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## THIRD AMENDMENT

TO

O.R. 5234 PAGE 1055

TARPON WOODS 4TH ADDITION

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that TARPON WOODS, INC., a Netherlands corporation authorized to do business in the State of Florida, as successor Developer of TARPON WOODS 4TH ADDITION, and owner of more than fifty-one (51%) percent of the lots contained therein, hereby makes this THIRD AMENDMENT TO TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

## W I T N E S S E T H :

WHEREAS, TARPON WOODS DEVELOPMENT, INC., a Florida corporation, caused to be recorded among the Public Records of Pinellas County, Florida, that certain TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, recorded in O.R. Book 4911, Page 2039, Public Records of Pinellas County, Florida, the 12th day of December, 1979; and subsequently amended by those certain Amendments recorded in O.R. Book 4985, Pages 1751 and 1752 and O.R. Book 5045, Pages 151 through 158, Public Records of Pinellas County, Florida, (hereinafter "Declaration as Amended"); and

WHEREAS, said Declaration as amended in O.R. Book 5045, Pages 151 through 158, Public Records of Pinellas County, Florida, in Article VI, Section 4, provides that said Declaration as amended, may be amended as follows:

"This Declaration may be amended during the twenty-five (25) year period by an instrument signed by fifty-one (51%) percent or more of all the lot owners. Any amendment to this Declaration must be recorded with the formalities necessary to the recordation of a Deed."

WHEREAS, TARPON WOODS, INC., as successor developer of TARPON WOODS DEVELOPMENT, INC., is the owner of the following described lots in TARPON WOODS 4TH ADDITION:

Law Offices

PINELLAS COUNTY  
*Ballaglia, Ross, Hastings, Dicus and Campbell*  
*National Trust Bank of Florida Building*  
*980 Tyrone Boulevard*  
*Post Office Box 44100*  
*St. Petersburg, Florida 33743*  
 Telephone (813) 381-2300

CLERK CIRCUIT COURT

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D. MICHAEL SPENCER, JR.  
 Ballaglia, Ross, Hastings, Dicus & Campbell  
 ATTORNEYS AT LAW  
 P. O. BOX 41100  
 980 TYRONE BOULEVARD  
 ST. PETERSBURG, FL 33743

Lots 3-8 inclusive, 11, 12, 17-23 inclusive,  
31, 32, 34-47 inclusive, 56-61 inclusive, 64,  
67, 71, 72, 85, 87, 90-117 inclusive, 118-136  
inclusive, 140-142 inclusive, 145-151  
inclusive;

and

WHEREAS, TARPON WOODS, INC., as successor Developer to TARPON WOODS 4TH ADDITION and the owner of more than fifty-one (51%) percent of all the lots in said TARPON WOODS 4TH ADDITION desires to file this THIRD AMENDMENT TO TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, which Amendment shall be effective upon filing among the Public Records of Pinellas County, Florida.

NOW, THEREFORE, TARPON WOODS, INC., as successor Developer of TARPON WOODS 4TH ADDITION, and the owner in fee simple of more than fifty-one (51%) percent of the lots in TARPON WOODS 4TH ADDITION, including Lots 37 through 47 inclusive, as shown on the plat of TARPON WOODS 4TH ADDITION according to the plat thereof recorded in Plat Book 80, Pages 49 and 50, Public Records of Pinellas County, Florida, hereby modifies and amends said Declaration as amended as follows:

1. To delete from the provisions of said Declaration as amended, said Lots 37 through 47 inclusive, as shown on the plat of TARPON WOODS 4TH ADDITION according to the plat thereof recorded in Plat Book 80, Pages 49 and 50, Public Records of Pinellas County, Florida.

That notwithstanding anything to the contrary contained in said Declaration as amended, said Lots 37 through 47 inclusive, as shown on the plat of TARPON WOODS 4TH ADDITION according to the plat thereof recorded in Plat Book 80, Pages 49 and 50, Public Records of Pinellas County, Florida, are hereby deleted from the terms and conditions of said Declaration as amended, and said Declaration as amended shall be of no further

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force and effect as it relates to said Lots 37 through 47 inclusive, as shown on the plat of TARPON WOODS 4TH ADDITION according to the plat thereof recorded in Plat Book 80, Pages 49 and 50, Public Records of Pinellas County, Florida, and the provisions of said Declaration as amended shall not constitute a cloud or encumbrance upon the title of said Lots 37 through 47 inclusive, as shown on the plat of TARPON WOODS 4TH ADDITION according to the plat thereof recorded in Plat Book 80, Pages 49 and 50, Public Records of Pinellas County, Florida.

2. To delete Article VI, Section 4 of said Declaration as amended, in O.R. Book 5045, pages 151 through 158, public records of Pinellas County, Florida in its entirety and to substitute in lieu thereof the following provision: ---

"Section 4. This Declaration may be amended during the twenty-five (25) year period by an instrument signed by two-thirds (2/3) or more of all the lot owners subject hereto. Any amendment to this Declaration must be recorded with the formalities necessary to the recordation of a Deed."

All other terms and conditions of said Declaration as amended, not expressly modified or amended herein, shall remain in full force and effect as to all lots subject thereto, save and except Lots 37 through 47 inclusive, as shown on the plat of TARPON WOODS 4TH ADDITION according to the plat thereof recorded in Plat Book 80, Pages 49 and 50, Public Records of Pinellas County, Florida.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 5th day of August, 1981.

Signed, Sealed and Delivered  
in the Presence of:

TARPON WOODS, INC., a  
Netherlands corporation  
authorized to do business  
in the State of Florida

*Michael J. [Signature]*  
*Diana R. [Signature]*

By: *[Signature]*  
WILHELMUS SMITS,  
Director and Manager

*Law Offices*  
*Rattaglia, Ross, Hastings, Dicus and Campbell*  
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STATE OF FLORIDA )  
COUNTY OF PINELLAS)

D.R. 5234 PAGE 1058

I HEREBY CERTIFY that on this 5<sup>th</sup> day of August, 1981,  
before me, an officer duly qualified to take acknowledgements  
personally appeared WILHELMUS SMITS, Director and Manager of  
TARPON WOODS, INC., to me known to be the person described in and  
who executed the foregoing instrument and acknowledged before me  
that he executed the same freely and voluntarily.

WITNESS my hand and official seal in the County and  
State last aforesaid the day and year last above written.

*Diana P. [Signature]*

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA ARLAGE

MY COMMISSION EXPIRES NOV. 12 1981

BONDED THRU GENERAL INS. UNDERWRITERS

3RD AMEND.

*Law Offices*

*Rattaglia, Ross, Hastings, Dicus and Campbell*  
*National Trust Bank of Florida Building*

*980 Tyrone Boulevard*

*Post Office Box 44100*

*St. Petersburg, Florida 33743*

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O.R. 5234 PAGE 1051

CONSENT TO THIRD AMENDMENT  
OF  
TARPON WOODS 4TH ADDITION  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

The undersigned, TARPON WOODS DEVELOPMENT, INC., a Florida Corporation, as Mortgagee, under that certain Mortgage dated September 28, 1979, recorded in O.R. Book 4920, Page 2158, Public Records of Pinellas County, Florida, encumbering in part, the property described herein, does hereby consent to the foregoing THIRD AMENDMENT TO TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and hereby agrees to be bound by the terms and conditions set forth in the foregoing Amendment.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 10<sup>th</sup> day of August, 1981.

Signed, Sealed and Delivered  
in the Presence of:

TARPON WOODS DEVELOPMENT,  
INC.

Judith A. Fortuna  
Melvin Potts

By: [Signature]  
Michael C. Fortuna,  
Vice President

Judith A. Fortuna  
Melvin Potts

Attest: [Signature]  
Carolyn B. Yopp  
Secretary

STATE OF FLORIDA )  
COUNTY OF PINELLAS )

BEFORE ME, the undersigned authority, personally appeared MICHAEL C. FORTUNA and CAROLYN B. YOPP, as V. President and Secretary, respectively of TARPON WOODS DEVELOPMENT, INC., who, acknowledged before me that they, as such officers of said corporation, executed this CONSENT TO THIRD AMENDMENT OF TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and that the same is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10<sup>th</sup> day of August, 1981.

ALL NOTARY  
PINELLAS CO. FLORIDA

Karl G. Dickelshew

CLERK CIRCUIT COURT.

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[Signature]  
Notary Public  
My Commission Expires:

Notary Public, State of Florida at Large  
My Commission Expires Nov. 8, 1983  
Bonded by American Fire & Casualty Company

Law Offices

Battaglia, Ross, Hastings, Dicus and Campbell  
National Trust Bank of Florida Building

980 Tyrone Boulevard

Post Office Box 44100

St. Petersburg, Florida 33743

Telephone (813) 381-2300

This Instrument Prepared By AND TO BE RETURNED TO:

D. MICHAEL SPEARS of

Battaglia, Ross, Hastings, Dicus & Campbell

ATTORNEYS AT LAW

P.O. BOX 41100

980 TYRONE BOULEVARD

81130326

CONSENT TO THIRD AMENDMENT  
OF  
TARPON WOODS 4TH ADDITION  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

The undersigned, COMMUNITY BANK OF PINELLAS, a Florida banking corporation, as Mortgagee, under that certain Mortgage dated June 28, 1979, recorded in O.R. Book 4877, Page 2162, Public Records of Pinellas County, Florida, encumbering in part, the property described herein, does hereby consent to the foregoing THIRD AMENDMENT TO TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and hereby agrees to be bound by the terms and conditions set forth in the foregoing Amendment.

IN WITNESS WHEREOF, the party hereto has set its hand and seal this 12th day of August, 1981.

Signed, Sealed and Delivered.  
in the Presence of:

Judith A. Richards  
Barbara A. Joseph

Judith A. Richards  
Barbara A. Joseph

COMMUNITY BANK OF PINELLAS

By: Richard C. Johnson  
Its President

Attest: Fred L. Tona  
Its Vice President

STATE OF FLORIDA )  
COUNTY OF PINELLAS )

BEFORE ME, the undersigned authority, personally appeared Richard C. Johnson and Fred L. Tona, as President and Vice President respectively, of COMMUNITY BANK OF PINELLAS, who, acknowledged before me that they, as such officers of said banking corporation, executed this CONSENT TO THIRD AMENDMENT OF TARPON WOODS 4TH ADDITION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and that the same is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of August, 1981.

NOTARY PUBLIC  
PINELLAS CO. FLORIDA

Karlton S. DeBlase

CLERK CIRCUIT COURT

AUG 14 11 17 AM '81

John L. Putnam  
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARG  
MY COMMISSION EXPIRES JULY 30 1984  
BONDED THRU GENERAL INS. UNDERWRITER

Law Office

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National Trust Bank of Florida Building

980 Tyrone Boulevard

Post Office Box 44100

St. Petersburg, Florida 337143

Telephone (813) 381-2300

Instrument Prepared By AND TO BE RETURNED TO:

D. MICHAEL SPEARS of

Battaglia, Ross, Hastings, Dicus & Campbell

ATTORNEYS AT LAW

P. O. BOX 41100

980 TYRONE BOULEVARD