

Prepared by and return to: Stephen D. Rees, Jr., Esq. 8470 Enterprise Circle, Suite 201 Lakewood Ranch, FL 34202 Tel: (941) 907-0006

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CASSATA LAKES

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CASSATA LAKES ("First Amendment") is made by Cassata Properties, LLC, a Florida Limited Liability Company ("Declarant") and joined by FCMMD, LLC, a Florida limited liability company ("Developer") and CASSATA LAKES OWNERS ASSOCIATION, INC., a Florida corporation not for profit ("Association").

RECITALS

- A. Whereas, Article VIII of the original Declaration of Covenants, Conditions and Restrictions for Cassata Lakes Phase I, recorded as ORI# 2022187245, Public Records of Sarasota County, Florida ("Declaration"), Reservation of Rights By Developer, Section 8.1(f) provides that the Developer reserves the following right(s): (f) To amend this Declaration without joinders from any other person or entity, provided that no amendment shall be made which substantially alters the nature of the development contemplated herein;
- B. Whereas, Article IX of the Declaration, Miscellaneous, Section 9.1 Term and Amendment, provides, in part, This Declaration may be amended during the first thirty (30) year period or any subsequent (10) year period by an instrument sign either by (i) the Developer as provided in Section 8.1;
- C. Whereas, Article I of the Declaration, Definitions, Section 1.13, provides that the property subject to the terms and conditions of the Declaration shall mean that certain real property herein above described, and such additions thereto as may hereafter be brought within the jurisdictions of the Association, if any, including as set forth in the recorded plat thereof in Plat Book 56, Page 493, Public Records of Sarasota County, Florida, and,
- D. Whereas, the Developer, joined by the Owner, desires to subject the Property and all parts thereof to the terms and conditions set forth in the Declaration.

E. Developer desires to further supplement, amend, and otherwise modify the Declaration as hereinafter set forth for the purpose of facilitating and regulating development of the Property.

NOW THEREFORE, Declarant hereby amends the Declaration as set forth herein.

- 1. The foregoing recitals are true and correct and are incorporated into and form a part of this First Amendment. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration. Words in the text which are lined through (———) indicate deletions from the present text; words in the text which are <u>double-underlined</u> indicate additions to the present text.
- 2. In the event there is a conflict between this First Amendment and the Declaration, this First Amendment shall control. Whenever possible, this First Amendment and the Declaration shall be construed as a single document. Except as modified herein, the Declaration shall remain in full force and effect.
- 3. The Parties declare that the Property (commonly known as Cassata Lakes, Phase II and as described in Exhibit "A" hereof) and all parts thereof, are subject to the restrictions set forth in the Declaration, which shall be deemed to be covenants running with the land, and imposed on and intended to benefit and burden each Lot within the Property in order to maintain within the Property, and the original property subjected to the Declaration, a residential area of high standard.
- 4. The provisions of Article I of the Declaration are hereby amended by adding the following language to Section 1.13:
 - 1.13 "Property" shall mean that certain real property herein before described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association, if any, including as set forth in the recorded plat of Cassata Lakes Phase I thereof in Plat Book 56, Page 493, Public Records of Sarasota County, Florida, and as set forth on the plat of Cassata Lakes Phase II in Plat Book , Page , Public Records of Sarasota County, Florida.
- 5. The provisions of Article I of the Declaration are hereby amended by adding the following language to Section 1.15:
 - 1.15 "Subdivision", "Development", or "Plat" shall mean Cassata Lakes, a subdivision, a single family residence project as set forth in the recorded plat of Cassata Lakes Phase I thereof in Plat Book 56, Page 493, Public Records of Sarasota County, Florida, and as set forth on the plat of Cassata Lakes Phase II in Plat Book , Page , Public Records of Sarasota County, Florida

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- 6. The provisions of Article VII of the Declaration are hereby amended by adding the following language to Section 7.8(d):
 - All garages shall be of a minimum of a two (2) car capacity, and shall be (d) equipped with automatic door openers. All lots that are 100' wide shall have side entry garages with the garage facing south. The minimum driveway width shall be twelve feet (12'). All driveways aprons and subdivision sidewalks on or adjacent to a Lot shall be constructed with a minimum of 3,000 PSI concrete, or as approved by Developer, with each drive extending to its intersection with a paved street, and shall be completed at the time of original construction of improvements and prior to issuance of a certificate of occupancy for the Dwelling served by such drive. All driveways and sidewalks, excluding including the driveway apron, and that portion of the subdivision sidewalks crossing over, upon and through the driveway, unless otherwise approved by the Developer, shall be concrete brick pavers. All concrete brick pavers, upon architectural review approval, shall be installed over one inch (1") minimum to one and one-half inches (1-1/2") maximum sand bedding over eight inches (8") of crushed concrete aggregate (CCA) base. All pavers must be traffic bearing. All subdivision sidewalks shall be constructed in accordance with building code specifications promulgated from time to time by City of Venice, including but not limited to the current requirement for an expansion joint at the boundary between the sidewalk and driveway/driveway apron connection to the adjacent street. Notwithstanding the requirements for concrete brick pavers contained in this Section 7.8(d) above, all driveway, parking area and walkway design, location, materials and coloring shall be subject to Association's Architectural Control Committee approval. Each Owner shall be responsible for all maintenance, repairs, and replacement of the concrete brick pavers within the driveway, driveway apron and sidewalk within or immediately adjacent to said Owner's Lot and each Owner shall hold harmless the Association for any liability and/or damage caused or a result of said concrete brick pavers.
- 7. The provisions of Article VII of the Declaration are hereby amended by adding the following language to Section 7.18:

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7.18 Sidewalks; Curbs. Sidewalks shall be installed in all neighborhoods where required by the building code requirements of the City of Venice, in accordance with the building code specifications promulgated from time to time by the City of Venice, at the expense of the Owner of the portion of the Property where such sidewalk is required. No Owner shall paint or otherwise deface the sidewalk, curb or any other

part of the Common Area. <u>All sidewalks shall comply with requirements contained in Section 7.8(d) for that portion thereof crossing a driveway.</u>

- 7. The Declaration, as amended, is hereby incorporated by reference as though fully set forth herein and, except as specially amended hereinabove, is hereby ratified and confirmed in its entirety.
- 8. This Amendment shall be a covenant running with the land and shall be effective immediately upon its recording in Sarasota County, Florida.

[Signatures on Following Page]

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IN WITNESS WHEREOF, the undersigned has duly executed this First Amendment on the date first written above.

WITNESSES:	"DECLARANT"
Print Name: Joyne & Parish	CASSATA PROPERTIES, LLC, a Florida fimited liability company By: Michael W. Miller, its Manager
	[Company Seal]
presence or \square online notarization this $/8$ as Manager of CASSATA PROPERTIES, L	cnowledged before me by means of physical day of October, 2023, Michael W. Miller, LC, a Florida limited liability company, on behalf ly known to me or who has produced as identification. **The Company of Public of Florida at Large** NOTARY PUBLIC, State of Florida at Large**
STEPHANIE L TANCEY Notary Public - State of Florida Commission # GG 953332 My Comm. Expires Feb 21, 2024 Bonded through National Notary Assn.	Print Name:

IN WITNESS WHEREOF, the undersigned has duly executed this First Amendment on the date first written above.

WITNESSES:	"DEVELOPER"
Print Name: Joyne E. Parrish Print Name: Male wordy	FCMMD, LLC, a Florida limited liability company By: Michael W. Miller, its Manager
	[Company Seal]
presence or □ online notarization this <u>18</u> as Manager of FCMMD, LLC, a Florid	knowledged before me by means of physical day of the 2023, Michael W. Miller, a limited liability company, on behalf of such nown to me or who has produced as identification.
My commission expires:	NOTARY PUBLIC, State of Florida at Large
	Print Name:
STEPHANIE L TANCEY Notary Public - State of Florida Commission # GG 953332 My Comm. Expires Feb 21, 2024 Bonded through National Notary Assn.	

IN WITNESS WHEREOF, the undersigned has duly executed this First Amendment on the date first written above.

WITNESSES:	"ASSOCIATION"
Print Name: Michael W Miller	CASSATA LAKES OWNERS ASSOCIATION, INC, a Florida not-for-profit corporation By: Jayne E. Parrish, its President
	[Company Seal]
STATE OF FLORIDA) COUNTY OF SARASOTA) The foregoing instrument was acl	knowledged before me by means of diphysical day of
President of CASSATA LAKES OWNER	S ASSOCIATION, INC., a Florida not-for-profit on, who is personally known to me or who has as identification.
My commission expires:	NOTARY PUBLIC, State of Florida at Large
STEPHANIE L TANCEY Notary Public - State of Florida Notary Public - State of Florida	Print Name:
Commission # GG 953332 My Comm. Expires Feb 21, 2024 Bonded through National Notary Assn.	

IN WITNESS WHEREOF, the undersigned, being the holder of a mortgage, which encumbers the property described in the Declaration of Covenants, Conditions and Restrictions for Cassata Lakes to which this Consent is attached, hereby consents to the Declaration and agrees to the terms and provisions of the Declaration, and agrees that any mortgage held by the undersigned encumbering the property described in the Declaration is subject and subordinate to the terms and provisions of the Declaration.

WITNESSES:	"CASSATA FUNDING"
Print Name:	CASSATA FUNDING, LLC, a Florida limited liability company By: J. Geoffrey Pflugner, its Manager
	[Company Seal]
presence or online notarization this Pflugner, as Manager of Cassata Funding	day of Lober 2023, J. Geoffrey 2023, J. Geoffrey 2023, LLC a Florida Limited Liability Company, on sonally known to me or who has produced as identification. NOTARY PUBLIC, State of Florida at Large Print Name: DEBORAHK MARTIN Commission # HH 281979 Expires August 12, 2026

EXHIBIT "A"

Cassata Lakes, Phase II

CASSATA LAKES PHASE N

PLAT BOOK

SHEET 1 OF 6 PAGE

A SUBDIVISION

ATRACT OF LAND LYING IN SECTION 29, TOWNSHIP 38 SOUTH, RANGE 19 EAST, CITY OF VENICE, SARASOTA COUNTY, FLORIDA.



NOT TO SCALE

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Easoment	Common Area, Private Pond, Landscaping, and Drainage Easements	Preservation Area; and Public Drainage Eosement	Private Ingress-Egress, Utility, Drainage, Landscoping, and Singage Easements; and Public Utility Easement

COUNTY OF SARASOTA) SS

CERTIFICATE OF OWNERSHIP AND DEDICATION

CASSATA PROPERTIES, LLC, a Florido Limited Liability Company, hereby certifies ownership of "CASSATA LAKES PHASE 2", shown hereon.

CITY OF VENICE

CASSATA PROPERIES, LLC does hereby dedicate and set apart all Public Utility Ecsements, all 5" wide Side Lot Line Utility Easements, shown hereon to the City of Yenke Flarica forever.

PRIVATE:

CASSATA PROPERTIES, LLC does hereby dedicate and set goal Tarst "D" (Phinde Ingress-Layess, Unity, Dranops, Landscapes, and Signaye Exements). That "C" (Private Private Priva

CASSATA PROPERTIES, ILC

Michael W. Miller, Monager

Print Name of Witness Signature of

Witness

Print Name of Witness

NOTARY ACKNOWLEDGEMENT

COUNTY OF SARASOTA) STATE OF FLORIDA SS

The foregoing Certificate of Dedication was acknowledged before me by means of physical presence or points notarization, this object of CASSATA PROPERTIES, LLC, a 2023, by Microwi W. Müller, manager of CASSATA PROPERTIES, LLC, a liarida temides Luchy on a belaff of the company, who is Ll personally known (a me or produced the following identification).

(Notary Saal/Stamp

Frant Nome Motary Public

My Commission

Expire

This plot as recorded in its graphic form, is the official depiction of the substribed lands described therein and will no actuaristices be supplianted in authority by any other graphic or digital form of the plot.

TRACT LEGEND

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LOT LINE EASEMENTS:

Unless otherwise indicated, easements of fire feet [5] in width along oil side lot lines, are hereby created and provised for the purpose of accommodating surface, overhead, above grands, and undergrand utilities and surface drivings. Where an area greater than one lot is used as a building site, the outside boundary of said site shall be subject to the lot line easements.

NOTICE

The Public Utility Eastments described in and shown hereon may also be used for the construction instabation, maintenance and operation of coble television services, provided, however, such constituction, instabation, maintenance and operation (i) shall not interfere with the facilities and services of an electric, leapanons, gat, or there Public Utility and (i) shall comply with the National Electric Sciety Code as adocted by the Florida Public Service Commission, in the event a cable ledvision company Camages.

There may be additional restrictions that are not recorded on this plot that may be found in the Public Records of this County.

This is a cluster Housing Concept Plat and building setbacks wary in accordance with appropriate zoning regulations.

CERTIFICATE OF REVIEWING SURVEYOR & MAPPER

I hereby certify that I have reviewed this plot for conformity to Chapter 177. Part 1, of the Florido Statutes, and that I am under contract with the appropriate bacil governing backy and acting herebo as an agent of the City of vertice. This limited certification as to facial conformity with Chapter 177. Part 1, F.S. Partiting is not intended to be and should not be construed as a certification of the accuracy or quality of the Surveying & Mapping reflected on the Part.

Professio	XXXXXXX X XXXXX Professional Surveyor Florida Certificate Num			
	ZOX	Florida C	Professio	CXXXXX

CERTIFICATE OF APPROVAL OF CITY COUNCIL

COUNTY OF SARASOTA) SS

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CITY			
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City Engineer

CERTIFICATE OF APPROVAL OF COUNTY CLERK

COUNTY OF SARASOTA) SS

I, Karen E. Rushing, Clark of the Circuit Cauri of Sarasota County Florido, heavy certify that this joid has been examined and that it complexes in form with all the requirements of the Studiese of liaidia perfaining to mose and plats, and that this plat has been filed for record in Plat Book florids and Plat Book Public Records of Sarasota Caunty, riorida, this day of Abar Sarasota Caunty, riorida, this

For: Clerk of the Circuit Court Sorasota County, Florida

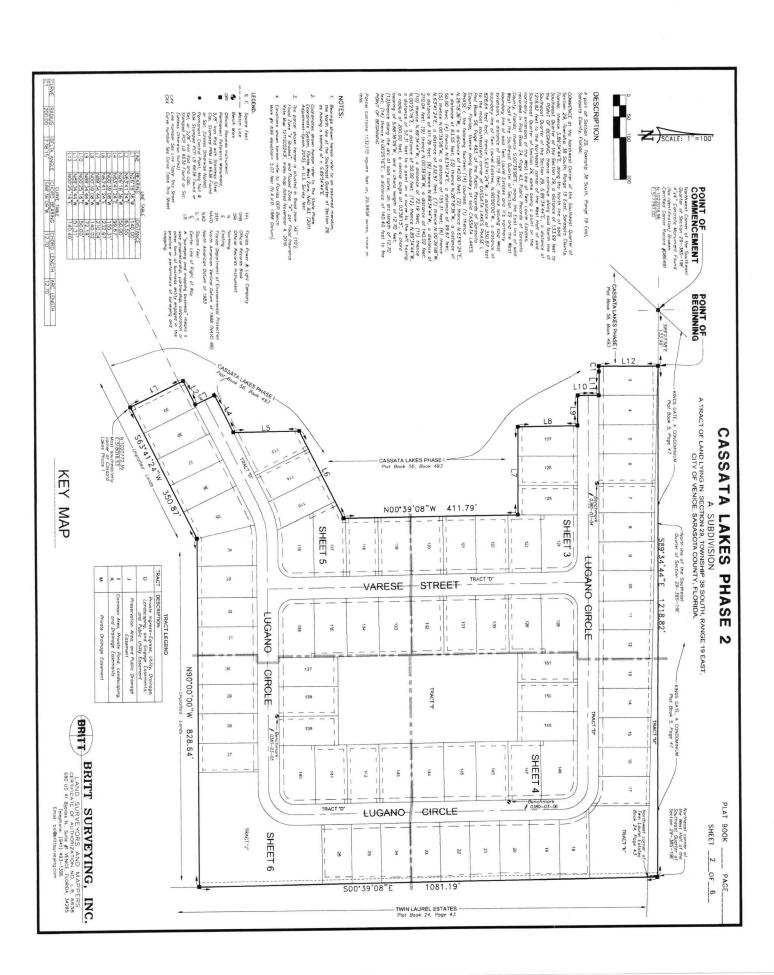
CERTIFICATE OF SURVEYOR:

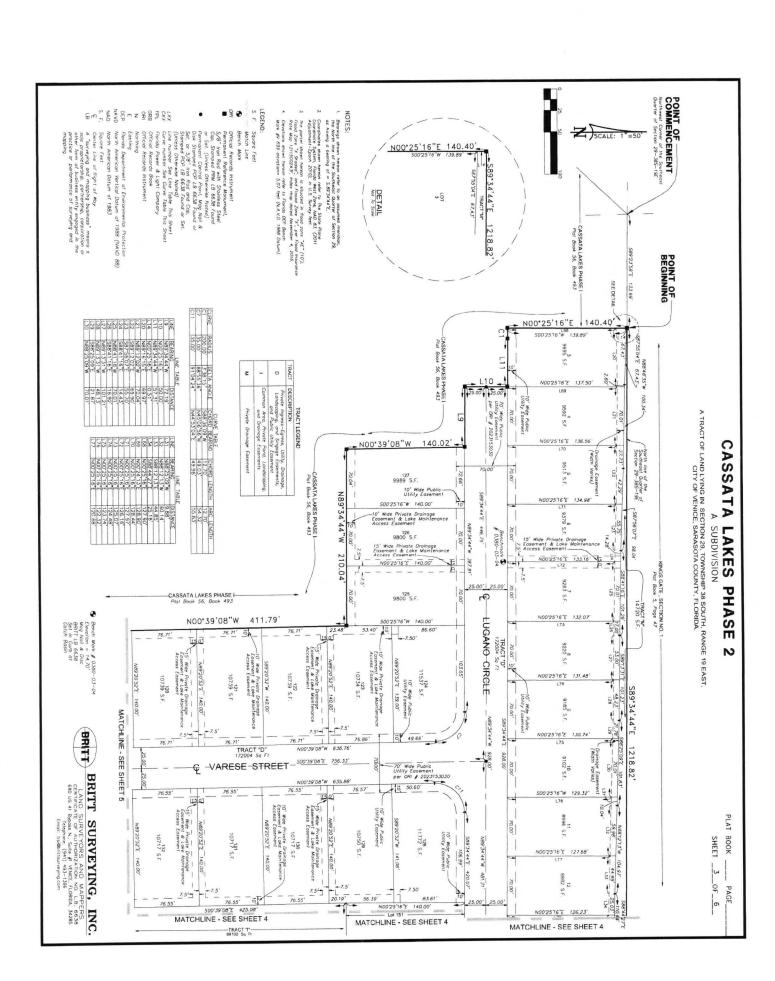
KNOW ALL JEEN BY THESS PRESENTS, that I, the undersigned Florido Licensed and Registered Land Surveyor, hereby certify that this plot is a true and correct representation of the directs surveyed. that the survey was made under my responsible direction and supervision, that the survey data compiles with all the requirements of Chapter 157. Florido Sottlets and that the Permanent of the Research Lorumants (PRM's) were installed on March 30, 2023. The Lot Corness and Permanent Control Pools (PCPS) installition date will be metilified by recorded afficients within one year or before bond expiration.

Randal E. Britt, Professional Land Surveyor Florida Certificate Number 3379

BRITT SURVEYING, INC.

LAND SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION NO. LE. 8638
880 US 4: Rapass N. Sulte JI NENICE RORDA, 34285
Email: balleritaryeying.com





CASSATA LAKES PHASE N

PLAT BOOK

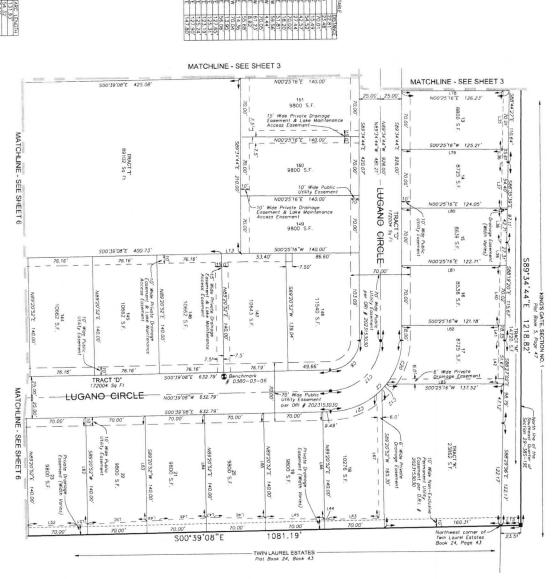
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SHEET 4 OF 6

Northeast corner of the West Half of the Southeast Quarter of Section 29-385-19E

A SUBDIVISION

A TRACT OF LAND LYING IN SECTION 29, TOWNSHIP 38 SOUTH, RANGE 19 EAST CITY OF VENICE, SARASOTA COUNTY, FLORIDA.



LEGEND:

Coordinates sharm hereon refer to The State Plane.
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Private Drainage Easement

Bench Mark # 0380-03-6 Elevation = 14.16' Mag Nail & Disc BRITT LB 6638 Set in Curb at Catch Basin

BRITT SURVEYING, INC.

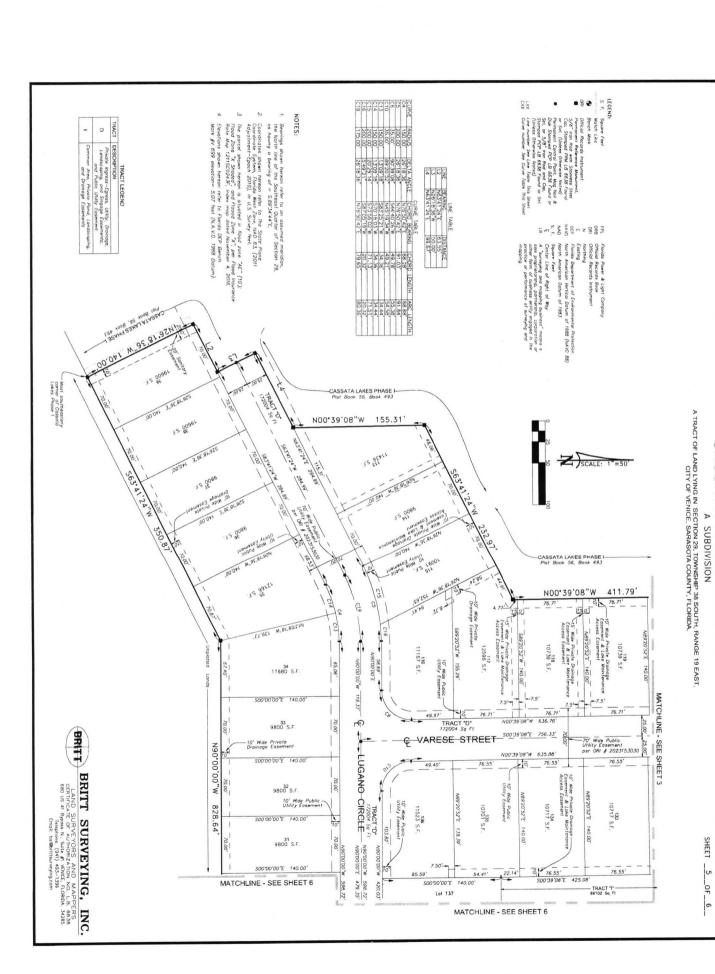
LAND SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION NO. L.B. 6636
680 US 41 Byses N., Sain # NEWEZ, FLOSION, 54285
Telephone. (341) 432–1386
Employmen. (341) 432–1386

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TRACT LEGEND

DESCRIPTION

Private Ingress - Egress, Utility, Drainage, Landscaping, and Singage Easements; and Public Utility Easement



CASSATA LAKES PHASE

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PLAT

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CASSATA LAKES PHASE

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PLAT BOOK SHEET

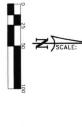
OF 6 PAGE

SUBDIVISION

A TRACT OF LAND LYING IN SECTION 29, TOWNSHIP 38 SOUTH, RANGE 19 EAST CITY OF VENICE, SARASOTA COUNTY, FLORIDA.

MATCHLINE - SEE SHEET 4

MATCHLINE - SEE SHEET 4



NOTES:

- Bearings shown hereon refer to an assumed meridian, the North line of the Southeast Quarter of Section 29, as having a bearing of = 5.88°34'44"E.
- The parcal stoom herem is slouted in floot zone "4E" (10").
 Road Zone "X Shaded", and Flood Zone "X, per Road haurence
 Roate day 17115-024-XF, index map dated November 4, 2016.
 Elevations shown herem refer to Fiorda DEP Berich
 Warte VP 699 elevations 507 feet (N.A.V.D. 1988 Datum).

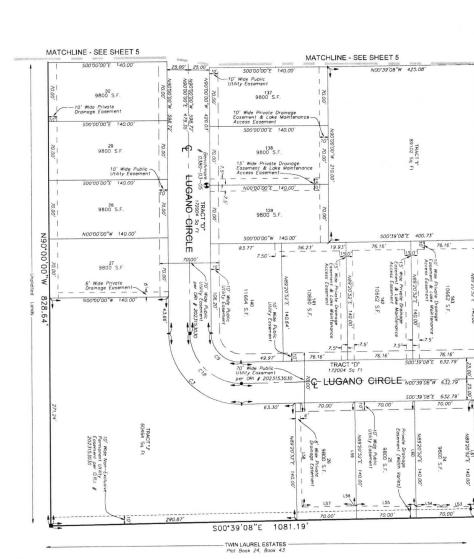
S. F. DEP

Department of Environmental Protection
American Vertical Datum of 1988 (NAVO 68)
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Feet c Right of Way
Line of Right of Way
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L	-	U	TRACT
Preservation Area; and Public Drainage Easement	Common Area, Private Pond, Landscoping, and Drainage Easements	Private ingress-Egress, Utility, Drainage, Landscoping, and Singage Easements: and Public Utility Easement	TRACT DESCRIPTION

Z,	BEARING	DISTANCE
53	S00.11,13,E	40.53
5	S00.59,82,M	29,49
55	S00'59'57"W	70.03
56	S00'54'59"W	4.89
57	3,80,62,00S	59.11
58	NB9'20'52'E	124.33
59	NB9'20'52"E	124.46
L60	N89'20'52'E	126.48
61	N89'20'52"E	127.66



Bench Mark # 0380-0 Elevation = 14.19' Mag Noil & Disc BRITT LB 6538 Set in Curb at Catch Basin



BRITT SURVEYING, INC.

LAND SURVEYORS AND MAPPE CERTIFICATE OF AUTHORIZATION NO. L.B. 680 US 41 Byposs N., Suite #1 VENICE, FLORIDA, Telephone. (941) 493-1396 Emost: bis@mittsurveying.com