

THIS INSTRUMENT PREPARED BY  
AND RETURN TO:  
EDWARD C. WILSON, ESQ.  
BECKER & POLIAKOFF, P.A.  
630 S. ORANGE AVENUE  
SARASOTA, FL 34236

**CERTIFICATE OF AMENDMENT  
TO THE  
DECLARATIONS OF CONDOMINIUM  
FOR  
TIMBER CREEK CONDOMINIUM NO. ONE  
AND  
TIMBER CREEK CONDOMINIUM NO. TWO**

(Additions indicated by underling, deletions by ---, and unaffected omitted language by ...)

The undersigned officers of Timber Creek Condominiums Association, Inc., a not-for-profit corporation organized and existing to operate and maintain Timber Creek Condominium No. One and Timber Creek Condominium No. Two, according to the Declarations of Condominium thereof as recorded respectively in O. R. Book 1301, Page 3848, et seq., and O. R. Book 1301, Page 3881, et seq., Public Records of Manatee County, Florida, hereby certify that the following amendment to the Declarations of Condominium was approved unanimously by the Board of Directors at its meeting held on April 18, 1996, and by not less than fifty-one (51%) percent of the voting interests of the Association present, in person or by proxy, at the special membership meeting held on June 4, 1996.

15. USE RESTRICTIONS. ...

15.12 In accordance with the Federal Fair Housing Amendments Act of 1988, and comparable legislation adopted by the State of Florida, at least one person fifty-five (55) years of age or older must be a permanent occupant of each unit while any other person occupies said unit. Persons under the age of fifty-five (55) and over the age of eighteen (18) may occupy and reside in a unit as long as one of the occupants is age fifty-five (55) or older. Persons under the age of eighteen (18) shall not occupy a unit on a permanent basis but may occupy a unit on a temporary basis, not to exceed sixty (60) days in any calendar year. Notwithstanding these provisions, the Board, in its sole discretion, shall have the right to establish hardship exceptions to permit persons of age eighteen (18) or older and less than fifty-five (55) years of age to permanently reside in the community, even in the absence of a person or persons fifty-five (55) years of age or older, provided that said exceptions shall not be permitted in situations where the granting of a hardship exception will result in having less than eighty (80) percent (or the minimum as may be established by law from time to time) of the units in the condominium having less than one resident fifty-five (55) years of age or older. It is the intent of this provision that the community comply with the Fair Housing Amendment Act of 1988 as the same may be amended from time to time, and comparable law adopted by the State of Florida, which currently requires that at least eighty (80%) percent of the Units shall at all times have at least one resident fifty-five (55) years of age or older. The Board of Directors shall establish policies and procedures for the purpose of insuring that the foregoing required percentages of occupancy by older persons are maintained at all times and to otherwise allow the Association to qualify for a legal exemption from the laws. The Board or its designee shall have the sole and absolute authority to deny occupancy of a unit by any person(s) who would thereby create a violation of the aforesaid percentages of adult occupancy. This restriction on occupancy by persons less than fifty-five (55) years of age shall not apply to persons permanently occupying a unit as of the date of adoption of this Amendment.

(The remainder of the Declarations are unchanged)

Dated this 16<sup>th</sup> day of July, 1996.

TIMBER CREEK CONDOMINIUMS  
ASSOCIATION, INC.

BY: Donald C. Herman  
DONALD HERMAN, PRESIDENT

Ruth Hanson  
Witness Signature

Ruth Hanson  
Printed Name

Kare A. Van Fleet  
Witness Signature

LYNNE A. VAN FLEET  
Printed Name

BY: Joyce A Tevald  
JOYCE TEVALD, SECRETARY

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of July, 1996 by DONALD HERMAN, as President and JOYCE TEVALD, as Secretary of TIMBER CREEK CONDOMINIUMS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. They are personally known to me or have produced personally known as identification. If no type of identification is indicated, the above-named persons are personally known to me.

Cynthia J. Klimek  
Notary Public  
Printed Name Cynthia J. Klimek  
State of Florida  
My Commission Expires 8/8/97



CYNTHIA J KLIMEK  
My Commission CC306557  
Expires Aug. 08, 1997  
Bonded by ANB  
800-852-5876

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R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

# Housing Developments Subject to Age Restrictions

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Project/Association Name

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Project Address

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Borrower(s)

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Loan #

Branch AU

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The Fair Housing Act prohibits housing discrimination on the basis of age and familial status, while allowing certain exemptions for older persons. Housing developments with age restrictions are not considered discriminatory if they comply with one of the following exceptions.

A) At least 80% of the occupied units are occupied by persons 55 years of age or older, and

- The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to provide housing to persons 55 years of age or older, and
- The housing facility or community can provide documentation for verification of occupancy, by means of --
  - (1) provide for verification by reliable surveys and affidavits; and
  - (2) include examples of published written policies and procedures for determination of compliance with the Act.

B) The development is intended for, and solely occupied by, persons 62 years of age or older.

I certify, for the above referenced housing development/association, that one of the preceding exceptions applies to this housing development. Upon demand, the development/association will provide the necessary documentation.

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Development/Association Official Signature

Date

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