

PREPARED BY AND RETURN TO:  
Thomas G. Eckerty, P.A.  
Attorney at Law  
12734 Kenwood Lane, Site 89  
Fort Myers, Florida 33907-5638

Recording: \$18.50

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**AMENDMENT TO**  
**DECLARATION OF CONDOMINIUM**

**OF**

**KAHLUA BEACH CLUB, a condominium**

COMES NOW, **KAHLUA OWNERS' ASSOCIATION INC.**, a Florida non-profit corporation, the managing entity of "**KAHLUA BEACH CLUB**" a condominium, as recorded in O.R. Book 1270, Page 330 et seq. as amended and restated, having met and duly adopted the following amendment to the Declaration of Condominium of Kahlua Beach Club at a meeting on November 14, 2014 which was adjourned for the purpose of allowing additional time to obtain the necessary votes for passage of the proposed Amendment pursuant to Article 21 of the Declaration, and sufficient votes having been received on January 13, 2015, said Amendment was approved by a vote in excess of fifty percent (50%) of the total voting interests in the Association, the Association amended the Declaration of Condominium in the following manner:

First: "Article 12, **USE RESTRICTIONS**, is hereby amended by adding the following subparagraph 12.5.1 to said Declaration, to wit:

- 12.5.1 **SMOKING RESTRICTIONS.** Kahlua is committed to promoting an environment that is free from tobacco, tobacco products and smoking. Owners and their guests are prohibited from using tobacco products or smoking tobacco or any other substance on the Association Property including, but not limited to, the common elements, the units, the limited common elements attached to the units, such as balconies and lanais, nor or any of the walkways and decks adjoining the units, the stairways, the office, lobby, laundry room, and recreation room. Additionally, smoking shall not be permitted in or around the swimming pool area, the parking lot or other common areas comprising the Association Property. For purposes of this section, the definition of "smoking" includes, but is not limited to, the use of electronic cigarettes and any other device whereby an individual inhales and exhales vapor. The Board of Directors may, from time to time, designate a specific location on the Association Property where smoking would be allowed pursuant to the rule-making authority granted to the Board of Directors by Article 7 of the By-Laws of the Association."

FURTHER AFFIANT SAYETH NOT

IN WITNESS WHEREOF, the managing entity has executed this Amendment to the Declaration, this 19 day of February, 2015.

Witnessed by:

Todd McGomas  
Print Name: TODD MCGOMAS  
Jolanta Nowicki  
Print Name: JOLANTA NOWICKI

KAHLUA OWNERS' ASSOCIATION, INC., a Florida Not-For-Profit Corporation

By: E.N. Jaster  
Print Name: Eugene N. Jaster  
Title: Board President

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19 day of February, 2015, by EUGENE JASTER, the PRESIDENT of Kahlua Owners' Association, Inc., who is personally known to me or who did not take an oath.

NOTARY STAMP OR SEAL



Deborah L. Ciminski  
Notary Public  
Print Name: DEBORAH L. CIMINSKI  
Commission No.: FF 092913  
My Commission Expires: may 3, 2018

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