, the members of the Association voted to amend Article X of the Declaration to add a new Section (x) as set forth below:

**(Words in strike-through type are deletions from existing text; underlined words are additions.)**

Article X, Section (x) **Age Restriction:** The Units within this condominium are intended for housing of persons fifty-five (55) years or older. Except as otherwise permitted herein all units must be occupied by at least one person that is at least fifty-five (55) years of age (the "Qualifying Occupant"). The term "occupant" refers to owners, tenants, family members, or other occupants that are permitted and approved to reside in a unit in accordance with the Association's governing documents and occupancy standards, and does not include temporary guests as may be otherwise defined and regulated by the Association's restrictions, rules, or regulations. No person under fifty-five (55) years of age shall be permitted to occupy a Unit unless co-occupancy is in compliance with this restriction. All other occupants must be at least forty-five (45) years of age or older, except as otherwise provided herein or in the Association's Rules and Regulations.

- (1) Any occupant that does not meet the minimum age requirements on the date that this provision is recorded, and anyone who occupies a unit with a Qualifying Occupant on the date this provision is recorded, is exempt from this age restriction as long as they continuously occupy the unit. This exemption expires when the exempt person is no longer an occupant of the Unit.
- (2) Any person owning a unit on the date that this provision is recorded, who does not meet the minimum age requirements on the date that this provision is recorded, and who does not occupy a unit on the date this provision is recorded, is exempt from this age restriction and may occupy his or her unit after the effective date of this provision, provided the owner meets all other Association occupancy requirements and standards. This exemption expires when the owner transfers ownership of the unit.
- (3) If the Qualifying Occupant no longer resides in the unit, occupants that are between forty-five (45) years old and fifty-five (55) years old are allowed to continue to occupy the unit under the following circumstances:

- a. If the person simultaneously occupied the Unit with the Qualifying Occupant at the time of the Qualifying Occupant's death;
  - b. If the person simultaneously occupied the unit with the Qualifying Occupant, and the Qualifying Occupant is admitted to a hospital, hospice care facility, rehabilitation facility, respite care facility, assisted living facility or other similar health care facility.
- (4) If a person obtains title to a Unit due to inheritance upon the death or illness of a Qualifying Occupant and are not fifty-five (55) years of age or older, the person inheriting the Unit is permitted to occupy the unit if such person is forty-five years of age or older. All other occupants must be forty-five (45) years of age or older.
- (5) The Board shall have the authority to adopt rules and regulations regarding guest use and occupancy, including rules and regulations limiting the number of days that a person who does not comply with the minimum age restriction can occupy the unit.
- (6) Nothing in this Article is intended to restrict the ownership or transfer of title to any Unit. However, no owner, tenant, or guest may occupy the unit unless such occupancy complies with the age restriction (and any applicable exceptions) for occupants and guests are provided herein.
- (7) In the event of any change in occupancy of a unit as a result of a transfer of title, lease, change in marital status, vacancy, change in location of permanent resident or otherwise, the owner shall be required to immediately notify the Board so that the Board may update its occupancy records. The owner must also provide any information necessary required by the Board to verify the age of each occupant.
- (8) The Board shall maintain age records for all Unit occupants, and shall adopt and publish policies, procedures, rules and regulations to monitor and maintain compliance with this Article and any applicable federal or state laws regarding fifty-five (55) and older communities. The Board shall have the power to enforce this Article in any legal manner available, and shall have the authority to conduct a census at intervals deemed necessary by the Board, and require copies of drivers' licenses, birth certificates or other adequate proof of age for each occupant to ensure compliance.

[signatures on following page]

**CERTIFICATE OF AMENDMENT**

The undersigned officers of the Curry Cove Condominium Association, Inc., a Florida not-for-profit corporation, hereby certifies that the foregoing amendment to the Declaration was approved and adopted by the requisite number of owners in the community. The undersigned further certifies that this amendment was adopted in accordance with the ASSOCIATION's governing documents and applicable law.

IN WITNESS WHEREOF, the undersigned officers of the Association have executed this instrument this 19 day of March, 2021.

**CURRY COVE CONDOMINIUM ASSOCIATION, INC.**

Witnesses to President's signature

Signed by: Patricia Lindsay  
Patricia Lindsay  
As President

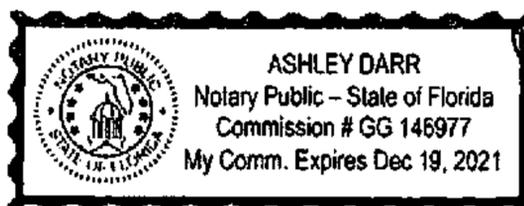
Signed: [Signature]  
Print Name: Sandra G. Nechusa

Signed: [Signature]  
Print Name: Sharon W. Temple

**ATTEST:**  
Signed by: Phyllis Baranyk  
Print Name: Phyllis H. Baranyk  
As Secretary

STATE OF FLORIDA  
COUNTY OF SARASOTA

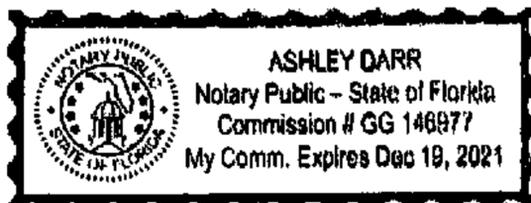
The foregoing instrument was acknowledged by means of  physical presence or  online notarization before me this 19 day of March, 2021, by Patricia Lindsay, as President of the Curry Cove Condominium Association, Inc. She is personally known to me or has produced FL DL (Both) as identification.



[Signature]  
Notary Public, State of Florida

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged by means of  physical presence or  online notarization before me this 19 day of March, 2021, by Phyllis Baranyk as Secretary of the Curry Cove Condominium Association, Inc. He/She is personally known to me or has produced FL DL as identification.



[Signature]  
Notary Public, State of Florida