

INSTR # 2006281667

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KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
CBURN Receipt#750558



**FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF VICTORIA PARK SOHO HOMEOWNERS ASSOCIATION, INC.**

This Fourth Amendment ("Fourth Amendment") is made and entered into as of this 23<sup>rd</sup> day of January, 2006, by **COURIER CITY DEVELOPMENT, LLC**, a Florida limited liability company, hereinafter referred to as the "Declarant".

### BACKGROUND FACTS:

A. Declarant is the owner of certain real property located in Hillsborough County, Florida, which is more particularly described in Exhibit “A” attached hereto and made a part hereof (the “Property”).

B. Declarant established that certain Declaration of Covenants, Conditions and Restrictions of Victoria Park Soho Homeowners Association, Inc., recorded in Official Records Book 13297, Page 0999 of the Public Records of Hillsborough County, Florida, as amended pursuant to that certain Amendment to Declaration of Covenants, Conditions and Restrictions of Victoria Park SoHo Homeowners Association, Inc., recorded in Instrument No. 2004276418 ("First Amendment") and as amended by that Second Amendment to Declaration of Covenants, Conditions and Restrictions of Victoria Park SoHo Homeowners Association, Inc., recorded in Instrument No. 2005216894 ("Second Amendment") and as amended by that Third Amendment to Declaration of Covenants, Conditions and Restrictions of Victoria Park SoHo Homeowners Association, Inc., recorded in Instrument No. 2005321191 ("Third Amendment") all of the Public Records of Hillsborough County, Florida (collectively hereinafter referred to as "Declaration"), which Declaration encumbers the Property.

C. Pursuant to the Declaration, the Declaration may be amended by a vote of 2/3 of the members able to cast votes at a regular or special meeting of the members and Declarant has obtained the approval of the members holding such votes.

NOW, THEREFORE, the Declaration is hereby modified and amended as more specifically set forth below:

1. **Background Facts.** The Declarant acknowledges and agrees that the background facts set forth above are true and correct to the best of its knowledge and are incorporated herein by this reference.

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2. Victoria Park Soho Homeowners Association, Inc. Section 3 of Article III of the Declaration is modified and amended to delete Paragraph B regarding the Turnover of the Association on January 1, 2002 and is replaced with the following provision:

“Three months after ninety percent (90%) of the Lots have been conveyed to members.”

3. Assessments. Section 9 of Article IV is hereby modified and amended to delete the last sentence of that Section and replace it with the following sentence:

“This fraction is 1/24 (24 total Lots).”

Section 4 of Article IV is hereby modified and amended to replace the third sentence of that Section to read as follows:

“If such budget requires an Annual Assessment that is more than one hundred fifteen percent (115%) of the Annual Assessment then in effect, however, the Board must call a Membership Meeting as stated herein, provided that in the event that the increase in the Annual Assessment is due to the fact that the Declarant has been funding the difference between the Association’s operating expenses and such Annual Assessments collected from the Owners, other than the Declarant, and the Declarant no longer intends to fund such difference, then no Membership Meeting nor Member approval shall be required to increase the Annual Assessment.”

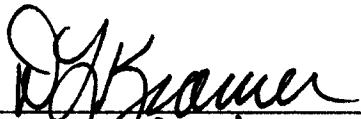
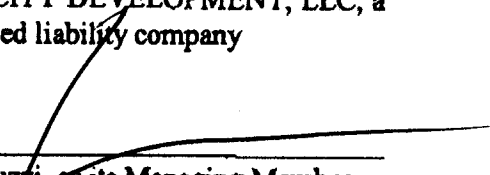
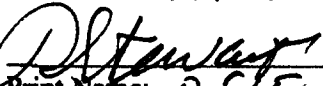
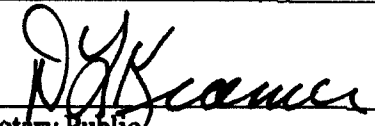

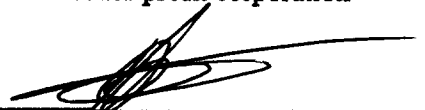
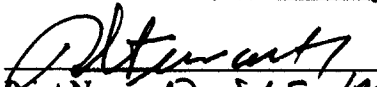
Except as modified and amended herein, the terms and provisions of the Declaration shall remain in full force and effect and are incorporated herein by this reference. In the event of a conflict between any of the terms and provisions of the Declaration and any of the terms and provisions of this Fourth Amendment, the terms and provisions of this Fourth Amendment shall prevail.

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IN WITNESS WHEREOF, the undersigned, hereto set their hand and seal on the day and year first above written.

Signed, sealed and delivered  
in our presence:

DECLARANT:

COURIER CITY DEVELOPMENT, LLC, a  
Florida limited liability company  
Print Name: DAVID L. KRAMERBy:   
Paul Paluzzi, as its Managing Member  
Print Name: R. STEWARTSTATE OF FLORIDA  
COUNTY OF HILLSBOROUGHThe foregoing instrument was acknowledged before me this 23<sup>RD</sup> day of January, 2006,  
by Paul Paluzzi as Managing Member of COURIER CITY DEVELOPMENT, LLC, a Florida  
limited liability company, for and on behalf of said entity and who is personally known to me or  
produced \_\_\_\_\_ as  
identification.D.L. KRAMER  
Notary Public, State of Florida  
My Comm Expires Feb 13, 2009  
No DD395839  
Notary Public  
D. L. KRAMER  
Print name of Notary PublicMy Commission Expires: FEB 13, 2009Signed, sealed and delivered  
in our presence:VICTORIA PARK SOHO HOMEOWNERS  
ASSOCIATION, INC.,  
a Florida not for profit corporation  
Print Name: DAVID L. KRAMERBy:   
Print Name: W.A. Hayward  
As Its President  
Print Name: R. STEWART

THIS IS NOT A  
CERTIFIED COPY

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of January, 2006, by WA HAYANO as President of VICTORIA PARK HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation, for and on behalf of said entity and who is personally known to me or produced \_\_\_\_\_ as identification.

D.L. KRAMER  
Notary Public, State of Florida  
My Comm Expires Feb 13, 2009  
No DD395839

D L Kramer  
Notary Public  
D. L. KRAMER  
Print name of Notary Public

My Commission Expires: FEB 13, 2009

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EXHIBIT "A"

Lots 1, 2, 11, and 12, and the North 45.58 feet of Lots 3 and 10, Block 24, of Courier City, according to the map or plat thereof as recorded in Plat Book 2, Page 13, of the Public Records of Hillsborough County, Florida, together with that part of the closed alley lying between said lots; and

Lot 7, Block 10, of Courier City, according to the map or plat thereof as recorded in Plat Book 2, Page 13, of the Public Records of Hillsborough County, Florida, together with the West ½ of the closed alley abutting on the East side thereof.

Now Known As:

Lots 1 through 11, inclusive, Block 1; Lots 1 through 3, inclusive, Block 2; Lots 1 through 3, inclusive, Block 3; Lots 1 through 5, inclusive, Block 4; Lots 1 through 4, inclusive, Block 5; Common Lot "A", and Common Lot "B"; all of Victoria Park Soho Townhomes, according to the map or plat thereof as recorded in Plat Book 99, Pages 50-52, of the Public Records of Hillsborough County, Florida.