

This Instrument Prepared by:
Jeffrey C. Sweet, Esquire
595 W. Granada Blvd.
Suite A
Ormond Beach, FL 32174

STATE OF FLORIDA
COUNTY OF VOLUSIA

AFFIDAVIT AND CERTIFICATE OF RECORDING

Before me, the undersigned authority, personally appeared Jerry S. Johnson, who, after being duly sworn deposes and says as follows:

1. Your Affiant is Jerry S. Johnson who has personal knowledge of the facts contained herein.
2. At all times material hereto, your Affiant was the President of Venetian Bay Development, Inc., a Florida corporation, Manager of Tuscany Square, LLC, a Florida limited liability company. Tuscany Square, LLC ("Developer") is the Developer of Tuscany Square 1, a Condominium pursuant to Declaration of Condominium ("Declaration") for Tuscany Square 1, a Condominium ("Condominium") dated September 25, 2006 and recorded in Official Records Book 5922, page 1207, Public Records of Volusia County, Florida.
3. At all times material hereto, your Affiant was an Officer and Director of Tuscany Square 1 Condominium Association, Inc., a Florida non profit corporation. Tuscany

Square 1 Condominium Association, Inc. ("Association") is the Condominium Association for the Condominium.

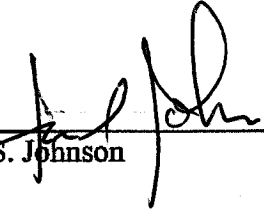
4. At all times material hereto, your Affiant was an Officer and Director of Tuscany Town Center Association, Inc., a Florida non profit corporation. Tuscany Town Center Association, Inc. ("Merchant Association") is the Merchant Association established for the commercial units for the Condominium.
5. Pursuant to "Second Amendment to Declaration of Condominium of Tuscany Square 1, a Condominium", ("Second Amendment") the Developer, among other things, established a Parking Plan and Parking Assignment Schedule for certain remaining parking spaces as further defined in the Second Amendment. The Second Amendment was recorded December 23, 2009 in Official Records Book 6430, page 376, Public Records of Volusia County, Florida. The Second Amendment further preserved Developer's right to assign the use of additional parking spaces.
6. At duly called meetings of the Developer, Condominium Association and Merchant Association, wherein a quorum was present, the "Condominium Association Garage and Parking Space Designation Program for Commercial/Residential Units – Tuscany Square 1, a Condominium" ("Parking Space Designation Program") was presented and discussed. Upon motions duly made, seconded and unanimously approved, the Developer, Condominium Association and Merchant Association approved the

Parking Space Designation Program and authorized the President for each entity to execute same. An original executed counterpart of the Parking Space Designation Program was published in the corporate records for the Developer, Condominium Association and Merchant Association.

7. A dispute has arisen regarding the assignment of certain parking spaces by the Developer incident to the Parking Space Designation Program. Upon information and belief, your Affiant states that notwithstanding the existence of the duly adopted Parking Space Designation Program and its publication in the corporate records of the Developer, the Condominium Association and Merchant Association, there is an alleged confusion regarding the Developer's ability to assign certain spaces and/or the spaces assigned. Upon information and belief, your Affiant understands the sole reason for the alleged confusion is that the Parking Space Designation Program was not recorded in the Public Records of Volusia County, Florida.
8. Accordingly, and to eliminate any and all confusion and clarify the corporate acts of the Developer, the Condominium Association and the Merchant Association, your Affiant attaches hereto and incorporates herein a executed counterpart Parking Space Designation Program filed and published for record with the Developer, Condominium Association and Merchant Association.

9. Notice is hereby given that the "Condominium Association Garage and Parking Space Designation Program for Commercial/Residential Units – Tuscany Square 1, a condominium" is hereby recorded in the Public Records of Volusia County, Florida.

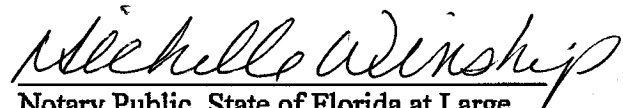
FURTHER AFFIANT SAYETH NAUGHT



Jerry S. Johnson

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 19 day of July, 2012, by Jerry S. Johnson who is personally known to me.



Notary Public, State of Florida at Large
My Commission expires:



This Instrument Prepared By:
Jeffrey C. Sweet, Esquire
595 W. Granada Blvd., Suite A
Ormond Beach, FL 32174

CONDOMINIUM ASSOCIATION GARAGE AND PARKING SPACE DESIGNATION
PROGRAM FOR COMMERCIAL/RESIDENTIAL UNITS - TUSCANY SQUARE I, A
CONDOMINIUM

The undersigned, Tuscany Square LLC, a Florida limited liability company, (hereafter "Developer") and Tuscany Square I Condominium Association, Inc., a Florida corporation ("Condominium Association") and Tuscany Town Center Association, Inc., a Florida corporation ("Merchant Association") hereby supplement the Declaration of Condominium of Tuscany Square I, a Condominium as follows:

WHEREAS, on September 27, 2006, Developer recorded a Declaration of Condominium for Tuscany Square I, a Condominium, dated September 25, 2006, in Official Record Book 5922, page 1207, Public Records of Volusia County, Florida (hereafter "Declaration"); and

WHEREAS, the Declaration provides that the Developer has the right to make changes and/or provide supplements deemed necessary by the Developer in the Condominium Drawings and the Declaration without the joinder of any other party; provided the Developer has not transferred control of the Association to the Non-Developer Unit Owners and provided (a) there is no change to the exterior of the building; and (b) there is no material alteration or modification regarding the appurtenances to a Unit and (c) provided there is no change in the proportion or percentage of which a Unit Owner shares in the Common Expenses and owns Common Surplus; and

WHEREAS, Developer has previously declared three (3) Commercial Units which occupy the entire ground floor and are described as Commercial Unit 1; Commercial Unit 2 and 1st

Commercial Unit 3, all of which are owned by the Developer; and

WHEREAS, Developer has determined to subdivide the Commercial Units only; without changing the exterior of the building and/or any appurtenances to the Units and/or the combined percentage of Common Expense and Surplus; and

WHEREAS, the commercial units were originally assigned three (3) votes in the Condominium Association and the voting allocation will remain unchanged for the Commercial Units as the Developer has created a Merchant Association for the purpose of representing all commercial unit owners and the Merchant Association will vote the three (3) voting interests assigned to the Commercial Units; and

WHEREAS, the percentage of Common Expense, Surplus and Common Elements will remain unchanged and has been redistributed to the Commercial Unit Owners such that the total Common Expense, Common Surplus and percentage of Common Element attributed to the Commercial Units will remain the same; and

WHEREAS, the Declaration presently provides for the undivided interest and proportionate share of common expenses, surplus and common elements appurtenant to Units described as Commercial Unit 1, Commercial Unit 2 and 1st Commercial Unit 3 on Exhibit 5 of the Declaration; and

WHEREAS, Developer has completed the subdivision of Commercial Unit 1, Commercial Unit 2 and 1st Commercial Unit 3 and obtained a Surveyor's Certificate as required by Florida law; and

WHEREAS, Developer, Condominium Association and Merchant Association wish to provide for supplemental parking for certain of the commercial and/or residential units; and

WHEREAS, the Developer has not transferred control of the Association to the Non-

Developer Unit Owners; and

WHEREAS, Developer has established and declared the revised Commercial Units, which will now consist of twenty-four (24) Commercial Units occupying the same space, and collectively having the same proportionate share of Common Expenses, Common Surplus and Common Elements appurtenant to the Units, together with the same voting rights as the original Commercial Units, by Second Amendment to Declaration of Condominium recorded December 23, 2009 at Official Records Book 6430, page 376, Public Records of Volusia County, Florida; and

WHEREAS, the Declaration has previously been amended by First Amendment to Declaration of Condominium dated May 1st, 2008 and recorded in Official Record Book 6226, page 1826, Public Records of Volusia County, Florida. .

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is amended as follows:

1. Recitations. The above recitations are true and correct.
2. Modification of Condominium Drawings. Developer has previously established, declared and located additional garage spaces by Section D - 1st Floor Parking Assignment recorded at Official Records Book 6430, page 419, Public Records of Volusia County, Florida attached as Exhibit A. Developer further establishes, declares and locates additional uncovered parking spaces numbered 168, 169, 222, 223, 224, 225, 226, 227, 272 and 273 pursuant to Reserved Parking Exhibit attached hereto and incorporated herein as Exhibit B. Henceforth, attached Exhibit B shall supplement the parking space location and plan for Tuscany Square I, a condominium.

3. Declaration of Spaces. By these presents, Developer hereby declares that the parking

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space designation plan for Tuscany Square I, a condominium shall be amended by adding the Garage Plan ("Exhibit A") and the Reserve Parking Exhibit ("Exhibit B").

4. Parking; Garage Units. Exhibit Number 2 to the Declaration is a Parking Assignment Schedule, Section D - 1st Floor Parking Assignment, recorded at Official Record Book 5922, page 1264, Public Records of Volusia County, Florida, which has been supplemented by the attached Seciton D - 1st Floor Parking Assignment (Exhibit A). Exhibit A identifies the eight (8) remaining garage spaces available for assignment to any Unit Owner identified in the Declaration, as amended. There are eight (8) remaining garage parking spaces depicted by the designation C.U. 1, C.U. 2, C.U.3, C.U. 4, C.U. 5, C.U.6, C.U.7, and C.U.8; and shown on diagram included in Exhibit A. The garage space designation for these eight (8) spaces shall be assigned by Developer by a separate written Assignment of Garage Space furnished to the Unit Owner at closing with an executed counterpart filed with the Condominium Association. Unless specifically assigned by Developer, there is no garage parking available for the Commercial Units. All commercial parking areas are located on Tract T or the outside parking lot pursuant to Easement Grant, or an adjacent publicly dedicated right-of-way.

5. Parking; Reserved Parking. Attached Exhibit B supplements the commercial and residential parking facilities. Exhibit B identifies eight (8) remaining uncovered spaces available for assignment to any Unit Owner identified in the Declaration, as amended. There are eight (8) remaining uncovered parking spaces depicted by the designation 168, 169, 222, 223, 224, 225, 226, 227, 272 and 273; and shown on the diagram attached as Exhibit B. The uncovered parking space designation for these eight (8) spaces shall be assigned by Developer by a separate written Assignment of Uncovered Parking Space furnished to the Unit Owner at closing with an executed counterpart filed with the Condominium Association. Each uncovered parking space will bear a

designation which provides that parking is by permit only. Unless specifically assigned by Developer, there is no uncovered parking spaces available for the commercial units within the Condominium. All commercial parking areas are located on Tract T or the outside parking lot pursuant to Easement Grant, or an adjacent publicly dedicated right of way.

6. Appurtenant to Unit/Partition. When the Developer assigns a garage parking space or an uncovered parking space (collectively "parking space"), that parking space shall be deemed an appurtenance to the Unit acquired by the Unit Owner. The Unit's share of common expense and surplus shall be deemed to apply to the assigned parking space. After a parking space has been designated to a Unit, that designation cannot be altered, amended or modified without the express written consent of the Unit Owner (their successors or assigns), the Developer, the Condominium Association and the Merchant Association. The requirement that the Developer must join in a transfer or reassignment of the parking space shall terminate January 1, 2015.

7. Designation of Developer. The Condominium Association and the Merchant Association hereby irrevocably appoints and designates the Developer as their attorney in fact to assign parking spaces pursuant to an Assignment of Garage Space or an Assignment of Uncovered Space which designation shall be binding on the Developer, the Condominium Association, the Merchant Association and all of the respective Members of each unless modified as provided herein. After a parking space has been assigned to a Unit, the transfer of that Unit to subsequent Purchasers and/or a Mortgage to Mortgage holders shall be deemed to include the assigned parking space.

8. Effective Date. The Garage and Parking Space Designation Program described herein shall become effective immediately upon the execution of this document.

9. Joinder. Tuscany Square I Condominium Association, Inc., a non-profit Florida

corporation and Tuscany Town Center Association, Inc., a non-profit Florida corporation and Venetian Bay of New Smyrna Beach, LLC, a Florida limited liability company, have joined in this Amendment to signify their consent and acquiescence to the terms and conditions contained herein.

WITNESS our hands and seals this 25th day of February, 2010.

TUSCANY SQUARE, LLC,
a Florida Limited Liability Company by
Venetian Bay Development, Inc., a Florida
corporation, its Manager

[Signature]
Witness
Jeff C. Sweet
Printed Name
Nola Buchanan
Witness
Nola Buchanan
Printed Name

By: [Signature]
Jerry S. Johnson, President

TUSCANY SQUARE I CONDOMINIUM
ASSOCIATION, INC., a Florida corporation

[Signature]
Witness
Jeff C. Sweet
Printed Name
Nola Buchanan
Witness
Nola Buchanan
Printed Name

By: [Signature]
Jerry S. Johnson, President

TUSCANY TOWN CENTER ASSOCIATION,
INC., a Florida corporation

[Signature]
Witness
Jeff C. Sweet
Printed Name
Nola Buchanan
Witness
Nola Buchanan
Printed Name

By: [Signature]
Jerry S. Johnson, President

VENETIAN BAY OF NEW SMYRNA BEACH,
LLC, a Florida Limited Liability Company

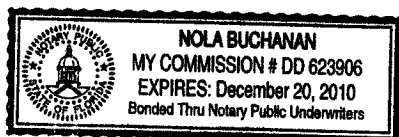
[Signature]
Witness
Jerry C Sweet
Printed Name
Nola Buchanan
Witness
Nola Buchanan
Printed Name

By: *[Signature]*
Jerry S. Johnson, Manager

STATE OF FLORIDA

COUNTY OF VOLUSIA

I hereby certify that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Jerry S. Johnson as President of Venetian Bay Development, Inc., the Manager of Tuscany Square, LLC, a Florida limited liability company, the President of Tuscany Square I Condominium Association, Inc., a Florida corporation, the President of Tuscany Town Center Association, Inc., a Florida corporation and the Manager of Venetian Bay of New Smyrna Beach, LLC, a Florida limited liability company, who is personally known to me or () who has produced his U.S. drivers license as identification and who did not take an oath.

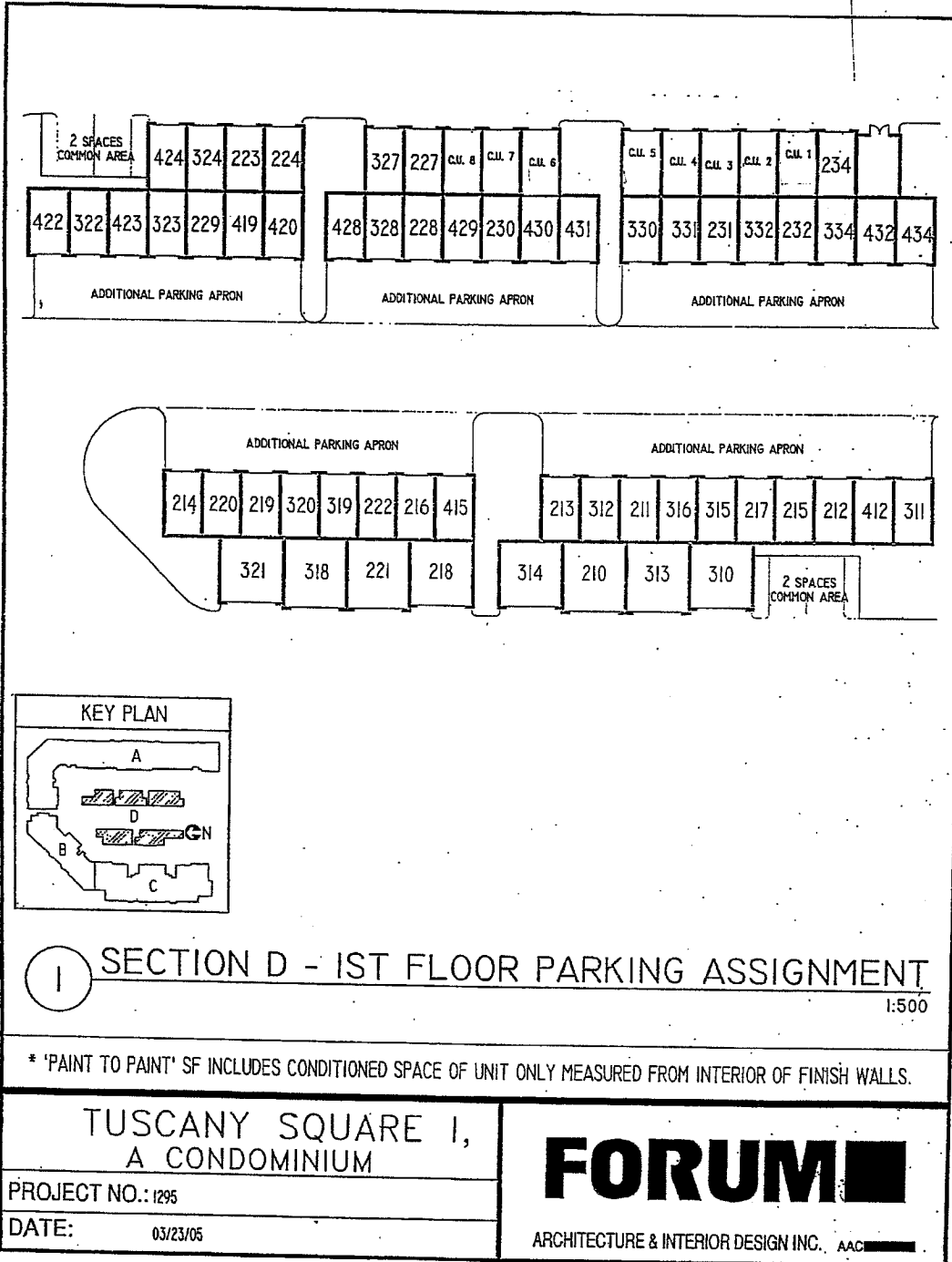


Nola Buchanan
Notary Public

EXHIBIT "A"

COMMERCIAL OR RESIDENTIAL FLOORS				
UNIT NO.	UNIT TYPE	GARAGE	GARAGE SIZE (FT)	GARAGE SIZE (SF)
GROUND FLOOR COMMERCIAL UNITS OR RESIDENTIAL UNITS AS DETERMINED BY DEVELOPER.	GROUND FLOOR COMMERCIAL UNITS OR RESIDENTIAL UNITS AS DETERMINED BY DEVELOPER.	1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF
		1 CAR	12' x 20'-8"	248 SF

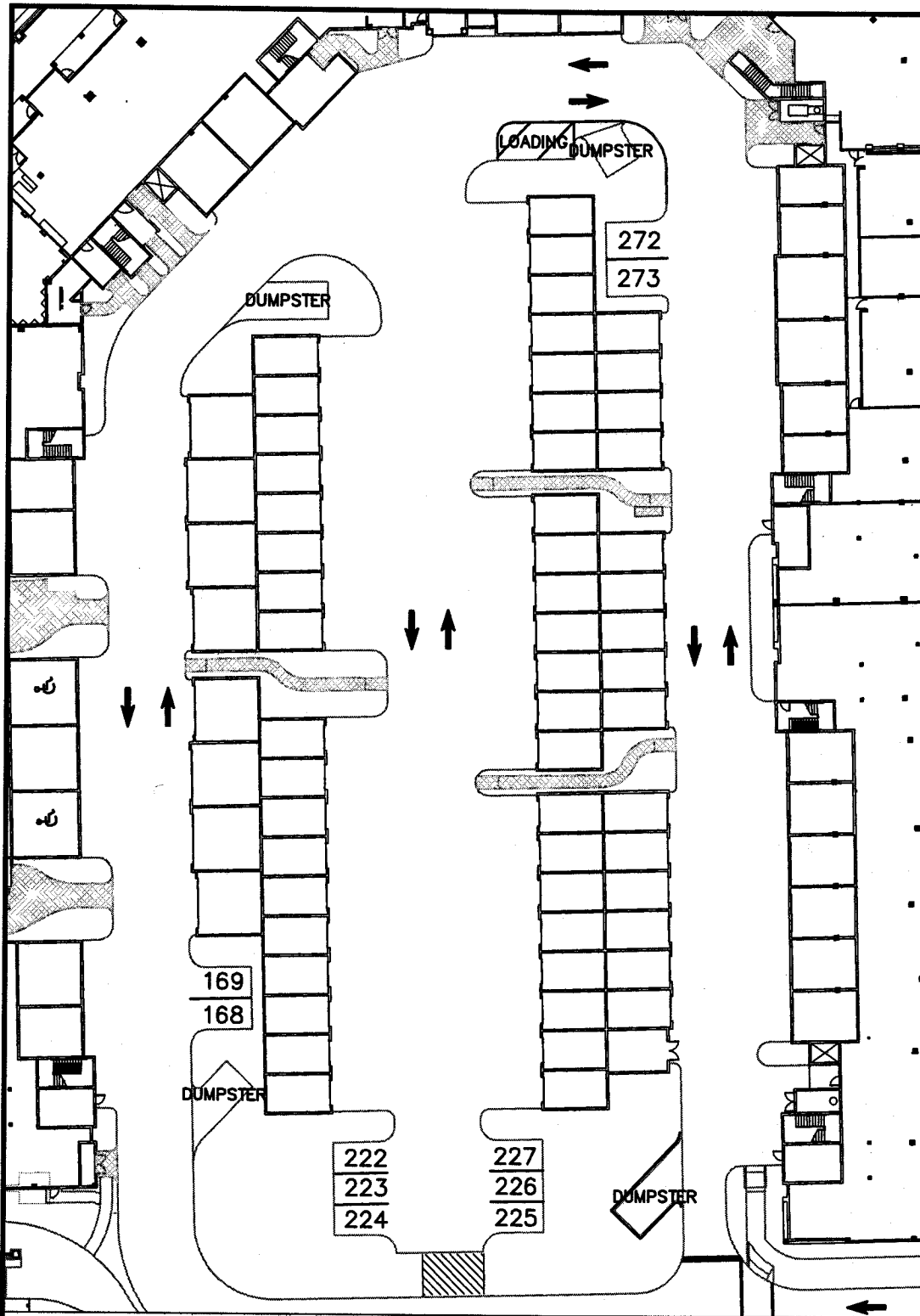
ARCHITECTURE & INTERIOR DESIGN INC. AAC0002731



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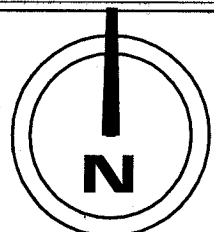
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EXHIBIT "B"



DM
 CONSULTING GROUP, INC.
 CIVIL ENGINEERS CA 26578
 424 LUNA BELLA LANE, SUITE 133
 NEW SMYRNA BEACH, FLORIDA 32168
 PHONE: (386) 767-8000 FAX: (386) 788-6681
 DMW@JOHNSONGROUPPHONES.COM

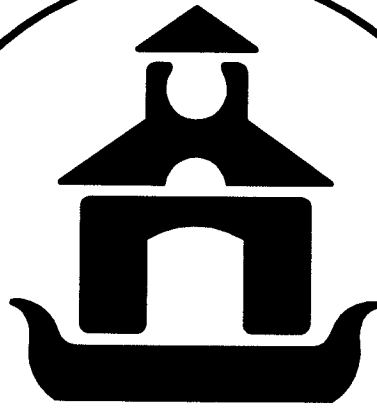
TUSCANY SQUARE I
 A CONDOMINIUM
 RESERVED PARKING EXHIBIT



SCALE: 1" = 50'

SHEET
 1 OF 1

SPACES 168, 169, 222, 223, 224, 225, 226, 227, 272 AND 273 AS SHOWN ABOVE ARE HEREBY RESERVED FOR PARKING BY PERMIT ONLY. PERMIT PROVIDED BY TUSCANY SQUARE, LLC. PERMIT SIGNS AND DECALS WILL BE PROVIDED. PARKING NUMBERS DO NOT REFLECT UNIT NUMBERS.



*RESERVED
PARKING
BY PERMIT ONLY*

PERMIT #