

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Ernest W. Sturges, Jr., Esq.
Goldman, Tiseo & Sturges, P.A.
701 JC Center Court, Suite 3
Port Charlotte, Florida 33954
File No.: 11351.001

CERTIFICATE OF AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
OXFORD HOUSE OF PORT CHARLOTTE – A CONDOMINIUM, INC.

I HEREBY CERTIFY that the following amendment to the Declaration of Condominium of OXFORD HOUSE OF PORT CHARLOTTE – A CONDOMINIUM, INC. was duly adopted by the board of directors at the duly noticed board member's meeting of the Association on the 23 day of May, 2024. Said amendment was approved by a majority of the board of directors. The Amended and Restated Declaration of Condominium is recorded as Instrument Number 2343791, of the Public Records of Charlotte County, Florida.

See attached Resolution

Executed this 23 day of May, 2024, at Port Charlotte, Charlotte County, Florida.

OXFORD HOUSE OF PORT CHARLOTTE – A CONDOMINIUM, INC.

By:

Cindy McDaniel

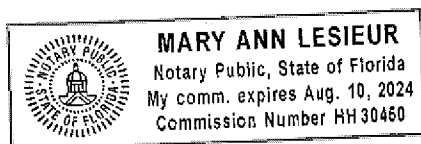
Name: Cindy McDaniel

Its: President

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization this 23 day of May, 2024, by Cindy McDaniel, who is personally known to me or produced _____ as identification.

SEAL



Mary Ann Lesieur
NOTARY PUBLIC

Mary Ann Lesieur
Printed name of notary

ATTEST:

By: Rosa Ready
Name: ~~Kim Gilbert~~ Rosa Ready
Its: Secretary

STATE OF FLORIDA
COUNTY OF Charlotte

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization this 23 day of May, 2024, by ~~Kim Gilbert~~, who is personally known to me or produced _____ as identification.

Rosa Ready
Mary Ann Lesieur
NOTARY PUBLIC

SEAL



Mary Ann Lesieur
Printed name of notary

**RESOLUTION OF THE BOARD OF DIRECTORS OF
OXFORD HOUSE OF PORT CHARLOTTE – A CONDOMINIUM, INC.**

WHEREAS, Oxford House of Port Charlotte – a Condominium, Inc. was formed by the recording of that Declaration of Condominium for Oxford House of Port Charlotte – a Condominium recorded on November 9, 1973 as Instrument Number 1973044000190 of the Public Records of Charlotte, County, Florida (the “Original Declaration”); and

WHEREAS, the Original Declaration included two schedules: Schedule 1 providing for the proportionate share of each unit’s interest in the common elements and Schedule 2 providing for the allocation of each unit to a 3.125% of the Common Expenses and surpluses; and

WHEREAS, a sufficient percentage of the membership approved an Amended and Restated Declaration of Condominium of Oxford House of Port Charlotte – a Condominium, Inc. which was recorded on April 14, 2015 as Instrument Number 2343791 of the Public Records of Charlotte, County, Florida (the “Amended Declaration”); and

WHEREAS, the Amended Declaration provides in Article 6 that the sharing of Common Expenses and the ownership of Common Elements and Common Surplus was allocated pursuant to the percentages stated in Schedule 1 of the Original Declaration; and

WHEREAS, Florida Statute s.718.110(4) prohibits any amendment for changing the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the Unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other Units in the same condominium approve the amendment; and

WHEREAS, to comply with Florida Statute s.718.110(4), and amend Schedule 2 of the Original Declaration to change the share of Common Expenses as purport by Article 6 of the Amended Declaration, 100% of all the record owners of Unit and record owners of liens on all the Units would have had to join the approval and execution of the Amended Declaration; and

WHEREAS, 100% of the record owners of Unit and record owners of liens on all the Units did not approve and join in the execution of the Amended Declaration and therefore the purported revision of the share of the Common Expenses by Article 6 of the Amended Declaration is invalid, void and/or unenforceable; and

WHEREAS, the revision of the share of the Common Expenses purported by Article 6 was a scrivener’s error; and

WHEREAS, the Association, notwithstanding the scrivener’s error, has levied assessments in accordance with Schedule 2 of the Original Declaration and not Article 6 of the Amended Declaration; and

WHEREAS, Florida Statute s.718.110(5) provides a remedy to fix a scrivener’s error in the declaration when a unit does not bear an appropriate share of the common expenses, the error

may be corrected by filing an amendment to the declaration approved by the board of directors;
and

WHEREAS, the Board of Directors desires to amend Section 6 of the Amended Declaration to correct the scrivener's error; and

WHEREAS, the proposed amendment is attached to this Resolution as Exhibit "1".

NOW, THEREFORE, be it resolved on this 23 day of May, 2024, a majority of the Board of Directors, pursuant to Florida Statute s.718.110(5), hereby approves this amendment to Article 6 of the Amended Declaration.

OXFORD HOUSE OF PORT CHARLOTTE – A CONDOMINIUM, INC.

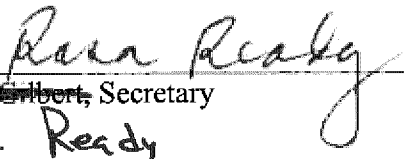

~~Kim Gilbert~~, Secretary
Rose Ready

EXHIBIT "1"

**AMENDMENT TO THE DECLARATION OF
OXFORD HOUSE OF PORT CHARLOTTE – A CONDOMINIUM**

Underline represent additions

~~Strikethrough~~ represent deletions

Article 6 of the Amended and Restated Declaration of Oxford House of Port Charlotte – a Condominium is hereby amended as follows:

Voting Rights; Ownership of Common Elements. The voting rights of the Owner of each Unit shall be 1/32nd (one voting interest per Unit). Each and every one of the Units shall bear and have attributable to it, the same share of the Common Expense and Common Surplus of the Condominium, which stated a percentage is 3.125% per unit. The sharing of Common Expenses and undivided share of the ownership of Common Elements and Common Surplus of the Condominium, as a percentage, attributable to and appurtenant to each of the Units shall be as follows:

<u>Number</u>	<u>% of Interest Unit In Common Elements</u>
101	3.43420%
102	2.62969%
103	3.434.20%
104	3.43420%
105	3.43420%
106	3.43420%
107	2.83381%
108	2.83381%
109	3.43420%
110	2.68972%
111	3.43420%
112	3.43420%
113	3.43420%
114	3.43420%
115	2.62969%
116	2.68972%
201	3.36216%
202	2.48559%
203	3.20605%
204	3.54226%
205	3.20605%
206	3.54226%
207	2.77377%
208	2.77377%

209	3.36216%
210	2.48559%
211	3.20605%
212	3.54226%
213	3.20605%
214	3.54226%
215	2.48559%
216	2.62969%

TOTAL:	100%
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