

Prepared by:  
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**CERTIFICATE OF AMENDMENT AND  
FIFTH AMENDMENT TO THE DECLARATION OF  
CONDOMINIUM OF CARLTON PALMS, A CONDOMINIUM**

THIS AMENDMENT to the Declaration of Condominium of Carlton Palms, a Condominium, as amended, is made by the affirmative vote of not less than two-thirds of the votes of the total members of the Carlton Palms Condominium Association, Inc. ("Association") on the 18th day of July, 2018.

WHEREAS the Declaration of Condominium of Carlton Palms, A Condominium (the "Declaration"), was recorded on January 27, 1995 at Official Record Book 3714, at Page 0822 in the Public Records of Escambia County, Florida; and

WHEREAS the Association, through its members, desires to make certain revisions to the Declaration pursuant to Section 9.01 of the Declaration; and

WHEREAS, the members desire to ban smoking in all forms on the Condominium Property (subject only to the Board of Director's authority to designate certain outside smoking areas should it desire from time to time) due to the potentially hazardous effects of such smoke, including second-hand smoke, on the health, safety and well-being of the Carlton Palms community;

WHEREAS, this amendment shall be effective and enforceable beginning on the sixtieth (60<sup>th</sup>) day after recordation of this certificate in the Public Records of Escambia County, Florida.

WHEREAS all provisions of the Declaration not specifically amended hereby shall remain in full force and effect;

NOW THEREFORE, the following amendment to the Declaration is adopted as a new section 22.19 of Article XXII. as follows:

**XXII. Obligations and Restrictions of Members and Owners**

**In addition to the other obligations and duties heretofore set forth in this Declaration, every Unit Owner shall:**

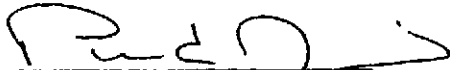
22.19 Not smoke or permit any person inside the Unit or on the Common Elements at Unit Owner's invitation or with Unit Owner's permission to smoke. Smoking shall be prohibited everywhere on the Condominium Property, including on or within all Units, Common Elements and Limited Common Elements, except in any designated outside smoking zone(s) as determined by the Board of Directors in its sole discretion (but not obligation). Notwithstanding, no outside smoking zone(s) shall be located within twenty (20) feet of any window, door or other building opening. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with this restriction may be brought by the Association or by any Unit Owner against a Unit Owner and/or any tenants,

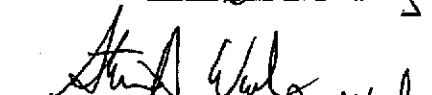
guests, or invitees occupying a Unit or using the Common Elements. Unit Owners must disclose this smoking restriction in writing in any lease of a Unit.

[END OF TEXT]


IN WITNESS WHEREOF, the president of Carlton Palms Condominium Association, Inc. has hereunto set his hand and seal this 20th day of July, 2018 in confirmation of the action taken by the owners to approve this amendment at the Special Meeting held on the 18th day of July, 2018.

Signed, sealed and delivered in  
our presence as witnesses:

  
Print Name: Richard Jernigan

  
Print Name: Brian D. Ward

CARLTON PALMS CONDOMINIUM  
ASSOCIATION, INC., a not for profit Florida  
Corporation

By:   
Phillip Gambrell, its President

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of July, 2018, by  
Phillip Gambrell, president of Carlton Palms Condominium Association, Inc.

  
NOTARY PUBLIC

☒ Personally Known  
OR  
☐ Produced Identification  
Type of Identification Produced \_\_\_\_\_

