

AMENDMENT

DECLARATION OF CONDOMINIUM THE VENICE AVENUE CONDOMINIUM (A CONDOMINIUM)

[Additions are indicated by underline; deletions by ~~strike-through~~]

ARTICLE XVII. RESTRICTIONS

(A) The use of the property as a condominium shall be in accordance with the following provisions:

...

13. **Smoking.** Smoking is not permitted on or in the common elements or limited common elements. In connection with this restriction, the term "Smoking" shall include the use of any medium, such as a cigarette, cigar, pipe, JUUL, e-cigarette, or other apparatus, for burning, vaping, or transmitting tobacco or tobacco-related products, including the lighting thereof or inhaling, exhaling, or breathing therefrom. Notwithstanding the restrictions set forth in this restriction, the Association, through a majority vote of the Board of Directors may designate or eliminate one or more outdoor areas (such as the recycle area) where smoking is permitted (that is, the "Designated Smoking Area(s)).

The prohibition of Smoking on or in a limited common element shall not apply to a unit owner who holds title to a unit prior to the effective date of this Declaration amendment and who currently Smokes in the owner's unit, unless said owner consents through an affirmative vote approving this amendment. However, Smoking on the common elements shall remain prohibited. This amendment shall apply to said unit upon its sale or other transfer of title and shall apply to any additional Unit or Units acquired by such Owner subsequent to the effective date of this Declaration amendment. The restrictions regarding Smoking on or in a limited common element set forth herein shall not apply to a tenant who signed a written lease agreement prior to the effective date of this Declaration amendment and who Smokes in the unit, but shall apply to the tenant upon any renewal or extension of the lease agreement or to a new lease agreement.

Each unit owner is responsible for compliance with this restriction by the owner and the owner's tenants, residents, guests, contractors and invitees. In the event of a violation of this restriction, the Association's Board of Directors may exercise any and all rights and remedies available to it under its condominium documents and/or Florida Statutes including, but not limited to the levying of fines, an action for damages or injunctive relief, including the recovery of attorney fees and costs from the person violating and the unit owner, etc.

As a special remedy applicable to contractor's employees, the Association shall provide a written notice of violation to the contractor's employee violating this restriction and transmit a copy of the violation notice to the unit owner. Upon a second violation of this restriction, the Association may cause the immediate removal of the contractor's employee from the condominium property. The owner will be notified of the removal and shall be responsible for reimbursing the Association its reasonable attorney fees and costs.

Prepared by and return to:
Kevin T. Wells, Esq.
Law Offices of Wells | Olah, P.A.
1800 Second Street, Suite 808
Sarasota, FL 34236
(941) 366-9191

CERTIFICATE OF AMENDMENT

**DECLARATION OF CONDOMINIUM
THE VENICE AVENUE CONDOMINIUM**

We hereby certify that the attached amendment to the Declaration of Condominium of **THE VENICE AVENUE CONDOMINIUM** (herein, the "Declaration"), which Declaration is originally recorded at Official Records Book 1282, Page 129 *et seq.* of the Public Records of Sarasota County, Florida, was proposed by the Board of Directors of **THE VENICE AVENUE CONDOMINIUM ASSOCIATION, INC.** (herein, "Association") and adopted by the affirmative vote of not less than sixty-six and two-thirds percent (66-2/3%) of those members who cast a vote, in person or by proxy, at the June 27, 2019 special membership meeting of the Association, which is sufficient for adoption under Article 11 of the Declaration of Condominium. The Association further certifies that the amendment was proposed and adopted as required by the governing documents and applicable law.

DATED this 10th day of July, 2019.

Signed, sealed and delivered:
in the presence of:

sign Tricia Guindo

print Tricia Guindo

sign _____

print _____

sign _____

print _____

sign _____

print _____

**THE VENICE AVENUE CONDOMINIUM
ASSOCIATION, INC.**

By: Louisa Haug
Louisa Haug, Vice President

ATTEST:

By: Mario Andella
Mario Andella, Treasurer

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 10th day of July, 2019, by Louisa Haug as Vice President of The Venice Avenue Condominium Association, Inc., a Florida not for profit corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification.

My commission expires:



NOTARY PUBLIC

sign

Darcie J. Sheidy

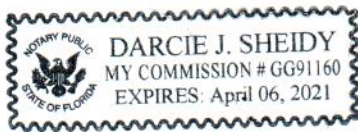
print

Darcie J. Sheidy
State of Florida at Large (Seal)

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 10th day of July, 2019, by Mario Andella as the Treasurer of The Venice Avenue Condominium Association, Inc., a Florida not for profit corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

My commission expires:



NOTARY PUBLIC

sign

Darcie J. Sheidy

print

Darcie J. Sheidy
State of Florida at Large (Seal)