

PAVESE LAW FIRM

CHRISTOPHER J. SHIELDS
Board Certified Real Estate Lawyer
Also Admitted in New York

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1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 534-2195 | Fax (239) 332-2243

May 1, 2016

Board of Directors
The Towers Condominium Association, Inc.
c/o Frank Coffey, CAM
Alliant Property Management
13831 Vector Avenue
Fort Myers, FL 33907

**Re: Original Recorded Certificate of Amendment to Amended and Restated Declaration
Section 10.3/Harassment of Board and Management
Our File No.: 81467.001**

Dear Board Members:

Please find enclosed the original Certificate of Amendment to the Amended and Restated Declaration of Condominium creating a new Sub-Section 10.3(B) prohibiting harassment or interference with Board Members or management, recorded in the Public Records of Lee County, Florida, on April 28, 2016, at Instrument Number 2016000091128. As this is the original recorded document, please store it in safekeeping with all of the Association's other important documents.

Also enclosed is a copy showing the recording information on each page for the Association's use in posting and/or providing copies to members, tenants, or guests, as needed.

Please let me know if you have any questions. Otherwise, it has been our pleasure to be of assistance in this matter, which is now concluded.

Very truly yours,


Christopher J. Shields

CJS/MPG/lkm
Enclosures

FAWPDATA\CJS\The Towers Condominium Association\Board Ltr re Encls Recorded Certificate of Amendment to Declaration 5-2-16.doc

4635 S. DEL PRADO BLVD.
CAPE CORAL, FLORIDA 33904
(239) 542-3148

4524 GUN CLUB ROAD, SUITE 203
WEST PALM BEACH, FLORIDA 33415
(561) 471-1366

Recorded Electronically
ID INSTRUMENT # 2016 000071128
County LEE
Date 4-28-2016 Time 4:39 PM.
Simplifile.com 800.460.5657

This instrument prepared by:
Christopher J. Shields, Esq.
PAVESE LAW FIRM
1833 Hendry Street
Fort Myers, Florida 33901
(239) 334-2195

**CERTIFICATE OF AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
OF
THE TOWERS, A CONDOMINIUM**

THE UNDERSIGNED, being duly elected and acting President and Secretary of **THE TOWERS CONDOMINIUM ASSOCIATION, INC.**, a Florida corporation not-for-profit, do hereby certify that the amendment set forth below was approved, as evidenced by a written statement or ballot manifesting the intention that such amendment be adopted. The amendment was approved and adopted by the votes indicated for the purposes of amending the Amended and Restated Declaration of Condominium of The Towers, a Condominium, recorded at Instrument #2010000032554, and as may have been subsequently amended, in the Public Records of Lee County, Florida. The original Declaration of Condominium was recorded in Official Records Book 1411, Page 1262, *et seq.*, in the Public Records of Lee County, Florida.

The following amendment was approved by the affirmative vote of at least two-thirds (2/3) of the voting interests present, in person or by proxy, and voting at a duly noticed annual meeting of the Association:

RESOLVED: That the Amended and Restated Declaration of Condominium of The Towers, a Condominium, be, and hereby is, amended, and the amendment to the Amended and Restated Declaration of Condominium of The Towers, a Condominium, is adopted in the form attached hereto as **Exhibit "A"** and made a part hereof; and

RESOLVED: That the Officers and Directors are hereby instructed and authorized to execute the aforementioned document and cause it to be filed of public record, together with a Certificate of Amendment.

Dated this 20 day of April, 2016.

WITNESSES (2):

Sign: [Signature]
Print: Marloz Gomez
Sign: [Signature]
Print: Berecca Berntold

**THE TOWERS CONDOMINIUM
ASSOCIATION, INC.**

Sign: [Signature]
Print: TERRENCE J. ONDAR
Title: President

WITNESSES (2):

ATTEST:

Sign: [Signature]
Print: Marilar Gomez

Sign: [Signature]
Print: Karen L Smith
Title: Secretary

Sign: [Signature]
Print: Rebecca Bernold

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 20 day of April, 2016, by Terrence J Ondaak President of The Towers Condominium Association, Inc., who (check one): is personally known to me OR produced FLDL 0532-81058-303-0 as identification.

(Notary Seal/Stamp)

Notary Public - State of Florida



Sign: [Signature]
Print: Michelle M Hall
My Commission Expires: 07/18/2016

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 20 day of April, 2016, by Karen L Smith, Secretary of The Towers Condominium Association, Inc., who (check one): is personally known to me OR produced as identification.

(Notary Seal/Stamp)

Notary Public - State of Florida



Sign: [Signature]
Print: Michelle M Hall
My Commission Expires: 07/18/2016

EXHIBIT "A"

AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
OF
THE TOWERS, A CONDOMINIUM

The Amended and Restated Declaration of Condominium of The Towers, a Condominium, shall be amended as follows (otherwise, all other provisions shall remain the same):

Note: Language to be added is underlined. Language to be deleted is ~~struck through~~.

10. **USE RESTRICTIONS.** The use of the units and the common elements shall be in accordance with the following provisions, as long as the Condominium exists:

Section 10.1 and Section 10.2 remain unchanged.

10.3 **Nuisances.**

(A) No owner shall use his unit, or permit it to be used in any manner that is unreasonably disturbing, detrimental or a nuisance to the occupants of another unit, or which would not be consistent with the maintenance of the highest standards for a first class residential condominium, nor permit the premises to be used in a disorderly or unlawful way. Unless for normal household use or for normal landscaping requirements, the storage of flammable, combustible, explosive fluids, gases, chemicals or substances, other than for bonafide life support systems, is not permitted anywhere on condominium property. The use of each unit shall be consistent with existing laws, the governing documents and the condominium documents, and occupants shall at all times conduct themselves in a peaceful and orderly manner.

(B) Harassment or Interference with Board Members and Management. Board Members are volunteers, and the Association wishes to encourage unit owners to serve on the Board and be free from verbal, written or physical harassment or interference. Accordingly, it shall be a violation of the Condominium Documents for any owner or an owner's tenant, family member, licensee, invitee, guest or other occupant to directly or indirectly attempt to harass or otherwise interfere with a Board Member while he or she is acting in his or her capacity as a Director or Officer of the Board, or to otherwise threaten or interfere with the right of quiet enjoyment of any Board Member because of any action taken (or not taken) by that Board Member involving the operation and administration of the Association. It shall also be a violation of the Condominium Documents to engage in the same conduct described above with the Association's Community Association Manager and his or her agents and personnel. The Association shall have the right to impose fines pursuant to Section 20.1 of the By-Laws and/or to suspend the right to use common elements, as permitted by Section 718.303 of the Florida Statutes. In addition, if the Association incurs any expense or cost to protect against harassment or interference or to otherwise compel compliance with this Section, including, without limitation, legal fees and costs, the owner in violation will be responsible for those

fees and costs as an assessment, which shall be secured by a continuing lien upon the owner's unit until paid.

Section 10.4 through Section 10.8 remain unchanged.

This instrument prepared by:
Christopher J. Shields, Esq.
PAVESE LAW FIRM
1833 Hendry Street
Fort Myers, Florida 33901
(239) 334-2195

**CERTIFICATE OF AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
OF
THE TOWERS, A CONDOMINIUM**

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The following amendment was approved by the affirmative vote of at least two-thirds (2/3) of the voting interests present, in person or by proxy, and voting at a duly noticed annual meeting of the Association:

RESOLVED: That the Amended and Restated Declaration of Condominium of The Towers, a Condominium, be, and hereby is, amended, and the amendment to the Amended and Restated Declaration of Condominium of The Towers, a Condominium, is adopted in the form attached hereto as Exhibit "A" and made a part hereof; and

RESOLVED: That the Officers and Directors are hereby instructed and authorized to execute the aforementioned document and cause it to be filed of public record, together with a Certificate of Amendment.

Dated this 20 day of April, 2016.

WITNESSES (2):

Sign: [Signature]
Print: Martinez Gomez
Sign: [Signature]
Print: Rebecca Berchtold

THE TOWERS CONDOMINIUM
ASSOCIATION, INC.

Sign: [Signature]
Print: TORRENCE J. ONDHC
Title: President

WITNESSES (2):

ATTEST:

Sign: [Signature]
Print: Mariluz Gomez
Sign: [Signature]
Print: Rebecca Bernholz

Sign: Karen L Smith
Print: Karen L Smith
Title: Secretary

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 20 day of April, 2016, by Terrence J Ondak President of The Towers Condominium Association, Inc., who (check one): is personally known to me OR produced FLDL 0532-81058-303-0 as identification.

(Notary Seal/Stamp)

Notary Public - State of Florida



Sign: Michelle M Hall
Print: Michelle M. Hall
My Commission Expires: 07/18/2016

STATE OF FLORIDA
COUNTY OF LEE

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Section 10.1 and Section 10.2 remain unchanged.

10.3 **Nuisances.**

(A) No owner shall use his unit, or permit it to be used in any manner that is unreasonably disturbing, detrimental or a nuisance to the occupants of another unit, or which would not be consistent with the maintenance of the highest standards for a first class residential condominium, nor permit the premises to be used in a disorderly or unlawful way. Unless for normal household use or for normal landscaping requirements, the storage of flammable, combustible, explosive fluids, gases, chemicals or substances, other than for bonafide life support systems, is not permitted anywhere on condominium property. The use of each unit shall be consistent with existing laws, the governing documents and the condominium documents, and occupants shall at all times conduct themselves in a peaceful and orderly manner.

(B) Harassment or Interference with Board Members and Management. Board Members are volunteers, and the Association wishes to encourage unit owners to serve on the Board and be free from verbal, written or physical harassment or interference. Accordingly, it shall be a violation of the Condominium Documents for any owner or an owner's tenant, family member, licensee, invitee, guest or other occupant to directly or indirectly attempt to harass or otherwise interfere with a Board Member while he or she is acting in his or her capacity as a Director or Officer of the Board, or to otherwise threaten or interfere with the right of quiet enjoyment of any Board Member because of any action taken (or not taken) by that Board Member involving the operation and administration of the Association. It shall also be a violation of the Condominium Documents to engage in the same conduct described above with the Association's Community Association Manager and his or her agents and personnel. The Association shall have the right to impose fines pursuant to Section 20.1 of the By-Laws and/or to suspend the right to use common elements, as permitted by Section 718.303 of the Florida Statutes. In addition, if the Association incurs any expense or cost to protect against harassment or interference or to otherwise compel compliance with this Section, including, without limitation, legal fees and costs, the owner in violation will be responsible for those

fees and costs as an assessment, which shall be secured by a continuing lien upon the owner's unit until paid.

Section 10.4 through Section 10.8 remain unchanged.

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