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Amendment  
filed 1-24-76

10 pgs.

699077

AMENDMENT TO DECLARATION OF TRUST

LAWYERS TITLE GUARANTY FUND

FILED

11-24-76

*Grandy.  
12-2-76*

699077

A-020 11-24-76

RUSH, MARSHALL, BERGSTROM AND ROBISON, P. A.  
ATTORNEYS AT LAW

November 23, 1976

FLETCHER G. RUSH  
CHARLES V. MARSHALL  
A. DUANE BERGSTROM  
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ORLANDO FEDERAL SAVINGS BUILDING  
88 E. LIVINGSTON STREET  
POST OFFICE BOX 348  
ORLANDO, FLORIDA 32808  
AREA 308 425-6824

Hon. Bruce A. Smathers  
Secretary of State  
The Capitol  
Tallahassee, Florida

Attention: CHARTER SECTION

Dear Sir:

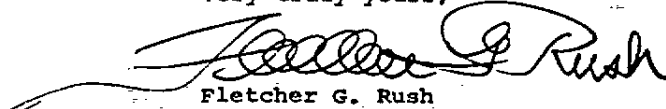
Re: Amendments to the Declaration of  
Trust of Lawyers' Title Guaranty  
Fund, a business trust under the  
laws of the State of Florida

We enclose the original duly executed and one copy of Amendments of the Declaration of Trust of Lawyers' Title Guaranty Fund and request that you file the original executed copy in your office and certify and return to us the copy. Our check in the amount of \$30.00 is enclosed to cover the filing fee and the fee for the certified copy.

If there are any questions concerning the filing of this document we will appreciate your telephoning the undersigned regarding it as it is important that this document be filed in your office promptly upon its delivery to you by the courier who will bring it.

Thanking you for your cooperation, we are

Very truly yours,

  
Fletcher G. Rush

FGR/14  
Enclosure

cc: Lawyers' Title Guaranty Fund

C. TAX	_____
FILING	15
R. AGENT FEE	_____
C. COPY	15
TOTAL	30
N. BANK	_____
BALANCE DUE	_____
REFUND	_____

*Return to Jane*

A-838  
11-254



## Secretary of State

STATE OF FLORIDA  
THE CAPITOL  
TALLAHASSEE 32304

November 24, 1976

BRUCE A. SMATHERS  
SECRETARY OF STATE

Telephone Number:  
904/488-3140

RUSH, MARSHALL, BERGSTROM & ROBINSON, P.A.  
ORLANDO FEDERAL SAVINGS BUILDING  
55 E. LIVINGSTON STREET  
POST OFFICE BOX 3146  
ORLANDO, FLORIDA 32802

CHARTER NUMBER: 699077

SUBJECT:

### LAWYERS TITLE GUARANTY FUND

This will acknowledge receipt of the following:

- XX 1. Check in the amount of \$ 30.00
- \_\_\_\_\_ 2. Articles of Incorporation filed
- XX 3. Amendment to Articles of Incorporation filed 11-24-76  
DECLARATION OF TRUST
- \_\_\_\_\_ 4. Articles of Merger or Consolidation filed
- \_\_\_\_\_ 5. Certificate of Withdrawal filed
- \_\_\_\_\_ 6. Limited Partnership filed
- \_\_\_\_\_ 7. Trademark Application filed
- \_\_\_\_\_ 8. Application for qualification filed. It is no longer required to issue a permit. A certificate under seal to this effect may be obtained for \$5.
- \_\_\_\_\_ 9. Reinstatement filed
- \_\_\_\_\_ 10. Dissolution filed
- \_\_\_\_\_ 11. Other:

ENCLOSED:

- XX 1. Certified Copy(ies) one (1)
- \_\_\_\_\_ 2. Certificate(s) Under Seal
- \_\_\_\_\_ 3. Photocopy(ies)
- \_\_\_\_\_ 4. Other:

DIVISION OF CORPORATIONS

Corp. 100 (Corp. 2)  
05/03/76  
jes

Amendment of  
the Declaration of Trust of LAWYERS' TITLE GUARANTY  
FUND, a declaration of trust filed on the 24th day  
of November, A.D., 1976, as shown by the records of  
this office.

24th

November

76

AMENDMENTS OF THE DECLARATION OF  
TRUST OF LAWYERS' TITLE GUARANTY FUND

We, the undersigned, being ~~more than~~ three-fourths of the Trustees of LAWYERS' TITLE GUARANTY FUND, in pursuance of resolutions previously duly adopted by affirmative votes of ~~more than~~ three-fourths of said Trustees, hereby further amend the declaration of trust of Lawyers' Title Guaranty Fund filed in the office of the Secretary of State of the State of Florida on March 22, 1947, and as heretofore amended by amendments filed in said office on April 26, 1950; February 15, 1951; April 5, 1951; June 3, 1955; December 22, 1956; October 9, 1959; November 9, 1960; October 4, 1966; and November 6, 1968.

The amendments now made are as follows:

Section 33 is amended to read as follows:

Section 33. CAPITAL ACCOUNTS: Each Member shall have a Capital Account to which all remittances toward his Initial Contribution shall be credited and to which shall be added allocations of net earnings under Section 38 and any other capital funds including any additional voluntary contributions which the Member may make to his Capital Account.

(a) The Initial Contribution to the Member's Capital Account shall be in such amount as the Trustees shall fix.

(b) There shall be submitted with the application or applications for membership such portion of the Initial Contribution as the Trustees shall fix.

(c) Upon acceptance of the application or applications, the amount remitted under (b) shall be credited toward the total of the Initial Contribution and the unpaid balance of the Initial Contribution shall be remitted to The Fund at such time or times as the Trustees shall have determined. If the application is not accepted, the full amount remitted shall be returned.

(d) Any Initial Contribution fixed by the Trustees shall be of uniform application to all applicants thereafter admitted to membership; provided, however, the Trustees may establish different classes of membership and fix different Initial Contribution rates for said classes.

(e) The Trustees may permit Members to make additional voluntary contributions to their Capital Accounts on such terms and conditions as prescribed by the Trustees.

RECEIVED  
MAY 15 1968  
STATE OF FLORIDA  
SECRETARY OF STATE

A-338  
11-34

Section 35 is amended to read as follows:

Section 35. CURRENT ALLOWANCE ACCOUNTS: Each Member shall have a Current Allowance Account to which shall be credited annually an amount in respect to his Additional Contributions for that year, determined as follows. The aggregate of all Members' Current Allowances for each year shall be an amount equal to the excess of (a) The Fund's income for the year from all sources, including amounts released during the year from The Fund's unearned premium reserve but excluding the unearned portions of Additional Contributions on guarantees and policies written during the year which have been added to The Fund's unearned premium reserve, over (b) the sum of (1) The Fund's expenses for the year (excluding income taxes), including all amounts computed under Section 36 (whether or not credited to Members' Deferred Allowance Accounts) but excluding the Members' Current Allowances provided for in this Section, (2) The Fund's claim losses for the year, (3) all income from investments less investment expenses, and (4) the net gain or loss realized by The Fund on disposition of any assets during the year. If, in any year, the sum of the items in (b) above shall exceed the income in (a) above, there shall be no credits made to Members' Current Allowance Accounts for that year. The aggregate amount of all Members' Current Allowances for such year as so determined shall be allocated among and credited to the Members respective Current Allowance Accounts in the proportion which each Member's Additional Contributions for guarantees and policies written by him during the year bears to the aggregate of all such Additional Contributions.

Section 38 is amended to read as follows:

Section 38. ALLOCATION OF NET EARNINGS OR NET LOSS: As of the end of each year, the net earnings or net loss of The Fund for the year shall be credited or charged to the Members' Capital Accounts. The portion of the total of such credits or charges allocated to each Member's Capital Account shall be an amount equal to the proportion which the aggregate of all credit balances (excluding credits for the year) in such Member's Current Allowance Account, Capital Account and Deferred Allowance Account plus all amounts computed for such Member under Section 36 that have not been released from The Fund's unearned premium reserve bears to the aggregate of all such credit balances in all such accounts of all Members plus all amounts computed for all Members under Section 36 that have not been released from The Fund's unearned premium reserve.

Note: The term "net earnings of The Fund" means the excess of (A) The Fund's income for the year from all sources, including amounts released during the year from The Fund's unearned premium reserve but excluding the unearned portions of Additional Contributions on guarantees and policies written during the year which have been added to The Fund's unearned premium reserve, over (B) all of The Fund's claims losses and expenses for the year (including income taxes), all amounts credited for the year to Members' Current Allowance Accounts and all amounts computed for the year under Section 36 (whether or not credited to Members' Deferred Allowance Accounts). The term "net loss of The Fund" means the excess of (B) over (A) above in this Note.

A-328  
11-324

Section 42 is amended to read as follows:

Section 42. WITHDRAWAL OF CAPITAL ACCOUNTS:

(a) If the Membership of a Member terminates for any reason other than death, then, subject only to Section 39, the unimpaired credit balance in such former Member's Capital Account shall be paid to such former Member upon expiration of the statutory reserve period following the year of last exposure of The Fund by such Member, and in the discretion of the Trustees such unimpaired credit balance may be paid to such former Member prior to expiration of such statutory reserve period.

(b) Upon the death of a Member, subject only to Section 39, the amount of the unimpaired credit balance in such former Member's Capital Account not exceeding \$5,000. shall be paid in a lump sum to the legal representatives, heirs, legatees or distributees of such former Member within two years after death, and the excess over \$5,000. shall be paid thereafter in annual payments of not less than \$1,000. each.

(c) In the event that the Trustees determine at any time that the total capital of The Fund is in excess of The Fund's capital requirements, then the Trustees in their discretion may distribute all or any part of such excess to the Members, the aggregate amount of such distribution shall be paid to the Members in the proportion which the credit balance in each Member's Capital Account bears to the aggregate of the credit balances in all Members' Capital Account, and the Members' Capital Accounts shall be reduced by the aggregate amount of such distribution.

IN WITNESS WHEREOF, we, being ~~more than~~ three-fourths of the duly elected qualified and acting Trustees of Lawyers' Title Guaranty Fund, 20 in number, have hereunto set our respective hands and seals this 24th day of September, 1976.

NAME AND SIGNATURE

ADDRESS (Florida)

JUDICIAL CIRCUIT

Richard H. Merritt (SEAL)

Pensacola

First

William D. Liras (SEAL)

Quincy

Second

Terry R. McDavid (SEAL)

Lake City

Third

John S. Duss, III (SEAL)

Jacksonville

Fourth

Charles A. Savage (SEAL)

Ocala

Fifth



<u>NAME AND SIGNATURE</u>	<u>ADDRESS (Florida)</u>	<u>JUDICIAL CIRCUIT</u>
<u>William H. Wolfe</u> (SEAL) William H. Wolfe	Clearwater	Sixth
<u>Alfred E. Hawkins</u> (SEAL) Alfred E. Hawkins	Daytona Beach	Seventh
<u>W. Henry Banger, Jr.</u> (SEAL) W. Henry Banger, Jr.	Gainesville	Eighth
<u>O. B. McEwan</u> (SEAL) O. B. McEwan	Orlando	Ninth
<u>George F. Dunlap, III</u> (SEAL) George F. Dunlap, III	Bartow	Tenth
<u>William L. Wood</u> (SEAL) William L. Wood	Miami	Eleventh
<u>James J. Drymon</u> (SEAL) James J. Drymon	Sarasota	Twelfth
<u>Paul Game, Sr.</u> (SEAL) Paul Game, Sr.	Tampa	Thirteenth
<u>J. Ernest Collins</u> (SEAL) J. Ernest Collins	Panama City	Fourteenth
<u>Robert Claude Scott</u> (SEAL) Robert Claude Scott	Palm Beach	Fifteenth
<u>Robert F. Sauer</u> (SEAL) Robert F. Sauer	Key West	Sixteenth
<u>Martin F. Avery, Jr.</u> (SEAL) Martin F. Avery, Jr.	Ft. Lauderdale	Seventeenth
<u>Thomas L. Henderson</u> (SEAL) Thomas L. Henderson	Titusville	Eighteenth
<u>Wm. A. Oughterson</u> (SEAL) Wm. A. Oughterson	Stuart	Nineteenth
<u>William L. Stewart</u> (SEAL) William L. Stewart	Fort Myers	Twentieth

A-318  
11-24

AFFIDAVIT

STATE OF FLORIDA )  
COUNTY OF ORANGE )

On this day personally appeared before me, the undersigned authority, PAUL B. COMSTOCK, who being first duly sworn, deposed and stated that he is the duly appointed, qualified and acting President of Lawyers' Title Guaranty Fund, a business trust; that the document hereto attached is a true and correct copy of amendments of the Declaration of Trust of Lawyers' Title Guaranty Fund, which amendments have been signed by three-fourths of said trustees of Lawyers' Title Guaranty Fund and were adopted on September 24, 1976, in conformity with the provision of the Declaration of Trust heretofore filed with the Secretary of State of Florida, and the Secretary of State of Florida is hereby requested to file the foregoing amendments to said Declaration of Trust and issue to the Trustees of said business trust a certificate that said amendments have been duly filed in his office as required by law.

*Paul B. Comstock*  
Paul B. Comstock

Sworn to and subscribed before me  
this 23rd day of November, 1976.

*T.E. Wilder*  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: *Sept. 14, 1980*

FILED  
NOV 24 1 55 PM '76  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

A-838

11-254