

This instrument was prepared by:  
(and after recording, return to):  
John S. Inglis, Esquire  
Shumaker, Loop & Kendrick, LLP  
101 E. Kennedy Boulevard, Suite 2800  
Tampa, Florida 33602

(Sixth)?

INSTR # 2006528816

O BK 17139 PG 0377

Pgs 0377 - 381; (5 pgs)

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PAT FRANK CLERK OF COURT  
HILLSBOROUGH COUNTY  
DEPUTY CLERK D LeDuc

**FIFTH AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TAMPA PALMS AREA 3 OWNERS ASSOCIATION, INC.**

NEW TAMPA, INC., a Florida corporation, as Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Tampa Palms Area 3 Owners Association, Inc., recorded on July 31, 1997 in Official Records Book 8657, page 1328 of the Public Records of Hillsborough County, Florida, as amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions for Tampa Palms Area 3 Owners Association, Inc., recorded on March 2, 2000 in Official Records Book 10073, page 554, and as further amended by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Tampa Palms Area 3 Owners Association, Inc., recorded on June 26, 2001 in Official Records Book 10896, page 1445, and as further amended by that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions for Tampa Palms Area 3 Owners Association, Inc., recorded on November 21, 2001 in Official Records Book 11220, page 831, and as further amended by that certain Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Tampa Palms Area 3 Owners Association, Inc., recorded May 22, 2003 in Official Records Book 12668, page 628, all of the Public Records of Hillsborough County, Florida (said Declaration, as amended, being referred to as the "Declaration"), does hereby further amend the Declaration as follows:


1. Pursuant to the authority granted to the Declarant, in Article VIII, Section 1 of the Declaration, the Declarant amends the Declaration to include in the land described in Exhibit "A" to the Declaration, the following described land (the "Additional Property"), said Additional Property being part of the land described in Exhibit "B" to the Declaration:

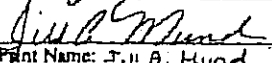
[For legal description see Exhibit "A" attached hereto and made a part hereof]

2. The Additional Property shall be in all respects subject to the Declaration.


IN WITNESS WHEREOF, NEW TAMPA, INC. has caused this Fifth Amendment to be executed by its duly authorized officer as of the 3rd day of November, 2006.

Witnesses:

  
Print Name: JOHN S. INGLIS

  
Print Name: J. A. Hurd

NEW TAMPA, INC., a Florida corporation

By:   
Warren Kinsler, President  
Post Office Box 46189  
Tampa, Florida 33647-6189

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 3rd day of November, 2006, by Warren Kinsler, the President of NEW TAMPA, INC., a Florida corporation, on behalf of the corporation. He is personally known to me or did produce \_\_\_\_\_ as identification.

Jill A. Mund  
NOTARY PUBLIC  
Print Name: Jill A. Mund  
My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF FLORIDA  
Jill A. Mund  
Commission # DD483881  
Expires: OCT. 19, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

[notary seal]

EXHIBIT "A"



Lots 1 through 198, inclusive, together with Tracts A, B, C, D, E, F, G, H, I and K, TUSCANY SUBDIVISION AT TAMPA PALMS, according to the plat thereof recorded in Plat Book 107, Page 159 of the Public Records of Hillsborough County, Florida.

**JOINDER OF MORTGAGEE TO FIFTH AMENDMENT  
TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR TAMPA PALMS AREA 3 OWNERS ASSOCIATION, INC.**

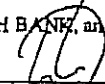
AMSOUTH BANK, an Alabama state chartered bank (the "Mortgagee"), the holder of that certain Mortgage and Security Agreement, dated June 26, 2000, made by New Tampa, Inc., a Florida corporation, recorded on June 29, 2000 in Official Records Book 10252, page 1789; as modified by that certain Note and Mortgage Modification Agreement dated July 24, 2000, recorded on August 8, 2000 in Official Records Book 10312, page 150, as further modified by that certain Future Advance and Mortgage Modification Agreement dated June 6, 2001, recorded on June 8, 2001 in Official Records Book 10856, page 823, as further modified by Future Advance, Consolidation and Mortgage Modification and Extension Agreement dated October 31, 2002, recorded on November 8, 2002 in Official Records Book 12086, Page 1987, and as further amended by that certain Note and Modification Agreement dated June 26, 2005, recorded on December 2, 2005 in Official Records Book 15285, page 814, all of the Public Records of Hillsborough County, Florida (said Mortgage, as modified, being referred to as the "Mortgage") and which Mortgage encumbers, among other property, the Additional Property described in the foregoing Fifth Amendment to Declaration, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, does hereby, to the extent of its interest in the Additional Property, consent to and join in the foregoing Fifth Amendment to Declaration and does hereby, for itself and its successors and assigns, subordinate the lien and security interest of the Mortgage to all of the terms, provisions, covenants, conditions, restrictions and easements of said Declaration.

IN WITNESS WHEREOF, the Mortgagee has caused this Joinder of Mortgagee to Fifth Amendment to Declaration to be executed by its duly authorized officer as of the 31st day of October, 2006.

Witnesses:

  
Print Name: ROBERT D. KRAMER  
  
Print Name: SUSAN SCHNEIDER

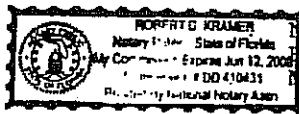
AMSOUTH BANK, an Alabama state chartered bank

By:   
Jeffrey L. Cook JAV-D T. K.R.W.  
Senior Vice President  
13535 Feather Sound Drive  
Building I, Suite 610  
Clearwater, Florida 33762

[seal]

STATE OF FLORIDA )  
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 31 day of OCTOBER, 2006, by Jeffrey E. Cash, the Senior Vice President of AMSOUTH BANK, an Alabama state chartered bank, on behalf thereof. He is personally known to me or did produce as identification.



*Robert D. Kramer*  
\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

[notary seal]