

This instrument prepared by (and after recording should be returned to):

Atlantic Commons Associates, LLLP
1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323
Attn: Steven M. Helfman, Esq.

CFN 20140227828
OR BK 26866 PG 0174
RECORDED 06/20/2014 09:08:26
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0174 - 184; (11pgs)

(Space Reserved for Clerk of Court)

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,
RESTRICTIONS AND EASEMENTS FOR ATLANTIC COMMONS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR ATLANTIC COMMONS (the "Amendment") is made as of the 3rd day of June, 2014 by ATLANTIC COMMONS ASSOCIATES, LLLP, a Florida limited liability partnership (the "Declarant"), whose principal office is located at 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323, and joined in by TUSCANY PROPERTY OWNERS ASSOCIATION, INC., a Florida not for profit corporation, formerly known as Atlantic Commons Homeowners Association, Inc. (the "Association"), whose principal office is located at 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

WHEREAS, Declarant has executed and recorded that certain Declaration of Covenants, Restrictions and Easements for Atlantic Commons on January 28, 2013 in Official Records Book 25746, at Page 216, as amended and/or supplemented from time to time (collectively hereinafter referred to as the "Declaration");

WHEREAS, by virtue of the filing of a Second Amendment to Articles of Incorporation (the "Articles Second Amendment") in the Office of the Secretary of State of the State of Florida, a true copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, the Association has changed its name to "Tuscany Property Owners Association, Inc." (the "Name Change");

WHEREAS, the Bylaws of the Association have been amended in accordance therewith to reflect the Name Change") by virtue of that certain First Amendment to Bylaws of the Association (the "Bylaws Amendment"), a true copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference;

WHEREAS, Declarant desires to change the name of the planned community being developed on the Property from Atlantic Commons to Tuscany and to amend the Declaration to provide for such name change and to reflect the name change of the Association;

WHEREAS, the Declaration provides in Section 8 of Article XV that: (a) prior to the "Turnover Date", Declarant may amend the Declaration without the requirement of the consent of the Association or the "Owners" so long as such amendment does not materially impair the common plan of development of "Atlantic Commons" (as such terms are defined in the Declaration), and (b) the owner(s) of the Apartment Site (as defined in the Declaration) shall not have the right to vote upon any amendment to the Declaration; provided, however, no such

amendment is valid if the amendment has a material and adverse effect upon the Apartment Site unless the owner of the Apartment Site joins in and consents to the amendment;

WHEREAS, Section 8 of Article XIV of the Declaration also provides that the Association shall, upon the request of the Declarant, join in any such amendment, and Declarant has so requested the joinder of the Association notwithstanding that such joinder is not required;

WHEREAS, (a) the Turnover Date has not occurred as of the date first above written, (b) the changes to the Declaration set forth in this Amendment do not materially impair the common plan of development of Atlantic Commons, and (c) this Amendment will not have a material and adverse effect upon the Apartment Site.

NOW, THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. The recitations set forth herein are true and correct and are incorporated herein by reference. Unless otherwise defined herein, each initial capitalized term used herein shall have the meaning given to such term as set forth in the Declaration.

2. The name of the planned community set forth in the first recital of the Declaration is hereby changed from "Atlantic Commons" to "Tuscany".

3. All references in the Declaration to: (a) "Atlantic Commons Homeowners Association, Inc." are hereby amended to read "Tuscany Property Owners Association, Inc.", (b) "Atlantic Commons" are hereby amended to read "Tuscany," and (c) "Atlantic Commons Documents" are hereby amended to read "Tuscany Documents". Notwithstanding the foregoing, nothing in this Amendment shall be deemed to modify the name of the Declarant which shall remain Atlantic Commons Associates, LLC.

4. Exhibit "C" to the Declaration is amended to add the Articles Second Amendment to the end thereto.

5. Exhibit "D" to the Declaration is amended to add the Bylaws Amendment to the end thereto.

6. This Amendment shall become effective upon recording amongst the Public Records of Palm Beach County, Florida.

7. Except as modified by this Amendment, the Declaration shall remain in full force and effect in accordance with the terms thereof.

[Executions and Acknowledgments Appear on Following Pages]

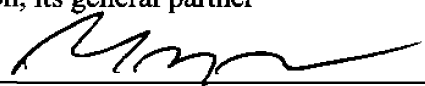
IN WITNESS WHEREOF, this Amendment has been signed by Declarant and joined in by the Association on the respective dates set forth below.

DECLARANT:

WITNESSES AS TO DECLARANT:

ATLANTIC COMMONS ASSOCIATES, LLLP, a Florida limited liability limited partnership

By: Atlantic Commons Corporation, a Florida corporation, its general partner

By: 
Name: Richard M. Norwalk
Title Vice President

[CORPORATE SEAL]

Signature

Print Name: Steven Helfman

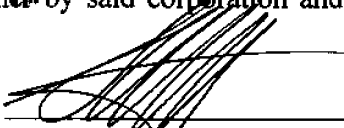
Signature

Print Name: Clayton Retiff

STATE OF FLORIDA

COUNTY OF BROWARD

I HEREBY CERTIFY that on this 3rd day of June, 2014, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Richard M. Norwalk, as Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of ATLANTIC COMMONS ASSOCIATES, LLLP, a Florida limited liability limited partnership, freely and voluntarily under authority duly vested in her by said corporation and limited liability limited partnership. ~~He~~ ^{She} is personally known to me.


Notary Public, State of Florida at Large

Typed, Printed or Stamped Name of Notary Public

My Commission Expires:



WITNESSES AS TO ASSOCIATION:

This

Signature

Print Name: Steven Helfman

Signature:

Print Name: Clayton Ratliff

STATE OF FLORIDA)

)SS

COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this 3rd day of June, 2014, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Charles Saenz, as President of Tuscany Property Owners Association, Inc. (f/k/a Atlantic Commons Homeowners Association, Inc.), a Florida corporation not for profit, freely and voluntarily under authority duly vested in him by said corporation. He is personally known to

Notary Public, State of Florida at Large

Typed, Printed or Stamped Name of Notary Public

My Commission Expires:



ASSOCIATION:

TUSCANY PROPERTY OWNERS ASSOCIATION, INC. (f/k/a Atlantic Commons Homeowners Association, Inc.), a Florida corporation not for profit

By:

Charles Saenz

Name: Charles Saenz

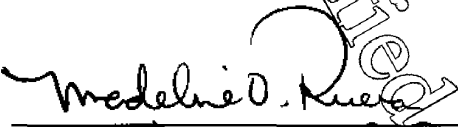
Title: President

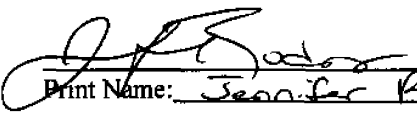
[CORPORATE SEAL]

MORTGAGEE'S CONSENT

The undersigned, FLORIDA COMMUNITY BANK, N.A., a national banking association ("Bank"), is the owner and holder of the following loan documents given in connection with the loan evidenced by such loan documents, all as amended and/or modified from time to time (collectively, the "Loan Documents"): (i) Mortgage and Security Agreement given by Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership ("Borrower") in favor of Bank, recorded April 3, 2012 in Official Records Book 25111, at Page 1153 of the Public Records of Palm Beach County, Florida; (ii) Collateral Assignment of Leases, Rents and Licenses given by Borrower in favor of Bank, recorded April 3, 2012 in Official Records Book 25111, at Page 1179 of the Public Records of Palm Beach County, Florida; (iii) Collateral Assignment of Contracts and License Rights given by Borrower in favor of Bank, recorded April 3, 2012 in Official Records Book 25111, at Page 1187 of the Public Records of Palm Beach County, Florida; (iv) UCC-1 Financing Statement made by Borrower, as debtor, recorded April 3, 2012 in Official Records Book 25111, at Page 1194 of the Public Records of Palm Beach County, Florida; and (v) all other instruments and collateral loan documents securing the indebtedness or referred to in the Loan Documents; which Loan Documents encumber a portion of the "Property" as those terms are defined in the aforementioned Declaration of Covenants, Restrictions and Easements for Tuscany (the "Declaration"). Bank does hereby consent to the execution and recording of the foregoing First Amendment to the Declaration.

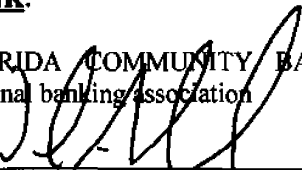
Signed, sealed and delivered in
the Presence of:


Print Name: MADLINE O. RIVERA


Print Name: Jennifer Rodriguez

BANK:

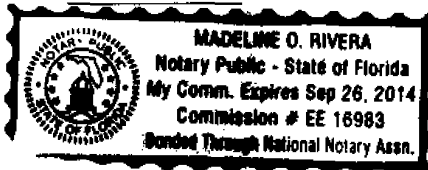
FLORIDA COMMUNITY BANK, N.A., a
national banking association

By: 
Name: DAVID ALBRIGHT
Title: SVP

[CORPORATE SEAL]

STATE OF FLORIDA)
)SS
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this 13 day of June, 2014, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by DAVID ALBRIGHT, as SVP of FLORIDA COMMUNITY BANK, N.A., a national banking association, on behalf of the Bank, freely and voluntarily under authority duly vested in him/her by said Bank. He/She is personally known to me or produced as identification.



My Commission Expires:

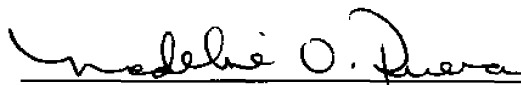

Notary Public, State of Florida at Large
MADLINE O. RIVERA
Typed, Printed or Stamped Name of Notary Public

EXHIBIT "A"

Articles Second Amendment

[See Attached 2 Pages]

This is not a certified copy

SECOND AMENDMENT TO ARTICLES OF INCORPORATION
OF
ATLANTIC COMMONS HOMEOWNERS ASSOCIATION, INC.,
a Florida Not For Profit Corporation

The undersigned, as the "Declarant" named in the Articles of Incorporation of ATLANTIC COMMONS HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation filed with the Department of State of the State of Florida on May 8, 2012 as Document No. N12000004687 (the "Articles of Incorporation"), pursuant to Chapter 720, Florida Statutes, and the provisions of Article XIII of the Articles of Incorporation do hereby amend the Articles of Incorporation as follows:

1. Section 5 of Article I of the Articles is hereby deleted and replaced in its entirety as follows:

"Association" means Tuscany Property Owners Association, Inc., a Florida corporation not for profit. Association is NOT a condominium association and is not intended to be governed by Chapter 718, Florida Statutes (the Condominium Act).

2. Article II of the Articles is hereby deleted and replaced in its entirety as follows:

ARTICLE II
NAME

The name of the corporation shall be TUSCANY PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, whose principal address and mailing address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323, or at such other place as may be designated, from time to time, by the Board of Directors.

3. All references in the Articles to "Atlantic Commons" are hereby amended to read "Tuscany."
4. All references in the Articles to "Atlantic Commons Documents" are hereby amended to read "Tuscany Documents".

Pursuant to the provisions of Article XIII of the Articles of Incorporation, prior to the First Conveyance (as defined in the Articles of Incorporation) the Declarant may amend the Articles of Incorporation without the vote of the members or the Board of Directors. As of the date of this Second Amendment, the First Conveyance has not occurred.

IN WITNESS WHEREOF, this Second Amendment to Articles of Incorporation has been executed and is adopted as of the 2nd day of June, 2014.

WITNESSES:

ATLANTIC COMMONS ASSOCIATES,
LLP, a Florida limited liability limited
partnership

By: Atlantic Commons Corporation, a
Florida corporation, its general partner

By: 
Richard M. Norwalk, Vice President

[CORPORATE SEAL]

This is not a certified copy

EXHIBIT "B"

Bylaws Amendment

[See Attached 2 Pages]

This is not a certified copy

**FIRST AMENDMENT TO BYLAWS
OF
ATLANTIC COMMONS HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, the Board of Directors ("Board") of Atlantic Commons Homeowners Association, Inc. ("Association") desires to amend the Bylaws of the Association ("Bylaws"); and

WHEREAS, in accordance with Section 13 of the Bylaws, prior to the Turnover Date, the First Board shall have the power to amend, modify, adopt and repeal any Bylaws without requirements of consent, approval or vote of any Member; and

WHEREAS, Section 4.15 of the Bylaws of the Association provides that any action required or permitted to be taken at a meeting of the Directors may be taken without a meeting if a consent in writing, specifically setting forth the action to be taken, shall be taken by all the Directors entitled to vote with respect to the subject matter thereof and such consent shall have the same force and effect as a unanimous vote of Directors; and

WHEREAS, the Turnover Date has not occurred;

WHEREAS, by virtue of the filing of a Second Amendment to Articles of Incorporation in the Office of the Secretary of State of the State of Florida, the Association has changed its name to "Tuscany Property Owners Association, Inc.," and

WHEREAS, the undersigned, being all of the Directors of the First Board, desire to amend and modify the Bylaws to reflect the Association's name change.

NOW, THEREFORE, pursuant to the authority and for the reasons aforementioned, the undersigned, being all of the Directors of the First Board, do hereby amend and modify the Bylaws as follows:

1. The name of the Association is hereby amended to read "Tuscany Property Owners Association, Inc."
2. All references in the Bylaws to "Atlantic Commons" are hereby amended to read "Tuscany".

Executed as of the 2nd day of June, 2014.



CHARLES SAENZ, Director



N. MARIA MENENDEZ, Director



MARCIE DEPLAZA, Director

THE UNDERSIGNED, BEING THE DECLARANT, HEREBY CONSENTS TO THE FOREGOING
FIRST AMENDMENT TO BYLAWS OF ATLANTIC COMMONS HOMEOWNERS
ASSOCIATION, INC.

ATLANTIC COMMONS ASSOCIATES, LLLP, a Florida
limited liability limited partnership

By: Atlantic Commons Corporation, a Florida
corporation, its general partner

By: 
Richard M. Norwalk, Vice President

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